

WITNESS/INTERVIEW LIST

1. Name	2. Company/Affiliation	7. Interview Date	8. Interview Time
LCDR Kate Newkirk	USCG Sector VA Inspections	12-Jul	830
CWO4 Aaron Wood	USCG Sector VA Inspections	12-Jul	1430
Ken Edmundson	USCG Sector VA Training/Master Inspector	12-Jul	1130
Chris O'Neal	USCG Sector VA MITO	13-Jul	830
Rachel Smith	Passenger	13-Jul	1730
CDR Erica Elfguinn	USCG Sector VA Response Dept Head	14-Jul	1300
LCDR Sarah Pulliam	USCG Sector VA SCC Chief - SMC	14-Jul	900
Christian Martin	Passenger	14-Jul	1600
Brandon Peter	VICTORY ROVER	15-Jul	1400
Jason Sleeth	Passenger	15-Jul	1200
Mr. Lynn Chandler	Bay Diesel	26-Jul	830
Mr. Charlie Wyatt	Bay Diesel mechanic	26-Jul	1100
Mr./Mrs. Mike and Sharlyn Rozanski	Passengers	26-Jul	1500
Mr. Stephen Hanna	Bay Diesel mechanic	27-Jul	830
Lt. Lacey Price	Newport News Fireboat Operator	27-Jul	1300
CWO2 Daniel Butierrries	On scene Sector VA SCC rep	28-Jul	830
ENS Wyatt Nelson	Sector VA Command Duty Officer	28-Jul	1100
CAPT Jennifer Stockwell	Sector Commander (Deputy on 07Jun)	28-Jul	1400
Mr. Bill Burket	Virginia Port Authority MIRT	29-Jul	1300
CAPT Samson Stevens	Sector Commander (on 07Jun)	29-Jul	1600
Ms. Glorymarie Nunez	Deckhand	9-Aug	830
Captain Christopher Brown	Master in training	9-Aug	1100
Ms. Candace Ginn	Restaurant Mgr SPIRIT OF NORFOLK	9-Aug	1400
Mr. Rick Milner	Knox Marine Surveyors	10-Aug	830
Captain Nicholas Coffey	CONDOR Captain	10-Aug	1300
Captain Larry Sullivan	ROSEMARY McCALLISTER Captain	10-Aug	1500
Mr. Scott Smith	Hornblower - Senior VP HB Group	11-Aug	830
Mr. Chip Lee	Hornblower - System Oversight/Maint.	11-Aug	1100
Mr. Gary Frommelt	Hornblower - VP	11-Aug	1400
Mr. Tom Blakely	Hornblower - Incident	11-Aug	1600
Mr. John Fahlbusch	Castlerock Risk Services, LLC	12-Aug	830
Captain Ryan Nadeau	Master	12-Aug	1000
Captain Chadwick Jamison	SPAR LYRA Pilot	12-Aug	1300
Mr. Ken Edgar	Donjon-SMIT Salvage	1-Sep	1300
Mr. Jeff Parker	Carter Machinery Company - Business Mgr	14-Sep	900
Mr. Tomas Nilsson	Scania - Subject Matter Expert	29-Sep	1330

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: BRYAN BRACEY, Deckhand
Spirit of Norfolk City Cruises

United States Coast Guard
Sector Virginia
4000 Coast Guard Blvd.
Portsmouth, VA 23703

Thursday,
June 9, 2022

APPEARANCES:

MICHAEL KARR, Investigator in Charge
National Transportation Safety Board

DAVID FLAHERTY
National Transportation Safety Board

LT ALEX GAGNE, Investigator
United States Coast Guard

CWO JOHN LANDRY
United States Coast Guard

ERIC DENLEY, Deputy General Counsel
Hornblower Group

GREGORY BURTS, Esq.
Phelps Dunbar
Attorney for Ryan Nadeau

I N D E X

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I N T E R V I E W

(11:53 a.m. Eastern)

1
2
3 LT GAGNE: All right, like I said, I'm Lieutenant Alex Gagne,
4 I am a marine casualty investigator with the Coast Guard. Sir, do
5 we have your permission to record this interview?

6 MR. BRACEY: Yes.

7 LT GAGNE: Okay. And what is your name?

8 MR. BRACEY: Bryan Bracey.

9 LT GAGNE: Bryan Bracey, okay. And who are you with?

10 MR. BRACEY: What do you mean, the company?

11 LT GAGNE: Yeah.

12 MR. BRACEY: City Cruises, Hornblower.

13 LT GAGNE: Okay, all right. We're going to go around the
14 room and do some introductions.

15 MR. KARR: I'm Mike Karr with the National Transportation
16 Safety Board.

17 MR. FLAHERTY: I'm David Flaherty with the National
18 Transportation Safety Board.

19 CWO LANDRY: I'm Chief Warrant Officer Landry, investigating
20 officer, Sector Virginia.

21 LT GAGNE: On the phone? We're doing our introductions on
22 the recording, can you hear us? You're on mute, I think.

23 MR. BURTS: Yeah, I can hear you now.

24 LT GAGNE: Can you hear me? Okay.

25 MR. BURTS: Yeah, I can hear you now.

1 LT GAGNE: We're doing introductions here.

2 MR. BURTS: Okay. Should I go and introduce myself?

3 LT GAGNE: Yeah, please do.

4 MR. BURTS: Okay, Gregory Burts from Phelps Dunbar, appearing
5 on behalf of Captain Ryan.

6 MR. DENLEY: And I'm Eric Denley, in-house counsel, City
7 Cruises.

8 LT GAGNE: All right.

9 MR. FLAHERTY: He needs to introduce himself.

10 LT GAGNE: Yeah, can you introduce yourself again? I know
11 you already did.

12 MR. BRACEY: My name is Bryan Bracey, I'm a senior deckhand
13 on the Spirit of Norfolk, City Cruises.

14 LT GAGNE: All right, thank you. All right, sir, so the way
15 this is going to work and kind of the way -- the reason we're here
16 is we're all investigators and we want to figure out what
17 happened, that way we can identify ways to prevent something like
18 that from happening again.

19 MR. BRACEY: Um-hum.

20 LT GAGNE: You know, obviously, it could've been a lot worse,
21 not a lot of passengers on board. So we all work in the maritime
22 community, so we all have the best interests, including yourself,
23 in creating a safe environment for everybody.

24 MR. BRACEY: Yes.

25 LT GAGNE: So we're going to just ask you some questions.

1 Please give us your best recollection of the events of that day.
2 We want to hear your specific -- your specific -- what's the word
3 I'm looking here for?

4 MR. KARR: Observations, what you saw, what you heard.

5 MR. BRACEY: Okay.

6 INTERVIEW OF BRYAN BRACEY

7 BY LT GAGNE:

8 Q. Yeah. So from the beginning of the day when you got on
9 board, if you could just go on throughout the day, as to the
10 incident and when you got off.

11 A. What time did I get to work that morning? It was an early
12 morning, I got to work around 7:40 a.m., I would say. You get on
13 board and we do our regular cleaning and restroom stocking and
14 toilet paper, stuff like that. The cruise was at 11 o'clock, so
15 we put our -- the gangway goes down about at 9:30. It's an hour
16 and a half before. Yeah, about 9:30.

17 And we already had some of the elementary -- no, some of the
18 preschoolers were already on the dock just, you know, beginning to
19 get there in pieces. And we notified them that the restaurant was
20 ready to board and we began to take on who we had standing on the
21 docks already. So that puts us, oh, ten-ish, 10:15, somewhere in
22 there.

23 Q. Sorry, that's when you -- so 10:15 people started coming
24 off --

25 A. Yeah, we started, we started taking passengers on board, give

1 or take. And you figure by 11 o'clock, 11:00, 11:10, I've got --
2 we've got all the passengers on board from both schools, and
3 adults. Then we're backing out of the auto-berth. I couldn't
4 tell you what time it was when we turned around, when the incident
5 began. I got the call to -- there's food in the galley for the
6 staff and this is when it's going to hit the fan.

7 So I'm downstairs with Glory, her and I were working together
8 at that point in time and we're making up plates, you know,
9 average, you know, lunch in the galley for staff, whatnot, and
10 Ryan comes over the radio and he says, "I'm getting an alarm, a
11 smoke alarm from the engine room, can somebody check it out?"

12 And I'm feet away from the engine room, so I go, I open the
13 door and immediately there was smoke at the door and this is not
14 dark smoke, this is not light smoke, but I guess a gray. I could
15 see a flame at the starboard main and I know that's what I'm
16 seeing, that's what I saw, I saw the flame, I closed the door
17 immediately.

18 At this point I said, "Glory, drop what you're doing and get
19 on my six, get next to me, grab a fire extinguisher, stand here,"
20 and she moves into place, I get back on the radio with Ryan, I'm
21 telling him there's a flame in the engine room and I put on --
22 well, I've got my headphones on before I opened that door, sorry.
23 I'm on the radio, Ryan, there's a flame in the engine room. I
24 open the door a second time with Glory behind me and fire
25 extinguishers ready to go and it's jet black smoke at this point

1 in time and I shut the door. And then I let Ryan know we can't
2 get in there and now I'm just waiting for a response. And at this
3 point in time I didn't realize that when I put my headphones on,
4 it knocked my headset out of my ear. Do you understand what I'm
5 saying? Because I've got one of those -- do you know what I mean?
6 And it knocked it out.

7 So as I'm telling Ryan what I've got going on, I can't hear a
8 response, then I looked down and my headset's dangling. So I put
9 it in and I hear "turn the fire pumps on." At that point in time,
10 to the right of the door is a fire station, a fire hose. Now I
11 pull the fire hose out because I'm ready for the pump to turn on,
12 just in case, so I stretched, I began to stretch the fire hose out
13 so it doesn't kink up if we fill it full of water.

14 And then I'm listening and I hear "turn the fuel off." So I
15 go upstairs to get the T tool to shut the fuel, to begin to turn
16 the fuel off and Jeremiah had already had it in his hand and we
17 shut the fuel off on the boat.

18 I go to the bow. I go to the bow, there's a tug on the bow
19 and they're spraying water and they're trying to figure out
20 whether we're going to connect a line so they can move us. Then
21 the guy throws me a line off the tug and I put it on the bow
22 cleat. And then I'm asking him, the guy on the bow of the tug,
23 he's like are we going to evacuate the guests off the bow and at
24 this point in time I don't know, but he's like I have a stool,
25 like a stepstool. I'm like give it to me, we'll take it just in

1 case I have to go from -- to bring passengers off the bow onto the
2 tug. And then at that point in time I hear "open the midship
3 door, we're going to take them out the mid-ship." So I go to mid-
4 ship, I now grab a PFD for myself, I put a PFD on and I give Bob a
5 PFD and we -- the door is now -- the midship door is now open, the
6 *Victory Rover* will be -- will be port side in any second.

7 I go back to the bow. Bob informs me that I should move the
8 line, I had the line over the railing of the boat and Bob says
9 move it below the railing, that way when the tension hits on, we
10 don't bend the railing. So I pull it off the cleat, I pull the
11 rope through and the captain on the tugboat was already backing
12 up, but there wasn't any tension on the line. Still a lot of
13 slack. I pull it through, under the railing, put it back on the
14 cleat and I give the captain a thumbs up and even though I can't
15 see him, they're tinted windows, I know he can see me. I give him
16 a thumbs up, he gives me a toot, then I back off, I just go back
17 towards the door. There's water everywhere being sprayed from
18 these boats. At this point in time I'm soaked.

19 Bob says we should go back inside because Bob was worried
20 that when they start pulling the tension, he didn't want the line
21 to snap and, you know, the repercussions from it hitting, hitting
22 one of us. All right, fine. So at this point in time, mid-ship,
23 I'm not -- it's full of guests being transferred over. So I go up
24 the stern, I go onto second deck and I can see that our guests and
25 staff all have PFDs on, they're all in order, no chaos and they're

1 working their way down the stairs. So I go back out the stern and
2 now there is a tug on our starboard side pulling up and I tell the
3 guy to start hitting the vent, he's got a water -- he's got a fire
4 hose in his hand, just start hitting the vent that's on that side
5 of the boat, start filling it up. And they go to start, they
6 handle that, I go up to the third deck to make sure there's nobody
7 else up there.

8 So third deck is empty. I go back down to second deck and I
9 began to look at guests' vests and make sure everybody's vest is
10 secure and as tight as possible. I'm looking for injuries, if
11 there's any of that, and I'm asking parents, are you okay, are you
12 with a child, you know, I'm just trying to keep everybody in order
13 and as calm as possible as we get them to de-board the ship.

14 I go back down to stern, onto first deck, and that's when I
15 began assisting, the best I can, people off of the *Spirit* onto the
16 *Rover* and that happened expeditiously and in order.

17 And now, at this point in time, it's just once I -- once we
18 get all of the guests off, it's just the staff and we get the
19 galley staff off the boat and then now it's literally just the
20 marine crew and we're all looking at each other and I'm like I'm
21 not leaving the boat until -- you know, at this point in time we
22 don't know the severity of what's going on in the galley and I
23 believe I'm the only one that actually laid eyes on what was in
24 the engine room. So I was like, you know, I'm going to stay with
25 the captain and do whatever I got to do, whatever I can, and then

1 he makes the call, you all get off the boat. And then that's when
2 me, Bob, Glory, Jeremiah, and George, we make our way onto the
3 *Victory Rover* and we all separate. We head back here, I get on
4 the *Rover* and I'm looking, I literally go look -- I look for two
5 kids specifically, there was one -- I had two kids cry that day,
6 only two kids to be in tears.

7 The first kid was clearly upset on second deck, just from
8 what's going on. He was with his parent, by the way, and the
9 parent was calm and I just looked at him just to reassure him
10 we're good, we're going to be all right, you understand what I'm
11 saying?

12 So we get them off the boat and as I go back through, I get
13 -- and there's another little girl crying on the *Rover* and it's
14 the cutest thing ever, I swear, she was crying because we left the
15 captain. Those were her exact words to me. I could see her face
16 like now, she's in full-blown tears because I guess Ryan stuck his
17 head out the window to make sure things were going and she must've
18 seen him and she sees all of us, you know, in uniforms and she's
19 like you left the captain and I'm like he's -- and it just so
20 happened that we had more than enough crew on the boat that day,
21 he had a new guy that he was working with and we had extra
22 deckhands that day, so thank God. But I tell this little girl
23 he's good, do you understand what I'm saying, he knows what he's
24 doing, he's been doing this for a long time, we got it. She's
25 like no, no, you left him. And she finally -- you know, she

1 calmed down as we got back to the shore and as we moved from the
2 *Spirit* back to Town Point, I just kept going through the *Rover* and
3 looking at faces and I even said it to the parents, I just want to
4 see your face. Show me your face, let me see your kids, are you
5 all right? I took one or two PFDs off of a few people who hadn't
6 taken theirs off yet, and then we pulled up to Town Point and, you
7 know, here we are now with my boat on fire.

8 Q. How long have you been with the *Spirit of Norfolk*?

9 A. Four months.

10 Q. And what's your experience in the maritime prior to that?

11 A. None.

12 Q. That's the engine room hatch?

13 A. Yes.

14 Q. Obviously the galley, right?

15 A. Uh-huh.

16 Q. Could you mark where you were and where you think the fire
17 was approximately inside the engine room?

18 A. Okay, I'll put a B for me.

19 Q. Sure.

20 A. For Bryan. So this is the hatch, I am at the hatch. This is
21 the engine room.

22 Q. Um-hum.

23 A. This is my generators here. I'll just put G for generator
24 because there are two of them. Then the mains are here. And I
25 could clearly see the flame over here on the main and I know it

1 was the main and not the generator because the flame would've been
2 closer. This you would've been closer, the heat would've been
3 closer, there was no heat at the door when I opened the door, do
4 you understand what I'm saying?

5 Q. Right, yeah.

6 A. So it was at that main and I can clearly see across, there
7 was no me looking this way because the door opens like this and I
8 opened said door and the generator would've been that wall, that
9 corner.

10 Q. Um-hum.

11 A. And the main would've been behind it and I see the flame as
12 clear as day right now.

13 Q. So if you were to estimate how tall the flame was, what would
14 you say?

15 A. All right. Now, you have to understand that -- I mean, I
16 know you're experienced, that motor is --

17 Q. Um-hum.

18 A. -- tall, so I can't tell you if that flame came from the
19 bottom, do you understand what I'm saying, or if it was mid-motor.

20 Q. Right.

21 A. But from what I see, I mean that flame, at least two, three
22 feet, thin, not like a --

23 Q. Right.

24 A. -- like a whoosh, this was just --

25 Q. So you're looking at it and it's like this and that, it's

1 like thin?

2 A. It's thin.

3 Q. All right.

4 A. And she's probably -- yeah.

5 Q. Two feet above the engine?

6 A. No, no, this is not above.

7 Q. It was just two feet tall?

8 A. Right.

9 Q. Okay.

10 A. But like I said, I can't tell you if that was burning from
11 the bottom or if it's burning from mid-engine.

12 Q. Okay.

13 A. I can just tell you that, I mean, I stand 5'10" and at that
14 door I can see over the generator and I can see the mains, plus
15 they're huge, do you know what I mean? So I can picture how
16 they're sitting and like I said, I mean, the flame I saw was, you
17 know flames move, they're quick, fast and in a hurry.

18 Q. Yeah.

19 A. This was not a big ball or anything like that.

20 MR. FLAHERTY: At that moment when you saw it, it was still
21 whitish gray smoke.

22 MR. BRACEY: Yeah, this was -- yes, like ship metal gray, I
23 mean like what we --

24 LT GAGNE: Okay.

25 MR. BRACEY: That was the first open, because I closed the

1 door immediately.

2 LT GAGNE: Right.

3 MR. BRACEY: And then I called for Liz to get -- not for Liz,
4 for Glory to get behind me.

5 BY LT GAGNE:

6 Q. Right. Then the second time you opened --

7 A. She was dark.

8 Q. -- and could you still see the flame?

9 A. No, I didn't. To be honest with you, I didn't get the
10 chance --

11 Q. Okay.

12 A. -- because I opened the door and it was jet black smoke, I
13 closed it because, you know, now, all right, this has got to stay
14 inside of here.

15 Q. Right.

16 A. I shut the door. I didn't look long enough to tell you, but
17 you couldn't see in there even if --

18 Q. You tried.

19 A. Right.

20 Q. I just want the record to reflect that you pointed out the
21 port main engine?

22 A. Yeah.

23 LT GAGNE: Okay, great.

24 BY MR. KARR:

25 Q. And getting back to that flame on the port main engine, this

1 is Mike Karr, NTSB, you were asked how tall the flame was and so
2 how high was it above the engine? Let me ask you this question
3 first.

4 A. Um-hum.

5 Q. Did the flame go to the overhead? Did it reach the ceiling
6 of the engine room?

7 A. I couldn't tell you that because there was no -- there was --
8 it was smoked out.

9 Q. Well, at the first, whatever you saw the first time.

10 A. You couldn't see, you couldn't see the overhead back there.

11 LT GAGNE: Because of the smoke?

12 MR. BRACEY: Yeah, because of the smoke.

13 BY MR. KARR:

14 Q. So there was smoke, you saw smoke, so you saw the flame and
15 then you saw there was smoke along the --

16 A. This was not smoke on the ceiling. I mean, this was not fire
17 on the ceiling.

18 Q. No fire on the ceiling, but there was smoke on the ceiling --

19 A. Yeah.

20 Q. -- in the back?

21 A. Yeah.

22 Q. All right.

23 A. What I mean --

24 Q. How about in the whole compartment? When you first opened
25 the door and you saw smoke --

1 MR. FLAHERTY: Was there like layers, like close to the
2 bottom it might be clearer than the top?

3 MR. BRACEY: Yes. Because the second time I opened the door
4 -- and I'm not going to tell you that I looked at the floor when I
5 opened the door, because I didn't, I didn't look down, I mean, but
6 we all know smoke rises, so I can tell you that my head up was
7 full of smoke and I stand 5'10".

8 MR. FLAHERTY: Okay, all right.

9 BY MR. KARR:

10 Q. How many times did you open the door?

11 A. Twice.

12 MR. KARR: Twice. Okay, thanks.

13 BY LT GAGNE:

14 Q. How familiar are you with the port main engine and the
15 starboard engine?

16 A. As far as like mechanics and stuff like that?

17 Q. Not mechanics, but if I ask you to identify where the flame
18 was on the engine, can you give me an estimate?

19 A. No. No. Like specifically, no, I can just tell you what
20 side I was looking at, do you know what I mean, because I know how
21 they sit.

22 Q. Um-hum.

23 A. So I can tell you where -- I can tell you that it wasn't on
24 this side and it wasn't on that side, but I couldn't tell you if
25 it was at the -- anything mechanically, you know, if it was coming

1 out of -- I don't know.

2 Q. Okay. Was it around the midsection of the engine --

3 A. No.

4 Q. -- forward or aft? Okay.

5 A. I can't tell, I couldn't tell you.

6 CWO LANDRY: Do you know what kind of engine -- what kind of
7 engines are they, do you know?

8 MR. BRACEY: No, I don't.

9 MR. BURTS: Excuse me. Bryan, this is Greg Burts, I'm an
10 attorney at Phelps Dunbar. Did you say that you saw the flame on
11 the starboard main after first opening the hatch?

12 MR. BRACEY: No, port main.

13 MR. BURTS: Port main. Okay, great, that's what I was
14 wondering. Okay, that's it, that's all I had.

15 BY MR. KARR:

16 Q. All right, Bryan, you said the first time you -- the second
17 -- first or second time when you lost your headphones?

18 A. I lost my headphones the first time around, because before I
19 opened that door the first time, I put headphones on because the
20 motors, you know, they're loud.

21 Q. So these are the ear protectors?

22 A. Yeah, like -- not like headphones like you can hear things,
23 you know, earmuffs that -- yeah, yeah, yeah, earmuffs. And I've
24 got my earpiece in, so what happened was, when I put them on, it
25 slid my earpiece out.

1 Q. Oh, so that's what I wanted to follow up on. What caused
2 your earpiece to drop out?

3 A. Just me sliding the headphone on.

4 Q. All right.

5 LT GAGNE: And just to be clear, the headphones are hearing
6 protection?

7 MR. BRACEY: Yes, yes. They're not like music headphones. I
8 don't know what else to call them, but like you said, hearing
9 protection. These aren't anything -- like I said, no music or
10 nothing like that, these are --

11 BY MR. KARR:

12 Q. But the earpiece, was that how you were listening to the
13 bridge conversation?

14 A. Yes.

15 Q. Does it just fit into one ear? Describe that earpiece.

16 A. Yeah, it's a -- I mean, for lack of better words, it looks
17 like a really big hearing aid because it's got a, you know,
18 microphone and thin wire, it slides over the back of my ear and
19 then sits in my ear.

20 Q. Kind of like what the Secret Service uses?

21 A. Yes.

22 Q. Yeah, okay, all right.

23 A. So when I put the earmuffs on, from when I slid them over my
24 head, it just naturally knocked it out.

25 Q. All right. And that's what's I think someone refers to as SG

1 (ph.). You use Channel 1 for that?

2 A. Yes, yes.

3 CWO LANDRY: I don't know if you know this, what color was
4 the flame? Like was it --

5 MR. BRACEY: Like blue or green --

6 CWO LANDRY: Yeah.

7 MR. BRACEY: -- or something like that? Regular, it was your
8 regular orange flame.

9 CWO LANDRY: Regular, not like (indiscernible)?

10 MR. BRACEY: No, nothing. I knew what you meant. No blue
11 colors or --

12 CWO LANDRY: Okay.

13 MR. BRACEY: -- exotic-looking flame or anything like that,
14 no.

15 MR. FLAHERTY: I know you looked at it for a very brief time,
16 but in that brief moment, could you -- was the flame at all
17 growing, expanding or anything like that?

18 MR. BRACEY: I didn't -- no, I didn't give my visual enough
19 time.

20 LT GAGNE: Greg, put yourself back on mute.

21 MR. BRACEY: Smokey, and closed the door. I mean, at first
22 opening, it may have lasted five seconds.

23 LT GAGNE: Hey, Greg, can you put yourself back on mute?

24 MR. BURTS: Oh, I'm sorry, I thought I was on mute, excuse
25 me.

1 MR. FLAHERTY: You could see the situation?

2 MR. BRACEY: Yeah, and I closed the door and I reported back
3 to the wheelhouse.

4 MR. FLAHERTY: I'm sorry, (indiscernible). I mean, I know it
5 was a very brief look, but -- and you had the smoke on top. Could
6 you determine at what level -- like was the whole engine room
7 smokey?

8 MR. BRACEY: Can I stand up?

9 MR. FLAHERTY: Yeah.

10 (Pause.)

11 MR. FLAHERTY: So the smoke was right about there?

12 MR. BRACEY: Yeah.

13 LT GAGNE: The first time you opened it?

14 MR. BRACEY: The first time, because you got to remember, the
15 call was smoke in the engine room. I got it, Ryan.

16 MR. FLAHERTY: Right.

17 MR. BRACEY: I opened the door and I see a flame, all right,
18 so there's smoke in here. Yeah, it's still in here and I'm not
19 looking down, I don't look --

20 MR. FLAHERTY: Right.

21 MR. BRACEY: -- because my vision is --

22 MR. FLAHERTY: All right, so you would -- but when you're
23 looking in and the smoke was roughly about here on you --

24 MR. BRACEY: Um-hum.

25 MR. FLAHERTY: -- so did you see below that, at all, or was

1 it clear? Could you see the deck below you, inside the engine
2 room?

3 MR. BRACEY: I'm going to say I don't know, because I
4 didn't --

5 MR. FLAHERTY: That's fine, okay. Thank you.

6 LT GAGNE: So with the smoke being around here, were you
7 looking through the smoke to see the flame?

8 MR. BRACEY: That first shot, yeah, the first time and it was
9 borderline extremely dark. I mean, I open it, I see smoke, quick
10 flame, close the door. It happened that fast.

11 BY CWO LANDRY:

12 Q. And the flame was on the, I guess, the inboard side of the
13 engine, not toward the bulkhead but towards the middle of the
14 engine room?

15 A. Say that one more time.

16 Q. So you got the generators, right, like you -- the
17 generators --

18 A. Uh-huh.

19 Q. -- and mains, the flame was on this inside. Could you see if
20 there was any outside shooting towards the bulkhead by the skin of
21 the ship or inboard toward the other main?

22 A. To me, it looked on the outboard side.

23 Q. Closer toward the skin of the ship?

24 A. Yes.

25 MR. FLAHERTY: Between the port engine --

1 MR. BRACEY: And the hull.

2 BY CWO LANDRY:

3 Q. So is there anything around that, stored around that main,
4 like materials, any type of materials or anything that is stored
5 around that main that maybe could've potentially caught on fire,
6 that you're aware of?

7 A. Not that I'm aware of.

8 BY MR. FLAHERTY:

9 Q. And I know you had the headsets on, but before the fire
10 happened and you're down in the galley and before the call was
11 made by the captain, did you notice anything strange?

12 A. None.

13 Q. A smell, a sound, a vibration?

14 A. No, and it was -- it was a regular -- it was regular, a
15 regular good cruise day and I was feet from the door, so I would
16 know, I would smell, because the galley doesn't burn too many
17 things when they cook, do you understand what I'm saying? So I
18 would've smelled anything not normal to our regular day.

19 Q. But sound-wise, no like a slamming mechanical noise or a
20 popping noise or anything?

21 A. No.

22 Q. All right.

23 A. No, whatsoever.

24 Q. And you probably -- you had the headsets on, but you could
25 still hear the diesel engines operating, right? Or you could --

1 A. Are you asking me before I opened that door, because
2 that's --

3 Q. Yeah, before you opened the door, could you hear the diesel
4 engines operating?

5 A. No.

6 Q. Okay. And then after you opened up the door or the hatch, I
7 know you had the headsets on, but you could kind of still --
8 sometimes you can still hear things. Did you have a -- or could
9 you feel the engines running or anything like that?

10 A. I can't tell you, I can't -- I can't say.

11 Q. All right. No, that's fine.

12 LT GAGNE: You can't say one way or the other whether the
13 engines were running or not?

14 MR. BRACEY: Right, no.

15 MR. FLAHERTY: Okay.

16 BY MR. KARR:

17 Q. When you looked in the engine room, could you see anything
18 that would indicate that the power was on? Lights on? Because
19 I'm wondering if the engine then lost power, so was there any
20 evidence that the power was on?

21 A. No. No.

22 Q. Can you recall exactly what Ryan told you when he made the
23 call and alerted you to the fire or what did he tell you about the
24 problem in the engine room?

25 A. The call I got was "I'm getting a smoke alarm from the engine

1 room, can somebody check it out?"

2 Q. And he did use the term "smoke alarm"?

3 A. Yes.

4 MR. KARR: Okay, that was key. I have no more questions.

5 BY LT GAGNE:

6 Q. Great. Just real quick, we read a report on this and it's
7 important to kind of make sure we know where everyone was at the
8 time. It seems like you made a lot of movements. Can I just have
9 you -- can you tell me and clarify where you were at the time? So
10 I know that you were with Glory most of the time, right?

11 A. Yes.

12 Q. And then after you opened the door the first time --

13 A. Um-hum.

14 Q. -- you were there for another couple minutes, opened the door
15 a second time and then just real brief, you went to the bow
16 afterward?

17 A. Yeah, I was making the move to go shut the fuel off after
18 that.

19 Q. Okay, so you went from --

20 A. And Jeremiah already had the tool to shut the fuel off.

21 Q. Okay.

22 A. So then I go to the bow.

23 Q. Okay, so he shut the fuel off, you didn't shut the fuel off?

24 A. No, no, Jeremiah was already --

25 Q. Okay, so you go from the door to the bow --

1 A. Um-hum.

2 Q. -- and then where do you go after that?

3 A. After the bow I go to mid-ship to get a PFD.

4 Q. Okay. And then where after that?

5 A. I go -- I go back to the bow.

6 Q. And that's when you fixed the line?

7 A. Yes.

8 Q. Okay. Okay, and where next?

9 A. From the bow I go to second deck, up the stern to second
10 deck.

11 Q. And that's where you start helping passengers?

12 A. Yes.

13 Q. Did you ever make it up to the third deck?

14 A. I did, after, after second deck I go to third deck to make
15 sure there's nobody up there.

16 Q. Okay. And then what happened after that?

17 A. I go back down to second deck once again to check on guests
18 and passengers.

19 Q. Okay.

20 A. Then I go back down to first deck.

21 Q. And was that around when you departed the vessel?

22 A. We began to, yes.

23 Q. You said that, when you were describing what happened, you
24 said that you were very proactive in terms of checking with all of
25 the guests and making sure that they were okay, seeing if anybody

1 was injured. Did you see anybody that was injured or are you
2 aware of anybody being injured?

3 A. No.

4 Q. Were you injured?

5 A. No.

6 LT GAGNE: All right. Well, that concludes our interview.
7 Do you have any questions for us before we end?

8 MR. KARR: Anything you'd like to tell us?

9 MR. BRACEY: No. I think I just told it to you all.

10 LT GAGNE: Okay. Well, you've been very helpful and very
11 cooperative and we really appreciate it. Thank you. Yeah, that's
12 the end. Those are our cards, if you have anything that you think
13 of that could help in the investigation, please give me a call.

14 MR. BRACEY: No problem.

15 (Whereupon, at 12:24 p.m. Eastern, the interview 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Bryan Bracey

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, VA

DATE: June 9, 2022

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.



David A. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

FIRE ONBOARD *SPIRIT OF NORFOLK* *
NEAR NORFOLK NAVAL STATION, *
VIRGINIA ON JUNE 8, 2022 *

Accident No.: DCA22FM022

* * * * *

Interview of: CHRISTOPHER JAMES BROWN, Vessel Operator/Captain
Spirit of Norfolk City Cruises

United States Coast Guard
Sector Virginia
4000 Coast Guard Boulevard
Portsmouth, VA 23703

Wednesday,
June 8, 2022

APPEARANCES:

MICHAEL KARR, Investigator
National Transportation Safety Board

DAVID FLAHERTY, Investigator
National Transportation Safety Board

LT ALEX GAGNE
United States Coast Guard

CWO JOHN LANDRY
United States Coast Guard

ERIC DENLEY, Deputy General Counsel
Hornblower Group

GREGORY BURTS, Esq.
Phelps Dunbar
Attorney for Ryan Nadeau

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I N T E R V I E W

(2:50 p.m. Eastern)

1
2
3 LT GAGNE: All right. Time is now 14:50 on June 8th. I'm
4 Lieutenant Alex Gagne and we're going to go around and do
5 introductions. Let's start with yourself, sir.

6 MR. BROWN: Okay, Christopher James Brown.

7 LT GAGNE: Okay. And just say briefly who you're with and --

8 MR. BROWN: Okay, new hire for the *Spirit of Norfolk*, new
9 captain hire.

10 MR. KARR: And I'm Mike Karr with the National Transportation
11 Safety Board.

12 MR. FLAHERTY: I'm David Flaherty with the National
13 Transportation Safety Board.

14 CWO LANDRY: I'm Chief Warrant Officer Landry with Coast
15 Guard Sector Virginia

16 MR. DENLEY: I'm Eric Denley, Deputy General Counsel,
17 Hornblower Group.

18 (Crosstalk)

19 MR. BURTS: I'm sorry, go ahead.

20 LT GAGNE: Go ahead, again, please.

21 MR. BURTS: Okay, sorry. Gregory Burts standing in for
22 Adam Davis for Captain Ryan.

23 LT GAGNE: Okay, thank you. I think I forgot to mention that
24 I'm with the Coast Guard, this is Lieutenant Alex Gagne. Do we
25 have your permission, Mr. Brown, to record this interview?

1 MR. BROWN: Yes, yes.

2 LT GAGNE: Okay. And --

3 MR. DENLEY: Yeah, just for the record, the owner/operator
4 objects to the recording of the -- recording of the interview,
5 again, based on the NTSB practice of publishing -- publishing the
6 interview.

7 LT GAGNE: All right, thank you. Before we get started, do
8 you have any questions for us?

9 MR. BROWN: No, no.

10 LT GAGNE: So the way it will work is I'll ask you a couple
11 questions, recount your -- give your account of what happened that
12 day, yesterday, of the incident and then we'll kind of go around
13 the room, we'll ask questions and then we'll wrap up, okay?

14 INTERVIEW OF CHRISTOPHER JAMES BROWN

15 BY LT GAGNE:

16 Q. All right. How long have you been -- well, you kind of just
17 stated it, but how long have you been with the *Spirit of Norfolk*?

18 A. One day.

19 Q. One day, all right. Okay. And what was your background
20 prior to that?

21 A. Thirty years Coast Guard, retired warrant, bosun.

22 Q. All right. Can I get your phone number?

23 A. Yeah, [REDACTED].

24 Q. And your address.

25 A. [REDACTED]

1 Q. All right. All right, sir, so beginning from the start of
2 the day when you first arrived at the vessel, through the
3 incident, and post-casualty.

4 A. Okay.

5 Q. Can you give your account of it?

6 A. Yeah. So yesterday was my first day with the company, came
7 in at 10 o'clock to meet with Captain Ryan to have the initial
8 conversation of expectations, scheduling, uniforms, it was kind of
9 an in-dock day. Met with him on the pier, walked on board, went
10 up to the bridge, had a short conversation with him about those
11 topics, the scheduling and expectations and what he was looking
12 for, and talked a little bit about each of the boats that they
13 have there and then, as we got closer to him getting underway for
14 his scheduled trip, he asked me if I wanted to go for the ride and
15 I said absolutely, I'd love to go for a ride and see what it's
16 about.

17 So I agreed to that, we left the bridge, I basically just
18 followed him around, we went from the bridge down to the engine
19 room, went back into the engine room, main -- or the generators
20 were already running, so we went back and looked at the mains, he
21 just pointed out the fill locations, coolant levels, how to start
22 using the computer system to start the mains, started the Number
23 1, waited for it to come up to speed, checked drippings at the
24 shaft, just looked for any drippings around the engine, went over
25 to the starboard side, same routine, looked around it real quick,

1 I just looked at the exhaust and how everything was running or how
2 it was going to be running, started the boat, started everything
3 up, got it running, walked around it, looked at it, went forward,
4 looked at the piping for the fire main system, and looked at the
5 air conditioning system on board, showing me where the different
6 pumps were for lighting off the air conditioning for the boat.

7 And then we went forward, came out, and went back all the way
8 up to the bridge. Prior to going up, we stopped at the main deck
9 level, he went down to use the head real quick, I waited at the
10 doorway, came up, went up to the bridge, and just talked a little
11 bit more about the cruises and the captains and the schedules and
12 while we were talking, he started preparing the ship to get under
13 way.

14 I kind of just -- I just kept my mouth quiet and I was just
15 kind of watching him get everything lit off and he was talking as
16 he was doing it, you know, like come over here and light this off,
17 that piece of equipment off. Then he checked, you know, made a
18 couple calls to the team on the dock in preparation for getting
19 under way, see how many more people we had to board, we were
20 waiting for one person, one group to show up so we were a little
21 bit delayed getting under way, but they showed up and once we did,
22 lines were singled up and he asked me if I wanted to drive to get
23 under way, I said absolutely, I'd love to do that. So went
24 through the control systems again, I went through them so I
25 understood transferring controls, how to operate everything, and

1 he had the radio and I basically had the conn. So once the people
2 were on board, where I was dropped, we had already singled up and
3 he said okay, we're ready to go, deck crew had been told that
4 we're getting ready to get under way, so started backing up, took
5 in the line, continued backing out, spun, headed outbound at about
6 four and a half knots and *Victory Rover* overtook us by Lambert's
7 Point, turned on the straight-of-way Elizabeth River, headed out,
8 picked up speed a little bit to catch up on a little bit of time,
9 and once we got off of the Navy piers, he had told me that we're
10 getting to a spot, we can start slowing down and preparing to turn
11 the boat around so we can start heading back in.

12 So we were outbounds with the river right off -- basically
13 off Pier 4 and I noticed a power reduction, so I looked down and
14 noticed -- Ryan came over, too, he noticed it, but Captain Ryan
15 came over at the same time he noticed, I said hey, something's
16 going on, he goes yeah, we lost port engine and I said yeah, I
17 agree.

18 At the same time an alarm went off on the panel that he
19 identified was a smoke alarm and at that time I started smelling
20 the smoke. So we went over to the portside window, I went first,
21 he followed right behind me, I looked out and I said yeah, we have
22 smoke coming out the port stern and actually, there was flame
23 coming out, as well. So he kind of pushed me to the side, looked
24 over, saw it, and I said it's your ship at that -- well, I wanted
25 him to have control back, that I'm --you know, he needs -- it's an

1 emergency situation, it's my first day, I don't have everything I
2 need to know to take command of control, so I said it's your ship,
3 I'm backing away, he said yeah, no problem. I said if you need
4 anything, let me know and I just kind of stood back, he went to
5 the starboard side, looked out to see if there's any smoke out
6 there, went back over to the port side, looked to see if there was
7 smoke there and went to the VHF FM radio on 16 and called for any
8 tug in the area to assist and one came up right away, he was super
9 close by, I don't remember the name of it.

10 But he ended up showing up on scene at the same time he
11 called the -- right after that, he had called the Coast Guard, let
12 them know that we had a situation and what our location was and
13 then we realized that we had no power on the starboard engine, so
14 we had no power at all; the bow thruster was still on, I did
15 notice that, so he did try to push our bow over to try to get us
16 into the wind.

17 By that time the tugs had already -- the tug had already come
18 alongside port side and he already communicated with them as far
19 as the tug was saying do you want us to come alongside and put a
20 line on and he said yes, absolutely, so put a line on, started
21 pulling us around and then Ryan gave me the -- gave me a radio, an
22 internal radio, and said I'm going to go down below and check on
23 progress. So I said okay and I stayed on the -- I said I'll take
24 coms on the bridge, coms with the Coast Guard, coms with tugs in
25 the local area and maintain kind of a bridge watch up here. So

1 that's what I did. He left, I don't know where he went, I don't
2 know what -- oh, prior to him leaving the bridge, we did have one
3 gentleman come up the starboard side, for the life of me, I cannot
4 remember his name. He's been there for years, he's been there the
5 longest out of anybody. He came up the starboard side, opened the
6 door and said what's going on and I said I believe we have a fire
7 in the engine room, we need somebody to get down below and check
8 it out and see what we have, so he said okay, I'm on it and he
9 left. I never heard back from him again.

10 So I'm not sure what the internal communications were other
11 than I know Ryan, they all have these radios with little ear
12 pieces and they're all -- I don't have all that stuff, so I don't
13 know who's communicating to who. But he left and went away and
14 then Ryan left and went down below.

15 I took over the bridge, I took the opportunity when we had a
16 moment to call the Coast Guard again, just give them a quick
17 update on where we are, what the current situation was, that we
18 had -- you know, everything that we had going on and then -- and
19 then we had -- so my sequence order, sequence of all the tugs and
20 boats that were there, I don't honestly remember, there was a lot
21 going on. But I know at one point I know *Victory Rover* got a hold
22 of us, he was right there with us the whole time and he said he
23 would be willing to come over and help us get passengers off
24 whenever we were ready. So I know he held off just for a little
25 bit while he made sure that the fire back there, flames were

1 coming out so we didn't want anybody coming alongside. A couple
2 of other tugs were calling me and I just asked them to stand off
3 because we already had a tug controlling us. And then Ryan came
4 back up again and I briefed him on what we -- what I had had going
5 on, that I already communicated to the Coast Guard, told them what
6 we had going on, I told them the position of the tugs that we had
7 because two more had come in on port and starboard side, while I
8 was doing the stuff up here, they had just come in.

9 So I pointed to them and he went over and looked, looked on
10 the port and starboard side and we cut a quick -- he -- we were
11 talking about getting people off and I don't remember at what
12 point they called in the boat, but he came out alongside and I
13 guess he was communicating with the crew and started the
14 disembarkation of people getting off. Now, I didn't see any of
15 that, I was in the center of the bridge, Ryan was on the port
16 bridge way, so I didn't see any of the people leaving or the boats
17 alongside, per se, but I know it was happening.

18 And after everybody got on the boat, I did call the Coast
19 Guard again, I think, twice, about every four minutes I called and
20 just gave an update on where we were still, what actions were
21 taken, who was around us and that crew was being disembarked, and
22 I did call and let them know when everybody was off. Ryan had
23 checked with one of the mates who was making sure everybody got
24 off and I guess he had told him that everybody was off. I said is
25 everybody off, do we have full accountability for everybody and he

1 said yes, everybody is off but you and I, and he said C.J., you
2 can go and I said no, I'll stay here, we need to have a couple of
3 people on here, so I'll stay here with you and he said okay. Sent
4 the *Victory* away and we sat on there I don't even know how long,
5 it wasn't very long, and Ryan looked at me and said we need to get
6 off, there's nothing else we can do, systems are down, we have
7 tugs controlling it so let's go ahead and get off of here and I
8 said all right.

9 So we made our way down to the exit area on the port side,
10 there was a small crew boat waiting, stepped over onto the crew
11 boat, pushed away, I kept the radio, the VHF radio, I did call the
12 Coast Guard. Once we pushed away I called again and let them know
13 that the two personnel that remained on board are now off, we are
14 off the boat on board whatever boat the name was, I forget now.

15 Told them we were off and at that point we just transferred
16 from the crew boat to a towboat, I guess Ryan knew the gentleman
17 who, I guess, was the captain on board, transferred over on to
18 there and we sat there for a few minutes. Coast Guard called me
19 and asked for our names, so I relayed our names and then
20 Bart Gilbert (ph.) had asked us to come down, come over to the
21 pier when we could so that he could get some information, Ryan
22 could give some information about the boat itself with the efforts
23 to put it out and take care of the matter. So we went over to the
24 pier, at the end of the pier while they were still bringing it in,
25 disembarked up onto the end of the pier, went down the pier, I

1 looked for Bill, ran into a couple of different people, ran into
2 you, as well, there was a bunch of people, and completed a couple
3 of interviews. And that's pretty much it. And I stayed there, I
4 think, until a little after 4:00. I told Ryan if you need me,
5 I'll stay, but if you're good, I'll go and he said no, you can go
6 ahead and take off, so I went ahead and left. I went back home
7 and then came back this morning and went down to the boat just to
8 check it out, went back down to the pier just to kind of look
9 around and see where we were at, talked to the sector commander
10 and just caught up on some stuff and then came over here for the
11 meeting.

12 Q. Can you elaborate a little bit, the captain said something
13 about a smoke alarm?

14 A. Yeah. So when we noticed the engine was out, the thing --
15 the thing I'm not -- all the alarm systems up there, it was my
16 first day, so there was a lot of beeping and alarming going off on
17 the bridge between -- I don't even know what all of them were but
18 I'm sure it was a shutdown for the mains, maybe a fire alarm or a
19 smoke alarm.

20 But he called on the radio, on the handheld radio down, I
21 don't know who he called, I don't know who he was talking to, but
22 -- but he had mentioned that I have a smoke alarm going off.
23 That's the only piece I caught, listening to the radios and
24 everything else, I imagine. I don't know what he was doing with
25 it, but he was talking to somebody else on the other end that we

1 had a smoke alarm on the bridge.

2 Q. Did he mention any other types of alarms?

3 A. Not that I heard.

4 LT GAGNE: Okay.

5 BY CWO LANDRY:

6 Q. What engine did you say they lost?

7 A. Port. Port main.

8 Q. I thought you said it started earlier or something --

9 A. Oh, no, just during the initial walk-through, we went to the
10 port engine first, did a walk-around, started it, went over to
11 starboard engine, did a walk-around, showed me the starting
12 procedures, started it and then we went forward, but it was port
13 main.

14 Q. Got you. (Indiscernible).

15 A. The initial loss was port main.

16 CWO LANDRY: Okay.

17 BY MR. KARR:

18 Q. Sir, you witnessed the start of the engines.

19 A. I did.

20 Q. Anything unusual?

21 A. Not to me. But I don't know what usual is for --

22 Q. Any leaks, noises?

23 A. No, saw -- no.

24 Q. Vibrations?

25 A. Saw nothing. Nothing that stood out to me, either. It was

1 loud in there and I didn't have my ear -- my protection on, but
2 the start-up I've seen hundreds of times, saw -- and I did look in
3 the bilges, I did look at the side of the engine, the block, I did
4 look out back by the shafts because that's what I always do, the
5 same, the same rounds on everything and I saw nothing.

6 Q. What kind of a start was it? Air, hydraulic, electrical?

7 A. I'm going to be honest with you, I do not know what kind of
8 start system it was, but I know that just -- if you're facing
9 forward in the engine -- well, yeah, if you're facing forward in
10 the engine room, just to the left of the port engine there's a
11 hole (ph.) there and the electronic pieces there and the key and
12 all that's there.

13 Q. Okay.

14 A. And that's what I saw. I mean, like I said, it was a very --
15 it was a quick, it was my first quick -- I was just shadowing him,
16 but I did -- I mean, he went down and did a quick look-around --
17 well, I won't say quick. He did a look-around, we walked over to
18 the key, to the pad there and I just watched him pushed the pad so
19 it would start up, turn the key to, I guess, accessory or partial
20 start position. The screen came up, I don't even know what he
21 tapped, to be honest with you, and then he turned the key and it
22 started. And then we just waited a minute, came up to speed --
23 well, came up to a speed, and just did a quick walk-around. He
24 had his flashlight, I was kind of following, looking in there, I
25 didn't bring a flashlight so I was following him and looking, but

1 didn't see anything on either engine that looked out of the normal
2 at all. And I guess the generators were already running, we just
3 kind of -- we walked by those, looked at the RPM gauges and he
4 showed me the cooling tank levels so I'd be aware of that. Yeah.

5 Q. How did the bilges look?

6 A. I'm going to be -- I didn't really look, I didn't really -- I
7 was more looking up at him and I'd never really been down there,
8 so I was following him, looking at him, pacing him so I wasn't
9 really looking down too much at the bilges, but I mean, they
10 looked fine to me.

11 I mean, I didn't -- I couldn't see into the bilge, I mean,
12 under the mains I could and there was nothing under the mains, the
13 mains looked clean, but you can't see underneath the rest around
14 the bilge itself, so I don't know what's underneath or behind
15 those. But I do look at the bilges, I look at the collection
16 plates under the engines to see if there's any drippings or
17 anything, there was no rags, there was no drippings, there was
18 nothing. Nothing at all.

19 BY CWO LANDRY:

20 Q. So this is your first time on this boat?

21 A. It is.

22 Q. The general overall cleanliness, engine room presentation,
23 like it didn't look run down, like the oil cap, it looked good/not
24 good, in your opinion?

25 A. That's a tough one for me, I'm a pretty -- my levels are

1 really, really, really high, so you know, I mean, it didn't look
2 dangerous, nothing stood out to me that this is a dangerous engine
3 room, like we need to get it cleaned up before we go, there's oil
4 everywhere. Could it have been cleaner? Yeah, maybe. I mean,
5 that's my -- you know.

6 Q. Nothing, no oil like was just dripping all over it?

7 A. No.

8 Q. You got little spots (indiscernible)?

9 A. Absolutely not.

10 Q. Okay.

11 A. And no, I didn't see any rags, I saw no drippings on the
12 engines, I saw no dirtiness on the engines. Actually, the engines
13 looked really good, you know, but around the deck plates and stuff
14 like that, could they have been cleaner? Maybe. But there was --
15 in my opinion, there was no danger, there was nothing on the
16 decks.

17 BY MR. FLAHERTY:

18 Q. So you were actually at the helm there for a bit.

19 A. I was.

20 Q. How did it handle, in your opinion?

21 A. Awesome. I was pretty excited. Yeah, no, it handled really
22 well. Engine control was great, we got under way, you know,
23 obviously -- we're getting under way, I had each throttle control
24 individual so I could operate getting out and then once I started
25 heading out, I synced it up so just more control, to control

1 both --

2 Q. Right.

3 A. -- control of the RPMs. Very responsive, spun really well,
4 rudder worked really well.

5 Q. So no noticeable delays or --

6 A. I did not. In fact, I talked to Ryan about that at the
7 beginning about delays, I said, you know, what kind of system do
8 we have, is it cable, is it electrical, it's electrical. I said
9 any delay at all on there, and he said no, he goes it's pretty
10 quick. And I was on the *Spirit* three years ago when they had the
11 older system on there because I was going to be on board and
12 working, but after I retired, but life changed, I did something
13 else.

14 Q. Right.

15 A. And there was a noticeable delay in the older system, so
16 that's why I asked him, you know, what kind of delay you got, I
17 mean, it's really unnoticeable. We went through the RPMs and
18 control and how much responsive it is, so I noticed nothing and
19 even when I got under way and tried it and it was like -- like a
20 second delay, it was super quick. Forward, back.

21 Q. And then when the alarm started to go off and there was an
22 indication that there was a problem, but just prior to that, any
23 indication, again, noise, a sudden noise, a loud --

24 A. Absolutely nothing, absolutely nothing. And for me,
25 honestly, the thing for me was how quickly this evolved, you know,

1 it went from we were cruising to, I requested -- yeah, I said what
2 kind of speed do you want me to slow, he goes well, you know,
3 three knots is a good speed to get down to before we start our
4 twist on here, I said perfect, that sounds good, that seems like a
5 reasonable speed. So I was slowing, slowing, slowing, took a
6 little bit, never heard anything, nothing was wrong at all, and
7 then I was just getting ready to actually split it and turn when
8 that's when I noticed I don't have a port engine and I'm like we
9 have no RPMs, and he's like -- and he pretty much stepped up at
10 the same time and said yeah, we have no port main, and I said
11 okay.

12 Q. Sure. So did the alarms grab your attention or there was a
13 response?

14 A. There was -- no, the alarms. Everything happened like
15 simultaneously, like really quick. I mean, you know, north coast,
16 in the -- in my other experiences, we got plenty of alarm systems
17 that hit first, you get a high jacket wire, lube oil, high temp,
18 engine room high alarm, all these different things before you get
19 a fire.

20 Q. Right.

21 A. And that did not happen, this was all -- I got no -- I didn't
22 get any engine -- I did not recognize, let me say that, I did not
23 recognize any alarm that would indicate an engine failure. I'm
24 not saying it didn't, like I said, the nuances of the alarm
25 systems on these things are new, I don't know what all of them

1 stand for, what they could be, so -- but I don't -- I didn't --
2 there was no alarm that went off, everything was just fine. Until
3 I looked down and noticed no RPMs and I'm like oh, we have no
4 RPMs, he's like yeah, we lost our port and I'm like oh, okay, what
5 are we going to do now? So I just thought it was a loss of main,
6 you know, main.

7 Q. Right, right.

8 A. Not a big deal, it happens all the time, you know, something
9 shut off, I don't know. And then that's when an alarm went off on
10 the dash --

11 Q. Right.

12 A. -- an audible alarm. And probably a couple of them went off,
13 I don't remember them all, but I know an alarm went off and that
14 alerted me and at the same time I smell alpha (ph.) fire, you
15 know, like a paper smell, which I was like okay and the first
16 thing I said to him, do we have a trash fire back in the trash,
17 because I don't know if they have a trash bin back there or
18 something, I'm like it smells like an alpha fire, like is there --
19 this is before I went and looked, I just said it smells like paper
20 burning.

21 So that's when I went over and looked out and he followed me
22 over and looked out and said no, we got -- we got a lot of -- a
23 lot of smoke and flame coming out back there. And again, I'm not
24 super familiar with the venting system and everything that goes
25 on, so I didn't even know where it was, I still thought maybe it

1 was a trash -- something back there burning, I don't know. But he
2 said no, that's coming out of the exhaust, so we have an engine
3 room fire and I was like -- but that smell was, you know, the
4 initial smell was a typical -- like it was the insulation on the
5 bulkhead burning, you know, and then came like an electrical smell
6 and then kind of a darker smoke smell and smell.

7 MR. FLAHERTY: Right.

8 BY LT GAGNE:

9 Q. Could you hear the DJ music where you were at?

10 A. No, not at all. I heard nothing outside of that -- all that
11 I heard was in the pilothouse, that was it. Nothing.

12 Q. Did you witness any of the firefighting activities that would
13 lead up to the firefighting --

14 A. I did not. I did not. In fact, for me, I mean, I know they
15 did their job, obviously, the crew did their job in the form that
16 they should have, but the uncomfortable part for me is I have no
17 communication, like I don't know what's going on, you know. I
18 just know in -- looking afterwards and seeing what happened that
19 actions were being taken, but I could not hear anybody
20 communicating because Ryan was on a channel communicating
21 differently, they use a different channel to communicate as a crew
22 than the one he had to communicate with just me, I was on Channel
23 1, just him and I, so I don't know what he was talking to
24 everybody else about, although hearing other people talking, they
25 were communicating on the other channel, you know. But what they

1 said, that would be speculation, but --

2 CWO LANDRY: Do you know what channel they were on?

3 MR. BROWN: I don't.

4 CWO LANDRY: I was just curious.

5 MR. BROWN: I really don't. He handed me one of the radios
6 and turned it on to 1. He had two radios on him, I think, he had
7 one on 1 and one on another one. Well, the one he's talking to
8 the crew, I would imagine, but he grabbed one, handed it to me
9 after we -- after I said hey, I got the radios, I got the bridge
10 up here, I'll handle communications and stand by up here and
11 that's when he handed me a radio and said okay, I'll be on 1. I
12 said are you going to be on here with me or is it everybody, he
13 goes no, this is you and me, just talk to me on here if you need
14 me. So he left and then I don't know where he went when he left
15 out of there, but --

16 BY LT GAGNE:

17 Q. Did he ever return to the bridge after that?

18 A. He did, yeah. Oh, he returned multiple times. He was moving
19 around, yeah. He would leave, come back up, check the bridge,
20 look around, get on the radio, talk to the tug, check the right,
21 check starboard, check port, and then he would leave again and
22 then come back. At one point I'm like where are you going, just
23 tell me where you're going so I know. He's like I'm going down
24 below to check the egress route to see where everybody's going.

25 Q. Um-hum.

1 A. And then after everybody left, I said the same thing, he
2 started leaving, I said where are you going, it's just you and I
3 in here, you can't leave. He's like, I know.

4 BY MR. KARR:

5 Q. When you were doing the walk around the engine room before
6 getting under way --

7 A. Yes.

8 Q. The port side of the main engine has come up in
9 discussion.

10 A. Okay.

11 Q. How close did you get to the port side of, you know, the port
12 engine port side, I imagine between the hull and the port side of
13 the main --

14 A. Yeah, I was right next to it.

15 Q. So you and the captain would walk by that?

16 A. Yeah, absolutely. The port side of the port engine,
17 absolutely. The starting button's on that side, so we did.

18 Q. Where's the starting -- the starting button in relationship
19 to the engine?

20 A. Maybe three feet away and up on a post.

21 Q. Three feet.

22 A. You could touch the engine and do the start button at the
23 same --

24 Q. And is that three feet from the aft portion of it?

25 A. Yes, it's aft, it's on the aft portion of the main.

1 Q. And can you remember, did you guys look at the engine and --

2 A. We did. We did look at the engines, just habit to do that,
3 anyways. I don't know what he -- I don't honestly know what he
4 was looking at when he was looking, but I know I just do a quick
5 scan. He had start -- I watched him start it, we looked over at
6 the engine, he had his flashlight, so when he was putting it down
7 in there, I kind of oh, and he's got a flashlight and I could kind
8 of see him scan.

9 And then we moved forward and did the same, looked at the
10 inboard side of the main and then went around to the starboard,
11 did the same thing, went up to the starboard, started it up, it's
12 on the outboard side of the starboard, but in the same position,
13 aft part of the engine, started it up, did the same thing. I
14 didn't -- I didn't inspect it like super, super quick. I can tell
15 you, nothing stood out to me. I mean, I looked at it, nothing
16 stood out that you'd be like oh, you got drips here, you got stuff
17 hanging down or there's paper in the bilge or a rag or something.

18 Q. Well, can you -- is there anything you -- you can remember
19 from your scan, you know, you looked at any particular hoses and
20 pipes going into the engine?

21 A. No.

22 Q. No.

23 A. Just did a general scan going aft as we moved, yeah.

24 BY LT GAGNE:

25 Q. Did you notice anything stored in that general area, that you

1 mentioned an alpha fire, to your recollection is there anything of
2 that nature that was --

3 A. No.

4 Q. -- in that area?

5 A. I didn't pick up on anything stored in that engine room other
6 than tools on the back bulkhead and there's a shelving unit and
7 there were some tools back there. Other than that, I don't -- I
8 did not pay attention to anything else being stored around that
9 area, uh-uh.

10 MR. KARR: Any missing exhaust lagging or exhaust insulation?

11 MR. BROWN: Not that stood out to me, no, not that stood out
12 to me. Again, it was my first time on there so I wouldn't know
13 what was missing, if it was, other than generally speaking,
14 knowing about lagging being placed in certain areas, but I don't
15 know. I can't recall that.

16 BY CWO LANDRY:

17 Q. So when you guys went into the engine room, what kind of
18 hatch is that to get into the engine room? Do you remember?

19 A. Yeah, it's quick acting.

20 Q. Quick act. When you opened it up, what can you see from like
21 the door?

22 A. Yeah. When you open, when you crack it, you can see the
23 generators, as you're going in, the portside generators are on
24 your right, obviously I was on the other side, and then you go
25 back after that and then the mains are outboard of that, it's

1 behind it but outboard, they're kind of offset a little bit.

2 Q. So can you just --

3 A. Yeah.

4 Q. The generators, can you not -- can you see the mains? Or do
5 you have to go in behind the walls, so it's like generators --

6 A. You would -- you probably could if you looked, but if you're
7 generally walking in, the generators are -- yeah -- if you're
8 walking in, the generators are right there. Yeah, I don't -- you
9 can probably see the edges of them as you're walking, but as you
10 get closer, it starts opening up and you can see the mains.

11 Q. Okay.

12 A. But they do block a direct vision to the mains, those
13 generators.

14 Q. Okay.

15 A. You can't get a good look if you're looking at that door
16 until you start walking back and then they start coming into view.

17 Q. Okay.

18 A. Maybe not that far offset, I may be exaggerating a little
19 bit, but they are not in line with the generators.

20 Q. Not like a straight generator to main --

21 A. No, generators and then mains.

22 Q. Got you.

23 A. Yeah.

24 CWO LANDRY: That's it for me.

25 MR. KARR: I have no more. Anything else we haven't asked

1 about that you'd like us to know about?

2 MR. BROWN: No, no.

3 MR. KARR: Just give me a second to think --

4 MR. BROWN: Yeah.

5 MR. KARR: -- if there's anything else I have.

6 (Pause.)

7 BY MR. KARR:

8 Q. You observed -- I'm looking for actual observation of what we
9 saw.

10 A. Okay.

11 Q. So what were the fire -- what were the boats who were -- what
12 were the boats using to apply the water and where were they
13 putting it?

14 A. Okay, so we had one boat on port aft, a tugboat. There
15 might've been more. I observed one pretty good sized tugboat,
16 port side aft, using their fire monitor, spraying directly into
17 the vent on the port side, port aft. Starboard side, there were
18 two tugs back there, I do remember that, and they were spraying
19 into the starboard vent.

20 Q. And when they were spraying into the starboard vent, did
21 anything -- did you observe anything, or what did you observe?

22 A. Just them pumping the water into there and lots of smoke
23 billowing out.

24 Q. Smoke billowing.

25 A. Yeah.

1 Q. No flames. Did flames ever come out?

2 A. Yeah. Oh, yeah.

3 Q. When the water was going in, did flames ever come out?

4 A. Okay, that I don't -- that, no, I do not know. I do not
5 know. I know initially there was fire coming out of there, so
6 yes, when they sprayed water initially in the port side, because I
7 was looking out, yes, there were still flames, so it did come out
8 a little bit.

9 But after that, I don't know when they actively involved
10 after that if flame was coming out. I did look out each side
11 every so often, but I only saw smoke billowing out, especially on
12 the starboard side because we had the wind on the port, so --

13 Q. Yeah. What color smoke was it?

14 A. It started out white, whitish-gray, and then it turned into a
15 darker dark gray, black smoke later on. But the initial out the
16 back was a whitish smoke. It wasn't -- in my opinion, from
17 seeing, it wasn't fuel, it was like an -- it was insulation or
18 something burning, that's what it seemed like and it smelled like
19 it, so I keep associating that to that, but -- but then as time
20 went on, it turned darker and it was a gray billowing smoke coming
21 out.

22 MR. KARR: I have no more questions.

23 LT GAGNE: Okay, that concludes our interview, do you have
24 any questions for us?

25 MR. BROWN: No.

1 LT GAGNE: Greg, are you on the phone?

2 MR. BURTS: Yeah, I'm still here. (Indiscernible) just
3 finish the interview, could you please repeat your name for me?

4 MR. BROWN: Yeah, it's Christopher Brown.

5 MR. BURTS: Christopher Brown.

6 MR. BROWN: Yeah.

7 MR. BURTS: Okay, thank you very much.

8 MR. BROWN: Yeah.

9 LT GAGNE: Do you have any questions you'd like to ask?

10 MR. BURTS: I have no questions.

11 LT GAGNE: Okay. All right, the time is 15:26 now and that
12 concludes our interview. Thank you again for your cooperation.

13 MR. BROWN: Yeah.

14 LT GAGNE: I really appreciate --

15 (Whereupon, at 3:26 p.m. Eastern, the interview concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

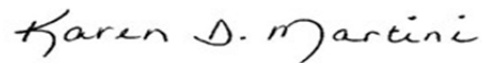
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Christopher James Brown

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, VA

DATE: June 8, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: GEORGE ELEY, Mate

Spirit of Norfolk City Cruises

United States Coast Guard
Sector Virginia
4000 Coast Guard Blvd.
Portsmouth, VA 23703

Thursday,
June 9, 2022

APPEARANCES:

MICHAEL KARR, Investigator in Charge
National Transportation Safety Board

DAVID FLAHERTY
National Transportation Safety Board

LT ALEX GAGNE, Investigator
U.S. Coast Guard

CWO JOHN LANDRY
U.S. Coast Guard

ERIC DENLEY, Deputy General Counsel
Hornblower Group

GREGORY BURTS, Esq.
Phelps Dunbar
Attorney for Ryan Nadeau

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I N T E R V I E W

(10:25 a.m. Eastern)

1
2
3 LT GAGNE: All right, it is 10:25 on June 9th. We are here
4 to conduct an investigation regarding a fire on the *Spirit of*
5 *Norfolk*. We'll kind of go around with the introductions and I'll
6 ask you to introduce yourself. I'm Lieutenant Alex Gagne; I'm an
7 investigator with the Coast Guard.

8 MR. KARR: And I'm Mike Karr, I'm the investigator in charge
9 with the National Transportation Safety Board.

10 MR. FLAHERTY: I'm David Flaherty; I'm an investigator with
11 the National Transportation Safety Board.

12 CWO LANDRY: Chief Warrant Officer Landry with the Coast
13 Guard investigations here in Sector Virginia.

14 MR. BURTS: Gregory Burts with Phelps Dunbar, here
15 representing Captain Ryan.

16 MR. DENLEY: I'm Eric Denley, in-house counsel for City
17 Cruises.

18 LT GAGNE: Give your name and your --

19 MR. ELEY: George Eley, mate on the *Spirit of Norfolk*.

20 MR. FLAHERTY: H-e-a-l-y?

21 MR. KARR: H-l-e-y.

22 MR. ELEY: E-l-e-y, sir. E-l-e-y.

23 MR. FLAHERTY: H-e-l-e-y, okay.

24 MR. ELEY: No H.

25 MR. FLAHERTY: Oh, Eley.

1 MR. ELEY: Yeah, just E-l-e-y.

2 MR. FLAHERTY: Oh, okay, thank you.

3 INTERVIEW OF GEORGE ELEY

4 BY LT GAGNE:

5 Q. All right. So the way it's going to work, we'll ask you some
6 basic questions, I'll ask you to give an account of every -- all
7 the events that happened on that day, starting from, you know,
8 when you boarded the vessel all the way up until the end of the
9 day, basically. But first of all, I'll ask you some basic
10 questions. So I have your name. Can I have your phone number?

11 A. Sure, it is [REDACTED]

12 MR. DENLEY: So when this transcript's published on the
13 Internet, is that redacted?

14 MR. KARR: Yes.

15 MR. FLAHERTY: Yeah, we do a whole redaction process.

16 MR. KARR: Yeah.

17 BY LT GAGNE:

18 Q. Can I have your address?

19 A. [REDACTED]

20 Q. Is that in Norfolk?

21 A. [REDACTED] Do you need the zip?

22 Q. What's that?

23 A. Do you need the zip code?

24 Q. Sure.

25 A. [REDACTED]

1 Q. And how long have you been with the *Spirit of Norfolk*?

2 A. About one week.

3 Q. How many cruises have you been on with them?

4 A. The last one was my third cruise.

5 Q. What's your experience in the maritime industry prior to
6 that?

7 A. I was a deckhand for McAllister Towing during last summer.
8 And I was a launch operator for WeatherFlow, on and off, over the
9 past two years, occasionally.

10 Q. For WeatherFlow?

11 A. Yeah, I was a -- kind of like contracted to transport weather
12 station, or the guys that worked for the weather company to the
13 various weather stations out on the -- in the harbor.

14 Q. You said you worked as a deckhand on McAllister during the
15 summer, is that kind of like between school or something?

16 A. Yeah, between school.

17 Q. All right. So like I said, starting from when you boarded
18 the vessel kind of through the event and then post-accident.

19 A. Okay, so --

20 Q. What time did you get on board?

21 A. Let me think. I believe the departure time was set for
22 11:00, which would mean I would arrive at the boat at -- I think
23 it was 8:00 a.m., was like the arrival time. The mates have to
24 arrive first, so the mate, assigned mate on the boat, as well as
25 me, would arrive, because I'm new so I'm still going through the

1 training process and so they would still have the actual mate on
2 board and I would be kind of shadowing him around, learning how to
3 do everything. So I would arrive first, along with the mate on
4 the boat.

5 Q. So you arrived around 8:00 a.m., you said. Who was the mate
6 that you arrived with?

7 A. That was Bob. That was my first time working with Bob.

8 Q. Okay. All right, so you arrive at 8:00 a.m. What comes
9 next?

10 A. Well, I would go up to the wheelhouse with Bob and we start
11 the -- I guess the preparations for the cruise, we'd go down to
12 the engine room and test the generators and get the generators
13 going and the -- you know, check all the systems and get the air
14 conditioning running and cold before the crew arrives, so the
15 boat's nice and cool for the crews.

16 LT GAGNE: I'm sorry. Do any of you all want to take up a
17 question? I'll be right back.

18 BY MR. KARR:

19 Q. So if you would, first, you know, I'm interested in having a
20 picture painted based on what you actually did, you know, I'd like
21 you to be able to describe everything that you did. So
22 personally, you know, pick up, describe what you observed, what
23 you may have done in the engine room and then what -- you know,
24 tell me what you did after you left the engine room and, you know,
25 just walk me through.

1 A. Just during the initial checks, when we -- shortly after we
2 arrived on the ship?

3 Q. Yes.

4 A. Or, I guess, the pre-cruise setup process. So we're on the
5 boat, mainly I'm just following -- following Bob around like a
6 lost puppy the whole time because he was -- he had been on the
7 boat for a long time, so he knew everything there was to the boat.
8 So he was showing me a lot of things that I hadn't seen yet and he
9 was making sure he was telling me the proper correct way to do
10 everything, from his own experience, I guess.

11 So we get on the boat, we would go to the wheelhouse, get all
12 our radio gear so -- well, actually, no, we wouldn't do that yet,
13 we'd wait until we get our uniforms ready before the cruise. But
14 as we would be going around doing the engine checks, the other --
15 some of the other of the marine crew would be arriving, like the
16 deckhands, and they would start the cleaning process and so -- let
17 me think. We'd go in the engine room.

18 Let's see, we would open the -- yeah, we would open the water
19 valves for the air conditioning systems and we'd -- I think we
20 would test run the generators. The ship would still be on shore
21 power at the time, so I think it would be -- I don't recall if we
22 left the generator running, but I believe, I believe we shut it
23 off because we were still connected to shore power, so there was
24 no reason to leave it and running, but I think we would test run
25 the generator is what we did and we would not -- we wouldn't start

1 the main engines and we -- we would, you know, go through the
2 engine room with the -- just to make sure everything was in order.
3 The main focus of the pre-cruise stuff is the air conditioning
4 systems, making sure that those are properly running, no issues
5 with them, because we need to get the ship as cool as we can
6 before the guests board because at that point it would be too late
7 to cool the ship down properly if everybody's on board running
8 around generating heat. So we would also perhaps take on
9 additional fresh water for the -- the water tank for all, like,
10 for the sinks and water stuff, we would top off the water tanks
11 and then --

12 Q. Did you do that that morning?

13 A. I did not do that that morning. Every time I've been on the
14 boat, I would also -- because I was brand new, I would also be
15 following some of the deckhands around occasionally. So if Bob
16 was checking with somebody on something that was like, you know,
17 some broken part or something, he would be having a conversation
18 with somebody regarding something and I could then, you know,
19 follow a deckhand around and then like the senior deckhand could
20 show me some other things, because as a mate, typically people
21 would start on the boat as a deckhand and because I was starting
22 on the boat as a mate, I -- I had catching up to do in terms of my
23 familiarity with the boat and the senior deckhands were really
24 helpful in like, you know -- because the mate's in charge of
25 coordinating the deckhands and in order to do that, I need to

1 understand what the deckhands' duties are and how they do them
2 exactly, so I know how to make sure that they're doing them
3 correctly. And so I was -- I had conversed a lot with Jeremiah,
4 who was telling me, you know, all the ins and outs of cleaning the
5 boat and not just him, you know, the other deckhands, as well,
6 were -- I was talking with them on, you know, the cleaning and
7 doing the floors and things like that.

8 BY LT GAGNE:

9 Q. So is it safe to say that every time you've -- you know,
10 you've been with the company a week, every time you've been on
11 board the vessel kind of working, you've been in kind of a
12 learning mode, training?

13 A. Yeah, very much a learning mode.

14 Q. Training mode?

15 A. Yeah.

16 Q. Whether that be what the deckhands do or what's in the other
17 positions to do?

18 A. Yeah, yeah, and because I -- this was my first time ever
19 working on like a passenger vessel of some kind. I mean, I worked
20 on the tug, but that's a totally different atmosphere on that
21 thing and, you know, there were different standards and procedures
22 and things of that nature. And so we -- that day, we took on
23 fuel. The fuel truck was running a little on the late side, so I
24 recall -- no, I had not put my uniform on while they were doing
25 the process for the fuel and typically, we would put our uniforms

1 on like 30 -- we would want to make sure everybody's standing
2 outside waiting for guests before the official boarding time in
3 case there was people that arrived early, so you want to get your
4 uniform on to be outside, you know, waiting for everybody and, you
5 know, get the gangways ready and things like that.

6 And so I had not put my uniform on because I needed to -- Bob
7 was showing me the fueling process, but once it got going, it was
8 going to take some time to fuel up the boat, so Bob continued --
9 Bob left me at the fuel dock to continue doing Bob things and that
10 was the first time I had been on the boat while we were taking
11 fuel and so I was sitting there monitoring everything, making
12 sure, you know, there was no leaks or nothing, nothing happened,
13 basically, keeping an eye on the fuel going in the boat.

14 So I was just sitting right next to the fuel truck watching
15 the hose during the fueling process and because of that, I
16 couldn't put my uniform on. So everybody else had their uniforms
17 on and so at the last second I had to -- when the fuel was done,
18 at the last second I had to go run quickly and put my uniform on.

19 Q. Just back up a little bit. The position that you were kind
20 of training for was to be referred to as a mate on board?

21 A. Yes.

22 Q. But you're not a licensed mate, are you?

23 A. I have my hundred-ton master's license.

24 Q. Okay.

25 A. So --

1 Q. You are.

2 A. Well, while I have the license to operate as one on that
3 boat, I do not have the experience to actually operate as one on
4 the boat --

5 Q. Got it.

6 A. -- because --

7 Q. You're trained.

8 A. Yeah, and I would only want to even probably be a mate if I
9 knew absolutely every nook and cranny of the boat like the back of
10 my hand because I wouldn't have a second mate to help me out if I
11 was the only one on the boat. So I was very -- I was very, I was
12 very interested and focused on training and learning as much as I
13 could while on the boat.

14 BY MR. KARR:

15 Q. When you left the -- so you left the engine room, so before
16 you were fueling the vessel, you'd been in the engine room and you
17 left it.

18 A. Yes.

19 Q. So when you left the engine room, from what you told us, I
20 think the only thing that was running was the AC.

21 A. Yes, the AC is not controlled from the engine room, but the
22 water valves for the -- that supply the air conditioning units are
23 controlled from the engine room on the other side and so you would
24 need to go in there and make sure that all the water valves were
25 on so you don't overheat any of the AC units when they turn them

1 on, on the thermostats and so -- and depending on the size of the
2 cruise you may not have all the AC -- all the ACs running, so you
3 wouldn't need to open all of the water for the ACs, but I can't
4 remember if we had all of them or only half of them running
5 because it was only a -- it was only a single-day cruise. So
6 because of the amount of people that were coming on the boat, we
7 had no reason to run all of the ACs, although we may have had all
8 the ACs running, I don't remember specifically how many units we
9 had going on.

10 Q. And I'll take you to the port engine. When you did your
11 rounds of the port engine with Bob, can you recall any specific
12 comments and training Bob gave you on the port engine?

13 A. I mean, when you first arrive in the morning, you check the
14 oil and everything, so he was showing me, you know, where the
15 dipsticks are in the engines. And the other people who had -- the
16 other mates that I had been with the previous couple cruises had
17 also done the same thing, but I was more than happy to see the
18 process again in case, you know, somebody does it different or
19 there's like a better way to do it or anything.

20 So he was showing me, you know, the proper way to check all
21 the engine's oil and, you know, the generator's oil and going
22 through the -- I guess the sort of pre-cruise checklist. We
23 didn't test run any of the engines or anything. We may have
24 tested the generator, but if we did test it, we would've shut it
25 off shortly afterwards because we were still on shore power.

1 Q. And when you -- again, I'm looking through what you actually
2 did or what you actually observed, so can you recall how you, you
3 know, went around the port engine? Did you completely go around
4 it or --

5 A. Actually, yes, I believe I did actually walk around the port
6 engine, but I saw nothing, nothing I can remember that was any
7 different from the previous cruises.

8 Q. All right.

9 A. Nothing stood out, I guess.

10 Q. And as far as in your mind, what you're looking at when
11 you're looking at it, can you recall and tell us what you were --
12 you know, what you -- when you looked at the engine, what you were
13 looking for?

14 A. Well, I was looking -- like before the cruise, since nothing
15 had been running for a while overnight, then I was mainly looking
16 to see if, you know, there's any leaks or anything that had like
17 dripping or anything. Being on a tugboat, it was a lot leakier
18 and drippier than the *Spirit*, so the -- I was looking for, you
19 know, anything like oil dripping on the floor or anything where I
20 would need to put an oil rag down, but everything just seemed
21 totally in order during the whole pre-cruise engine room things.

22 MR. DENLEY: So just to be clear, your comment about the
23 condition of the engine room, the *Spirit of Norfolk* was cleaner or
24 was more in order than other vessels that you've worked on?

25 MR. ELEY: Well, it was significantly nicer than the tug I

1 had worked on and the tug's a lot older than the *Spirit*, but it's
2 also a tug, so it's generally going to be a lot rougher on the
3 inside. But I was very impressed with the -- the thoroughness of
4 the engine checks. I mean the engine checks, now I'm referring to
5 the -- like during the cruise, like the main engine room checks
6 that you would do regularly, I was pretty -- a little intimidated
7 at first by how in depth they are or were, but the -- it was a lot
8 more detailed and, I guess, official from the engine checks that I
9 -- that I had while on the tug.

10 MR. DENLEY: Thank you.

11 BY LT GAGNE:

12 Q. Can you walk us through what those engine checks looked like
13 and --

14 A. Oh, sure.

15 Q. -- did you need anything to do them?

16 A. Sure. I guess I'll skip to while we were on the cruise.
17 Once you start up the main engines and get everything running for
18 the actual cruise, get ready to board, then we've got the -- the
19 -- I completely lost my train of thought.

20 Q. I think you were going to talk about while the vessel's under
21 way on a cruise.

22 A. Right.

23 Q. You were going to talk about the engine checks.

24 A. Yeah, and I think I forgot to mention the bow thruster engine
25 is also one of the engines that we checked during the pre-cruise

1 stuff. But as far as the main engine room is concerned, the
2 typical engine check, we would -- you would walk in the engine
3 room door, you always close the door behind you whenever you're in
4 the engine room and you would -- there is a clipboard on the right
5 just as you walked in and it had all of the engine -- it was like
6 the engine checklist or engine check board, and you take that and
7 you -- you'd have all of the -- all of the checkable items in the
8 engine room listed on this sheet with an empty table for filling
9 in numbers and data on what it is.

10 And so each column was a 30-minute slot, so you'd write down
11 the times for the cruise and say, you know, like 1400 to 1430,
12 1500 and, you know -- and then you'd go down again as you went
13 back into the engine room and filled in all the data. So you'd
14 check the -- first you'd go in and you'd check the
15 -- let's see, let me think. Okay, you check the portside
16 generator would be the first thing, you know, like coolant
17 temperature, RPMs, you check the expansion tanks on it and make
18 sure those were full with the indicators that you have on there.

19 Then you'd go to the electrical panel in the middle and you
20 check the -- the frequency, the amps and the volts and make sure
21 all that -- because the sheet also lists the appropriate range for
22 the values so you would have a reference if something was out of
23 place or wrong. And then after that, from that you would move to
24 -- from the electrical panel, which was in the center, you'd move
25 then to the portside engine and check the port engine and since

1 the engine at that point would be running, you would -- you would
2 be -- you wouldn't be checking the oil, but you would be going to
3 the -- they're a little, like, fancier, they're like computer
4 controlled, like scanning those, and you go there and you'd look
5 on the screen and it would tell you all the information on the
6 engine, so you would put down -- the same as the generator, you'd
7 put down RPMs, coolant temperature, the current throttle input
8 from the bridge you can see on the screen, and as well as like
9 engine hours and things, you'd be jotting those down, as well.

10 And then you'd go over to the starboard engine and repeat the
11 process, then check the air tank, check the steering box and then
12 go around and check all the AC, the AC lines, and make sure that
13 the AC pipes that are the coolant or the water, to make sure that
14 they're cold, because if they weren't, then that would suggest the
15 AC either was not turned on or it was not working properly.

16 Q. Okay. How long does one of those typical rounds take you?

17 A. I mean, I'd say probably five minutes. I didn't keep track
18 of the time while I was down there, but I'd say initially it took
19 a little longer because, I mean, I'd be down there with the mate,
20 so they'd be also showing me like certain things, so it would take
21 longer than if they were just going through with the sheet and
22 they already knew everything to do, but I'd say probably five
23 minutes.

24 Q. Okay. All right, so one of the things that's kind of helpful
25 to us is to build a timeline. So I'm going to kind of work with

1 you to kind of build a timeline from when you got there to exactly
2 kind of what happened after that.

3 A. Okay.

4 Q. So I think you said that you arrived around 8:00.

5 A. Yes, and another thing is this, one day I happened to forget
6 my watch --

7 Q. Okay.

8 A. -- into my bag, so -- and that was -- that was pretty
9 annoying that I didn't have that on me because it's very useful to
10 know what time it is without having to -- you know, like without
11 your phone, because that doesn't look good just staring at your
12 phone even for a second because, you know, it looks like you don't
13 really care what's going on. But yeah, so we arrived at, I guess,
14 8:00. Yeah, actually yes, it was 8:00 because the cruise had been
15 moved up or moved earlier an hour.

16 Q. Okay.

17 A. The previous evening I had gotten notified by the captain
18 that the cruise had been pushed, pushed earlier by one hour, which
19 meant that they've gone from like a 12:00 to 2:00 to an 11:00 to
20 1:00. And so because of that, the arrival time for all the crew
21 would also be pushed earlier, so instead of arriving at 9:00,
22 which is what the original plan was, we arrived at 8 o'clock.

23 Q. Okay, no problem. And we know that the boat got under way
24 around 11:00.

25 A. Yeah.

1 Q. So between 8:00 and 11:00, can you give me some general time
2 stamps on the things that you were doing? So right after you got
3 there, what were you doing?

4 A. Right after I got there, I was -- let's see, I was -- let me
5 think. I would clock in at the stern and then get with Bob and,
6 you know, we would greet anybody that was already on the boat, you
7 know, and be polite and stuff. The first main thing we would do
8 after you drop your stuff off in the wheelhouse, like whatever,
9 your clothes and bag and all that, you put it up there and then I
10 think the first thing we did was go around and turn the AC units
11 on.

12 Q. Okay. And how long did that take you? Rough estimate, it
13 doesn't have to be --

14 A. Maybe 10 minutes.

15 Q. Ten minutes.

16 A. Ten, fifteen minutes, just because, you know, we may have
17 stopped and like, you know, talked with another member of the crew
18 for a couple minutes during the checks or talked to the restaurant
19 manager, that kind of thing.

20 Q. Okay.

21 A. But I would say it probably took about 15 minutes.

22 Q. Okay. So let's say you got there around 8:00 and by around
23 8:20 you're done doing AC checks.

24 A. Yeah.

25 Q. Is that right?

1 A. The ACs have been problematic recently with like, for some
2 reason it's warm on this deck, figure out what it is and the AC is
3 like not blowing as cold as it should be or something like that
4 and so -- but that day, all of them seemed to be working perfectly
5 fine and we would go around and check all the AC units because you
6 had to manually -- you had to manually activate each individual
7 thermostat --

8 Q. Okay.

9 A. -- which are in various places around the ship, in order to
10 turn them on. And then when it's time to get under way, they go
11 to like a different system that is all like centralized or
12 something like that and so you'd like have to like turn them on
13 first. It was something I was still in the process of learning.

14 Q. Okay. Yeah, no problem.

15 A. Yeah, we did the AC and we would -- he was walking me around
16 showing me like, you know, following behind the deckhands and, you
17 know, saying, you know, like things, like checking the bathrooms'
18 things or, you know, everything that the deckhands were doing,
19 they were doing, make sure that they were doing it correctly and
20 checking the -- the -- like I said, you'd go ahead and make sure
21 that whatever the deckhands had been doing was done properly.

22 Q. So would you characterize, between 8:00 and 11:00, pre-
23 underway normal checks?

24 A. Yeah.

25 Q. And that included things like making sure cleaning was done,

1 turning the AC on and doing your primary engine checks, is that
2 right?

3 A. Yeah, yeah. It would be -- because at some point we would
4 switch power, which would be when you're disconnecting from shore
5 power and you start up the generators, run the generators, then
6 you go to the breaker and shut everything down, switch it over to
7 generator power and then turn everything back on.

8 Q. Okay.

9 A. And I don't -- I can't recall when we switched power, but I
10 would -- previously it had been like an hour and a half before the
11 cruise or something like that.

12 Q. Okay, the same this time, roughly?

13 A. Yes, roughly, but I can't remember specifically when we
14 switched power. The fuel truck was there, as well, and because I
15 was sitting there watching the fuel, I wasn't following Bob around
16 on the boat at that time. And so I was probably watching fuel for
17 like 45 minutes, I think we took on 2,300 gallons.

18 Q. And was that before or after the boat was switched from shore
19 power to generator power?

20 A. I cannot remember. Actually, wait, I remember the engines
21 were started while I was out there because it was very quiet and
22 then it got much louder when the -- because I was sitting right by
23 the, I think, the intake for the engine, so the -- on the port
24 side where the fuel thing is.

25 Q. Okay. How long before you got under way did the fuel stop?

1 A. I was thinking that they were just going to push the fuel
2 until later because it was getting -- it was getting, you know,
3 worryingly close to when guests might be arriving and we didn't
4 want to have a big fuel truck sitting there with a refueling
5 operation going on, but we were able to fuel up and we were ready
6 at, I guess, like 10 o'clock or 10:30 for the -- for like the
7 actual, like, pre-boarding preparations for the guests.

8 Q. So would it be fair to say the fueling took place between
9 9:30 to 10:00, 10:15?

10 A. Somewhere around there. I believe it was done before --
11 yeah, we didn't have a gangway out or anything, so it would
12 probably be like somewhere around 10:30 would be the fueling
13 operation.

14 Q. When it was done?

15 A. Yes, but that's a guess because --

16 Q. Okay.

17 A. -- I didn't have my watch.

18 Q. No problem. All right. So then the passengers, what time
19 did the passengers start boarding?

20 A. Passengers, we would want to have the boat completely ready
21 for passengers 30 minutes before the cruise actually started, so
22 that would be -- that would be 10:30, so --

23 Q. And what time do the passengers show up?

24 A. They would kind of start trickling in onto the pier around 11
25 o'clock, like around -- or not around 11 o'clock, like before 11

1 o'clock because, you know, 11 o'clock was the set departure time,
2 so people would be arriving earlier.

3 Q. Okay. Between 10:30 and 11:00 passengers arrive?

4 A. Yeah. And I think the fuel truck was probably -- probably
5 done earlier than that. It might've been like 10 o'clock or
6 something like that because that was done and gone by the time we
7 did all the passenger stuff --

8 Q. Okay.

9 A. -- and getting ready.

10 Q. All right. So 11 o'clock you guys leave the dock, you're
11 under way.

12 A. Well, actually not 11 o'clock because two people were late,
13 so we ended up being --

14 Q. To clarify, these were guests?

15 A. Yes. Yeah, so there were two guests and we'd been waiting on
16 the guests and there was like -- or wait, hold on. Now I'm
17 thinking, I might be -- I might be confusing the two people being
18 late with another cruise. Okay, yeah, I was. Okay, so that was
19 not this cruise. This cruise, we left pretty much on time, I
20 believe, and the -- yeah. And so the -- both groups of students
21 and their parents arrived and we would get them on the boat, take
22 a cute picture on the gangway by the photo -- I forgot, I think
23 it's Photogenic was the photo people that would take pictures, and
24 so they would take all the cute pictures on the gangway and then
25 get them on board and --

1 Q. All right. And what was your first responsibility after the
2 vessel was under way, what were you doing?

3 A. Let me think. We get on board and make sure everything's --
4 everything's good. I think I got on and -- well, the mates are
5 directly involved in the cast-off process, the lines, so while I
6 had done the -- they take all of the lines off the boat first and
7 -- except for the spring line, so he just puts it in gear forwards
8 and holds it against the dock and then when it's time to leave, he
9 just takes the power and backs up and then you can take the spring
10 line and hook it on this hook that's on the dock.

11 Q. What were you doing, though?

12 A. That, I was basically -- I threw over the -- the -- I helped
13 do the bow lines, I helped cast off with the bow lines and they
14 have these big long tag lines on, so you kind of pass out the tag
15 line and the deckhands will be on the boat and the mates will be
16 on the dock.

17 And so the deckhands will pull in the docking line and then
18 when the docking line's all the way up on the boat, then you kind
19 of toss over the tag line and rinse and repeat for the second bow
20 line and then you go back and do the stern line, which works
21 similarly, and then -- then you get ready to remove the gangway
22 from the -- from the mid-ship, like, main boarding area and then
23 once that's off, then you hop on and you pull out of the dock and
24 as you do that, you take the spring line off --

25 Q. Okay.

1 A. -- of the mid-ship.

2 Q. All right, so you're all under way and lines are back. What
3 was your first -- from what we understand, you have watch
4 positions, right? Something to that nature?

5 A. Yeah. So I would -- it would still be the same, the same
6 just for me personally, just because I would be following Bob
7 around, but the --

8 Q. Were you following Bob throughout the whole cruise?

9 A. For the most part. Mainly pre-cruise I was -- he was showing
10 me a lot of specific things. During the cruise, Bob would be
11 doing Bob things, like he would be going around and, like,
12 checking on something somewhere or doing that sort of thing and I
13 would either be with him or I would be up in the wheelhouse with
14 the captain watching what he was doing.

15 Q. Okay. Were you on watch at all on the third deck during the
16 cruise?

17 A. Yes.

18 Q. Okay, what time was that around?

19 A. That was -- let's see, let me think. So I had gone -- this
20 is while we're approaching the Navy base.

21 Q. Okay.

22 A. I had been -- let's see, I was in the wheelhouse and -- or
23 not actually, I had just gotten into the wheelhouse and somebody
24 knocked on the door and it was this mother and her kid who I
25 didn't know, but they had talked with the captain previously

1 because the kid wanted to see the wheelhouse. And so I almost
2 closed the door on the poor guy, but then the captain said oh, no,
3 no, let him in, so the -- because I thought they had just walked
4 around confused, not knowing which door was the exit door in the
5 -- like to get out on the third deck where all the other kids
6 were, but -- so we let him in and, you know, that was when the
7 *Victory Rover* was about to pass us because he was like doing --
8 like looking at things and he wasn't touching anything, he was
9 pretty timid about it, but the --

10 Q. Who was timid?

11 A. The little kid. He was one of the -- he was one of the
12 younger kids, like the kindergarteners.

13 Q. Um-hum.

14 A. So he thought it was pretty cool and the captain let him hit
15 the horn and things like that. Then the *Victory Rover* was passing
16 and I went over and I opened the window and let him look out at
17 the *Victory Rover* as it passed by us because they were kind of
18 slowly passing us.

19 And then after that, then I left the wheelhouse, walked
20 outside on the third deck where Jeremiah was out standing watch on
21 the third deck, looking at all of them and I went and stood next
22 to him, he was over by the foosball table where all the kids were
23 and, you know, we kind of talked about how -- I kind of joked with
24 him a little bit about how much he must be enjoying sitting there
25 next to all the screeching children, because they were all going

1 nuts on the foosball table just like doing -- just doing, you
2 know, little kid -- little kids having fun. But he has to make
3 sure whatever they're doing was safely, although -- then after
4 that, I go back in the wheelhouse for a little bit and then I come
5 back out and Jeremiah had moved to the stern, so I --

6 Q. On the third deck?

7 A. Yeah, on the third deck. The majority, like the parents,
8 were in the chairs, but the kids were all around the foosball
9 table because that was the cool thing to play with, I guess, and
10 so -- so I walked back there and was talking with him and it was
11 when I was talking with him that then the issue happened.

12 Q. Okay.

13 A. So I was talking to him, you know, just briefly, just when we
14 were kind of just sitting there, you know, just watching everybody
15 and things like that and he had relieved -- I think he had
16 relieved some of the other people so they could go like get lunch
17 and so the -- so I was kind of talking with him and we could hear
18 all this bleeping noise on the radio.

19 For some reason I don't get it, but like when you're on third
20 deck specifically and somebody is in like, for instance, the
21 galley was communicating with you, sometimes you wouldn't hear the
22 audio but you would hear like the bleep on the radio, that they
23 were talking. And so we heard that a bunch of times and then we
24 started talking about that and how annoying that was, because like
25 you could hear it happen fine because he's on the same deck as

1 you, but then when, for some -- like I don't understand the issue
2 with that, but the -- we were talking about like the -- how, like,
3 weird it is that you couldn't hear some, you could hear one person
4 but you couldn't hear another person or something like that and
5 that was when we noticed the smoke coming up off the starboard
6 side of the ship.

7 Q. And at this point you're still on the stern of the third
8 deck?

9 A. Yeah, we were still -- we were sitting there, standing right
10 at the right side of the top stairs, just kind of in the center of
11 the boat, standing there next to each other talking and then that
12 was when we started seeing the faint like light kind of smoke come
13 up from the starboard side, because initially I had -- I thought
14 it was steam because I had been told of a -- of a coolant issue
15 they had previously and I think it was either -- it was like a
16 month maybe, maybe two months previously, to where there was some
17 kind of coolant leak or something on the -- on either an engine or
18 a generator or something like that and they had -- it made a lot
19 of steam and I remember them talking about how some of the guests
20 were worried that it was smoke, but it ended up actually being
21 just steam because like there was a coolant line leaking or there
22 was a coolant pump issue of some kind or something like that. So
23 my initial thought is oh, that must be steam and the same problem
24 must be happening again, but then it turned darker and you could
25 smell it and it was definitely smoke coming out of the starboard

1 side, like --

2 Q. About how long did it take for the smoke to turn from kind of
3 the -- you called it, you know, kind of lighter --

4 A. It was much lighter, it was --

5 Q. How long did it take to turn from that lighter to the darker
6 that you just talked about?

7 A. While the smoke was coming out of the starboard side, like it
8 was like you would get a little like, like -- because it was all
9 like moving, so you would see a little, a little gray in the smoke
10 and you'd maybe see a little more and then it would like -- but
11 for the most part, when I was coming on the starboard side, it
12 started off very light, like it may -- it looked like it was steam
13 or something, but -- and then it got darker and --

14 Q. How long?

15 A. That was within --

16 Q. My question was how long did it take to go --

17 A. -- 60 seconds.

18 Q. Okay.

19 A. Like it was within a minute it had gone from light in --
20 light to a darker.

21 LT GAGNE: Thanks.

22 BY MR. FLAHERTY:

23 Q. What did it smell like?

24 A. I don't know, I've never -- I don't recall ever smelling that
25 smell before.

1 Q. But it did have a different smell to it?

2 A. Yeah, it wasn't like -- it wasn't a super-strong smell, like
3 it didn't immediately make you like, like jump away or anything,
4 like it didn't hurt your nose, really, but you know, if you
5 breathed it in, I mean, you'd be coughing but it wasn't a -- it
6 wasn't like camp fire smoke or anything like that.

7 Q. This is like when it was light or --

8 A. Well, originally it was -- I guess it wasn't really thick
9 enough to like -- like cause like problems, mainly because the
10 wind was blowing, I think the wind was blowing towards the Navy
11 base, so it was getting blown away from the ship when it was on
12 the starboard side, but then --

13 Q. I'm sorry. When you saw the smoke, was it the port or the
14 starboard side?

15 A. It was the starboard, initially.

16 Q. Okay.

17 A. The starboard side is where I first noticed it because I was
18 looking, talking to Jeremiah, you know, I was facing the Navy base
19 and that's when we could see like the faint-like smoke start
20 coming up on the starboard side. And so I thought it was --

21 Q. Is that before or after the vessel had turned around?

22 A. The vessel never really turned around, at all.

23 Q. I think that would be the port side.

24 A. Like we were -- while I had poked my head in the wheelhouse,
25 the *Victory Rover* was on the starboard side ahead and they were

1 going, they were going really slow because they were doing like
2 the Navy base, like talking about the Navy base or something like
3 that, like doing the tour or whatever and the -- so the captain
4 had mentioned that he wasn't going to -- I asked about it and he
5 said he wasn't going to pass them because we were about to turn
6 around anyways.

7 And so he was kind of -- it seemed like the ship was kind of
8 like coasting or slowing down and that's -- after that's when I
9 walked out to the deck and was talking to Jeremiah about it and we
10 just didn't -- we didn't really go anywhere, like the ship didn't
11 -- the ship hadn't really turned around yet, we were just kind of
12 sitting there going slowly and then that's when we saw the smoke
13 start coming up, before the ship had actually turned around.

14 Q. If you could, the smell of the smoke, what would you
15 associate it with?

16 A. It didn't smell like a camp fire or anything, like it didn't
17 like -- like it wasn't like really like hurting your eyes a lot,
18 initially at least, but it smelled like -- like almost like, like
19 oily or like some -- it wasn't like burning rubber or plastic or
20 anything that makes a really nasty smell. It didn't smell good,
21 but it didn't smell like, you know, like -- like something really
22 like -- like it didn't smell like something like really bad or
23 anything, but it smelled like -- I mean, it didn't smell like
24 diesel fuel, but it smelled like, like an oily, fuel-ly sort of
25 industrial kind of smell.

1 Q. Is that smell you're describing while the smoke was still
2 visibly light, lighter in color?

3 A. I didn't really -- I don't remember if it smelled any
4 different when it was light because, I mean, it was kind of --
5 some of it was coming on the deck, some of it was kind of spilling
6 over onto the deck, but most of it was getting blown towards the
7 Navy base, I think that was the direction the wind was blowing,
8 but the -- I don't recall the smell ever changing to something
9 different.

10 It may have had that smell and it was just kind of fainter,
11 because it was only later you could really smell it, but the --
12 after it had started coming up off the starboard side is when it
13 suddenly started coming up on the port side and at some point
14 after that, Jeremiah told me to keep an eye on the guests up on
15 the top deck and he went down to -- or he went -- yeah, he went
16 forward to --

17 Q. If you could put an X where you were located when you first
18 saw the smoke?

19 A. Sure. Let's see. Okay. I'm looking here. So that's the
20 second deck.

21 Q. Yeah, so you were on the third deck, so it was above --

22 A. So the third deck was above me, so assuming this is the third
23 deck --

24 Q. Yeah, I think that's the second deck. Yeah, that's the
25 second deck, so --

1 A. Okay, is there --

2 MR. FLAHERTY: We don't have one with the pilot?

3 (Off microphone conversation.)

4 MR. FLAHERTY: All right, we'll see if we can get one that
5 has the appropriate --

6 MR. ELEY: Okay.

7 MR. FLAHERTY: Sorry about that.

8 MR. ELEY: No problem.

9 BY LT GAGNE:

10 Q. So you said Jeremiah left the third deck and where did you go
11 to?

12 A. Well, he went forward to talk to the captain about what was
13 going on.

14 Q. Okay.

15 A. I can't recall the radio chatter on the radio at the time,
16 you know, I was kind of focused, I was focused mainly on the
17 guests. I mean, I still had my radio and the radio was still on
18 and -- but I can't remember what was said on the radio or what the
19 captain said on the radio or anything like that, but the -- we
20 started like putting the fire like -- like a response through, so
21 we would -- we hadn't -- I hadn't yet been through one of the
22 proper fire drills, we had -- the previous cruise I had been on
23 two days previously, we had a talk about fire, about like the fire
24 like procedure, like emergency procedures and things like that
25 while we were sitting in the wheelhouse talking about that, but I

1 hadn't been through like a proper fire drill yet, we just hadn't
2 had one yet. So I wasn't a hundred percent familiar with the
3 actual, like, procedures on what to do and things like that, so --
4 which I believe is the reason why, one of the reasons why Jeremiah
5 wanted me to stay up and do traffic control on the guests.

6 And one of the reasons I stayed up there is because I -- they
7 knew what to -- everybody else knew what to do already and I -- as
8 far as like, you know, where like the fuel shutoffs are and things
9 like that. And so I stayed up on the third deck with the guests,
10 primarily focusing on that while everybody else was mainly -- was
11 doing whatever they were doing to the fire-related stuff.

12 Q. Okay. Did you ever do an engine check while you were under
13 way?

14 A. Yes.

15 Q. Around when was that or how long after you --

16 A. Yeah, that was -- let's see, I don't -- I can't remember the
17 amount of engine checks we did.

18 Q. Does the engine check, while under way, look similar to the
19 pre-underway check or is it different?

20 A. The check I described in detail was the check you would do
21 while the ship's under way.

22 Q. Okay.

23 A. Because you wouldn't really need to check the engines other
24 than just looking at them to make sure nothing was wrong if they
25 weren't running.

1 Q. Okay. Did you participate in an engine check while under way
2 on the cruise --

3 A. Yes.

4 Q. -- that you're describing now? At a time before the incident
5 happened?

6 A. Yes.

7 Q. Okay, what was the condition of the engine room when you did
8 that engine check?

9 A. Perfect.

10 Q. Okay.

11 A. Jeremiah and I -- Jeremiah took me down to do the engine
12 check, so the two of us were down there and I believe that was --
13 we were pretty much the last people in the engine room before the
14 incident happened.

15 Q. Okay.

16 A. And so we went down there, I don't remember what Bob was
17 doing, but Jeremiah came down to do the engine check with me and
18 this was like 11:30.

19 Q. Okay. How often do you do underway engine checks?

20 A. Every 30 minutes.

21 Q. Okay.

22 A. Until we end the cruise.

23 Q. Okay.

24 A. And so during -- while the cruise is ongoing, you do an
25 engine check when you leave and then every 30 minutes during the

1 cruise you go and do additional engine checks. And so --

2 Q. And you didn't notice anything out of the ordinary?

3 A. No. And I was looking for things out of the ordinary, as
4 well, because I had heard of the issues, so that -- or the issue
5 like with the coolant sort of things, so I was looking for any
6 steam or any leaks or anything like that. Plus, I was new and I
7 didn't want to take any chances, so I was like looking all around
8 for any issues at all. But Jeremiah was there with me and he was
9 making sure I was doing everything right. I was doing the actual
10 engine checks and Jeremiah was following behind my back making
11 sure I was doing everything properly.

12 Q. Okay.

13 A. Because I had been through -- I had been shown previously
14 like the actual proper procedure to do everything and things like
15 that, and so I was able to go through and do the actual engine
16 check, but Jeremiah was actually making sure I was doing it
17 properly.

18 Q. I got it.

19 A. Accurately.

20 Q. Were you involved in any of the firefighting discussion or
21 talk, laying out any hoses, picking up an extinguisher or anything
22 like that?

23 A. Yeah. When I was being shown around the boat --

24 MR. DENLEY: Are you talking about the incident or are you
25 talking about --

1 LT GAGNE: Yeah, the incident, sorry. Yeah.

2 MR. DENLEY: Can you maybe clarify the question?

3 LT GAGNE: Yeah, sure.

4 BY LT GAGNE:

5 Q. So after the radio chatter and Jeremiah left the third deck
6 area where you were located after you saw the smoke, were you
7 involved in -- did you pick up an extinguisher or did you see
8 somebody else pick up an extinguisher?

9 A. No. There is a fire hose on the third deck. We would use it
10 to -- but it's not -- I don't -- I don't believe it is connected
11 to the fire suppression system, like at the fire pump or anything.
12 It's connected to the -- I know it is connected to the old lube
13 oil port down where the fuel and water ports are and although it
14 says lube oil, it's really a pipe that goes up to the third deck
15 which you can use for hosing the boat off and things like that.

16 The new engines don't have like a big lube oil tank or
17 anything, so I think that was repurposed for the use of hosing the
18 boat down and things like that. I don't know if it is connected,
19 though, to the fire system at all, but I do not think.

20 BY MR. FLAHERTY:

21 Q. So you saw the fire, you saw the smoke. What did you do,
22 what was your evacuation, how did you participate in the
23 evacuation?

24 A. Okay. Well, after the smoke had initially come from the
25 engine room exhaust fan, because the intake is on the port side,

1 the output of the air is on the starboard side, so initially the
2 starboard side is where the smoke was seen, where it originally
3 came out of, and then like a minute or maybe after that, then all
4 the smoke started coming out of the port side, which I believe was
5 when the captain shut the ventilation system off, because without
6 the fan to push the air in, the smoke would go to the closest, I
7 guess, available exit.

8 So the smoke was significantly thicker coming out of the port
9 side than it had been initially from when it started on the
10 starboard side and it was much darker gray smoke coming out of the
11 portside intake vent and after -- during the next few minutes,
12 then flames were also visible coming out of the portside intake,
13 as well as the smoke.

14 Q. And so when you saw the smoke the first time coming out of
15 the starboard side, did you or the other person you were with --
16 was it Jeremiah?

17 A. Yes.

18 Q. Did you guys sound the alarm or how did the vessel find out
19 that there was an emergency?

20 A. The captain had seen a smoke alarm of some kind in the engine
21 room.

22 Q. And that was prior to you seeing the smoke?

23 A. That was shortly before we saw the smoke.

24 MR. FLAHERTY: Okay.

25 BY LT GAGNE:

1 Q. How do you know that, did the captain tell you that?

2 A. That's not -- like because I can't remember specifically what
3 was said on the radio, I can't say for certain when that was or
4 what specifically he said.

5 Q. Well, you heard that from some other person?

6 A. Yes.

7 Q. Okay. The captain didn't tell you that and you heard that --

8 A. No.

9 Q. -- from some other person?

10 A. Yeah.

11 LT GAGNE: Okay.

12 MR. KARR: When we ask you these questions, you know, we're
13 focused on what you heard, not --

14 MR. ELEY: Okay.

15 MR. KARR: -- what you may have heard --

16 MR. ELEY: Okay.

17 MR. KARR: -- in a conversation afterwards --

18 MR. ELEY: All right.

19 MR. KARR: -- because, you know, we're talking to everybody.

20 So the facts, you know --

21 MR. ELEY: Got you.

22 MR. KARR: The facts that we want from you are what you
23 actually saw, what you actually heard.

24 BY MR. FLAHERTY:

25 Q. So when you saw the smoke, you were with Jeremiah on the

1 third deck?

2 A. Yes.

3 Q. Okay. All right, then what happened next?

4 A. He told me to stay, he told me to keep an eye on the guests
5 on the third deck and he went forward to -- into the wheelhouse to
6 speak with the captain and I did not see him again until the --
7 like the evacuation process was going on.

8 Q. And then what were you told to do next, after that?

9 A. Well, I wasn't told to do anything, there was nobody else up
10 there as part of the marine staff, I was the only marine staff
11 member on the third deck. Other people may have come on, but I
12 don't remember that, if they did.

13 Q. And then how were you directed or did anyone direct you,
14 okay, start doing this?

15 A. I had been instructed previously that the third deck is the
16 evacuation point on the ship in case of an emergency. So as far
17 as I was concerned, that was the safest place for all the guests.
18 Some of the guests were confused and they wanted to go back
19 downstairs and I made sure that they stayed up on the third deck
20 as much as possible. Some people were already down lower on the
21 ship, but the majority of the guests on board were up on the top
22 with the kids.

23 Q. Okay.

24 A. I guess with their kids because they were parents. So the --
25 yeah, yeah, so --

1 Q. Okay. And then how did -- so how did you get involved? What
2 was your position during the evacuation?

3 A. My position, I was primarily doing just crowd control and
4 speaking with the guests during the majority of the operation.
5 The actual, like as far as getting lifejackets or anything like
6 that, that was other people. I remained with the guests on the
7 third deck the entire time --

8 Q. Okay.

9 A. -- pretty much until we were -- we got everybody off the
10 third deck.

11 Q. Okay. And at what point did you put on a lifejacket?

12 A. I put on a lifejacket as we were -- as the guests were in the
13 process of being transferred over with their lifejackets onto the
14 *Freedom Elite*, I went down and somebody handed me a lifejacket and
15 I put one of the uncomfortable ones on.

16 Q. Yeah. And then at what point did you leave the vessel?

17 A. I left the vessel, I was -- other -- let's see. I was one of
18 the last people to leave the vessel. The marine crew were the
19 last ones on the ship. The kitchen staff and the restaurant, the
20 restaurant staff were all on the *Freedom Elite*.

21 Q. Um-hum.

22 A. When it was time for us to get off, I got off. Like
23 originally, we were planning on just staying on the ship to
24 possibly help the captain with anything or just, we were -- we
25 were wanting to stay on the ship and the -- but the captain

1 ordered everybody off the ship.

2 Q. Okay.

3 A. And that's when we left and I was -- I think it was like
4 Glory and Jeremiah and it was me and Bob and Bob was the last, was
5 the last one off, because he had gone up to talk to the captain
6 about something and he was the last one, other than, of course,
7 the captain and C.J. were the last ones on the boat.

8 Q. Okay. And then when you were on the *Rover* and it pulled
9 away, what did you see? Did you look at the vessel?

10 A. Yeah. I mean, it was just smoke billowing out of the intake,
11 you could see the --

12 Q. On which side?

13 A. It was the portside --

14 Q. Okay.

15 A. -- engine intake vent or engine room vent. It was just smoke
16 billowing out, you could see flames coming out of it and lots of
17 smoke, but that was the only location where there was flames that
18 I saw. The first deck had smoke on it, but because that's the --
19 like that's where the stairwell is to go down to the galley, which
20 has the engine room door in it, I wasn't overly concerned because
21 the second deck had nothing and you couldn't even smell smoke on
22 the second deck, it was as if there wasn't even a fire on there.
23 And when the smoke got really bad up on the third deck, we got
24 everybody down onto the second deck and by the time that process
25 was finishing up, the *Rover* had already pulled up and we were

1 getting people ready or I guess they were getting people ready to
2 transfer over onto the other boat.

3 MR. FLAHERTY: Okay. All right.

4 BY MR. KARR:

5 Q. So when you were up on the third deck, just give me two
6 examples of interaction you had with passengers.

7 A. Well, I was mainly concerned about the kids because I didn't
8 know if any of them were asthmatic or anything. A lot of fifth
9 graders were totally fine, they were -- I mean, they had their
10 cell phones, so they were like going to TikTok and all of that
11 other stuff, so -- but some people were scared, some people were
12 fine, everybody was a bit nervous.

13 Q. Did anyone talk to you or ask you questions?

14 A. Yeah. Well, I went around talking to as many of the people
15 as I could.

16 Q. Just give me two examples of what you said.

17 A. Well, going like how are you feeling, are you all right, you
18 okay, you coughing at all or things like that, and I got a lot of
19 questions asked of me, I mean, I was the only marine staff on the
20 deck. So people wanted to know what it was, was it an engine
21 fire, I said it appears to be, but you know, everybody's trained
22 for this sort of thing, the people down there know what they're
23 doing and we'll make sure everybody's as safe as they can be and
24 stuff like that.

25 Q. Thanks. And another member of the crew told us that, you

1 know, when they went to the *Rover*, everybody was lined up in the
2 stairwell. So my question to you is do you recall how the
3 passengers learned that they should line up in the stairwell, were
4 they given instructions?

5 A. I don't know. Like I said, I remained on third deck pretty
6 much the entire time and I was one of the last people off of the
7 deck.

8 Q. So when you were on the third deck, was everybody in a line
9 or were they all over the third deck?

10 A. Well, on the third deck, initially because of the way the
11 boat was rotating left, slowly, and so the direction of the smoke
12 was changing.

13 Q. Okay.

14 A. So initially I was trying to get people to move away from the
15 smoke on the deck, but eventually everybody ended up roughly
16 around the enclosed area where the pool table is and everybody was
17 kind of gathered there. And then when it came time to go down, I
18 saw the -- what was her name? It was the restaurant manager poked
19 her head out the door and gave the green light to go downstairs to
20 where the air was clearer and at that point we got everybody to
21 walk down and it was -- there was no -- there was no panic or
22 anything, everybody was very helping as they went down, everybody
23 was relatively calm. Some of the kids were crying or upset like,
24 you know, nobody was running and everybody went downstairs safely
25 and I was going down the stairs when I -- at some point going down

1 the stairs, following like the line of people slowly going down is
2 when I started to see lifejackets being put on.

3 Q. Right. So I just want to confirm one of the things I think I
4 heard you say. So you were directing people where to go on the
5 third deck --

6 A. Yes.

7 Q. -- to get away from the smoke. Okay. And a question for
8 you. When you were doing your engine room round at 11:30, you
9 talked about looking for a lot of things, you were looking for any
10 issues. In your own mind, were you putting together a work list
11 of things that might have to be done?

12 A. Could you elaborate what you mean, like you mean like in
13 terms of like how to repair a problem, if a problem happened?

14 Q. If you saw something. So you're a new employee, you're going
15 through the engine room, you're looking for things out of order,
16 you said you're looking for any issues, are there -- you know, in
17 your own mind are you saying oh, I'll make a note of this, this is
18 something that we might want to work on later?

19 A. Oh, you mean like did I notice anything that -- any like non-
20 critical issue that could be fixed at a later point, maybe?

21 Q. Yeah.

22 A. Okay. No, I didn't. And Jeremiah was down there with me and
23 if I -- had I seen something that I thought could be a problem, I
24 would've pointed it out to him and had him look at it.

25 Q. How about housekeeping-wise?

1 A. For the engine room?

2 Q. Correct.

3 A. Well, I didn't know what the drawers -- what was in the
4 drawers or where different items were, but there wasn't -- there
5 wasn't like tools lying around, there wasn't really anything loose
6 on the floor. When it came time to check the drive shafts or
7 steering or reduction gears or whatever the drive shaft goes into,
8 when you check that on the list you get the temperature gun, the
9 little laser thing, and you read that and look at the temperature.

10 The only thing during the entirety of the check that stood
11 out to me even the slightest was that the starboard drive shaft
12 thingy was five degrees warmer Fahrenheit than the portside one,
13 but that was the only thing that even stuck in my mind.
14 Everything else was totally normal, engines were like 90 percent
15 throttle or something like that, but then again, that was 30
16 minutes before the incident, so I don't know what they were set to
17 during the actual thing.

18 Q. All right. And then I'm capturing, my last question, I'm
19 capturing the details of how people actually got off the boat, so
20 can you describe how you literally went from the *Spirit of*
21 *Norfolk*, over the rail to the *Victory Rover*?

22 A. Well, the *Victory Rover* had been pulled in extremely tight
23 onto the ship, they were basically being like just sandwiched
24 together, there was no gap in between them. So it was like there
25 was no way you could get caught in between because there's

1 nothing, there was no gap, you couldn't get caught in there and I
2 think they could've been using like their bow thrusters or
3 something to hold them on the ship. And so there was the railings
4 and, you know, the kids, the kids were being lifted over the
5 railings and placed down and people would, you know, make sure
6 everybody's -- there was multiple people on either side. The
7 *Rover* crew were on their side helping people --

8 Q. And this is what you actually saw?

9 A. Yes.

10 Q. Okay.

11 A. Yes, this is when I got downstairs to first deck, everybody
12 was -- everybody was down there in their lifejackets and when I
13 put my lifejacket on, that's when I was in the stairwell area
14 watching people get offloaded onto the *Rover* and people were being
15 extra careful with loading the kids and things like that, but it
16 was a pretty high railing, too high for the little kindergarteners
17 to get over. So nobody was like -- nobody was getting from one
18 ship to the other without somebody there to help them, I guess.

19 Q. And how did you get over?

20 A. I went over the railing. I recall one of the --

21 LT GAGNE: Put your stuff on mute.

22 MR. BURTS: Oh, yes, thanks.

23 MR. ELEY: One of the *Rover* crew's -- one of the *Rover* crew
24 people was there to like, I guess, you know, lend a hand as I
25 hopped over the railing, but it was not a -- it was not a sketchy

1 transition at all.

2 MR. KARR: All right.

3 MR. ELEY: It was like the two were like docked together.

4 BY LT GAGNE:

5 Q. I have one clarification question and then no more questions,
6 that's all I have for you. Did you say that at some point the
7 passengers that were congregating on the third deck, following the
8 smoke being visible, moved to the second deck or --

9 A. Yes.

10 Q. Okay.

11 A. Because of how thick the smoke was and I wasn't -- like I
12 said, I don't remember any of the radio chatter.

13 Q. Um-hum.

14 A. But at some point people were kind of congregating, there was
15 a lot of concern about the smoke, that was the main thing I was
16 worried about, some people were coughing, so I was worried, you
17 know, I didn't want the kids to be constantly breathing in the
18 smoke and I didn't want -- well, I wanted to keep everybody on the
19 third deck because that's where the emergency point is on the
20 boat.

21 Q. Um-hum.

22 A. And I didn't know if the boat was taking on water or anything
23 or what the damage was. The smoke was getting -- was thick enough
24 to where I couldn't see the stern of the boat from standing by the
25 -- in the front section where the door is to go down the

1 stairwell. Then the restaurant manager poked her head out and
2 said the second deck is clean, there's no smoke in the second
3 deck, and that's when everybody started walking down the stairs to
4 the second deck.

5 Q. Okay, so everyone was congregating on the third deck, the
6 smoke comes, then you push everyone and everyone congregates on
7 the second deck and then they exit the vessel?

8 A. They don't exit the vessel while on the second deck, but I
9 think the two, the two -- the two operations of moving people down
10 to the second deck and moving people down to the first deck to get
11 lifejackets and get off the boat, they kind of blended together.
12 So while people were still going down the stairs towards the
13 second deck, people were also going to the first deck to get
14 lifejackets.

15 Q. Okay.

16 A. I mean, people were --

17 Q. Are any lifejackets located on the third deck?

18 A. Yeah. Well, all the decks have lifejackets.

19 Q. Okay. So did most passengers get their lifejacket from the
20 third deck?

21 A. No. Most passengers got their lifejackets on the -- on the
22 first deck and some of the crew were going to the second deck,
23 going up to the second deck, getting extra lifejackets there,
24 because some of the kids -- like we ran out of kids lifejackets or
25 something on the first deck, so we had to get additional kids

1 lifejackets from the second deck and -- because there were adults
2 and kids ones on all the different decks.

3 Q. All right. After the incident, I believe you all were taken
4 to Town Point Park on the *Victory Rover*.

5 A. Yes.

6 Q. Did you have to submit to any drug or alcohol testing?

7 A. Yes, but not at the park. That was done at the -- that was
8 done at the office, the company office. And then that was long
9 after everybody was off the boat and everything, like it was hours
10 after that because we had to wait for the drug people to get to
11 the office, so we were sitting around there for a little while.

12 BY MR. KARR:

13 Q. You said you're going to school? Are you going to school?

14 A. Yes. I'm hoping to go to ODU this fall.

15 Q. All right. So have you been enrolled in ODU before or --

16 A. No.

17 Q. Oh, what were you going to school for?

18 A. Well, I was going -- I was going to school at Tidewater --

19 Q. Okay.

20 A. -- Community College and it's long and weird, but the -- I
21 had -- I was getting my associate's degree at Thomas Nelson and
22 then going to ODU to get my bachelor's degree.

23 Q. All right. And have you chosen a major yet?

24 A. Yes, I'm getting my bachelor's in mechanical engineering
25 technology with a specialization in marine systems.

1 Q. All right, good luck. And then you also mentioned you have a
2 hundred-ton license.

3 A. Yes.

4 Q. How did you obtain that? I guess my choices are, you know,
5 did you go to a school?

6 A. Yes, I went to Mid-Atlantic Maritime down here.

7 Q. All right. And so how long did that course run? How does
8 that work?

9 A. I can't remember the exact length of the course. It was
10 probably a week or two weeks. I think it was like a week-long
11 course where, you know, you go in there for that session of the
12 course for the day and go home and rinse and repeat for maybe a
13 week and a half, two weeks, something like that.

14 Q. So when you graduate you get your hundred-ton license?

15 A. It depends on what you're there for. They have different
16 courses for different license ratings. So initially, what I had
17 gone there for, when I originally got my MMC and my license was I
18 was getting a 25-ton license because I didn't have the sea time
19 requirement for a hundred ton, so I got a 25 ton and after I got
20 that 25-ton license, which was in the 100/200 ton course, but
21 because it was a hundred-ton license with a 25-ton restriction on
22 it, so it was limited to a 25 ton because I didn't have the sea
23 time. And so after I got that license, that is when I was working
24 for the weather company doing that, because then I could legally
25 like carry paying passengers on the boat, once I had that license

1 and then afterwards is when I upgraded it to the hundred ton after
2 I had worked on the tug.

3 Q. So was it the weather company boat or was it the tug that got
4 you --

5 A. Oh, no, it was a personal family boat, it was this old
6 Aquasport center console boat and the weather company was -- I
7 don't remember how I got in contact with him, but I got in contact
8 with him somehow and then occasionally, when they needed to do
9 servicing in the -- on the weather stations they had in the area,
10 then they'd come over and we'd get on the boat early in the
11 morning and head out to the weather stations and buoys.

12 Q. So my question was about how you went -- how you took your
13 license from 25 tons to 100.

14 A. Basically --

15 Q. And from what you said, I'm assuming it was your sea time on
16 the G.M. McAllister that --

17 A. Yes.

18 Q. -- allowed you to do that.

19 A. Yes.

20 Q. So is that correct?

21 A. Yes.

22 Q. Okay, good.

23 A. And so the -- I didn't -- you didn't have to go do the course
24 again to get the upgrade because you're -- because my license was
25 a hundred-ton license, so all that was required was contacting the

1 Coast Guard and going through God knows how long of a -- like
2 waiting for them to hear back and things like that and then, like
3 you send them your information and your sea time letters and
4 things like that and eventually they send the new sticker thing
5 for your MMC.

6 MR. KARR: All right.

7 BY MR. DENLEY:

8 Q. So how long did it take from the time you submitted your sea
9 time to the Coast Guard national -- or to the Coast Guard to try
10 to get the restriction removed on your license, how long did it
11 take for you -- for the Coast Guard to get back in touch with you?

12 A. Well, it was at least a month. I don't recall the exact
13 amount of time, but it was a long time, it felt like a long time,
14 but I can't remember the exact amount of time. It was over a
15 month, I think, to actually get it.

16 Q. Thanks.

17 A. If I recall.

18 BY LT GAGNE:

19 Q. To your knowledge, was the *Spirit of Norfolk* hiring you
20 because of your credential?

21 A. Yeah. I'm confident that that is one of the reasons I was
22 hired.

23 Q. Was that a part of the pre-employment requirements?

24 A. No, actually, not for mate, but for captain it is. And
25 because I had that license, I was -- license-wise, I was sort of

1 overqualified for the position of mate and so they were -- the
2 company was very interested in part-time captains and they saw --
3 I guess they saw me as an easy way to get somebody to a part-time
4 captain position relatively quickly because I had already had the
5 license, I was going for a mate position and from there, then you
6 can transition from mate to a part-time captain position.

7 LT GAGNE: Anybody else? Greg, do you have anything, any
8 questions?

9 MR. BURTS: No, we're good to go on my end.

10 BY CWO LANDRY:

11 Q. I have one, actually. I just got one simple one. What
12 channel radio -- what channel were you guys on?

13 A. We're on Channel 1.

14 Q. Is that whole crew's on Channel 1?

15 A. Yes. Not the whole crew, not the entire crew has radios,
16 only the marine crew and the captain as well as like the
17 restaurant manager has a radio, but I can't think of any
18 additional position. I'm pretty sure it was just the marine crew
19 and the restaurant manager had the radios so you could, you know,
20 coordinate and communicate with anyone on Channel 1.

21 CWO LANDRY: That's it, thanks.

22 LT GAGNE: Okay, if we're all good here, that concludes the
23 interview. Do you have any questions for us?

24 MR. ELEY: I don't think so.

25 LT GAGNE: All right, we really thank you for your

1 cooperation. If you think of anything else that could help in the
2 investigation, please give me a call, and thanks again.

3 MR. ELEY: All right.

4 MR. KARR: All right, 11:45.

5 (Whereupon, at 11:45 a.m. Eastern, the interview 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of George Eley

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, VA

DATE: June 9, 2022

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.



David A. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

*

* * * * *

Interview of: ROBERT ENLOE, Chief Mate
Spirit of Norfolk City Cruises

United States Coast Guard
Sector Virginia
4000 Coast Guard Blvd.
Portsmouth, VA 23703

Wednesday,
June 8, 2022

APPEARANCES:

MICHAEL KARR, Investigator in Charge
National Transportation Safety Board

DAVID FLAHERTY, Investigator
National Transportation Safety Board

LT ALEX GAGNE, Investigator
United States Coast Guard

CWO JOHN LANDRY
United States Coast Guard

ERIC DENLEY, Deputy General Counsel
Hornblower Group

GREGORY BURTS, Esq.
Phelps Dunbar
Attorney for Ryan Nadeau

PATRICK BROGAN, Esq.
Davey & Brogan

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I N T E R V I E W

(1:20 p.m. Eastern)

1
2
3 LT GAGNE: Okay, all right. The time is now 13:20. It's
4 Wednesday, June 8th, and we've got Mr. Robert Enloe here.

5 MR. FLAHERTY: You're still going to have to identify the
6 voices, so if you could state your name --

7 LT GAGNE: Yeah.

8 MR. FLAHERTY: -- again so the transcriber can figure it all
9 out.

10 LT GAGNE: Yeah. Okay, so first here I've got -- I'm
11 Lieutenant Alex Gagne, Coast Guard investigator. We can go around
12 the room.

13 MR. KARR: And I'm Mike Karr with the National Transportation
14 Safety Board.

15 MR. FLAHERTY: I'm David Flaherty with the National
16 Transportation Safety Board.

17 MR. BROGAN: Patrick Brogan with the law firm of Davey &
18 Brogan.

19 MR. DENLEY: Eric Denley, Deputy General Counsel, Hornblower
20 Group.

21 CWO LANDRY: Chief Warrant Officer J.C. Landry, I'm an
22 investigating officer, Sector Virginia.

23 MR. BURTS: Gregory Burts, Phelps Dunbar, on behalf of
24 Captain Ryan.

25 MR. ENLOE: State my name?

1 LT GAGNE: Yes.

2 MR. ENLOE: Robert Enloe.

3 LT GAGNE: Okay, all right. Thank you, sir. Do we have
4 permission to record this interview?

5 MR. ENLOE: Yes.

6 LT GAGNE: Thank you, all right. Okay, again thanks for your
7 cooperation. Do you have any questions before we begin?

8 MR. ENLOE: No.

9 LT GAGNE: Okay. So the way it will work is we'll kind of
10 start with some questions and we'll bounce around between all of
11 us, okay?

12 INTERVIEW OF JOHN SMITH

13 BY LT GAGNE:

14 Q. Before we get into specific questions, I'd like to hear your
15 account of what happened that day, the incident starting from, you
16 know, beginning of the day, say when you boarded the vessel.

17 A. At the beginning of the day when we get ready for a cruise,
18 mainly my job is to see that the boat is ready to receive our
19 guests.

20 Q. And actually, I'm sorry, can I pause you for a second? Can
21 you give me, before we get into that, how long have you been with
22 the *Spirit of Norfolk*?

23 A. I've been with them 15 years in May.

24 Q. Fifteen years in May, okay. And what's your position on the
25 boat?

1 A. I'm chief mate.

2 Q. Okay. And are you a credentialed mariner?

3 A. Yes.

4 Q. You hold a Coast Guard credential?

5 A. Yes.

6 Q. Okay. What's your license entail?

7 A. Hundred ton.

8 Q. Okay.

9 A. And also I have an AB ticket.

10 Q. So is it a master hundred ton?

11 A. Yeah. Now, the hundred ton, I think they probably gave us

12 the extension, but allowed mine not to be renewed, so I'm not

13 currently operating as a hundred ton person. Other words, I let

14 my license renew or let it --

15 Q. Lapse.

16 A. -- lapse this last year.

17 Q. This last year, okay.

18 A. Yeah. So that's mainly why I'm a chief mate.

19 LT GAGNE: Okay, sir. Do you have any foundational questions

20 before we go into --

21 UNIDENTIFIED SPEAKER: Can I ask a simple question, just --

22 LT GAGNE: Sure.

23 BY UNIDENTIFIED SPEAKER:

24 Q. Your AB ticket, does that lapse, too?

25 A. No.

1 Q. Yeah.

2 A. I still got that.

3 Q. So your credential is good for the five years, right?

4 A. Yes, sir. That's a five-year period of time, yeah, each one.

5 Q. So your endorsement for the master hundred ton is what
6 lapsed?

7 A. Yes.

8 UNIDENTIFIED SPEAKER: Okay, got you.

9 BY LT GAGNE:

10 Q. Okay, back to my former question, if you could recount from
11 the beginning of the day --

12 A. Okay.

13 Q. -- to the incident.

14 A. We came in at approximately 7 o'clock in the morning to get
15 the boat ready. My job is to get everything started, check the
16 engines, generators, lights, ACs, et cetera, whatever we have to
17 run the boat during the day. Approximately 7:30 all of the
18 systems were on line, including our bow thruster.

19 After that, it's a matter of putting on water, we did put on
20 fuel that morning. Approximately 9:30, a fuel truck pulled up for
21 us to put fuel on. We did that. Ten, around 10 o'clock we got
22 the generator on line for the cruise. The engines had already
23 been turned off, the captain said turn those on. We got under way
24 at 10 after 11:00. At approximately 11:35, we had the first
25 engine check, which is we go down into the engine room, we have a

1 check board, we check all the engines, generators, ACs, pumps,
2 anything. Came back out. That wasn't me that checked, we had one
3 of our deckhands, senior deckhand Jeremiah Perry was the one and
4 he took one of our new mates-in-training down with him so he could
5 see how we do engine checks.

6 In the meantime, I was up with the captain and C.J. up in the
7 wheelhouse. My job also is to do paperwork, noting how many
8 passengers we have on board, making sure we call that in so they
9 know what we have during the cruise. I came down to ensure that
10 the deckhands were doing their job of keeping their areas secure,
11 bathrooms clean and all that. And it was approximately a little
12 before 12:00, I told two of the people to go down and have their
13 lunch. Five, ten minutes is what we give everyone.

14 About the same time the captain said he had got a smoke alarm
15 from the engine room. Bryan Bracey and Glory, I think her last
16 name is Nunez, Glory Nunez, were down in the galley, went to the
17 engine room to check. Well, as they got there, I came down the
18 steps behind them and when they opened up the door, that's when we
19 had all the smoke and gas, everything in the world you can think
20 of.

21 Based on experience, on my experience, anyway, there was no
22 way, we're not firefighters, we have no protective equipment, we
23 have no respirators, there was no way a fire of that type we could
24 fight. So I told them to go ahead and close the door to the
25 engine room, get everyone out, start preparing to get people out

1 and that's where we went from there. I called the captain. I
2 know at that point, by that time -- and we had already told him we
3 were turning, we were going to have to turn the boat around to go
4 back or whatever, I didn't know if he had turned the engines on or
5 off, but we were close to the Navy base, so I questioned do you
6 want us to shut down the fuel systems. He said yeah, so we shut
7 down our fuel.

8 By that time, they had started having everyone go up to the
9 third deck, up to our open deck. Next thing we had was the tugs
10 were washing the boat down, I was going back and forth with the
11 people trying to make sure everybody was keeping things calm,
12 secure, get them up. I wound up on the bow so that we could get a
13 line from the tug to start towing us.

14 The first line broke, it was just a regular line that we use
15 on the boat to hold it up against the pier, it wasn't strong
16 enough, so they came back, I pulled the old line in, they gave me
17 a big tow line from the tug which I hooked on so that they were
18 able to start towing us away. Went back in, assisted in giving
19 all the people PFDs that we needed and begin to transfer alongside
20 to the other boat.

21 Q. How did you get off the vessel?

22 A. I was the last person off, I checked with the captain to make
23 sure everything was okay with him, that he didn't want me to
24 remain, he said yeah, you're the last one, go ahead and get off.
25 We checked to make sure there were no people hanging around

1 anywhere in the bathrooms or whatever. Tried to make a count of
2 people getting off, but we had our people, the guests, all the
3 staff, and we made sure that at least everyone was off the boat
4 except the captain and the other captain that was with us.

5 Q. Okay. How long did the -- I believe the name of the vessel
6 you got on is the *Victory Rover*, how long did that vessel stay in
7 the area before you (indiscernible)?

8 A. Responder, how long did what?

9 Q. The vessel that you got on to after --

10 A. Oh, the *Rover*.

11 Q. The *Rover*.

12 A. *Rover*. How long did they stay after?

13 Q. How long were you all in the area before you departed?

14 A. Oh, gee. We were getting the people off, probably took us, I
15 would say maybe 20 minutes at the most. They came up alongside,
16 I'm assuming, because I was down below, I'm assuming that the
17 captain was talking to them on the radio, then brought them up
18 alongside, but we were given the word to open up the mid-ship
19 hatch so we could start transferring people over.

20 So we were bringing them down from the third deck all the way
21 down to the first deck over and getting them onto the *Rover* and
22 made sure the children had PFDs, that their adults, the family was
23 with them, so that it was a very safe method of getting people off
24 the boat.

25 Q. Were you able to see -- what were you able to see on the

1 vessel as far as the fire goes when you were --

2 A. I can see, on the port side, pieces of what looked like paper
3 or whatever it was flying out from the port side. I'm assuming,
4 and I can only assume because I don't know, but it was -- it
5 appeared to be coming out of the intake vent, where the intake
6 vent is. All I saw on the starboard side originally was a little
7 bit like white smoke coming out.

8 Q. Okay. Were you the first one at the vessel that morning?

9 A. Yes, I was, I opened the boat a little before 7:00 on that
10 morning.

11 Q. Can you explain, back with your engine checks, pre-under way
12 and you get everything opened, is there a check list that you're
13 using or how do you --

14 A. Yeah, there is an actual checklist that we go through. Some
15 of the mates do it backwards, I mean, I have my way of going in
16 and checking each engine, generator, everything, between all the
17 mates and a lot of the senior deckhands on the same procedure. So
18 each mate has their own way of doing it, winds up doing the same
19 thing, but you may check a generator before you check the mains.
20 But the gist of the whole thing and the reasoning is we want to
21 know that system works early in the morning so if there is a
22 problem, we can get someone out to take care of it.

23 Q. Okay. Did you detect anything that morning?

24 A. So that morning everything, like I've been doing it for 15
25 years, had no problem, everything started up right, we had no

1 issues with anything out of the abnormal, we checked the bilges to
2 make sure that during the night nothing's happened. That's part
3 of our philosophy on there is not to have the blinders on and just
4 see the instrument in front of you or the engine in front of you,
5 is to check under, over, around to make sure that everything's
6 normal.

7 Q. Okay. What do you do with that check sheet after you're
8 done? Do you send it to somebody or --

9 A. Well, the check sheet's usually on the board and it's
10 printed, it's plasticized. The check sheet we use for the engine
11 checks is one that we use every day and we take those and we save
12 those, we usually save them for at least a year, maybe longer.

13 Q. Okay. And those are done -- what's the -- how often --

14 A. We do checks, we do engine checks every 30 minutes.

15 Q. And you keep each of those for a year?

16 A. We keep the -- yeah, we keep each sheet at least a year.
17 Sometimes they wind up being there for two years before they get
18 thick enough that we take them, throw them away.

19 Q. Are those kept in the engine room somewhere?

20 A. Kept up in the wheelhouse.

21 Q. When was the last time you were -- before this last trip,
22 when was the last time you were (indiscernible)?

23 A. I did a cruise last Wednesday and Thursday and then I did the
24 one yesterday.

25 Q. Okay. Did you notice any kind of anomalies or anything like

1 that?

2 A. Not a thing. Everything started up just like it has been,
3 had not heard of anything from anyone, started up just like
4 they've all started for me, so I can only go by what happens when
5 you're running. We usually run them for 15 or 20 minutes in the
6 morning and then shut them down. We found that they work, that's
7 our main purpose is do they start, do they run, do we see
8 anything.

9 Q. Okay.

10 A. At that point, then you shut it down and it -- about an hour
11 or so before the guests start coming aboard, that's when we go in
12 and turn on our generator, leave it on, what we do, what we call a
13 swap over, just swap from shore power to generator power.

14 Q. You made that swap that morning?

15 A. Huh?

16 Q. You made the swap that morning with no issues?

17 A. Yes.

18 Q. All right. You stated that the captain, that they were
19 getting a fire alarm, is that right?

20 A. What we've heard and what we --

21 Q. Or a smoke alarm?

22 A. -- are hearing on this the captain said he had got a smoke
23 alarm up in the wheelhouse.

24 Q. Okay. Is that something that you can actually hear?

25 A. That, well, we all carry radios, so everyone is -- I'm

1 assuming everybody heard that, just like everybody else did. Now,
2 I don't know if the captain put it out to one certain person
3 because a lot of times he'll call and say hey, Joe, hey, Sam or
4 whatever and you kind of tune it out after that.

5 Q. Okay. When I hear smoke alarm, I think of, you know, one in
6 my house, that this one here, like the crew can hear it or the
7 passengers can hear it, is that --

8 A. We have temp alarms, we have a monitor where we can get temp
9 alarms, oil pressure alarms, things like this up in the
10 wheelhouse. So at that point when it goes off, the captain,
11 whoever's in the wheelhouse, is the only one that hears that.

12 Q. Okay. And so can you explain what happened after you
13 communicated via radio?

14 A. Well, that's when they said have someone go down and check
15 the engine room.

16 Q. Okay.

17 A. That's the first indication is if it's an alarm coming from
18 there, let's find out what's going on. So we had -- I had already
19 sent two people down there to grab lunch. Those two people ran to
20 the door, I came down behind them, they had already opened up the
21 door and as soon as they did, of course, smoke just poured out.
22 The guy said should we get the hose out, I said no, I said that's
23 a fire we can't fight, you can't breathe at the doorway, do you
24 think you can breathe inside?

25 Q. Were you at the galley door when they opened it or --

1 A. I was at the -- I was at the engine room door, I was right
2 there with them at the engine room door itself. Other words, they
3 were in the galley, you have to go through the galley back to the
4 engine room and unlock the door and open it up and I said where
5 did you see the fire -- I didn't see it -- where did you see the
6 fire, he said I saw it over on the right side, which would be the
7 port quarters.

8 Q. So they were able to visibly see the flames?

9 A. Yeah. And it was -- and I know the difference between hot
10 coolant leaks and fires and I knew right away this was not a hot
11 steam or coolant, this was fire.

12 Q. Did you actually see the fire?

13 A. What's that?

14 Q. Did you actually see the flames?

15 A. No, I didn't. We opened up the door enough that the first
16 guy that was there could see it, but like I say, you had smoke,
17 everything blowing right out and we only opened the door maybe
18 that much. And my thought at that time was we can't fight it, our
19 position is to get the people started, get them upstairs. So
20 that's when we radioed the captain, we got a major fire here and
21 we can't fight it, we need to -- we need to start getting people
22 off.

23 Q. I'd like to ask a little bit about your -- the training that
24 you all do on board as far as, you know, real-world scenarios with
25 firefighting. Have you done a training scenario like this before?

1 A. We do training on our own and we do Coast Guard training
2 every year. Usually what they do is they'll come out, we do a
3 fire drill and it can be at various places on the boat. It's kind
4 of like when you put a smoke box somewhere and tell us hey, you
5 got a fire, we try to find it. We know the ways to get in and out
6 of the areas, if we have to. Fire drills, man overboard drills,
7 get our passengers off the boat or up to a new level, those are
8 all drills that we constantly look at through the year.

9 BY MR. KARR:

10 Q. I have some. So let's see. Oh, was there a muster on the
11 shore after everyone was evacuated so you account for all the
12 passengers and crew?

13 A. We got back and I spoke to this gentleman back here about it,
14 I gave him the particulars as far as how many people we boarded --

15 Q. Um-hum.

16 A. -- what the total was with crew and passengers, and once we
17 got ashore, the *Rover* people were supposed to go off first, that
18 was the word that had been given, but a lot of our people were in
19 a hurry, they'd been on there for four or five hours already, so
20 it was kind of like mix and mingle getting them off.

21 Q. Um-hum.

22 A. I knew how many of our crew was on there, we made sure they
23 were there so that they didn't get away. I don't know that the
24 *Rover* crew did any type of muster or anything to check.

25 Q. Did Hornblower or the captain of the vessel, did he do a

1 muster of all the passengers and crew on the pier after everyone
2 had gotten off?

3 A. No, we don't -- like I say, all the people that were on the
4 boat, that were on the *Rover*, came off of our boat and were added
5 to the *Rover* crew --

6 Q. Okay.

7 A. -- and we knew that everyone from our boat was off of our
8 boat on the *Rover* --

9 Q. Okay.

10 A. -- and they all made it from there to the shore, but there
11 was no one -- I don't know that there was somebody there actually
12 counting or getting names of people on and off.

13 Q. Okay. To your knowledge, was there -- was there any storage
14 of boxes or any other materials in the engine room?

15 A. Well, we keep a lot of our storage down there, parts for the
16 engines and generators, things like that. The other things you
17 would see would be antifreeze.

18 Q. Um-hum.

19 A. We keep coolant for the gens and the mains. Probably a few
20 cans of WD-40, stuff like that. We don't keep extra fuel down
21 there.

22 Q. Um-hum.

23 A. We do keep our oil, our lube oil down there.

24 Q. How much lube oil?

25 A. We had, at the time, I think it was three and a half five-

1 gallon cans of lube oil.

2 Q. So roughly about 15 to 20 gallons or something like that?

3 A. That's to keep -- keep it so if we have to do an engine oil
4 change, we can do it.

5 Q. Um-hum.

6 A. Also, if we had to add oil to our engines and generators, we
7 have plenty of oil.

8 Q. Do you have any like spare air filters or --

9 A. We just had got two air -- the big metal air filters and
10 those are only for the generators.

11 Q. Were they in a box or were they outside of a box?

12 A. They were in boxes, yeah. We get them in regular cardboard
13 boxes right straight from the group and that's how we store them.

14 Q. If you don't mind, on the diagram there --

15 A. Um-hum.

16 Q. -- where the -- I don't know if you can see where the engine
17 room is located on there.

18 A. Well, let's see, it's the top, this looks like the main deck
19 here. Anyway, the engine room is all the way -- you know, you
20 would have your shaft alley --

21 Q. Um-hum.

22 A. -- rudder room and right in front of that would be your
23 engine room.

24 Q. The boxes and any of the other stuff that was stored in the
25 engine room, could you mark where -- from your memory, can you

1 mark where it would be located?

2 A. Yeah.

3 Q. Okay.

4 A. Let's see, if we're looking at this, the boxes would be over
5 on the port side, that's where we keep that, our air filters.

6 Q. Okay.

7 A. Up toward the door would be where we keep our oil and that
8 would really be the only two items that would be paper or oil on
9 the boat --

10 Q. Okay.

11 A. -- so we keep them there.

12 Q. So prior to the fire or when you understood that there was a
13 fire, anything unusual? Anything in the slightest difference in
14 the way the engines were sounding or the way the boat was handling
15 or something?

16 A. No, not a bit. Maybe it's because we do it so much, but
17 everything was just normal like every day. If I'm working seven
18 days a week, they start the same way, run the same way, and I
19 would know if there was something wrong right away.

20 Q. What kind of diesels are they? The diesels, what type are
21 they?

22 A. What's what?

23 Q. What type of diesel are they?

24 A. These are the Scania diesel engines and they're Carter CAT
25 generators.

1 Q. How much horsepower?

2 A. Scania and Carter Caterpillar generators.

3 Q. Scania's the main engine and Caterpillar's for the gens?

4 A. Yes, for the gens.

5 MR. BURTS: I'm sorry, can you repeat what the main diesel
6 motors were, who the manufacturer of this was?

7 MR. ENLOE: Scania is the name of the engines.

8 MR. BURTS: Scania, okay. Thank you.

9 MR. ENLOE: Right.

10 MR. BURTS: And the CATs were the generators?

11 MR. ENLOE: Yeah, the CAT generators are from Caterpillar.

12 MR. BURTS: Okay, got it. Thank you.

13 BY MR. KARR:

14 Q. And when was the last time the fuel was changed on the
15 generator?

16 A. When it was -- fuel was pumped?

17 Q. I'm sorry, fuel filters.

18 A. Oh, fuel filters. We did the -- both generators
19 approximately -- and I can't tell you the date because we do every
20 -- we do filter changes, oil changes every 250 hours. So it's
21 been a good month, maybe six weeks or more since we did --

22 Q. Okay.

23 A. -- the oil filter and -- filter changes on our generators.

24 Q. How about the main engines, when was the last time a fuel
25 filter --

1 A. Generators, we've done them. The engines, gee, they've been
2 -- yeah, it's been within the last two months that we've done
3 those.

4 Q. Any problems with leaks with any of the fuel oil filters?

5 A. We keep the fuel filters and everything over on the port
6 side.

7 Q. Um-hum.

8 A. Like I say, that's where most of our parts are --

9 Q. Right.

10 A. -- and we keep our oil filters, fuel filters, air filters,
11 everything's right over there and convenient, and part of my job
12 as chief mate is to make sure that we have parts to do normal and
13 regular maintenance, I have to do that, and part of it also is
14 training the people how to do those maintenance tasks. So I'm
15 usually the one that knows when to order them, make sure where
16 they're at when we need them.

17 Q. And for the lube oil filters, when was the last time you
18 changed the lube oil filters?

19 A. Well, the lube oil filters are on the generators and engines,
20 we change those every time we change oil.

21 Q. Okay.

22 A. We do the whole thing, we change our primary/secondary fuel
23 filter, your oil filters, your air filters, everything gets
24 changed at the same time.

25 Q. Do the engines vibrate a lot?

1 A. No, engines will vibrate or can vibrate and sometimes it's
2 according to what speed you're going.

3 Q. Exactly.

4 A. But no, we don't see a lot of vibration. I think if we saw a
5 lot of excess vibration we would probably wind up having somebody
6 come out and take a look at them, but those engines, they're good
7 and there were no apparent vibration problems or anything.

8 BY MR. KARR:

9 Q. Mr. Enloe, when you -- you have a captain's license, have you
10 ever served as a captain on board the *Spirit* vessels?

11 A. Not as a full-time captain, no. I've always had a captain's
12 license with them, but back in 2010 they asked me to be chief mate
13 and that's what I've done.

14 Q. All right. Do you know, you know, from your observations or
15 knowledge how often the vessel was fueled?

16 A. Well, obviously it's when we get to a point where we feel we
17 need to have fuel, but --

18 Q. And how often would that be, do you know?

19 A. -- the captain -- yeah, the captain makes the decision, it's
20 usually, at least in our cruising season, it's usually at least
21 once a month, I would say.

22 Q. And when you -- when you were with the group of folks that
23 opened up the door into the engine room and looked in, can you
24 tell me what -- can you describe that door? I assume it's a
25 watertight door.

1 A. Right. Yes, sir.

2 Q. So what kind of closing devices does it have?

3 A. Well, it's a dog hatch, you know, we call them the knee-
4 knocker hatches and it's an actual -- I think it's an eight dogged
5 door so you have to actually turn it to open it and it dogs it
6 down when you latch it.

7 Q. So you have a wheel on it?

8 A. A wheel, yeah.

9 Q. And when you do that wheel, all the --

10 A. All of the spokes open.

11 Q. All right. Now, do you recall, can you -- did you actually
12 witness that door being closed?

13 A. Yes.

14 Q. And can you describe how he closed it? Was it hot, you know,
15 was it --

16 A. Well, we always open and close it is to open it all the way
17 one way, close it fully the other way. Other words, all the way
18 to the left open, all the way to the right to dog it down.

19 Q. Do you remember observing that the door was actually
20 closed --

21 A. Closed, yes. When I said let's dog it down and get out, we
22 made sure the door was closed.

23 Q. All right. Do you recall if the door was hot or if there was
24 any indication of fire right there when you --

25 A. No, in fact, when you got there, you know, usually they come

1 up with your hand up against the door if you want to check
2 something, but there was no real indication on the outside of the
3 door, but as soon as you opened up the door, we had plenty of
4 indication.

5 Q. And now I'd like -- I'd like to be able to -- I'd like to
6 know what exactly you did during certain points.

7 A. Okay.

8 Q. So what role or what did you do to get -- when the passengers
9 went from the main deck up to the upper deck?

10 A. All right, we came upstairs --

11 Q. Well, I'm particularly interested in you, what you personally
12 did.

13 A. I came upstairs, made sure that the people were starting to
14 get movement. At one point in time I was out on the bow and we're
15 getting drowned from the boats, they were trying to bring a tug up
16 to try to get a -- try to get a line to us. As I come up from the
17 engine room, we already had a tug coming from the Navy base out to
18 the boat.

19 The captain, in fact, at one point, came down and ran to the
20 stern to see exactly what he could find out about the fire on the
21 port side and at that point, then he went back up to the
22 wheelhouse, I ran forward to the bow with one of the other guys,
23 Bryan Bracey, to make sure that we could get the tug connected to
24 us to start towing it because we were drifting toward the Navy
25 base, the Navy gets hostile when you get too close to it. So at

1 that point, I was there. Once we got the first line on, I came
2 back in and was assisting getting PFDs over so that we could get
3 them to the guests. When the line snapped on the bow, I ran back
4 out, I told Bryan not to come out because I was afraid we'd have
5 some stuff breaking loose and I didn't want to get anyone hurt, so
6 I had him go back inside.

7 I pulled the free line out, the line that broke, the tug gave
8 us a big huge tow line, which I put over our cleat so that they
9 were able to take strain and start moving us away and at that --
10 of course, I'm drowned, my radio's not working that good because
11 I'm wet, I go back inside and assist getting people dressed out in
12 PFDs so they can start -- get offloaded.

13 Q. All right. And then when the PFDs were put on the people,
14 were they on the upper deck?

15 A. They were on the upper deck coming down, they had sent
16 everyone up and they were moving them around up there so that they
17 could get them away from the smoke because the smoke kept
18 drifting, you know, different places and at the time when the
19 *Rover* boat pulled up, we knew we were going to get those people
20 off, so as they came down we were handing PFDs, making sure that
21 people got them on, and got them on to the boat.

22 Q. All right. And were you one of the people handing them PFDs?

23 A. I was handing PFDs to the people that were in the B (ph.)
24 area, handing -- putting them on the customers.

25 Q. All right.

1 A. The stairwell comes down and you've got about a probably six
2 by eight foot area, mid-ship we call it, and you can imagine we
3 were bringing the people down from upstairs, children and
4 families, and giving the PFDs to them, put them on, making sure
5 they're snapped, getting them over and helping to get them over
6 onto the *Rover* boat. So I was bringing stuff in to those folks,
7 to get the PFDs to put on them.

8 Q. And after the last passenger left, describe what you did.

9 A. Okay. I ran up to the wheelhouse to find out from the
10 captain if he needed me to do anything and if he wanted me to
11 stay, but at that point he said no. He said tell them you're the
12 last person on. We had already ran around trying to make sure
13 there was nobody scattered somewhere, making sure we didn't have
14 any loose items laying around, as far as passenger stuff. And as
15 I left the boat, I told the *Rover* people, I said I'm the last one
16 off, we've got two souls aboard, the captain and the captain he
17 was training, I said everyone else is off.

18 Q. Different type of question. As the other vessels were
19 putting water on your boat, do you recall actually seeing where
20 that water was going and what it was doing?

21 A. Yeah, if I was on the stern, it was on the stern; if I was on
22 the bow, it was on the bow. They were mainly, when they first
23 came over, they were mainly putting it on the stern quarters, the
24 primary, the port quarter, that's where they saw us first because
25 the boat was slowly turning so they had tugs putting water all

1 over the boat.

2 Q. Can you be specific as to all over the boat?

3 A. Well, they started out putting it on the port side, back in
4 the stern area where the smoke was coming out there. But you had
5 tugs on the starboard side and that's where your smoke was coming
6 out of the exhaust vents, and then you had a tug up forward,
7 spraying down the boat from up there, so we were getting it on all
8 sides.

9 Q. Well, the tug forward, what was -- what type of spray, was he
10 -- was it a direct stream hose or was it more of a spray?

11 A. They had a big, big -- I don't know if it was -- I assume it
12 was automatic, a big --

13 Q. Big (indiscernible)?

14 A. Big gun that they were spraying us --

15 Q. A big gun they were spraying?

16 A. Yeah.

17 Q. And where was the gun shooting?

18 A. It was shooting up in the air, down on the boat and I was out
19 on the bow, I had to finally take cover because I was getting
20 drowned out there.

21 Q. I'm trying to figure out what he was targeting, you know, was
22 he targeting the after part of the boat, you know, shooting a
23 stream of water?

24 A. I think he was trying to get any of the boat he could.

25 Q. Well, was there some -- was there fire, a fire or --

1 A. There wasn't a fire in the bow, but I mean, the way the water
2 was coming on from all the different tugs, we were getting it all
3 over. One of the other tugs, one of our mate's, George's brother,
4 worked on -- I forget what the name of that tug is, but he saw him
5 up there with a hand-powered gun hitting the side of the boat,
6 hitting the port side of the boat.

7 Q. Forward or aft?

8 A. This was more mid to aft side --

9 Q. Mid to aft.

10 A. -- from them.

11 Q. And let me -- I want to really identify what that tug at the
12 bow was doing. Was it shooting a stream of water and where was it
13 directed?

14 A. Well, it was -- a lot of it was up in the air and it was
15 falling all over the boat.

16 Q. Falling all over the boat.

17 A. While I was on the bow, it was just like I was in a
18 waterfall. I mean, finally, at the time I think we had like --
19 there were at least -- it had to be at least four tugs out there.

20 Q. Spraying water?

21 A. I don't know if every one of them was spraying water, but
22 most of the tugs have -- they have equipment that they can spray
23 water. There was just a lot of water everywhere. I went to the
24 stern, the side, they were spraying that and there was water
25 coming all in the back. The bow, there was water up there. Once

1 they had the Rover pulled up, of course, you're not going to spray
2 right there.

3 Q. All right. In training and policies, has it ever -- has it
4 ever -- do you know of any policy or training with regard to
5 getting passengers off the boat during an emergency?

6 A. Well, we train on how we want to handle passengers on an
7 episode like this. Our ideal is to get them -- if it's a fire
8 anywhere down below, we're supposed to get the customers up to the
9 third deck, that's the main thing. Now, if it's a situation where
10 there's a possibility we think we're going to sink, we know the
11 spots we can take the boat to or we run it aground. The main
12 thing is get the passengers safely up to the third deck.

13 Q. When you talk about you know the spots where to take it to or
14 run it aground, is that training, have you had classroom training
15 for that or are there drills?

16 A. Well, no, we don't actually run the boat aground, but that's
17 -- if we can't get to a place safely, then taking it to a shallow
18 area, that way the boat can't sink anywhere.

19 Q. Yeah. Well, what I'm asking is that -- is that actually
20 written down somewhere or you've been trained on that?

21 A. In our training policy, the captain does have a policy book
22 of what to do and when to do it. I'm not going to specifically
23 say yes, that's --

24 Q. No, but that's what you understood?

25 A. Yeah.

1 Q. And how do you think you understood that to be --

2 A. That's the way we've been training for 15 years that I've
3 been on there, that's been passed down to us. Obviously, you want
4 to try to do everything you can to protect your customers, to
5 protect your guests, and that's our way of doing it, getting them
6 up, away from any hazardous situations.

7 Q. All right. And you have restaurant staff that are not part
8 of the crew, so can you --

9 A. They're not part of the operation group, but they've been
10 trained on what to do to help get the guests out. If you've got
11 four or five people doing a cruise operations-wise, we can't be
12 everywhere with our short crew. If you've got a captain and three
13 deckhands, that gives you four people, so we have to rely on the
14 restaurant staff to be able to help us and by that, they also go
15 to the guests, start getting them moving, making sure that there
16 is a cleared -- moving them up, away from the --

17 Q. During this evolution, did you give any of the restaurant
18 staff any direction?

19 A. The restaurant staff was on it before I even got up there.
20 While we were downstairs and we put the word out that there was a
21 fire and I told the galley manager to get all of his people out,
22 by the time I got up, they were already moving people out.

23 Q. And did you observe them moving people out?

24 A. Yes, um-hum.

25 Q. And what did that look like?

1 A. Yeah, they had them just moving, calmly telling people hey,
2 folks, we just need you all to move up to the third deck.

3 Q. All right.

4 A. See, they had already been up and down to the third deck
5 already, so it wasn't like they didn't know where to go.

6 Q. Oh, true.

7 A. The guests had already been up there for an hour, up and
8 down.

9 Q. Right.

10 A. They did it real calmly and that's the way we train, is to --
11 you don't necessarily make your guests feel like there's a big
12 emergency, we don't want them to panic. It was very, very
13 orderly.

14 Q. And when you landed, where did the *Victory Rover* finally take
15 you all?

16 A. It let us off at the *Victory* landing, *Victory Rover* landing
17 spot right there at Waterside. The place where they usually dock.

18 Q. Did any city services, fire department, sheriff's department,
19 anybody meet you there?

20 A. Well, we saw an ambulance setting out there and there were --
21 there were a few police officers, fire department people were
22 there, that's what I observed from the boat.

23 Q. Can you describe any checkout procedure, you know, before --
24 did anyone check people off the -- you know --

25 A. I don't think there was --

1 Q. Before they let everybody go, did they account for names or
2 anything like that?

3 A. Yeah, I don't think there was anyone there with an actual
4 checklist saying okay, your name is, what is your name. They put
5 the word out, I was up in the wheelhouse for a while with the
6 captain of the *Rover*, they put the word out, we want to let all of
7 our people, *Rover* people, off first, but we had a lot of people
8 with kids and they wanted off, too. So even though we tried to
9 make sure that the *Rover* people got off first, a lot of the *Spirit*
10 people got off, too.

11 Q. Okay. Well, I'm interested in your personal story, so when
12 you walked off the *Rover*, describe what you did in the next 10 or
13 15 minutes until you --

14 A. Well, they --

15 Q. -- started on your way home.

16 A. -- came aboard and told us, they came aboard and told us hey,
17 you're going to have to meet with the people when you get off, we
18 got the Coast Guard, we got people that want to talk to you guys,
19 I said fine, no problem. So once everyone was off the boat, we
20 took all of our PFDs that were ours and stacked them on the dock,
21 then we met with some of the folks here. I gave them the numbers
22 of passengers and the passengers plus the crew and staff, which
23 came out to a hundred and eight people, and which meant that we
24 brought back, from the *Spirit*, a hundred and six because we left
25 two on board. No, like I say, I don't see anyone sitting there

1 with a pad and counting names or whatever. We do know that they
2 all got off the *Spirit*, we know that we got to the landing and
3 everyone got off the *Rover*. I think people probably were in a
4 hurry to disperse after that point, they'd been on there for --
5 they left at 11:00 and this was now 3:30, 4 o'clock, getting close
6 to it. Three o'clock.

7 Q. Going back to the comment you just said about everybody off
8 the *Spirit*, so what conversation did you have with the captain
9 where you guys said, you know, we're satisfied everybody's off?

10 A. Yeah. Well, we told him, we said everyone's off the boat
11 except us, other words, the operations group. I said we got all
12 the passengers off, the restaurant and galley staff were off. I
13 said what do you want, do you want us to do anything and he said
14 no, have the crew go ahead and leave. I ran up to talk to the
15 captain directly and said hey, do you need me to do anything else,
16 do you want me to stick with you, and I grabbed my bag and he said
17 no, you're the last one off. I ran back down and told the *Rover*,
18 I said all of our passengers are off, I'm the last person off,
19 everybody's off the boat except the captain and the relief
20 captain.

21 Q. Did you see any fire? Did you see any flames while you were
22 on the --

23 A. I saw flames on the -- on the outside of the boat.

24 Q. When you were on the *Rover*?

25 A. On the port side. Well, I saw, I saw a little bit from --

1 Q. I'm sorry, I put words in your mouth. So how did you see the
2 flames on the outside of the boat?

3 A. I saw the flames on the outside from the side of the boat,
4 from the port side you could see the flames coming out. I didn't
5 see any flames on the starboard side.

6 Q. And what were the flames coming out of?

7 A. I'm thinking they came out from the intake vent. That's how
8 we feed the air in and all I saw was smoke coming down and saw it
9 beside the exhaust vent. I did see it once we pulled away, you
10 could see the stuff coming out, as we pulled away on the Rover.

11 Q. And where was it coming out of there?

12 A. Yeah, the --

13 Q. When you saw -- when you saw it from the Rover, where did you
14 see flames?

15 A. Yeah, we were pulling out and you could see the flames coming
16 out on the side. Mostly smoke, because they were putting so much
17 water on it, that's going to kill a lot of flames coming out the
18 windows there, coming out --

19 Q. When you saw them putting -- when you saw them putting water
20 on it, how were they putting water on it then?

21 A. Mostly spraying directly on the area, you know, the stern
22 area. That's where they were trying to hit.

23 Q. Well, were they putting it on flames or were they cooling --
24 were they just shooting it against the side of the ship?

25 A. It was all over, all over the boat, but that's the only area

1 that we could see anything coming out of was on the very stern of
2 the boat on the port side. That's the only area where smoke was
3 coming out of.

4 Q. When you said it was all over, did you mean smoke, flames, or
5 water?

6 A. Well, water was going all over the boat and you still had a
7 lot of smoke coming out. I think the water was suppressing the
8 flames coming out of that -- the exhaust vent, or the intake vent.
9 But there again, we had so much water going on the boat, it's hard
10 to say, whatever was there was being hit by water because we had
11 enough water coming into the boat.

12 Q. Were your clothes soaked when you left the boat?

13 A. Oh, yeah, I was soaking wet.

14 Q. Okay.

15 A. I was up on the bow and we were getting hit by tons of water
16 and my radio just -- it was gone, I mean, there was nothing it
17 would do, it was like I was under water almost.

18 MR. KARR: All right. Thanks.

19 BY LT GAGNE:

20 Q. With your knowledge of the engine room, where your crew
21 member described where the fire was, where do you think the fire
22 started?

23 A. I couldn't tell you. All I know is when we opened the door,
24 I didn't see it, I had all the smoke and everything coming out in
25 my face, like he did, and I said we can't -- you can't breathe in

1 this stuff, we can't fight it. I said where did you see it and he
2 said I saw it in the right-hand corner, which would be the port
3 side stern, that's where he saw the flames. Other words, that
4 would be -- if we were down here, he saw it back over here in this
5 port corner area.

6 Q. Could you mark that?

7 A. Yeah. Now, we have an exhaust vent right about in this area
8 here and this was -- and this area back in here is where he said
9 he saw the flames. So it's down on the port, it would've been on
10 the port side of the engine room, that's where he said he saw the
11 fire. So you have between his vantage point and where he said he
12 was looking, you have the port generator and you have the port
13 main.

14 Q. With the way that the vessel kind of engineering is
15 structured, who oversees maintenance on the boat, is that you
16 or --

17 A. Well, we have a lot of people doing maintenance. My job is
18 to help train them so we can do maintenance. I train people how
19 to do oil changes, all that. My job is to make sure that it's
20 done in a timely fashion and that it's done correctly.

21 Q. Okay. Is there a port engineer with the company that you
22 work with, as well? Anybody shoreside that does anything --

23 A. No. We're all self-contained, the only time we have anyone
24 come in is if we have to have some kind of repairs, you know.

25 Q. If you have repairs on the vessel?

1 A. Other than that, it's us. If we have to call Carter CAT or
2 Bay Diesel or a welding group or whoever, they're called in, they
3 come and do their job and then they're gone.

4 Q. Okay. Have you had any work on the vessel recently that one
5 of those entities --

6 A. They had -- they had a problem with water, the water tilt
7 (ph.), and it was a -- what do you call it? I can't think of
8 anything. The water, the water that filters the water through the
9 main, we had a hole in it and it punched off a hole in the skin,
10 letting all the coolant out. So they had to come in and repair
11 that and that was --

12 MR. FLAHERTY: You're talking about keel coolers.

13 MR. ENLOE: -- three weeks ago.

14 MR. FLAHERTY: Was that the keel coolers?

15 MR. ENLOE: What's that?

16 MR. FLAHERTY: The keel coolers where the --

17 MR. ENLOE: No, it wasn't a keel cooler, it was the -- it was
18 a part on the boat that controls running your water through the
19 system.

20 MR. FLAHERTY: Yeah, it was the pump casing.

21 MR. ENLOE: Yeah, yeah. It was inside and it punched a hole,
22 I guess, I don't know how, but in the skin and let all the coolant
23 out. So you had a lot of hot coolant in the engine room.

24 BY LT GAGNE:

25 Q. Which engine was that?

1 A. That was the port engine.

2 Q. The port engine, good. And after the work had been done or
3 during that process, did you oversee any of that or were you
4 involved in any of that?

5 A. Yeah, everything was put back and we've been operating,
6 operating fine ever since.

7 Q. Did the company or yourself do any kind of testing after --

8 A. Well, Bryan and the people that did the work took the boat
9 out and ran it really good to make sure everything was working
10 like it was supposed to and it did. You know, we always do sea
11 trials any time we have any kind of problem, whether it be a sea
12 trial at the pier or actually taking it out. And yeah, the engine
13 started good, ran good, and it's been running good ever since.

14 UNIDENTIFIED SPEAKER: Did you say when, when was that repair
15 done?

16 BY LT GAGNE:

17 Q. When was the repair on the vessel done, that you're speaking
18 of?

19 A. It's been two and a half, two and a half, three weeks. About
20 two and a half to three weeks.

21 Q. Okay.

22 A. That's the only thing that's happened with the -- with the
23 boat since the yard, when we -- it spent several weeks in the
24 shipyard back in January and February.

25 Q. Okay.

1 A. So that's the only thing that we've had since then.

2 Q. It seems like you have quite a bit of responsibilities as far
3 as the engine room goes. Do you have any kind of training that
4 was provided to you by the company or what's your --

5 A. No, we don't -- I don't do any heavy maintenance on anything.

6 Q. Okay.

7 A. I do oil changes, you know, change the filters, things like
8 that. In terms of repairs, no, I'm not a mechanic. We do have
9 people that come in and do all our work. My job is to ensure the
10 work gets done, train the guys on how to do the bit of
11 maintenance, normal maintenance that we do, that's an ongoing
12 process, constant, year round.

13 Q. Is there any work that you've been involved with in the
14 machinery space or the engine room previously that you had
15 responsibility to oversee but you didn't feel comfortable with
16 your, kind of, skill or knowledge of (indiscernible)?

17 A. Well, there's nothing really that I have -- that I train
18 people on that I don't know everything about and that I will go
19 back and check, whether it be changing batteries or doing battery
20 checks, anything, the bow thruster, oil changes, we do all that.
21 It's my responsibility, maybe not to do it directly, but make sure
22 that it's done correctly and that's why their training is
23 constant. Jeremiah's been there over three years, I've started to
24 give him more responsibility to oversee these jobs. But in terms
25 of maintenance, ours is basic, oil changes, filter changes, things

1 like that.

2 BY MR. KARR:

3 Q. And I may not have heard this, do you know who closed the
4 fuel, the emergency fuel shutoff valves?

5 A. Yes, sir. Jeremiah Perry was up on the deck. I said before
6 we do it, let's call the captain and make sure he's not trying to
7 turn the boat around because once we shut the fuel down, that's
8 it. So I called Ryan and I said captain, do you want us to go
9 ahead and shut the fuel off now, and he said yes, go ahead and
10 shut the fuel down, he said turn it off.

11 Q. Did you actually see Jeremiah turn it off?

12 A. Yeah, we got the tri-handle out there and shut them down.

13 MR. FLAHERTY: So you saw him do the last real big tug? You
14 saw him come to a stop, right, when he was --

15 MR. ENLOE: Yeah, yeah. Well, we train on this, it's -- to
16 do our regular maintenance chores every month, we have things set
17 up and we have to go through that, we can't just say yeah, it's
18 done. So he's trained enough to know how to close them and how to
19 open them. Main thing is, is to make sure if you close them, that
20 you open them back up, if it's a normal leak. We've had people
21 forget sometimes to open them back up, not --

22 MR. FLAHERTY: Yeah.

23 MR. ENLOE: -- much, but it does happen. Same thing as doing
24 the oil change, filter change out and you're turning your fuel off
25 at the engine and you forget to turn it back on, so that's -- we

1 go through all these scenarios.

2 BY MR. KARR:

3 Q. Did you train Jeremiah on how to --

4 A. Yes.

5 Q. -- close the emergency fuel shutter?

6 A. Jeremiah's been there three years, I've done most of the
7 training with him.

8 BY MR. FLAHERTY:

9 Q. If you could describe like when you were checking for
10 passengers, did that also include going down to the galley?

11 A. Galley, well, I had been in the galley, that's where I came
12 out of the engine room.

13 Q. Right.

14 A. Richaun (ph.), the galley -- he's a cook, manager, whatever,
15 I said Richaun, are you the only one here, yeah, I said you need
16 to get out, make sure all your people are out and get them out,
17 get them upstairs.

18 Q. Okay.

19 A. So there was myself, Bryan Bracey, Glory, we were the three
20 people down there at the time and we all, we all came out.

21 Q. Do you feel that within the spaces outside of the engine
22 room, like in the galley and maybe in storage lockers, is there a
23 lot of material stored on the vessel?

24 A. Food, food cans are stored in the galley. They have big
25 shelving with the cans stashed up there.

1 Q. Cleaning materials?

2 A. Not a lot of anything else. They have things like maybe some
3 bleach, the cleaners they use for their sinks and making sure that
4 there are places for washing vegetables and things like that are
5 clean. So you have those, you know, those materials but there's
6 not a lot of boxes and trash around, no, we take that off after
7 every --

8 Q. Boxes of paper towels or anything like that?

9 A. Well, we keep all our paper towels in the pump room forward
10 below the first deck.

11 Q. Okay. And then when you were leaving, were you the last one
12 out of the galley?

13 A. I was the last one -- well, the three of us kind of went up
14 the same time, we were all there together.

15 Q. Did you notice any temperature increase?

16 A. No.

17 Q. All right.

18 A. No, everything seemed normal until you got to the door and
19 opened it.

20 MR. FLAHERTY: Okay.

21 BY CWO LANDRY:

22 Q. I've got something, real quick. So when the fire -- you said
23 that the guy opened the door, he could see the fire on the port
24 side by the engine, is that the same side that the lube oil cans
25 and stuff were stored?

1 A. Is what stored?

2 Q. The lube oil drums.

3 A. It's about midway. The lube oil is stored right on the other
4 side of the port generator and then if you go back a little bit
5 aft to the support is where the main, the starboard --

6 Q. So you walk into the --

7 A. -- the port engine is.

8 Q. -- engine room, generator first, then main behind it?

9 A. Yeah, um-hum.

10 Q. So over here, lube oil.

11 A. You walk in the door, you got your generator, to the side of
12 it's the lube oil, you walk back and make a right, that's where
13 your port main is.

14 Q. Okay. Is that like a plant (ph.) locker on there, like for
15 hazardous material to be stored, like a designated space for
16 flammable materials?

17 A. No, I mean, we have a wall kit (ph.) there but it's not a
18 storage area in terms of locked or blocked or anything.

19 Q. Okay.

20 A. That's why we don't keep fuel down there, for one thing, but
21 we do keep our lube oil there and our coolant, our antifreeze.

22 Q. There's not another spot, like a (indiscernible) for like
23 paint, like a paint locker type thing?

24 A. No, we keep paint, we keep the paint off --

25 Q. Okay.

1 A. -- of the boat, yeah. We have a paint locker over in our
2 ticket booth and we also have some storage area up on the stern on
3 the starboard side behind the stern curtain.

4 Q. Okay.

5 A. But we try to keep all paints off the boat unless we're
6 painting.

7 Q. Yeah, thanks. And then he was talking about engine
8 vibration. Is there like a -- I don't know, you might not know, I
9 should ask the captain, probably, shaft speeds, is there like a
10 critical shaft speed for this boat where you go like a certain RPM
11 that it shakes really badly, that you're aware of?

12 A. No, I talked to Jimmy Krishner (ph.) here last week and he
13 said his cruise was good, he said there's one point he thought he
14 could feel it but he said he went up or down a little bit and he
15 didn't see it.

16 Q. Do you remember that spot?

17 A. And I think boats are that way, I mean --

18 Q. Yeah.

19 A. -- you know, shafts, the way they're set up, they're all
20 going to be different, so I can't tell you if there's any one
21 speed that --

22 Q. Okay.

23 A. -- shows up. I've been down in the engine room during the
24 cruises and the engines are fine.

25 CWO LANDRY: Okay.

1 BY MR. FLAHERTY:

2 Q. Just one follow-up. The steering gear, how do you get to the
3 steering gear on the ship?

4 A. How do you what?

5 Q. How do you go get into the space where the steering gear is?

6 A. Oh, it's right there as you -- that you come inside the
7 engine room door to the right, we have our steering tank with our
8 steering pumps. So of course --

9 Q. All that's in the engine room?

10 A. It's in the engine room.

11 Q. And that has hydraulic lines that go to the rudder?

12 A. Right, yeah. They come out, go down, and go back to the
13 rudder room.

14 Q. And are those pipes, hydraulic pipes, or are they hydraulic
15 hoses?

16 A. Hydraulic hoses. Yeah, we -- at least twice a year we're
17 down checking rudder cylinders, rudder post, greasing. Here a
18 year or so ago we changed the -- some of the fittings. If you
19 find something wrong, our policy is if you see something and you
20 think it's not right, fix it. Doesn't do any good to ignore it.

21 Q. And also, on the fuel tanks, there are -- there are fuel
22 tanks in the engine room, right?

23 A. Yes.

24 Q. And did they have a sight glass?

25 A. Yes.

1 Q. What was the material of the site glass?

2 A. Well, it's metal with a -- I don't know what the actual clear
3 part is made of, I'm assuming high-tempered glass.

4 Q. Okay.

5 A. That's all I know as far as the makeup of it.

6 Q. Can you do me a favor? If you could, just from memory, just
7 kind of draw where the hydraulic hoses are for the steering from
8 where they start to where they go back aft.

9 A. The hydraulic -- hydraulic area is back on the port side,
10 it's got a big tank, the pumps are above. The lines go down and
11 then go all the way back, usually around the sides, until they
12 pull back to the stern of the boat to the rudder room.

13 Q. And do you have one rudder or two?

14 A. Two rudders.

15 Q. Okay. But they're both off the same rim?

16 A. We have two cylinders, two posts, two cylinders --

17 Q. Um-hum.

18 A. -- on each -- one on each side.

19 Q. And they're locked together?

20 A. Locked together, um-hum.

21 Q. And do you know the last time the hydraulic hoses were
22 inspected, replaced?

23 A. Well, we go down, like I said, twice a year and grease them,
24 inspect them. We just came out of the yard in February, I can't
25 say for sure what the -- if the yard did anything, I just know

1 that we inspect them and --

2 Q. Okay, but you don't --

3 A. -- every month we go down and inspect the rudder room to see
4 if we see anything wrong.

5 Q. But for the hydraulic hoses, that would be the engine room.
6 Do you know the last time they were replaced? Or if there's --

7 A. Well, we --

8 Q. -- any replacement cycle?

9 A. -- have hydraulic, you got hydraulic lines, and then I think
10 they go into metal lines that go back and then you -- then it
11 forms into hydraulic lines again.

12 Q. Okay, so there's a metal pipe --

13 A. So it's a combination.

14 Q. Okay, right. But the hydraulic hoses that are -- because you
15 have, I think it's what, 24 or 36 inches for a hydraulic --

16 UNIDENTIFIED SPEAKER: Thirty-six.

17 BY MR. FLAHERTY:

18 Q. Thirty-six. I still remember. So for the hydraulic hose
19 that went from the pumps to the line --

20 A. Um-hum.

21 Q. -- do you know when the last time they were ever replaced?

22 A. Couldn't tell you when they were actually replaced, no.

23 Q. Okay.

24 A. I mean, we inspect them for leaks and to see if there's any
25 deterioration, but --

1 Q. Do you know what the pressure is on the hydraulic system?

2 A. Not really what the pressure is, no.

3 MR. FLAHERTY: Okay, thank you.

4 BY LT GAGNE:

5 Q. Just before the passengers started to move up to the third
6 deck, what was going on on the vessel? As far as passenger
7 movements, where were people located and what were you guys
8 planning to do?

9 A. The passengers, some of them had been on the third deck, some
10 of them had been on the first deck. DJ had the music going, so
11 whoever had been dancing. Now, once the announcement was made
12 about checking the engine room and it was determined that there
13 was a problem, our restaurant manager, Candy (ph.), got her staff
14 together and started getting the people up. Our deckhands started
15 assisting, pushing them upstairs, so you have people trying to
16 come down because they don't know and you have people trying to
17 get up because they've been told to go up there, so we had to kind
18 of get both groups going in the same direction.

19 Q. So passengers have open movement within the three decks?

20 A. Yes. Yeah, they were up and down steps. Out of 91
21 passengers, we probably had 40 kids, at least. And if you know
22 kids, they want to go up and down, up and down.

23 Q. Was the vessel going to serve any food at that time, any food
24 being prepared on (indiscernible)?

25 A. They had already eaten. What happens, once they get aboard

1 the boat in the morning, they start feeding, especially the kids.
2 They start the lunch proceedings. They had already taken all of
3 the food down to the galley by probably quarter to 12:00 because
4 they just made the announcement that the food was available for
5 the crew. That's why I told Bryan Bracey and Glory, the two down
6 in, they got to go down to the galley to eat, they were just
7 getting ready to do another engine check at the same time. They
8 were waiting for Bryan and Glory to come back up and they were
9 going to go down and do an engine check and eat.

10 Q. So they were going to do the engine check first and then eat?

11 A. Well, what was going to happen, once Bryan came up, then the
12 other two were going to go down, do the engine check and then get
13 something to eat when they came back out of the engine room.

14 BY MR. KARR:

15 Q. How did you guys end up at the Navy piers?

16 A. We always turn around usually right there at Pier 14, that's
17 where we make our turnaround, and any time you have wind, current,
18 whatever, as big as that boat is and as slow as we're going, if
19 you're not careful, you're going to be sliding over toward the
20 Navy base. We stay well within the channel, but we stay close to
21 the green when we're out, that way the people get a good view of
22 all the ships. We get too close, patrol boats are going to let us
23 know they don't like it. So once we get up close, we're --
24 normally, we would be doing a narration, that's the normal, the
25 captain does a narration. If I'm the mate, I'm driving the boat.

1 Today was not normal because we didn't do a narration and we had a
2 relief captain with us. That allowed me to be down checking
3 bathrooms and directing the crew. But we always turn around as
4 close to Pier 14 as we can.

5 Q. I wondered if you were on the bridge or somehow had a more
6 direct role in deciding to go to the Navy yard.

7 A. No.

8 Q. All right, thanks.

9 A. No, that's strictly the captain. They determine at what
10 point he wants to make it and we do an hour out and an hour back,
11 so usually at -- in this case, it would have been 12 o'clock, we
12 would be preparing for our turnaround right there at the end of
13 the base.

14 UNIDENTIFIED SPEAKER: I have nothing further.

15 MR. KARR: I have no further questions.

16 UNIDENTIFIED SPEAKER: I'm fine, thanks.

17 LT GAGNE: Anything from the phone, Mr. --

18 (No response.)

19 LT GAGNE: Okay, I think that concludes our interview. Do
20 you have anything that you would like to ask us?

21 MR. ENLOE: No. I appreciate the fact that everybody was out
22 there and was interested in what they could do to help the boat.
23 After 15 years, I've got a lot of good memories on it and this is
24 kind of like my home away from home, so to speak, so I was
25 appreciative of the fact that people were really on top of their

1 game to try to determine what they could do to help.

2 LT GAGNE: Yeah, we appreciate your cooperation, thank you.

3 MR. ENLOE: All right.

4 MR. KARR: Thanks, Mr. Enloe.

5 MR. BURTS: Oh, hey, guys. Excuse me, one last thing before
6 we leave and I just -- it's hard for me, because I'm sitting here
7 not face to face with you guys, but your name, the gentleman who
8 was just given the interview, that's Robert Enloe, the chief mate?

9 MR. ENLOE: Yes.

10 MR. BURTS: Okay, thank you, sir. I just wanted to confirm I
11 had your name right.

12 MR. ENLOE: Okay.

13 LT GAGNE: Actually, can I get your phone number and your
14 address, please?

15 MR. ENLOE: Yes, [REDACTED] and the address is [REDACTED]

16 [REDACTED]

17 LT GAGNE: You said [REDACTED]?

18 MR. ENLOE: [REDACTED], right.

19 LT GAGNE: And your telephone number again?

20 MR. ENLOE: Yeah, phone number is [REDACTED].

21 MR. KARR: All right, it is now 14:32.

22 (Whereupon, at 2:32 p.m. Eastern, the interview concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

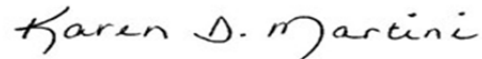
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Robert Enloe

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, VA

DATE: June 8, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

*

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Interview of: JEREMIAH PERRY, Senior Deckhand
Spirit of Norfolk City Cruises

United States Coast Guard
Sector Virginia
4000 Coast Guard Boulevard
Portsmouth, VA 23703

Thursday,
June 9, 2022

APPEARANCES:

MICHAEL KARR, Investigator
National Transportation Safety Board

DAVID FLAHERTY, Investigator
National Transportation Safety Board

LT ALEX GAGNE
United States Coast Guard

CWO JOHN LANDRY
United States Coast Guard

ERIC DENLEY, Deputy General Counsel
Hornblower Group

GREGORY BURTS, Esq.
Phelps Dunbar
Attorney for Ryan Nadeau

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I N T E R V I E W

(12:29 p.m. Eastern)

1
2
3 LT GAGNE: All right, great. I'm Lieutenant Alex Gagne, I'm
4 a marine casualty investigator with the Coast Guard, I'm out of
5 Sector Virginia right here in this building. Can you state your
6 name, sir?

7 MR. PERRY: Yes, Jeremiah Perry.

8 LT GAGNE: Okay. And do we have your permission to record
9 this interview?

10 MR. PERRY: You do have my permission to record.

11 LT GAGNE: Okay, thank you. And then we'll go around the
12 room and give introductions.

13 MR. KARR: So I'm Mike Karr with the NTSB out of Washington
14 D.C.

15 MR. FLAHERTY: I'm David Flaherty with the NTSB.

16 CWO LANDRY: I'm Chief Warrant Officer Landry, investigating
17 officer, Sector Virginia.

18 MR. DENLEY: I'm Eric Denley; I'm in-house counsel with City
19 Cruises.

20 LT GAGNE: Greg, if you want to go ahead. You're probably on
21 mute.

22 (No response.)

23 LT GAGNE: Okay. Well, on the line is Greg -- Burts, is his
24 last name? He's the counsel for --

25 MR. DENLEY: I don't know if he's on line or not.

1 MR. KARR: He's away from his phone.

2 LT GAGNE: On line and away from his phone. I think we'll
3 just go ahead and start. He is the attorney for Captain Ryan.

4 INTERVIEW OF JEREMIAH PERRY

5 BY LT GAGNE:

6 Q. All right, so what we're going to ask, sir, is just to get
7 your recollection of the accounts of the day, you know, we're
8 going to ask you questions for that, so before we get started,
9 I'll just ask you some basic questions. How long have you been
10 with the *Spirit of Norfolk*?

11 A. A little over four years.

12 Q. Four years, okay. And do you hold a Coast Guard merchant
13 mariner credential?

14 A. No, I do not.

15 Q. And what is your position on the vessel?

16 A. Senior deckhand.

17 Q. And how long have you been senior deckhand for?

18 A. Approximately two and a half years.

19 Q. All right. Okay, if you could start from when you arrived at
20 the vessel that morning and just kind of run us through everything
21 you did that day.

22 A. Okay. Well, I go in there like I normally do, we go in, I
23 had a cup of coffee and I was drinking my coffee and I clocked in.
24 Went upstairs to the wheelhouse to get the information for the
25 day, you know, what we -- you know, we always have a procedure and

1 process that we do every day, so you know, I wanted to --

2 Q. Can I stop you right there? I apologize. Before we start
3 the interviews, I always like to mention what we're here for. So
4 as marine casualty investigators, we try to determine what
5 happened, that way we can implement recommendations for this thing
6 not to happen again, but obviously the incident could've been much
7 worse, you had a lot of passengers on board, so we all have an
8 interest in making the maritime community safer and so we really
9 appreciate your contribution to that by giving this interview. So
10 anyway, sorry to interrupt you, please move forward.

11 A. Okay. Like I was saying, we go in and then we check in with
12 the mate to see what is actually on tap for the day, you know, who
13 we're -- you know, what groups we're having, how many people to
14 expect, and we go then and begin to get our preparations done for
15 that day. Can't exactly remember all the preparations, I'm trying
16 to remember exactly what I was doing that day. I think I was
17 working on getting the floors, you know, cleaned and all of that
18 stuff.

19 Approximately 10:30, before 10:30, I'm trying to think
20 exactly what time it was, it was approximately 9:30 or so, you
21 know, we're done with our duties of getting the ship prepared and
22 we're ready to open the main gangway to, you know, get ready to
23 board our passengers. We don't normally board our passengers
24 until the restaurant manager tells us it's okay to board, but we
25 are out there on the gangway ready to go when they say it's really

1 time to board. Boarding was normal, no issues, per se, as far as,
2 you know, getting people on the vessel. We did have to wait a
3 little bit longer than expected departure because someone was
4 coming from Newport News and they had to find someplace to park
5 and they got caught in traffic coming from Interstate 64, so
6 Captain Ryan waited for them to, you know, board the vessel, so I
7 think we pulled out maybe about 10 minutes behind schedule.

8 Q. Were these guests or crew members that were late?

9 A. These were guests. These were guests of -- on the vessel.

10 Q. Got it.

11 A. Once we got under way, well, before we got under way,
12 Captain Ryan mentioned that one of the -- the bow thruster high
13 water log was going off up in the wheelhouse, so myself and
14 George, who was a mate in training, he and I, after the boat got
15 under way, we went to the bow thruster to check the water level in
16 the bilge and it was fine, there was no high water in there
17 whatsoever.

18 So then we come out of the -- come out of the bow thruster
19 area and, you know, we're just doing our normal observations on
20 the deck, on the first deck, students are out there having a good
21 time on the dance floor, you know, the parents, chaperones, they
22 were eating food. Approximately 11:35 or so, George and I go down
23 to the engine room to do an engine check, we do engine checks on
24 the vessel approximately every 30 minutes where we check various
25 parameters of the engines and the generators that we currently

1 have running. We go down there and everything appears to be
2 normal as far as, you know, nothing's off the charts that would
3 say okay, okay, this number doesn't look right, you know, it could
4 be an issue, nothing of that sort happened. And then after that,
5 George and I, we go upstairs to the third deck and relieve the
6 other deckhands that are up there so they could go down to the
7 first deck because we rotate on a 30-minute basis on the vessel.

8 Approximately, I want to say maybe 11:00, you know, so George
9 and I were on the deck and we were talking, you know, just small
10 talk while everyone is on board the third deck and then I noticed,
11 out of the corner of my eye, that there was white smoke coming
12 from the starboard exhaust and as I see that, I turned my head and
13 I see dark gray smoke coming out of the port engine exhaust.

14 So I immediately go to the wheelhouse and let Captain Ryan
15 know, hey, Ryan, I see smoke coming out of both exhausts on the
16 vessel and he said yes, I'm aware, I do have a smoke alarm going
17 off in the engine room. He said that Bryan, one of our deckhands,
18 was already down there with Glory, who is our other deckhand, they
19 were down there investigating it.

20 So at that time, I proceeded to go back onto the main deck
21 area on third deck where some of the parents were with their
22 children, playing games. We have a giant Jenga tower, they were
23 doing Jenga, we have foosball available as well as Connect Four,
24 so -- and, you know, some parents were just sitting at the table,
25 was talking to their children.

1 By that time, you know, we had radio communications ongoing
2 between Captain Ryan and the rest of the crew and it was
3 determined that we needed to get all of the passengers upstairs to
4 the third deck. So I immediately then tell George, stay here to,
5 you know, do crowd control and then I'm going to go downstairs to
6 the first deck and start seeing what I can do to, you know, help
7 mitigate the situation.

8 I go downstairs. As I'm making my way down the stair tower,
9 the deckhands on the first deck are getting people to come
10 upstairs to the third deck and I'm helping to guide them, I'm
11 saying you have one more flight of stairs to go. Once everybody
12 cleared the first deck as far as the passengers, then the wait
13 staff and the galley staff, they started making their way
14 upstairs, as well.

15 During that time I did ask Captain Ryan if he wanted me to go
16 ahead and do the emergency fuel shutoff, which we have located
17 inside the first deck dining area and for a moment, he said not
18 yet because he wanted to -- you know, he didn't want to lose
19 propulsion, you know, what the case may be, and I said okay, very
20 well, we won't do that just yet but I did have the preparation,
21 I'd opened the valve covers to do that and maybe, I'm not sure of
22 the time, but maybe 15 to 20 seconds after he said that, the
23 emergency lights go on and then that's when I figured okay, we
24 just lost our generator. So I went and he said go ahead and cut
25 the fuel off to the -- you know, everything downstairs in the

1 engine room, so I'm turning fuel off on both the port and
2 starboard fuel lines. During that time, after that happens, we
3 have the tugboats coming, you know, on either side of our vessel
4 to, you know, assist any issue and I step out to the bow and see
5 if there's anything I could assist Bryan with as far as getting
6 the tug or the tugboat secured to the port side, portside bow and
7 -- but there was nothing that we could do there because Bryan had
8 handled it, so I went back inside and began giving life vests to
9 some of the people who had started standing on the stairs.

10 But during the time that I was cutting fuel off, it was
11 determined that the *Victory Rover* was going to come in and
12 evacuate the passengers. So once that decision was made, I
13 started helping give lifejackets to people who had congregated in
14 the stair tower, we had the adult lifejackets as well as the child
15 life vest and then once I made sure everybody had theirs on, then
16 that's when we started to, you know, start moving people over.

17 I then go back upstairs to the second deck and I assist other
18 passengers who had a little bit of difficulty getting their vest
19 on, making sure their vests were tight and secure, also making
20 sure that they, you know, were in a good state of mind because,
21 you know, when we have children up there, some of them, you know,
22 were not necessarily, you know, cool or calm and collected
23 because, you know, it was a lot going on for them, so I did my
24 best to also keep the children and the adults in a nice state of
25 mind, to, you know, try to keep them calm as possible, also at the

1 same time while making sure that they -- everybody's life vest was
2 secured. Once we did that, you know, we started -- and once all
3 passengers eventually evacuated the vessel, the galley staff and
4 the restaurant staff followed after that and then we did a final
5 sweep of the vessel, in the restrooms and other places around to
6 make sure that there was no other people on board, you know,
7 whether you were a passenger or an employee.

8 After that was done, we radioed Captain Ryan to let him know
9 that the entire boat was clear and I believe I was the last person
10 to get off the boat and into the *Victory Rover*. Do you need
11 anything else after that?

12 MR. KARR: Well, getting off the *Victory Rover*, can you tell
13 us how you personally got off? I'm interested in how folks got --
14 moved from the *Spirit of Norfolk* onto the *Victory Rover*.

15 MR. PERRY: Okay, well, we opened the mid-ship door and the
16 *Victory Rover* pretty much kissed right up on the *Spirit's* rub
17 rail, so there was literally no gap between the *Spirit* and the
18 *Victory Rover*. However, people did have to either climb across or
19 some of the younger children were picked up and brought across a
20 guard rail which may have been maybe three, three feet, three and
21 a half feet, perhaps.

22 BY LT GAGNE:

23 Q. And just to be clear, the guard rail was from the *Victory*
24 *Rover*?

25 A. Was on the *Victory Rover*, correct.

1 BY MR. FLAHERTY:

2 Q. So the generators went off first. How do you know that?

3 A. Because the emergency lights came on around the boat.

4 Q. Were the regular lights on at the time, as well?

5 A. The regular lights were on, but then I noticed they went off
6 and seconds later the emergency lights kicked in, that's when I
7 knew the generators were off completely.

8 Q. At the same time, I mean --

9 A. Well, generator, I'm sorry, we had one generator on, I'm
10 sorry, one generator.

11 Q. After that happened, did the ship get really quiet or could
12 you hear other engines running?

13 A. I didn't really pay attention to all that, probably because
14 we had like so many tugboats around, I may not have really paid
15 much attention to the actual noise around us.

16 Q. Okay. And any problems closing the valves?

17 A. No problems at all, no.

18 BY MR. KARR:

19 Q. And in relationship to when you closed the valves and the
20 lights and the emergency lights came on, was it valves closed and
21 then the emergency lights came on?

22 A. No. The emergency lights came on and then after that
23 happened, then I closed the valves.

24 Q. And how soon -- you know, just -- like --

25 A. Yes. I actually had the T-bar in my hand and I was asking

1 Ryan, I was like, you know, do you want me to close the valves and
2 he was like, no, not yet and I said okay. And then, like I said,
3 once I noticed that the interior lights had gone out and the
4 emergency lights came on, that's when it was time to go ahead and
5 shut that fuel supply off.

6 MR. FLAHERTY: Which you did with the captain's permission,
7 right?

8 MR. PERRY: Yes.

9 BY LT GAGNE:

10 Q. I'm sorry, I think I missed it. What prompted you to grab a
11 T-bar for the fuel shutoff?

12 A. Usually, we are trained that if, you know, if a fire or
13 something happens in the engine room, one of the first things we
14 do will be to -- you know, once the captain gives us the okay, to
15 cut the emergency fuel off. So I went and grabbed the T-bar from
16 our location where we have it stored at and I had it at the ready
17 so whenever he did, if he did, and when he did say turn it off, we
18 were there, we wouldn't have to scramble to go get it.

19 Q. Okay. And you grabbed that after the captain mentioned over
20 the radio that he was getting alarms, is that right?

21 A. Yes. When I went back downstairs to the first deck.

22 Q. Got you.

23 A. I just grabbed it just in case and I said this -- you know,
24 we may have to cut the fuel off, so that's -- I just grabbed it
25 and kept it nearby the fuel shutoffs.

1 BY MR. FLAHERTY:

2 Q. So you had done the round at 11:30.

3 A. Yes.

4 Q. And that was the first round after you got under way.

5 A. Correct.

6 Q. Can you walk us through, you're just about to enter the hatch
7 to do the round, kind of walk us through which way you went
8 around, what you looked at and then coming out of the hatch?

9 A. You know, we go into the hatch, gather to the board because
10 that's where we have -- we place our numbers at. We looked at the
11 port generator, water temperature, fuel pressure, oil pressure,
12 then we look at the generator board behind it, which has the hertz
13 and the amps, the frequencies. Then we stepped over and we looked
14 at the port main, the coolant level in the day tank -- I'm drawing
15 a blank, just give me a moment. Throttle speed, RPMs, what else
16 is up there? Water temperature, also oil pressure.

17 Q. Um-hum.

18 A. And then we walked over and we checked the starboard engine,
19 as well, for those same parameters. We looked at the air
20 compressor to see what pressure that was on and we also looked at
21 our hydraulic levels, the hydraulic gauge, as well.

22 Q. What's the hydraulic gauge for?

23 A. The hydraulics for -- you know, usually when they do the
24 rudders, you need to get -- so we do have hydraulic pressure to --
25 you know, to -- you know, just to verify, as well.

1 Q. And where's the hydraulic pumps and stuff for the rudder?

2 A. When you step into the engine room, it would probably be --
3 the port generator would probably be approximately five or six
4 feet to your right and in a little alcove just before that, next
5 to the fuel tank would be the hydraulic pressure gauge.

6 Q. And is the pressure gauge with the other hydraulic equipment?

7 A. Yes.

8 Q. Okay. And outside of the hydraulic gauge is there anything
9 else you checked for -- when you're doing the round is there
10 anything else you look at on the *Spirit*?

11 A. Oh, yes. We also look at -- we just check the sea chest to
12 make sure there are no leaks, you know, in the R-pipes (ph.)
13 coming around the sea chest. Also, we also check the AC pumps, as
14 well.

15 Q. Okay. And when you were between the port engine, because you
16 went around the port engine between the port engine and the hull,
17 right, as you're proceeding around that area, did you notice
18 anything that was, you know, that now would be like oh, that was
19 kind of unusual but I didn't think about it then?

20 A. No. I did know, because we had prior issues with that
21 particular engine, I just know, when I went down there, just to
22 look a little more scrutinizing just in case there was anything
23 like leaking such as oil or antifreeze, you know, that's just
24 something that I started looking at myself, just -- just because,
25 and I did not notice anything else out of the ordinary that would,

1 you know, say oh, something is not right, that would raise a red
2 flag. Nothing, like I said, everything down there appeared to
3 come across as running within normal parameters.

4 Q. No unusual sounds?

5 A. No. It's really hard to hear down there, as well, because
6 you got the engines running and we also have ear protection to put
7 on, as well, so it was, you know, kind of difficult to hear
8 anything out of the ordinary over the run of the generators and
9 the engines.

10 Q. Any unusual vibrations, like when you're walking on the deck
11 or anything, you just -- just a feeling in the engine room?

12 A. Nothing that I would like, you know, say hey, you know,
13 somebody take a look at this or somebody check this out, nothing
14 out of the ordinary that I picked up on.

15 Q. How about unusual smells? Or smells not previously
16 encountered.

17 A. No, there was a slight antifreeze smell, a coolant smell, but
18 that had been there since they had replaced the components on the
19 engine prior. There was a slight coolant smell.

20 MR. FLAHERTY: Okay, thank you.

21 BY LT GAGNE:

22 Q. One of the things I like to do is just make sure I have
23 everyone's movements on the vessel.

24 A. Correct.

25 Q. After you were on the third deck with George and you left the

1 third deck following notification from the captain on the radio --

2 A. Yes.

3 Q. -- can you just real quick walk me from here, then here, then
4 here?

5 A. Okay. I went down to the second deck using the main
6 stairwell and I stopped to direct, continue to direct people up
7 the stairs because at the time, everybody was coming up the stairs
8 and I didn't want to be, you know, parting the Red Sea, so to
9 speak, going down the stairs at the same time.

10 Q. Yeah.

11 A. So I waited until everybody came up and then I went down the
12 stairs, I went into our man overboard room to grab the T-bar just
13 in case we needed it for the fuel shutoff. And that's when I went
14 back to the fuel shutoff area to wait for Ryan's instructions as
15 far as whether or not to cut the fuel off.

16 Once we did, you know, once I did end up doing that, I went
17 to the forward part of the boat where Bryan was to check on him
18 and make sure he was okay out there with what he was doing with
19 the tugboat, and then I stepped back inside and started grabbing
20 life vests from the first deck cabinets that were just beyond the
21 bow, just by the bow door. After that, I went to the mid-ship
22 area to help give out life vests and I think I made maybe three
23 trips to get like child life vests, as well, between the mid-ship
24 and the cabinet area.

25 Q. Okay.

1 A. After that, because everyone was still standing in the main
2 stairwell, I went out the stern door and went up the stern stairs
3 and back onto the second deck from the back door to make sure that
4 the passengers up there were getting themselves together properly,
5 as well. And then once we got everybody off the -- you know,
6 downstairs and into the *Victory Rover*, I did a sweep of the second
7 deck heads to make sure no one else was in there and then after
8 that, I went back downstairs to mid-ship and waited for the rest
9 of my crew mates to make their way to mid-ship, as well.

10 Q. And at that point, you departed the vessel?

11 A. Yes, then we departed the vessel.

12 LT GAGNE: Perfect, thank you.

13 BY MR. KARR:

14 Q. Have you ever been assigned any tasks or worked in the engine
15 room? Other than doing your rounds.

16 A. Yeah. Yeah, we've done oil changes on the generators before,
17 done sewage, switching over from shore power to generator power.
18 Yeah, that's pretty much the gist of it, yes.

19 MR. KARR: Okay, thanks. I have no more questions.

20 MR. FLAHERTY: No, nothing further.

21 UNIDENTIFIED SPEAKER: I do.

22 MR. PERRY: Okay.

23 BY UNIDENTIFIED SPEAKER:

24 Q. So you mentioned that you were spending quite a bit of time
25 attending to the guests, making sure that they had their

1 lifejackets on. Are you aware of or did you see anybody that was
2 injured at all during this?

3 A. I did not notice anybody injured or anything like that. I
4 did hear a few people were, you know, a little caught up by the
5 smoke or whatnot, but that was all that I heard as far as
6 passengers. And also our staff, as well.

7 Q. Okay.

8 A. You know, there was some coughing, a little bit of coughing
9 because of some smoke, but nothing other than that. From my
10 understanding.

11 Q. Yeah. Were you hurt at all?

12 A. I was not, no.

13 UNIDENTIFIED SPEAKER: Okay, thank you.

14 MR. PERRY: You're welcome.

15 BY MR. KARR:

16 Q. Were you ever affected by the smoke where you started to
17 cough?

18 A. No, I was not affected.

19 LT GAGNE: Greg, if you're still on line, do you have any
20 questions?

21 MR. BURTS: Thanks, no questions.

22 LT GAGNE: All right. All right, sir, that concludes our
23 interview. Do you have any questions for us or anything to
24 provide us that may -- that we didn't ask that may be important?

25 MR. PERRY: I've pretty much given you everything I can give

1 you as far as, you know, a rundown from my perspective --

2 LT GAGNE: Okay. All right.

3 MR. PERRY: -- that I can really think of.

4 LT GAGNE: All right. Well, we thank you for your
5 cooperation. Here's my card.

6 MR. PERRY: Okay.

7 LT GAGNE: Should you think of anything, please give me a
8 call --

9 MR. PERRY: Okay.

10 LT GAGNE: -- and (indiscernible), okay?

11 MR. PERRY: Sounds good.

12 MR. KARR: All right, it's 12:54.

13 (Whereupon, at 12:54 p.m. Eastern, the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

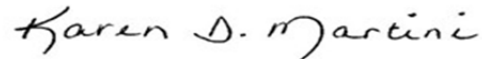
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Jeremiah Perry

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, VA

DATE: June 9, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: JACK KEVIN EDGAR, Senior Salvage Engineer and
Salvage Master
Donjon Marine

via Microsoft Teams

Friday,
September 1, 2022

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I N T E R V I E W

(1:00 p.m.)

MR. FAWCETT: -- would acknowledge that we are recording this interview. We will produce a transcript of this, which you can check for accuracy. The NTSB will post the transcript in the docket, and you can review it. If you see any inaccuracy -- we'll talk a little more about your testimony in a minute -- but you can get back to us and we can correct the record. So, please just acknowledge by saying yes that we are recording the interview.

MR. SMITH: Yes, I acknowledge.

MR. FAWCETT: Thank you. The other thing is, you know, we work in a very specialized industry, and I know there are a lot of acronyms like GHS software, you know, for general hydrostatic software. So, steer clear of acronyms and if you use them, explain what they are so -- because we'll have to be able to understand that later on.

MR. SMITH: Roger.

MR. FAWCETT: All right. So, this is a joint U.S. Coast Guard, NTSB interview and the Coast Guard is the lead agency. We're conducting this investigation under the applicable Coast Guard regulations. Today is Thursday, the 1st of September 2022. The time is now 13 -- 1:02, and greetings Mr. Denley.

MR. DENLEY: Hey.

MR. FAWCETT: Thank you. If you can video off, please. Thank you. We're conducting an interview with Mr. Ken Edgar, who

1 is one of the salvage reps for the Spirit of Norfolk fire via
2 Teams. We're conducting this interview to look into the events
3 and circumstances surrounding the fire that occurred on board the
4 Spirit of Norfolk in Norfolk Harbor on June 7th, 2022.

5 And what we're going to do now is go around the room and
6 introduce ourselves to you. For the record, if you could state
7 your first name, sir, your last name, spell your last name and
8 then just describe your affiliation either with your own
9 corporation or Donjon, whatever it is, and then we'll go around
10 the room and introduce ourselves. So, go ahead, Mr. Edgar.

11 MR. EDGAR: Jack Kenneth Edgar, E-d-g-a-r, senior salvage
12 engineer, salvage master for Donjon Marine.

13 MR. FAWCETT: Thank you, sir. So, the -- first the Coast
14 Guard team. My name is Keith Fawcett, that's F as in Frank, a-w-
15 c-e-t-t. I'm with the Coast Guard's Fifth District Investigation
16 Team looking into the Spirit of Norfolk fire.

17 LT. WHALEN: My name is Lt. Tom Whalen, W-h-a-l-e-n, and I'm
18 also with the United States Coast Guard's Fifth District
19 Investigation Team.

20 COMMANDER ROY: Commander Eric Roy, R-o-y, and I'm a member
21 of the Coast Guard D5 Formal Investigation Team.

22 COMMANDER WADDINGTON: Good afternoon, everybody. This is
23 Commander Randy Waddington. Waddington's spelled W-a-d-d-i-n-g-t-
24 o-n. I'm the District 5 Formal Investigation Team Lead. Thanks.

25 MR. FAWCETT: Thank you. And for the National Transportation

1 Safety Board?

2 MR. KARR: Michael Karr, K-a-r-r, with the NTSB.

3 MR. FAWCETT: Thank you. May we have a rep present for Bay
4 Diesel.

5 MR. ABEL: This is Chris Abel of the Willcox Savage firm
6 representing Bay Diesel Solutions.

7 MR. FAWCETT: Thank you, sir. And Hornblower City Cruises?

8 MR. DENLEY: Yes, this is Eric Denley, D-e-n-l-e-y. It's
9 nice to see you again, Mr. Edgar. Thanks for being here.

10 MR. EDGAR: Yes, sir.

11 MR. WEIGEL: Yes, and it's also Alan Weigel, it's spelled W-
12 e-i-g-e-l from Blank Rome representing Hornblower.

13 MR. FAWCETT: Thank you, gentlemen. Anybody here for Captain
14 Nadeau? All right, hearing none.

15 Mr. Edgar, I mentioned earlier that you can see the
16 transcript and correct the record. That goes for your testimony
17 also. If you remember things differently, want to modify or
18 change your testimony, just let your counsel know and he'll
19 contact the Coast Guard and correct the record. It would be very
20 helpful. We also are going to produce a report of investigation,
21 which is, you know, be down the road a little bit. But when you
22 see that report, if you see anything that you have new
23 information, there's a process to appeal the report of
24 investigation and ask the Coast Guard to reexamine the report.
25 So, that is also one of the things that anybody in the public can

1 do.

2 And, finally, we have a large document that's available on
3 Google, which is called the Marine Safety Manual, Volume 5. That
4 document explains how we do business and goes into detail about,
5 you know, why you're here as a witness and how we conduct these
6 investigations. So, you can look at that at any time to make sure
7 you understand how and why we are conducting this investigation.

8 So, do you have any questions before we begin?

9 MR. EDGAR: No, sir, not at this time.

10 MR. FAWCETT: Okay. So, for the record, Mr. Edgar, through
11 counsel, has provided as a result of a subpoena a large trove of
12 information that is being created into exhibits, the relevant
13 information. We've asked him to have his spiral bound steno pad
14 with him, which comprises notes that he, I believe, took on the
15 scene. I don't want to mischaracterize them, but they've been --
16 the pages have been numbered by -- so we make sure they're in the
17 proper sequence and that will be an exhibit. We will ask him to
18 reference a few of those notes in our questioning and I'll read
19 directly from what eventually will be an exhibit, so that we get
20 that accurately into the record. But we're working on posting
21 those exhibits, hopefully tomorrow. Sorry it wasn't today, but.

22 INTERVIEW OF JACK KEVIN EDGAR

23 BY MR. FAWCETT:

24 Q. So, what I'd like you to do is I want to confine your
25 testimony for the moment to June 7th, because you were there for

1 multiple days and as complex -- and we'll go through the
2 subsequent days. But what I'd like you to do is sit there quietly
3 for a minute and gather your thoughts, and I'm going to ask you to
4 reflect on that day and in as much detail as possible, tell us
5 from the time you were aware of the Spirit of Norfolk fire -- you
6 can refer to your notes -- until you secured for that day. In
7 other words if it was shortly after midnight or 1:00 am or 2:00
8 am, that's fine. But give us as much detail as possible of your
9 involvement, your impressions, your observations, what you saw and
10 what you did at the scene. And just take a minute to gather
11 yourself and when you're ready, please begin.

12 A. Yes, sir. On June 7th, I was -- in the afternoon I was
13 working in the shop adjacent to my local office. I got a
14 notification, an email at 1527. That email and a subsequent phone
15 call from Tim Williamson (ph.), who is our vice president of
16 salvage, indicating that the Spirit of Norfolk had a fire. I went
17 into the office, and I looked up on WAVY-TV (ph.), saw some video
18 of the Spirit of Norfolk on fire and sent that link out at 1534 to
19 Donjon-SMIT and several people associated with Donjon-SMIT.

20 And then at 1535, almost immediately after I hit the send
21 button, Guillermo Hernandez (ph.), who is the manager at Donjon-
22 SMIT, called me, followed by a phone call from Tim Williamson, to
23 tell me to -- I was activated and to head to Pier 4 at the Navy
24 base. At 1550, I left Church's Island, that's Waterlily, in North
25 Carolina, driving towards Pier 4. Whilst en route, I could

1 obviously not do any sort of detailed work, but I did make
2 numerous phone calls.

3 I activated or notified and got permission to activate
4 Chesapeake Bay Diving for divers, pumps and personnel, and
5 inquired about availability of a tank barge, recommending either
6 Vane Brothers or Edwards Barge being in the local area. Got
7 Guillermo Hernandez to query Hornblower for -- to send us
8 references on the ship in addition to the fire plan. And that
9 kept on going. And I also made notes while I was at the stop
10 light driving north in various stoplights of things that either I
11 needed to do or just reminders or a time or what not.

12 I arrived at the dock, at the pier at approximately 1715.
13 Upon arrival, I noticed that the color of smoke and the amount of
14 smoke coming from the Spirit of Norfolk was different and seen in
15 the video from WAVY, which was an indication of perhaps the fire
16 had gotten worse and certainly was not extinguished. Shortly
17 thereafter after arriving, Mr. Hendricks (ph.) showed up at the
18 pier. As we're walking down the pier, we were able to discuss a
19 couple of items with one of the gentlemen from Chesapeake Bay
20 Diving. They had their small boat on the way and the forward
21 submersible pump was already on the pier.

22 Mr. Hendricks and I split up. And, again, we were just
23 trying to get general information as we're walking down the pier.
24 Made a few notes to myself and I was able to briefly talk to one
25 of the firefighting officers who explained that they had made an

1 attempt and then they had an issue with the galley door. I
2 noticed that the ship had a port list, and it was down a little
3 bit by the stern.

4 I was able to talk to the master of the vessel briefly and
5 ascertained from him about in general terms. He really wasn't at
6 that point in time in my opinion able to give a good indication of
7 some of the information that I was looking for, but we did discuss
8 briefly what transpired between 11:00 when he left the dock and
9 evacuating the people, and roughly some of the things that
10 transpired as they got into the pier in Norfolk.

11 I also received a phone call from Mr. Hernandez saying that
12 the Hornblower general manager, Ms. Thompson (ph.), from the City
13 Cruises in Norfolk was their point of contact there on the dock.
14 I spoke to the fire chief from the Navy base. He was, at that
15 time when I got to talk to him, he was -- I believe it was the
16 mutual aid from the City of Chesapeake, but who the additional
17 fire department was, it wasn't Chesapeake. It was another fire
18 department who was out there that had a foam system. But he was
19 getting together and putting a plan together to make another
20 attempt to extinguish the fire and we discussed the issue of the
21 galley door, that they couldn't close it because of the water
22 coming out from the engine room and the fact that they had to
23 clear the mayday and it was a backdraft when they opened the door.

24 We discussed that plan for a few minutes, and I offered up
25 our assistance and what we could help him with. One of the

1 obvious answers to that assistance was to have Chesapeake Bay
2 provide a couple of swimmers while they made their attempt with
3 the small boat. And we would help with the coordination via the
4 pilots at the -- of the tug boats at that time. He asked about
5 whether we wanted to put our pump in there. I said no, not at
6 that time. We would wait until the fire was extinguished because
7 the fire would burn through our hoses, and it would create more of
8 a problem than a solution.

9 Also noted the condition of the vessel a little more closely.
10 It wasn't lolling, it was freeboard. They asked where the escape
11 trunk was. I had circled it on the fire plan for him and we
12 walked out to the vessel, and I pointed to a window, and I
13 indicated it should be behind that window and the easiest entry
14 was from the stern moving forward and going upward to starboard
15 after they went about 15 feet.

16 After we were kind of wrapping up that discussion, he was
17 organizing his folks. The captain of the port or the assistant
18 captain of the port met with us, talked with us, indicated that we
19 needed to submit a written plan before an extinguishment was going
20 to be made based on the fact or concern about stability and other
21 issues. And we also went on to discuss about the safety of the
22 vessel and, you know, she was more concerned about the welfare --
23 the safety of the vessel and the welfare of the firefighters.

24 We had a second meeting at 1850 at the fire department's
25 command post. Captain Stevens was there, along with Captain

1 Stockwell. A representative from the port authority and the fire
2 department reiterated that a written plan was to be submitted
3 before any further extinguishments were to be made. The fire
4 chief from the Navy base went forward to his troops. I don't know
5 exactly was going on, but he was going to take care of any written
6 firefighting plan.

7 We had a subsequent meeting that was supposed to be around
8 2000 and it was around 2020 when it actually came up. By that
9 time, the port authority had their command van set up. We had
10 that inside. And general discussion of the casualty as it
11 occurred that day, the amount of fuel that was on board, the fact
12 that the watertight door to the engine room and the galley was
13 opened, and there was no desire to put any more water on the
14 vessel again due to perceived concerns regarding vessel stability.

15 At that meeting, it was discussed when the next meetings were
16 going to be. Basically it -- on the 8s at 0800, 2000 moving
17 forward, and also there was a desire that we provide a planning
18 chief to the incident command. It was also at that time after
19 that meeting that I received a return phone call from the SERT
20 duty officer. SERT is the salvage emergency response team from
21 the Coast Guard. I had a brief conversation with her because I
22 had yet to receive the reference drawings were set up. You can
23 review them; I'm still working on my phone at that time. And I
24 get back to whenever I had anything or emailed them over the
25 night.

1 And I then proceeded to model the -- or revise the model in
2 general hydrostatic software, stability software, GHS, to reflect
3 the fact that the galley and the engine room were common and
4 arrived at a departure condition. And then based on the drafts at
5 2055, that was our baseline. I did get the -- the captain of the
6 vessel did come and visit me. He had told me that Tim Redman
7 (ph.) was going to be our point of contact, and I continued to
8 work through the evening.

9 By that time, Mr. Williamson arrived, and I continued doing
10 engineer. He was -- he took over the act of management of our
11 portion of the project, and we continued to work until
12 approximately 0230 on the 8th.

13 Q. Thank you. A couple of just brief follow-up questions about
14 your account. One was -- you mentioned a Mr. Hendricks (ph.).
15 Was he with Chesapeake Diving?

16 A. No, Mr. Hendricks is with a survey company -- and if you'll
17 excuse me for a minute and let me look at -- there's another piece
18 of paper I have here. I can give you his full name and who he was
19 with. Oh, here we go. Okay. He is Ken Hendricks (ph.), and he
20 is part of the Donjon-SMIT network. He is a marine surveyor.
21 He's one of the rapid situation assessors for Donjon.

22 Q. And also, you mentioned fire chief. Do you recall the name
23 and the organization of that individual?

24 A. I don't recall the name, sir, but he was the chief for the
25 naval base fire department, sir.

1 Q. All right. Also, you appeared during your testimony there
2 that you were referring to, like, a fairly accurate timeline, with
3 some of the times noted along with that sheet that had Mr.
4 Hendricks's full name. The Coast Guard would like you to deliver
5 those. Speak to counsel to the investigation so that we can help
6 build an accurate timeline.

7 A. No problem. Some of it you already have. That was -- I sent
8 you my phone log and I believe you're going to find when I
9 referred to Mr. Hendricks is an email, and I was on that email.
10 So that should also already be in your files that I sent you, but
11 I will have counsel highlight them for you.

12 Q. Okay. Yes, I did get your phone log but, you know, now I
13 understand where the name came from. And the timeline, the more
14 accurate timeline information would be very helpful. So, a few
15 follow-on questions. So, are you a naval architect or a
16 professional engineer?

17 A. Yes, sir.

18 Q. And just briefly give us a thumbnail of your background and
19 training when it comes to marine salvage.

20 A. I joined the Navy in '65, attended the Naval Academy. I
21 first went to diving and salvage school in 1973 and throughout my
22 naval career I've been predominantly involved with engineering or
23 diving and salvage. And since retirement from the Navy -- or
24 actually I left active duty and went into the naval reserves, and
25 since my time leaving active duty, I've been actively involved in

1 marine salvage for over 50-some years.

2 Q. Thank you. So, when you reported to the dock, the
3 representative that you reported to, would it be correct to say
4 that that was the general manager for City Cruises at the dock?

5 A. I didn't find her right away. I did find the captain and so
6 I reported to the captain and told him I was here and had a brief
7 conversation with him.

8 Q. Eventually did you find and speak to the general manger?

9 A. I did and that was not until the meeting in the command post
10 at 2000 or so.

11 Q. So, in your emails in the subpoena response, there is a
12 designation. I just want to be clear on it. Someone was -- you
13 know, Donjon was mobilizing a vast network of personnel to respond
14 to this event. One of the persons in your email was MFF. Is that
15 -- that's mike, foxtrot, foxtrot -- was that marine firefighting?

16 A. That was marine firefighting, yes, and they were -- they sent
17 a man there that night, William Sugagos (ph.), I believe -- Sagos
18 (ph.), Sugagos. He came over -- he was in Newport News, and he
19 came over and assisted for the next couple of days.

20 Q. So, does Donjon, for any of the City Cruises vessels to your
21 knowledge, have like a pre-stored in the database general
22 arrangement drawings and fire plans and all that for a Hornblower
23 vessel such as the Spirit of Norfolk, where you can just call
24 Donjon and say give it to me or do you have to get it from
25 somewhere else?

1 A. In -- as part of the vessel response plan and the
2 (indiscernible) network, we would have the -- at least the fire
3 plan. In the case of some vessels, we have more and in the case
4 of the Spirit of Norfolk, we did not have anything more than the
5 fire plan and we had to ask. And upon asking, we immediately got
6 a positive response and reference materials were sent to us within
7 a matter of hours of request.

8 Q. And they're incorporated in the emails that I've reviewed,
9 for the record. General plans, schematics, fire boundaries, all
10 that kind of information is included. But when you say some other
11 vessels, do you have any knowledge of working with Hornblower
12 where their vessels that are of similar -- I'm not talking about
13 their big overnight vessels, I'm talking about their City Cruise
14 type vessels -- where you have more information readily available
15 in the database?

16 A. Let me clarify my previous statement when I was making it for
17 some vessels. I'm talking about our network-wide, large vessels,
18 other carriers, what not. Some of the database is more -- is
19 flushed out and has more information. Others, owners or what not,
20 do not provide arrangement drawings and what not; some do, some
21 don't. In the case of the Hornblower vessels, I do not know. I
22 have not looked at other vessels within the database.

23 Q. So, based on your considerable background, you arrived on
24 scene and how would you describe the activities going on in the
25 dock in terms of the effectiveness of the attempts to save the

1 vessel from fire, flooding or capsizing?

2 A. When I arrived, the -- I would describe the situation on the
3 pier as busy. There was a lot of activity on the pier. Of
4 course, the Spirit of Norfolk was at the end of the pier and when
5 we got there, the only active action being taken at that
6 particular time was external cooling by the two tugs that were on
7 station, and occasional cooling by the Norfolk-based firefighters
8 of the pier fendering and the mooring lines themselves.

9 Q. And when you say Norfolk, you're talking about Navy Norfolk.
10 Is that correct?

11 A. Naval base Norfolk.

12 Q. And so when you arrived, were you instituted into the
13 incident command system? In other words, before you could do your
14 business, you had to present yourself and then become part of the
15 incident command structure, or were you just a salvo rep on the
16 dock trying to get your work done?

17 A. Initially, I would say it was the latter. Having some
18 experience with incident command and, you know, I knew needed to
19 get to the scene commander. I made an assumption, while I was on
20 the pier, that that would be the senior firefighter present at the
21 time. And as I indicated, I reported to one person and I could
22 identify that it was Hornblower and that was the master, told him
23 I was here, listened to his -- we had this brief conversation and
24 then I sought out and found the Naval base fire chief.

25 Q. And was someone wearing an incident commander vest so you

1 knew who was in charge on the scene?

2 A. He was wearing a vest and I can't tell you if it had incident
3 commander on it or not. There were several fire officers wearing
4 vests, but I did not, to be honest with you, remember what they
5 had on their vest.

6 Q. So, I want to draw your attention to your notes, which are
7 going to be Coast Guard 48, and that's page 3 of your steno pad.
8 Did you take these notes while you were at one of the stoplights
9 as you described? I understand how difficult it is to gather
10 them.

11 A. No. The only notes I took while I was at the stoplights and
12 action items are on page 1.

13 Q. All right. So, these notes -- I think it'd be easier just so
14 I don't get the words wrong -- could you just run down those notes
15 and tell me what they mean for June 7th? Start at the top of the
16 page?

17 A. Yes, sir. At that time, we were -- I'm standing amongst the
18 fire officers. I believe it was a Suburban -- at the stern of the
19 Suburban -- and they're discussing their plan to make another
20 attempt of extinguishment of the fire. And this time they wanted
21 to go to the escape trunk of the engine room and sort of cellar
22 nozzle. I showed them on the fire plan, and actually circled it
23 with my pencil, where the escape trunk was. And at some time
24 while we were discussing this, we stepped over because we weren't
25 that far away from the vessel, and I pointed to a window. As

1 indicated it was behind a window and the easiest route to get to
2 it from the stern.

3 The tugs -- we addressed the tugs -- they had already
4 addressed them and at a later date I went over and talked to the
5 pilot who was there. We offered up -- and when I say we, Donjon-
6 SMIT offered up the Chesapeake Bay boat into swimmers, and at a
7 later date -- or not date -- a later time, I went over and spoke
8 with Aaron Addison (ph.), the senior person present from
9 Chesapeake Bay (indiscernible), that, you know, his boat would be
10 made available for rescue swimmers.

11 I looked at the vessel, noted it wasn't lolling, that we had
12 free board because we discussed how the vessel -- whether it was
13 stable or not. The plan that he was putting forward would be able
14 to control the amount of water that was being put on by the --
15 because of float, we managed from the pier and not on the vessel
16 itself. He was planning on using a couple of firefighting teams,
17 one to back up the second. And the time estimated to accomplish
18 this was about approximately 15 minutes.

19 My next entry, I say no pump at this time. We were
20 discussing do we want to put the pump in. I said no, wait till
21 you knock down the fire. We had the four-inch standing by, it was
22 right there on the dock and the installation -- if the fire was
23 knocked down, it would be done by Chesapeake Bay because at that
24 time, the Donjon-SMIT personnel had yet to arrive as the only
25 party that we had under our control, if you wish, was Chesapeake

1 Bay.

2 We discussed or he discussed the fact that it would be
3 minimal water and we'd get maximum expansion of the foam because
4 it was a cellar nozzle. And again, it was going to be controlled
5 from the dock. And that I'd arranged for monitoring the drafts
6 and the period of roll.

7 Q. All right. So, about two-thirds of the way down, there's a
8 word there. I'm assuming that's fire supervisor Tunistall (ph.)
9 from the Chesapeake Fire Department where you have the entry no
10 pump at this time.

11 A. No, that -- what I have there is four-inch is ready,
12 referring to the four-inch submersible, to install, dash,
13 Chesapeake Bay diving.

14 Q. Okay.

15 A. That may have been a later entry of when I went over there
16 and talked to Chesapeake Bay.

17 Q. So, this meeting took place in the evening. Is that correct?

18 A. Yes, sir, on the pier.

19 Q. And did anybody tell you that on the afternoon, not long
20 after Captain Nadeau came up and got on the pier and was ready to
21 offer his assistance to the firefighters, that he had walked over
22 himself and pointed to the window on the starboard side just
23 forward of the escape trunk, and told the firefighter just break
24 this window, right below that window is the escape trunk. Were
25 you aware of that?

1 A. No, sir.

2 Q. In planning for this subsequent firefighting attempt, did
3 anybody discuss -- I'll characterize it as something that changed.
4 The original plan in mid-afternoon was to go aboard the vessel
5 over a gangway that was made by the ladder of one of the apparatus
6 and put a recon team aboard. The recon team would scope the
7 attack path to the emergency escape trunk to the engine room, and
8 then a foam team with similar equipment would come aboard via that
9 same ladder that was laid horizontally by the apparatus, and then
10 foam the engine room through the escape trunk.

11 Were you aware of the original plan, and my follow-up would
12 be, were there any discussions on how they possibly went down
13 below and opened the watertight door, which is one deck below and
14 fairly significantly forward of the escape trunk?

15 A. There -- when I was there, there was no discussion of the
16 detail of their prior plan. There was some brief discussion about
17 the fact that the firefighters had gone down into the galley,
18 through the galley, and opened the watertight door. And there was
19 backdraft. The door could not be closed because there was
20 approximately four foot of water in the engine room; that's what
21 was indicated and they declared a mayday and came out. There was
22 some discussion about that. I do not recall any discussion about
23 the details of the plan leading up to that.

24 Q. But in all the time that you were around the scene, between
25 the time you arrived and the 12th of June, was there any

1 discussion about where that plan -- the original plan as it was
2 described to us to early in the afternoon go through the escape
3 hatch and foam the compartment -- was there any discussion about
4 what went wrong?

5 A. No, just that -- again, that the firefighters went down in
6 the galley, opened the watertight door and suffered a backdraft,
7 could not secure the door and evacuated from the galley.

8 Q. Do you recall in this meeting for the second attempt that was
9 -- that didn't occur who was going to lead that effort, like,
10 whether it was going to be Navy or whether it was going to be
11 Chesapeake? And by Chesapeake, I mean, Chesapeake Fire
12 Department?

13 A. It was my understanding -- it may have been my assumption at
14 the time that it was going to be the Norfolk naval base
15 firefighters that were going to take the lead in it.

16 Q. So, shifting to page 4 of your notes, you have a note there
17 that says COP/ACOP -- which I'm assuming is captain of the port
18 and assistant captain of the port -- it says NAV -- I'm assuming
19 it's Navy fire chief -- plan a no go. Talk about that.

20 A. While the chief was organizing his troops out there, he
21 discussed a plan. Captain Stockwell came to the area where we
22 were standing, and the chief discussed the plan with her. I was
23 standing there. And she indicated that no, they weren't going to
24 execute that plan.

25 Q. And your input that you provided once you arrived there as a

1 representative of the salver that was contracted by Hornblower,
2 during the day on June 7th, do you believe that input was accepted
3 and acted upon?

4 A. Our tasking was to dewater the vessel and once I arrived, it
5 changed a little bit and we offered up support in way of the
6 rescue swimmers and any kind of drawn interpolation that we could
7 do. I did not have any other Chesapeake -- or any other Donjon-
8 SMIT assets available that I could give to him, other than a, you
9 know, like I said a few divers and Mr. Hendricks and myself.

10 Q. So, did the firefighters that were represented through
11 Donjon, the marine firefighters, did they arrive while you were
12 there on the 7th at any time?

13 A. One man did. They just -- we just -- again, initially, we
14 were told that it was just a dewatering event. It was changing a
15 little bit and we only had one representative coming from, again,
16 over at Newport News from marine firefighting. We did have five
17 salvers by that time en route from Hillside, New Jersey with
18 additional equipment, which included some firefighting equipment.
19 But there was no complete firefighting team provided by Donjon-
20 SMIT at that time.

21 Q. So, in your experience, have you seen a vessel that's been in
22 less than stable condition suddenly capsize?

23 A. Yes.

24 Q. So, looking at what you saw when you arrived on the dock,
25 looking at the draft marks, the trim, the list, the firefighting

1 water and all of that and everything that you knew based on the
2 day you were there on June 7th, did you believe that the Spirit of
3 Norfolk was in a condition where she could suddenly and
4 catastrophically capsize?

5 A. No.

6 Q. That's all I have for June 7th. And we've done this before.
7 I think what we're going to do is hold here and ask if anybody has
8 follow-on questions, and then we'll move into the same style and
9 method of interviewing for the -- June 8th.

10 So, I'll start with the NTSB. Mr. -- or hold that for just a
11 minute, please. Mr. Whalen or -- do you have any follow-up
12 questions, sir?

13 LT. WHALEN: I do. Thank you, Mr. Fawcett.

14 BY LT. WHALEN:

15 Q. Good afternoon, sir. Just a few questions based upon your
16 answers earlier. You mentioned smoke color indications and the
17 color that you saw on the WAVY-TV, can you explain that to me a
18 little bit more?

19 A. What I saw on WAVY was a small amount of smoke, it appeared
20 light in color. And, again, it was only a few seconds of a video
21 on that film clip.

22 Q. And with that lightness of color, is there any -- are you
23 able to make any indication on what type of fire that would be
24 based upon the color and, I guess, the amount?

25 A. Not really. In one of my emails, I said it may be coming

1 from the galley. I was not that familiar at that time with the
2 vessel arrangement. And, in fact, it wasn't coming from the
3 galley at that time. It was coming from the engine room. So, my
4 impressions, other than the fact that it was a small amount --
5 relatively small amount of light-colored smoke will -- probably
6 will be found.

7 Q. Okay, thank you. And you mentioned there were or the galley
8 door, that they had gone through the galley door. Were you -- did
9 you mean the engine room door? Based upon the --

10 A. Yes.

11 Q. -- schematics, there's not a galley door except for at the
12 top of the stairwell leading down. I just want to clarify that.

13 A. In clarification, it would be the watertight door between the
14 galley and the engine room. So, I guess if you're in the engine
15 room, it would be the galley door. If you're in the -- it would
16 be the engine door.

17 Q. Understood, thank you, sir. I just wanted to clarify it for
18 my own understanding. I have no further question at this time.
19 Thank you again.

20 MR. FAWCETT: Thank you. Commander Roy.

21 BY COMMANDER ROY:

22 Q. Yes, good afternoon, sir. I got a couple of quick questions
23 for you. One, earlier you said in your credentials you're a naval
24 architect and a naval engineer. Do you have any expertise or
25 certification in marine firefighting?

1 A. For approximately ten years, I was the engineer for Goodson,
2 Fitz Williams Flammable Liquid (ph.) and later Williams Fire &
3 Hazard Control.

4 Q. What was that and what was your job there, sir?

5 A. Basically, the same thing, engineering, naval architecture,
6 whatever they required, it's salvaged. We do what needs to be
7 done safely.

8 Q. But not firefighting in particular?

9 A. Firefighting in particular, approximately 35 significant
10 vessels.

11 Q. But you -- would you say you're an expert in marine
12 firefighting as well. Would that be a correct statement?

13 A. No, I wouldn't say I'm an expert. I do not sell myself or
14 imply that I'm an expert. I've been around it long enough to be
15 aware of some of the things that need to be accomplished and how
16 to accomplish it.

17 Q. But you're not a marine firefighter? You're not a
18 firefighter?

19 A. I was a firefighter for 25 years. I volunteered with Lower
20 Turkert (ph.) fire department as a fire --

21 Q. Okay.

22 A. -- an engineer and paramedic.

23 Q. (Indiscernible) your firefighting experience. That's what
24 I'm after, sir. Just to -- I just want to know what your
25 firefighting experience is, both residential or maritime, so

1 that's what I'm trying to --

2 (Crosstalk)

3 A. The last two fires I participated in was the Roger Blough and
4 the Yantian Express.

5 Q. And what was your role in that?

6 A. Basically, engineering support in the way of the Blough. And
7 for the Yantian Express, I was remotely doing engineering
8 assessment while I was at sea, and then once brought to the
9 Bahamas, supported the overhaul and offloading of the damaged
10 containers and hatch covers.

11 Q. Okay. So, the salvage piece but not the actual fire tactics
12 or fire operations?

13 A. Some of the tactics for -- discussed with the salvage master,
14 who was on the scene, with the Yantian Express because we had a
15 water management issue on that.

16 Q. So, like a dewatering stability?

17 A. It wasn't so much the stability in that case. It was
18 (indiscernible) strike and where to put it so we can get it off
19 efficiently. We had to allow it to go someplace where the
20 vessel's pumps could remove it, because we, at that time, did not
21 have pumps on board -- portable pumps on board the Yantian
22 Express. It was in the middle of a nasty sea, in the middle of
23 the Atlantic Ocean.

24 Q. All right. Thank you, sir. And the -- was the Donjon rep
25 who was the firefighting expert from Donjon on scene. Is that

1 correct?

2 A. Yes, he arrived later in the --

3 Q. What time did he -- was before or after, do you know -- do
4 you remember if he arrived before or after the first attempt when
5 they tried to access the engine room?

6 A. None of us were there when they tried to access the engine
7 room on the first attempt. I arrived -- I would say Chesapeake
8 Bay was the first there around 1700, 1715, something like that,
9 and none of us were there any earlier. So, they had already made
10 that attempt.

11 Q. So, when you arrived, what was the -- when you witnessed the
12 vessel, was there a list to it when you arrived?

13 A. She was trimmed by the stern and heeling to port.

14 Q. Do you remember what -- how bad was it heeling to port?

15 A. My estimate at that time, I believe, was something around 3
16 degrees or so heel, and she was -- she had about two and a half to
17 three feet of freeboard left on the port aft to, you know, if you
18 would, end of the vessel to the stern before she (indiscernible).

19 Q. Thank you, sir. And earlier in one of your statements, you
20 were talking about the Navy chief was giving his plan to Captain
21 Stockwell and you were there as well. Was the Navy chief -- were
22 you given the plan or was the Navy chief given the plan to Captain
23 Stockwell to reboard the vessel after they had that first attempt?

24 A. The fire chief was giving the plan and there was -- some of
25 their fire officers -- this was in the vicinity of the command

1 truck that the chief had set up. I don't believe it was right at
2 the stern at the time. I think everybody had kind of moved away a
3 little bit from it. And he gave it and there was -- and we were
4 having a discussion and when it came up to vessel stability and
5 what not, I had a little conversation with the captain.

6 Q. Who had a conversation with the captain, you or the fire
7 chief?

8 A. I did regarding the vessel. I thought the vessel was stable.
9 She indicated that she wasn't certain about it and wanted to see
10 some calculations.

11 Q. And that was just between you and her, nobody else was
12 around?

13 A. The fire chief was there.

14 Q. Okay. Do you remember which fire chief that was?

15 A. Norfolk navy base fire chief.

16 Q. When you were going over that plan, was there any evidence
17 from any of the fire departments about access to the vessel and
18 safety of the firefighters?

19 A. During the initial discussion, yes. I wouldn't say concerns.
20 It was a prudent toolbox talk, if you wish, where information and
21 conversation float back and forth, you know, what about and, you
22 know, what are we going to do if, you know, contingencies. I
23 wouldn't say there was a lot of concern. Everybody was realizing
24 there was risk involved and, you know, everybody was trying to
25 manage the risk in a professional manner.

1 Q. All right. Thank you, sir, appreciate it. That's all I
2 have.

3 MR. FAWCETT: Thanks, Commander. Mr. Karr for the NTSB.

4 BY MR. KARR:

5 Q. Sir, when you talked about the number of fires that you've
6 been involved in, can you estimate how many fires you've actually
7 been on scene where the -- you were on the dock and the ship was
8 pier side and on fire?

9 A. I'd say approximately 30, not necessarily always pier side,
10 anchorage or underway.

11 Q. How about pier side or at anchorage? Again, just an
12 estimate.

13 A. Very few vessels pier side. Most of them anchorage or
14 underway. I'd say there's probably four or five pier side.

15 Q. Thanks. Can you describe the details -- you know, describe
16 in detail your observation of the spread of the fire on the
17 vessel, like from the -- if you can use some time -- periods of
18 time, like you know, from the time you arrived until the first
19 command center meeting, and then maybe from that meeting to the
20 next meeting, you know, and then from 2020 until 2:30 in the
21 morning.

22 A. While we were out on the pier, the fire did not appear to be
23 getting significantly worse very quickly. I'd say sometime around
24 the meeting, the 2000 meeting or 2030 meeting, whenever it
25 actually took place, we were in the command post, and they had a

1 FLIR (ph.) system so you could actually see the fire while you
2 were having the meeting. And it was getting significantly worse
3 at that time and then it continued to get worse throughout the
4 evening until it was fully engulfed to the bridge deck.

5 Q. Can you describe how the fire progressed?

6 A. Not really because I -- to be honest with you, sir, I had
7 other things that I needed to attend and I was not, you know,
8 watching the fire closely at that point in time. I needed to do
9 some other task. But in general, it seemed to move up, I would
10 say, from the galley up and then spread fore and aft and continued
11 up.

12 Q. And when you got on scene, was there any evidence of flames
13 outside the galley?

14 A. No, sir. There was no flames visible at all that I noticed
15 while I was out on the pier.

16 Q. You arranged for a tank barge. What did you envision the
17 tank barge role in your response?

18 A. We needed to put the firefighting waste stream into a barge
19 as opposed to into the Elizabeth River. In addition to the AFFF,
20 which we all know now is considered hazardous, we anticipated
21 there would be petroleum products and other products, combustion,
22 that we did not want to put into the river but rather put into
23 some sort of containment.

24 Q. Is that the industry standard for dewatering and is it
25 industry standard and/or is it also Donjon's, that is the only

1 place you put water, firefighting water?

2 A. It has become industry standard if you wish, while you're in
3 port certainly. At sea, you know, we can discharge the effluent.
4 And, of course, you've got run-off which is going to take
5 materials with it if you're using monitors or what not from either
6 tugs or from ashore. But Donjon-SMIT will not intentionally put
7 hazardous materials in the water unless there's some sort of
8 extraneous condition and our plan was from the get-go, from the
9 onset to discharge the vessel into the containment.

10 Q. In your conversations with fire chiefs or the fire chief
11 shortly after you arrived and up until the first meeting around
12 6:00, was there any urgency that you heard voiced that they needed
13 to get the fire out so they can move the vessel?

14 A. Not really. What I saw in the fire chief is what I've seen
15 in other professionals. He was cool, calm and collected. There
16 was not a -- it was methodical. His approach and his responses
17 seemed very well-thought out and methodical.

18 Q. When you were having the give and take with Captain Stockwell
19 about the stability of the vessel, can you describe facts or
20 information, evidence you thought were convincing enough to say,
21 hey, the vessel's going to be stable enough for us to get on board
22 and fight the fire.

23 A. I pointed out that it was not lolling, that we had freeboard.
24 At that point in time, I had not measured the period or roll.
25 After our discussion on the pier, I went over and timed several --

1 made several measurements of a period of roll and actually went
2 back and put that in my notes on page 3. I came up with six and a
3 half to seven seconds. So based on that, there's a formula for a
4 period you then use and that will give you the GM, and the GM came
5 to be 4.9 feet.

6 Q. You know, as we as investigators look at how to improve
7 response time to events like this, do you think what you did, and
8 would you recommend it as an adequate assessment or adequate tool
9 to use to assess the stability so that a decision can be made
10 ahead of getting a very, you know, the more detailed written plan?

11 A. Yes, and the Coast Guard uses it. It's in their inclining
12 experiment form on, I believe, page 5. They use the same formula.

13 Q. In that later meeting when we were talking about how to
14 attack the fire and you talked about pointing out where the trunk
15 was, what was your impression as to the knowledge of the fire
16 chief as to whether he knew that that trunk existed before that
17 conversation?

18 A. He knew the trunk existed.

19 Q. Well, then why did you need to point out where it was
20 located?

21 A. They were talking about the easiest route to get to, pointing
22 it out on the drawing. And it's not very clear on the fire plan
23 with the trunk itself, so I just circled it and went over there
24 and the route -- you know, pointed to the window and said it
25 should be right behind that window. And we talked about how far

1 he had to go to get there and what not. It was -- it could have
2 been reconfirmation on his part, you know, double-checking.

3 Q. And when the Navy fire chief was talking about his plan, did
4 his plan include talking about dewatering?

5 A. No, only in passing about whether to put the pump in there or
6 not and we said no, let's get this done first, getting the nozzle
7 in and see if we can knock down the fire, because we really didn't
8 want to put the hydraulic pump into a fire.

9 Q. And that first night, how soon did you think that the barge
10 is -- that the barge or barges would arrive so that dewatering
11 could commence if you decided to do it?

12 A. I actually had -- the Donjon-SMIT manager was working on it.
13 He had sent some emails. I didn't see them until probably 1920
14 where he had reached out to both Vane Brothers and CNM, and Vane
15 Brothers did not have a barge available for 48 hours. And they
16 were talking to Mr. Edwards (ph.) at CNM. He was trying to work
17 out how he can take the effluent and put it in the barge. He
18 could not put it into storage into his tanks. It was an issue if
19 I remember correctly. But there's some emails that went back and
20 forth that I was copied on that are in the -- what I produced,
21 sir.

22 Q. All right. Thank you. I have no more questions.

23 MR. FAWCETT: All right. Thanks, Mr. Karr. We'll start with
24 Bay Diesel. Any questions?

25 MR. ABEL: No, sir. No questions from Bay Diesel.

1 MR. FAWCETT: Thank you. Just double-checking with Captain
2 Nadeau's counsel to -- if they've joined. Hearing none. City
3 Cruises/Hornblower, sir?

4 MR. WEIGEL: Yes, this is Alan Weigel. I have a few
5 questions for Mr. Edgar.

6 BY MR. WEIGEL:

7 Q. Can you put a little finer point on the meetings -- you said
8 you arrived at the dock about 1715 and you talked to the naval
9 base fire chief and was it at that time, that 1715, that you went
10 to the stern of the vessel and pointed out -- or around that time
11 that you pointed out where the engine room access hatch was?

12 A. Negative. It probably took 15, 20 minutes of walking the
13 length to the pier. As I indicated, I saw Mr. Hendricks, talked
14 to him briefly. We talked to one of the fire officers briefly,
15 and then I saw the master of the Spirit of Norfolk and went over
16 and introduced myself and spoke to him, probably for about 15
17 minutes or less, and then I sought out the fire chief. So, it
18 would probably be closer to 1750, 1800 that we had a conversation
19 and sometime 15 minutes or so after the beginning of that
20 conversation is when I pointed out the location of the escape
21 trunk.

22 Q. Okay, thank you. So then -- and there was another meeting
23 and this one's at the command post, and you said that started at
24 about 1850. Is that correct?

25 A. Yes, Captain Stockwell wanted us all to get together in that

1 period of time, and it wasn't at the port authority's command van.

2 It was at the Norfolk fire department's command post.

3 Q. Okay. And is that -- was it at that meeting that Captain
4 Stockwell said she wanted a written plan for the next attempt to
5 enter the vessel and put the fire out?

6 A. She actually stated that prior to that meeting and said that
7 we'll have a meeting over there and then reiterated that she
8 wanted a written plan.

9 Q. Is it your experience that it's normal for firefighters to
10 submit written plans before they have to take action to put out a
11 fire?

12 A. No, sir.

13 Q. What -- if you had an understanding -- what was your
14 understanding of what Captain Stockwell expected to see in this
15 written plan?

16 A. I don't know what she was expecting from the firefighters,
17 but it was my understanding she was expecting to see some
18 calculations regarding the stability of the vessel and the amount
19 of the water that the vessel could take on, and any sorts of
20 limits that we could put on the vessel in way of draft, heel or
21 trim to use as a gauge, if you wish, as far as how to proceed or
22 when to stop.

23 Q. Now you mentioned that at the 2000 -- sorry -- it was 2000
24 was the nominal time, but actually the command meeting started
25 about 2020. Correct?

1 A. I believe so, yes, sir.

2 Q. And I think you said there was discussion at that meeting
3 that there would be no more water put on the vessel because of the
4 stability concerns. Correct?

5 A. There was discussion to that effect, yes.

6 Q. Would there -- in your review, would putting foam in the
7 engine room, had that the same kind of effect on stability as
8 putting additional water on the vessel?

9 A. Based on past experience with cellar nozzles, two-and-a-half-
10 inch hose, the floor raise is about that high, but the foam
11 expanse is pretty good and the fact that the chief was going to
12 control it from the pier and have the ability to monitor the
13 drafts of the vessel, I think it would have been a limited amount
14 of water they put on it during the (indiscernible).

15 Q. Now, you used the word lolling a couple of times. Can you
16 tell me what that means? Well, you said the vessel was not
17 lolling. What does that mean from a stability perspective?

18 A. It wasn't the real slow period of roll that you would expect
19 if the vessel had a low metacentric height.

20 Q. And for your purposes here, what would you consider to be a
21 low metacentric height?

22 A. Less than a foot.

23 Q. Now, after the discussion about vessel stability, you said
24 you went and you measured the period of the roll and you got a --
25 and based on a formula that you said is also in the Coast Guard's

1 inclining experiment form, you got a GM of 4.9 feet. Correct?

2 A. Yes, that would have been, you know, based on I believe it
3 was a period of 6.5 seconds if I had to guess.

4 Q. Did you ever go back and tell Captain Stockwell that you had
5 done -- let me withdraw that, start over. I understand from the
6 discussions that you had with Captain Stockwell, she wanted to see
7 -- used the word calculations. So, did you ever go back and tell
8 her all right, I did a calculation. I calculated GM based on the
9 period of roll and I got a number of 4.9 and to me that's a
10 reasonable number for stability. Did you ever have any kind of
11 discussion like that?

12 A. No, I did not have that conversation. By the time we got
13 through the 2000 meeting or shortly thereafter, Mr. Williams
14 arrived, and I did a turnover with him and then immediately
15 proceeded to dig into the reference drawings and do a formal
16 calculation.

17 Q. You mentioned that you understood that there had been four
18 feet of water in the engine room and that then because they opened
19 the engine room watertight door and now that four feet of water is
20 distributed between the engine room and the galley. Was there
21 ever any discussion during this discussion about vessel stability
22 that four feet of water in the engine room and now distributed
23 over a larger space in the lower center of gravity was not going
24 to be a negative effect on stability?

25 A. No, sir. We did not get down into the details.

1 Q. Okay. That's all I have for right now.

2 MR. FAWCETT: All right. Thank you, sir.

3 BY MR. FAWCETT:

4 Q. A couple of clarifying questions. Mr. Edgar, did you ever
5 mention four feet of water in the engine room?

6 A. I didn't mention it. That was what I was told by the
7 firefighters that they encountered when they opened the watertight
8 door.

9 Q. Okay. And did they describe that as a wall of water
10 cascading out? I mean, the point being is the internal volume --
11 we're trying to reconstruct Rhino models, which are computer
12 models of the vessel, and about the depth of water. We don't want
13 to assume anything. So that was a guess on the part of
14 firefighters?

15 A. I don't know if it was a guess, an estimation, you know.
16 Obviously, it was the firefighters had opened the door and I'm
17 sure they had other things going through their head at that
18 moment, too. So, I took it at face value, four feet of water.

19 Q. During the particular day, still on June 7th, who did you
20 understand was in charge of all operations at the dock?

21 A. Initially, I thought the fire chief was.

22 Q. And later?

23 A. It was made in no uncertain terms that the captain of the
24 port was in charge.

25 Q. Thank you. Also, Mr. Karr asked you about the spread of fire

1 that you observed either -- after your arrival. Was there any
2 discussion about the possible explosion of fuel tank on board
3 accelerating the spread of fire dramatically?

4 A. No conversation that I recall, sir.

5 Q. Thank you.

6 MR. FAWCETT: Any other follow-ups before I move on to June
7 8th?

8 COMMANDER ROY: Commander Roy, I got a couple.

9 MR. FAWCETT: Go ahead, sir.

10 BY COMMANDER ROY:

11 Q. All right. So, just a couple of follow-ons from some of the
12 things you said after. When they were talking about putting the
13 foam in and you said they were, you know, a limited amount of
14 water, was any calculations done, how much water would have been
15 in the engine room if they applied foam?

16 A. Not at that time, sir.

17 Q. Okay. But based on just -- you're just basing it on when you
18 were using the foam that there's not a lot of water that's added
19 to the foam. Is that correct?

20 A. Well, the -- that and the fact that you're flowing through a
21 cellar nozzle fed by a hose, a two-and-a-half-inch hose. You
22 can't get so much water through it.

23 Q. But nobody ever did any calculations, say if we ran this, you
24 know, foam for ten minutes it's this much water?

25 A. No, not that I'm aware of.

1 Q. Okay. And then your statement about, you know, when you got
2 there you saw the fire chief was in charge. Do you know which
3 fire chief? There were a lot of fire chiefs all around.

4 A. The Norfolk base fire chief.

5 Q. The Norfolk fire chief. And then I think you said after the
6 meeting, you said that the captain of the port was in charge. Why
7 did you say that?

8 A. Let me go back, make sure you understand it was the Norfolk
9 naval base fire chief.

10 Q. Yes.

11 A. Okay, and repeat your question, sir?

12 Q. And then he stated something to the effect of after the
13 meeting, it was made plain or clear that the captain of the port
14 was in charge?

15 A. Yes.

16 Q. Can you explain why that was? I mean, we have been -- our
17 understanding was that a unified command was set up and then you
18 stated that the captain of the port was in charge.

19 A. To my knowledge, the unified command had not been set up when
20 I first got on the dock. I would assume that one was going to be
21 set up, and like I said, the captain of the port came down and
22 said that she was the incident commander, and she was in charge.

23 Q. Captain Stockwell?

24 A. Yes, sir.

25 Q. And what time was that?

1 A. That was sometime before 1850 and I'd say about 1830, 1840.

2 Q. So, before the 2000 meeting?

3 A. Yes.

4 Q. Did she say that to you?

5 A. And the fire chief.

6 Q. Okay. All right, thanks, sir.

7 MR. FAWCETT: Any other follow-ups before I move on to June
8 8th?

9 MR. KARR: Mike Karr with the NTSB.

10 BY MR. KARR:

11 Q. How do you spell the name of that nozzle?

12 A. It's c-e-l-l-a-r, I believe. But I'm an engineer, don't make
13 me do the spellcheck.

14 Q. All right, thanks. What's --

15 A. It's like basement, a basement nozzle.

16 Q. And what time was the written salvage or the written
17 dewatering plan delivered and when did the Coast Guard approve it
18 or the unified command approve it?

19 A. That -- the dewatering plan? That was a day or so later. It
20 may have been approved on the 8th or the 9th.

21 Q. All right. Did you hear or observe any explosions aboard the
22 vessel that first day?

23 A. I was on the dock when there was an explosion -- on the pier
24 when there was an explosion.

25 Q. When there was?

1 A. Yes, that was sometime late on the 7th. It was extremely
2 dark; it was well-after the 20 meeting. I may have gone out there
3 to take draft readings or check on Mr. Hendricks.

4 Q. Can you describe the sound? Can you describe anything that
5 was visible in the darkness?

6 A. There was no -- I had my back to the vessel and was talking
7 to other people when it occurred if I remember correctly. It was
8 just a significant bang if you wish. It was almost like something
9 fell on the deck, but loud. And to my knowledge, there was no
10 change in the appearance of the fire, at least I didn't notice
11 any.

12 Q. Can you describe anything that people told you about what
13 happened to the firefighters when they opened the door?

14 A. Other than there was a backdraft, and they did a mayday and
15 evacuated, no, they did not go into any more detail on that with
16 me, sir.

17 Q. With regard -- no description of what happened to the
18 firefighters, you know, how the water affected them?

19 A. No, and I don't even know if I met any of those gentlemen.

20 Q. And --

21 A. I assumed they were men.

22 Q. And in talking to people about the firefighters encountering
23 this water, was there any talk about whether they were expecting
24 the water, was this news, you know, was this new finding that this
25 water was there? Was it unexpected?

1 A. No, other than the fact that evidently they tried to close
2 the watertight door and could not. Again, I was taking it at face
3 value. There's no telling how many attempts they made or what
4 not, but after a backdraft, I would imagine there was more
5 interest in the evacuation than there was on the door.

6 Q. And did they give any description of the backdraft as far as
7 what the flames looked like that would have come out of the engine
8 room?

9 A. No, sir, they did not to me anyway.

10 Q. At the 1850 meeting, can you recall any discussion that the
11 captain of the port, that would have been Captain -- not
12 Stockwell, Captain Stevens -- led with regard to identifying who
13 was in charge of the firefighting effort?

14 A. No, I do not recall any and that was the first time that, I
15 believe, we met Captain Stevens was at that meeting. I don't
16 recall him making any announcements about the fire and who's in
17 charge.

18 Q. Can you recall what -- can you tell me what you thought his
19 important points were that he wanted to make at that meeting?

20 A. He pretty much turned it over to Captain Stockwell after some
21 comments. Other than the fact that they were setting up the
22 unified command, I anticipated the use of the command van from
23 Port Authority, and he basically was deferring it to, like I said
24 to -- much of the -- Captain Stockwell and just reiterated he'd
25 like to see a written plan and then wanted to have a more formal

1 discussion during the 2000 unified command meeting.

2 Q. All right, thank you. No more questions.

3 MR. FAWCETT: Thank you, Mr. Karr. Mr. Edgar, are you good
4 to go or you want to take a break for a few minutes and leave
5 everything in status quo or are you good to go?

6 MR. EDGAR: Keith, let's move it on.

7 MR. FAWCETT: All right.

8 BY MR. FAWCETT:

9 Q. So, I want you to focus on the story in as much detail on
10 June 8th. We'll do it the same way we did June 7th and then for
11 expedient's sake, we'll look at combining the 9th, 10th, 11th and
12 12th into a story with follow-up questions. So, if you could tell
13 us the story of your involvement, in as much detail as possible,
14 for June 8th.

15 A. Picking up around 0230 when we departed, we went -- Mr.
16 Williamson and I went to our hotel, which was over by Norfolk
17 industrial park to get a couple of hours of rest, and came back
18 early in the morning, roughly 0600. Picked up Mr. Hendricks, who
19 was on the dock overnight, picked up his draft readings and the
20 latest draft readings he did, and did a set of calculations based
21 on those. Attended the 0800 meeting. Promulgated some limits
22 that we could use to observe the vessel as far as if we were going
23 to get in some sort of extraneous. And basically, solved an issue
24 with the mooring lines. Some of the mooring lines were needing to
25 be replaced or reinforced. Arranged for some mooring lines,

1 multiple calculations that day.

2 During the meeting -- one of the meetings that we had, there
3 was some discussion about some of the things that the captain of
4 the port and the unified command would like to see from us, pump
5 rates, drafts, continued to take drafts, booming around the
6 vessel, doing the dive survey, tilt plan, and the movement of the
7 vessel.

8 And let's see -- obviously, I had numerous conversations with
9 both the salvage master and the project manager regarding some of
10 the things that they were doing, obtaining frack tanks, that sort
11 of thing, arrangements for the barge, and that pretty much wrapped
12 up the 8th until it was secured around 2145.

13 Q. At some point in your -- in the night orders that were
14 developed and in your notes, there are draft readings for aft and
15 port starboard, and yours are fairly complete. But the night
16 orders eventually talk about someone taking draft readings on all
17 four quarters, readings every 40 to 60 minutes. Was someone
18 designated to take draft readings?

19 A. Yes. The night orders were not put out until the 9th. But
20 starting on the 7th, I had Mr. Hendricks doing that and then he
21 went off out of range. By that time, the salvage master and his
22 crew were there, and I had the salvage master do it until Mr.
23 Hendricks came back and then either Mr. Hendricks would do it
24 during the day or I assigned -- we had some additional people come
25 in from Houston and amongst them was a young naval architect, and

1 I assigned him to take those draft readings.

2 Q. So, were they, you know, kept in a green book
3 (indiscernible)?

4 A. No, they were maintained in their field notebooks.

5 Q. We don't have -- in your notes that you provided, we didn't
6 get those details of draft readings. The Coast Guard would like
7 you to, if you can arrange it, deliver those to the Coast Guard so
8 that we can, you know, work on this Rhino model as part of the --
9 part of an exhibit for the hearing. It would be very helpful.

10 A. All right. I understand and we will arrange -- as long as
11 you understand, I didn't recopy every one of their readings into
12 my field notebook. And when Mr. Kratz (ph.) or one of his people
13 took them, generally they would take a picture of them and send
14 them. I got those, but there was no timestamp or date on them, so
15 when they came into my phone, I deleted them out of my phone, they
16 text them to me, because I just didn't want a whole lot of
17 pictures. It would confuse me. You'll have to forgive me. You
18 know, I'm losing gray cells, so I forget things.

19 But just to keep it clear in my mind, there was no -- I'm not
20 trying to hide anything from anybody -- but at the time, you know,
21 okay, I've got them, I've got them recorded. I'm getting them out
22 of here because in another hour I was going to get another set. I
23 just didn't want to be confused about where I was going.

24 Q. I understand. Yes, if we could get those, even if they were
25 cellphone pictures, from the source. We can use the time code

1 stamp on it to recreate the draft readings.

2 A. I think that's what you're going to find issue with. You may
3 be able to get the time from the text, but there was no time code
4 on the -- when the video was taken. Your best source is probably
5 going to be the actual notes that Mr. Hendricks took.

6 Q. That'll be fine. He was the salvage master?

7 A. No, Mr. Hendricks was the marine surveyor we had there for a
8 few days. Billy Kratz -- William Kratz (ph.) was the salvage
9 master, so we'll arrange the -- get what's available to you, sir.

10 Q. Thank you. So, when you got to the next day, was the command
11 structure and the organization of the incident command better
12 organized, in your opinion?

13 A. It was organized and certainly much larger, there was a lot
14 more people. And we had -- by that time, we had gotten Captain
15 Paul Farrand (ph.) in Norfolk to act as the planning section chief
16 and Mr. Williamson -- Tim Williamson (ph.) -- was acting as the
17 operations planning chief.

18 Q. So, you developed a dewatering plan and one of the elements
19 --

20 A. Yes, sir. I didn't do that. The draft dewatering plan was
21 developed by Mr. Williams.

22 Q. So, you had input to the plan. Did you get a chance to see a
23 slide, like a PowerPoint slide, that graphically depicted what the
24 plan was? Can you just talk about that briefly, what the
25 dewatering plan was?

1 A. The plan was to put a three-inch pump down through the escape
2 trunk into the engine room. This is a three-inch submersible pump
3 and put the four-inch submersible pump down into the galley as far
4 as we can get it into the water, realizing it was going to have to
5 be worked further down into the galley as the water was pumped
6 out.

7 Q. And these would be equipped with strainers because there's a
8 lot of material that's, you know, entrained in the water down
9 below?

10 A. Yes, sir. These are used in salvage; we appreciate the trash
11 in the water.

12 Q. So, the plan was submitted to whom?

13 A. It was submitted to the unified command.

14 Q. And did they ask you -- not you particularly but the team --
15 did they ask you to make any changes to the plan or did they
16 accept it in general as it was?

17 A. The positioning of the pumps was -- there was no discussion
18 on that that I'm aware of. The personnel that were going to
19 install the pumps and having a fire team back, you know, to back
20 them up in case of a reflash, that was discussed somewhat in
21 detail, but the plan was approved and went forward very late on
22 the afternoon of the 8th.

23 Q. So, you also, you know, reran mooring lines to stabilize the
24 vessel in proximity to the docks. And did anybody determine
25 whether it was -- you would be able to access the emergency escape

1 trunk hatch itself because, you know, there had been a massive
2 fire and there was debris, and changes in the structural
3 capabilities of metal. Did someone go aboard and do a
4 reconnaissance of that?

5 A. That occurred contemporaneously with installing a three-inch
6 pump. Everything was set and Mr. Kratz and his people made the
7 entry. The escape trunk was clear of any significant materials
8 and the pump was installed very quickly.

9 Q. And you're still waiting at that point for a barge or frack
10 tanks to take the discharge from the pumps?

11 A. The frack tanks, by that time, were appearing -- had arrived
12 on the dock and we had them positioned.

13 Q. And they were of adequate size to take the initial discharge.
14 Is that correct?

15 A. They were 21,000 gallons apiece and the first one arrived at
16 1100 on the 8th. It would be noted within the DPR's that we could
17 not fill them completely because dropping the effluent into the
18 frack tank, we were aerating the foam again. So, there was -- we
19 could probably get them about 70% to 80% full each before the foam
20 would start coming out the vent.

21 Q. So, the DPR's, what's that acronym?

22 A. Daily progress reports.

23 Q. So, you begin according to the plan to fill the tanks. Do
24 you recall approximately what time that occurred?

25 A. It was -- that was probably done on the night shift. It

1 started on -- late on the 8th. Yes, so we had -- because as soon
2 as the pump got installed, we ran the hoses to the frack tank and
3 started pumping. So sometime on the 8th.

4 Q. And did that go relatively as you planned? Except you
5 mentioned the aeration of the foam and the problem with the
6 capacity.

7 A. Yes, it went very well.

8 Q. And you mentioned in the emails that there was difficulty in
9 acquiring a barge to increase the capacity for the effluent that
10 was going to be discharged from the vessel. At the same time,
11 people were working to secure that barge and when did you
12 initially expect it to arrive?

13 A. It actually arrived, if you wish, midnight on the 8th or 0001
14 by the official logs, so we didn't have to pay for it on the 8th.
15 But it arrived at 0001 on the 9th.

16 Q. And how late were you around on that morning -- on the very
17 early morning of the 9th? Were you there when the barge arrived?

18 A. No, sir, I was not. I secured around 2145.

19 Q. And I'm going to -- this is my final question before we wrap
20 up my questions for this day. Did you understand that there was a
21 delay and the tanker men needed to handle the discharge of the
22 entrained water into the barges when you left that day?

23 A. Yes, he was not supposed to arrive until 0300.

24 Q. And did you do any calculations as to when you thought that
25 the frack tank capacity would be run out and you'd have to stop

1 pumping?

2 A. When they filled, we stopped, and I believe that actually
3 occurred before 2145.

4 (Crosstalk)

5 Q. Go ahead, sir.

6 A. Shortly thereafter, it occurred. It didn't take us long to
7 move water to those two frack tanks.

8 Q. During the discharge of the entrained water, did you notice a
9 significant improvement in the stability of the Spirit of Norfolk
10 compared to what you saw at the worst point?

11 A. It was definitely coming up, so we had more freeboard, less
12 heel, less trim. I do not recall right off the top of my head
13 what the GM -- what the change in GM was.

14 Q. At any time during the 8th, did you feel that the vessel was
15 in a position where there could be a catastrophic capsizing?

16 A. No.

17 Q. That's all I have, sir. I'll turn it over to Lt. Whalen for
18 follow-ups.

19 LT. WHALEN: Thank you, sir. I have no follow-ups this time.

20 MR. FAWCETT: Thank you. Mr. Roy -- Commander Roy?

21 COMMANDER ROY: I don't have any questions, thank you.

22 MR. FAWCETT: Thank you very much. For NTSB, Mr. Karr.

23 BY MR. KARR:

24 Q. When the people put the pumps into the escape hatch and into
25 the galley, what was the status of the fire on board the ship?

1 A. There was very little fire if -- there was fire. It seemed
2 to be confined to the galley or the mess. There was none visible
3 on any of the decks, but there definitely was fire because we
4 still had smoke. The fire had not been overhauled and had not
5 been declared out yet.

6 Q. And at this -- on June 8th, this day, this was after the ship
7 had already been engulfed in flame, the fire --

8 A. It was pretty well-burned-out by that time, sir.

9 Q. All right, thanks. No more questions.

10 MR. FAWCETT: Thank you, sir. Counsel for Bay Diesel.

11 MR. ABEL: No questions.

12 MR. FAWCETT: Thank you. I'll just ask Captain Nadeau if
13 counsel's joined. Hearing none. Hornblower/City Cruises, Mr.
14 Weigel.

15 MR. WEIGEL: Yes, thank you, Mr. Fawcett.

16 BY MR. WEIGEL:

17 Q. Mr. Edgar, I have -- one of the documents that the Coast
18 Guard has circulated are some emails that you sent on June 8th.
19 And I -- you probably don't have them in front of you, so let me
20 just ask you a very simple question. At 6:00 in the morning, you
21 mentioned you took draft readings when you arrived at 6:00 in the
22 morning, and I have an email that said you calculated 382 tons of
23 water soon to be in combination engine room and galley based on
24 those draft readings. And so, this was an email you sent at about
25 9:46 in the morning. At 1300, you sent an -- well, actually, an

1 update email at 1416 -- but it says in the 1300 update, since we
2 are gaining water faster, I now have 531 long tons on board.
3 Where did -- do you know where the water came from, from 0600 to
4 1300, where that extra water came from?

5 A. To my knowledge, only -- there was -- we found one open line
6 later when we were able to gain access to the engine room. It was
7 a one-inch line coming off the port sea chest, if I'm not
8 mistaken. But I don't know where that additional water was coming
9 from at that time, sir.

10 Q. Well, during the day on June 8th, were there still tugs on
11 station that were spraying the vessel with cooling water?

12 A. I believe so, yes, sir.

13 Q. Is it possible that the 200 extra tons -- 150 extra tons of
14 water came from the vessels' cooling water entering the engine
15 room vents?

16 A. It is possible.

17 Q. Okay. I have no other questions.

18 MR. FAWCETT: All right. Thank you very much, Mr. Weigel.

19 BY MR. FAWCETT:

20 Q. What I'd like you to do now, Mr. Edgar, is consolidate, if
21 you would, the remaining days starting with June 9th. Do you want
22 to take a break?

23 A. Oh, yes.

24 Q. No problem.

25 A. I got TB, guys.

1 Q. Okay.

2 MR. FAWCETT: The time is 2:45 p.m. You want to take 10
3 minutes, sir.

4 MR. EDGAR: That would be sufficient time to run to the head.

5 MR. FAWCETT: Okay. Thank you very much. We'll keep the
6 recording running. If everybody could mute and also mute your
7 video and we'll resume at 2:55 p.m. Eastern. Thank you, sir.

8 (Off the record at 2:55 p.m.)

9 (On the record at 2:55 p.m.)

10 MR. FAWCETT: 2:55 p.m. Eastern time. We're resuming our
11 conversation with Mr. Ken Edgar.

12 BY MR. FAWCETT:

13 Q. I had asked you previously to recount the days, the 9th,
14 10th, 11th and I'm assuming the 12th is the final day when you
15 were -- your duties were secure for the Spirit of Norfolk. If
16 not, you know, tell us. But if you could recount those days and
17 then we'll do a follow-up round.

18 A. Sometime around 2:30, 3:00 in the morning of the 9th, I got a
19 call from Martin Dorn (ph.), the lead man at the time for
20 Chesapeake Bay Diving, and then later got a call from Mr.
21 Hendricks indicating that the water level was approaching the top
22 of the board on the port aft stern of the Spirit. And Martin
23 indicated that he had engaged the pumps and was pumping to the
24 barge. And when I asked if the tanker (indiscernible), he says
25 no, we're just going over the top; we got it arranged.

1 And having worked with Mr. Dorn for numerous years in the
2 past, I had a lot of degree and comfort that he had it in hand. I
3 asked him if he needed me to or Mr. Williams to come in and he
4 says no, he got it covered and he'd see us at 5:30.

5 So, I went in, and they had been pumping over the top until
6 the tanker man got there, where the tanker man realigned the barge
7 so that they were no longer -- they were pumping through the cargo
8 block to the barge and were pumping things down. There was some
9 activity on the pier and the naval base commanding officer had
10 called out a pump team from the base when the water got out on the
11 board. And they were not able to move any water because they were
12 using -- trying to use the (indiscernible), so they had actually
13 secured one of the commercial pumps in order to get their
14 equipment in the area.

15 So, we got cleared enough and we got the second pump running
16 and continued to dewater to the barge and just monitored the
17 dewatering progress all day. Worked on -- continued dewatering,
18 put out the night orders for the 9th, and secured at 1815. And
19 that's the 9th.

20 10th was pretty much the same thing. Continued dewatering
21 over the night, did a good turnover with the night shift and what
22 they had accomplished. They noted that the water level had gotten
23 low enough that they noticed the one-inch line that was leaking
24 from the sea chest and hadn't quite been able to get it secured.
25 But we got a (indiscernible), work with the divers to come up with

1 a hull inspection and secure the sea chest, rudders and propellers
2 for the tow and any other hull openings.

3 They found -- they started working with Mr. Farrand on the
4 tow plan and some of the details for the tow plan. There was some
5 issues whether or not we should get a second barge because we
6 might fill the first barge, which was really a non-issue. There's
7 650,000 gallons and we were going to probably use about 300,000 at
8 most. Let's see, so that's the 10th.

9 They were also -- the salvage team was continuing overhaul
10 and they got the fire extinguished -- they found in the galley
11 when they were able to get enough water down that they could get
12 it over to the corner where the fire was located and get access to
13 it. Secured 20 -- sometime around 2000 on the 10th.

14 On the 11th, again more of the same. Continue dewatering,
15 arranged for the one-inch diaphragm pumps and hose to strip all
16 the tanks out -- not tanks -- compartments out. Inspected the
17 divers' handiwork with securing everything. One of the questions
18 that we had open was that there was a lube oil tank appeared on
19 the drawings, but it did not exist. Evidently, sometime the lube
20 oil tank had been removed or modified to become shelving and the
21 vessel secured all their lube oil in pails, and the burned-out
22 pails were on board.

23 By that time -- by the 11th, we're doing environmental
24 monitoring. We have a marine chemist out there checking
25 everything. The plan has been developed and submitted and by 1830

1 in the afternoon, I actually demobilized back to the North
2 Carolina office.

3 Q. And that was the 11th?

4 A. Yes, sir.

5 Q. So, a couple of clarifications. When you speak about
6 pumping, you described over the top. Could you describe what that
7 means?

8 A. Rather than going through the cargo block, we were going
9 through one of the expansion trucks, just putting the effluent
10 into the tanks on the barge through the expansion truck as opposed
11 to the cargo block.

12 Q. And the 2:30 call where the water was rising up to the
13 bulwark level, can you explain, based on what you know, how that
14 might have happened?

15 A. I have a thought that perhaps at that time the aft lazarette
16 in the steering gear space took on water.

17 Q. So, isn't that, based on your knowledge of the vessel, isn't
18 that a secured compartment? In other words, is that supposed to
19 be a watertight compartment?

20 A. Yes.

21 Q. And taking on water might be the result of the fire and
22 structural erosion of the watertight envelope for that
23 compartment?

24 A. That would be only a guess on my part. I really didn't get
25 into it. I do know that we pumped water out of those two spaces.

1 Q. The -- you know, the vessel initially developed a list to
2 port. Do you understand, you know, based on your looking at the
3 vessel schematics and, you know, plans and so forth, why it would
4 have taken on a list to port as opposed to even keel or list to
5 starboard?

6 A. There is no longitudinal bulkhead in either the galley or the
7 engine room, and not much to break up the water plain in either
8 space. And there's no telling if it started with a little bit of
9 port heel to it when they started fighting the fire, I imagine it
10 would just continue to get worse. The heel would continue to
11 increase, not necessarily continue to increase, as water is
12 retained within the vessel.

13 And then it's going to remain because once it's starched, you
14 know, everything's going to get wet, it's going to -- everything's
15 going to flow or fall towards the port side. And we did pump
16 water off the main deck that had pocketed on the main deck as well
17 once we were able to get onboard the vessel with the pumps. There
18 was a good size pocket on the main deck on the port side at the
19 corner.

20 Q. So, would it be fair to say that if the vessel had a known
21 natural -- and I'm not talking about natural, it's probably the
22 wrong choice of word -- but a historic list to port, then once you
23 begin to have down flooding or firefighting water going aboard, it
24 would then develop a port list?

25 A. That's safe to say, sir.

1 Q. What condition would you typically find a vessel in? Would
2 they -- would it be typical of a vessel of the type of the Spirit
3 of Norfolk to be in a zero-list condition? Like if I looked at
4 the clinometer, if it had one, or if I did surveys, would I expect
5 it to find the vessel on an even keel, maybe trim differently but
6 no list built in?

7 A. I think that that is a true statement. Other than the caveat
8 that there was a significant amount of moveable furniture up on
9 the main deck, and in deference to the Spirit of Norfolk, there's
10 no telling what happened to that furniture when they were
11 evacuating the passengers off that vessel, because we did find a
12 lot of furniture frames, I guess, would be the better word to
13 describe it -- once the fire was out on the porch side.

14 Q. And so initially the Navy fire chief was in charge and then
15 you made the statement in response to questionings that the Coast
16 Guard assumed the role of being in charge of the scene on the 8th.
17 When the unified command was established, did the overall
18 supervision of the response in terms of the incident commander
19 revert to someone else?

20 A. I do not quite understand your question, sir.

21 Q. In other words, after the Coast Guard was "in charge of the
22 operations on the initial day," did someone else take over being
23 in charge of the operations to save the Spirit of Norfolk?

24 A. I think it would be better stated that initially the incident
25 commander, in my frame of mind at the time, was the Norfolk naval

1 base fire chief and at some point, the unified command was
2 standing up. When that actually occurred, I don't know, you know.
3 That memo I did not get. But at some point, obviously the unified
4 command stood up and at which time the unified commander or the
5 incident commander would be in charge.

6 Q. So, various people are thinking draft readings and then
7 there's -- you provided a comprehensive set of general hydrostatic
8 worksheets showing the vessel's trim and different calculations
9 for different times and drafts. They referenced that like
10 positions at minus 70 and there's another reference I don't recall
11 off -- are you talking about where the natural draft marks are
12 marked on the hull when you talk about drafts?

13 A. Yes.

14 Q. And then were you working on a computer or software program
15 to create those GHS pieces?

16 A. Yes, I was using GHS.

17 Q. And then, you know, you mentioned the Coast Guard SERT, the
18 salvage emergency response team. Were you getting what you needed
19 from them or were there problems in how they supported your
20 efforts?

21 A. SERT does not support contractors. As a matter of fact, in
22 1831 on the 7th, this was after my discussion with Captain
23 Stockwell, I put in a call to the SERT duty officer to give him a
24 heads up that they were going to get an inquiry regarding the
25 Spirit of Norfolk. And this is our normal course of practice. We

1 work with SERT on just about every significant salvage that we do
2 in the United States. We maintain a good working relationship
3 with them.

4 If we get references first, we share them, which we did in
5 this particular case. We shared all the references that we got
6 from the ship owner, the SERT and make sure that they have them,
7 shared the modified GHS model with SERT and kept them informed as
8 to what we were getting regarding draft readings. Did not share
9 all the draft readings with them, but the ones I used for my
10 calculations, I certainly shared with them.

11 Q. And who do they support? Do they support the ship owner, in
12 this case Hornblower?

13 A. Negative. The salvage emergency response team, SERT, is made
14 up of officers who are serving in the marine safety office at
15 Coast Guard headquarters, and they support Coast Guard. But as in
16 any significant salvage operation, you know, it's not them against
17 us. We try to work very closely with all parties, the owners,
18 certainly with the unified command and the staff, in this case
19 SERT would be a staff-like function to the unified command with
20 SERT to make sure that we're all on the same page, we got all the
21 information, there's -- it's shared. And to be honest with you,
22 it's turned out to be, over the years, to be a very good working
23 relationship.

24 Q. And just a clarification when you talk about the modified
25 general hydrostatic model, what do you mean by modified?

1 A. The original -- I received a model from the owners. It was a
2 HEC (ph.) model, SHCP -- and don't ask me what that acronym that
3 Herbert uses -- but anyway it was converted to GHS. And I
4 modified the model because with a watertight door being opened,
5 now the engine room and the galley are common. So rather than
6 create an elaborate set of commands, it would allow water flow. I
7 just combined the two spaces in the model to emulate the condition
8 that we had.

9 Q. And then Herbert is the -- Herbert Engineering, the designer
10 and licensee for the software. Is that correct?

11 A. No. General Hydrostatics is for GHS. That's Bill Plaisis'
12 (ph.) company out of Townsend, Washington. But the original model
13 received from the naval architect who designed the Spirit of
14 Norfolk for Hornblower had used a Herbert product and the models
15 convert back and forth. But you can't use one directly with the
16 other; you got to do conversion back and forth.

17 Q. Understand. So, the naval architect would be the one down in
18 South Florida that -- I think you're down in South Florida -- but
19 it's the people that did the design and construction and naval
20 architect modeling for the Spirit of Norfolk. Is that correct?

21 A. That is correct, yes, sir.

22 Q. That's all I have for you, sir. Thank you.

23 MR. FAWCETT: Lt. Whalen.

24 BY LT. WHALEN:

25 Q. Yes, sir. I just have -- just one question. When -- and as

1 described, it could have been in our last module -- but when your
2 team went to access the escape trunk or the escape hatch from the
3 engine room, did they have any issues opening that or being able
4 to access it?

5 A. Negative, Lt. That was one of the questions I had for the
6 salvage master. He personally opened that hatch and I said get
7 any problems accessing? No, he says, it opened right up.

8 Q. Was it -- do you know if it a T-handle or, you know, wheel
9 type?

10 A. I don't know. I won't even hazard a guess, sir.

11 Q. Okay. I appreciate your time. Thank you, sir, that's all I
12 have.

13 A. Thank you.

14 MR. FAWCETT: Commander Roy.

15 BY COMMANDER ROY:

16 Q. Yes, sir, I got one question. You mentioned earlier before
17 the break about an open line on the port sea chest. Can you --
18 I'm just curious about that -- what do you mean by the open line
19 on the port sea chest?

20 A. There was a wattage pipe line, if you wish, that came off.
21 There was multiple lines that came off of each of one of the sea
22 chest, but there was a wattage line that came off the port sea
23 chest, went to a valve and then went to a flexible fitting. And
24 evidently during the -- sometime during the fire, that flexible
25 fitting was burnt and a valve was opened.

1 Q. And the water was entering the engine room via that pipe?

2 A. Yes, and the owner's rep surmised that that meant it may have
3 been water that went to the air conditioner.

4 Q. So, we don't know -- how much water -- did anybody do a
5 calculation of how much water that would have been put in the
6 engine room?

7 A. I did a rate at one time, like 40, 42 gallons a minute or
8 something like that that it was putting in. But, of course, that
9 would vary with the draft of the vessel at any given time and
10 whether that thing was fully opened all the time, but it's in the
11 neighborhood of around 40 gallons a minute.

12 Q. And that -- could that have been the cause of what was the
13 excess water in the engine room?

14 A. It was --
15 (Crosstalk)

16 Q. -- earlier?

17 A. It was certainly one source, but not the night of the 8th to
18 9th where it increased so dramatically, so rapidly. I suspect
19 that was the mashed spaces.

20 Q. Okay. But it could have contributed to that?

21 A. Well, at 40 gallons a minute, yes.

22 Q. All right. Thank you, sir. I appreciate it.

23 MR. FAWCETT: Thank you. Mr. Karr.

24 BY MR. KARR:

25 Q. Did you mention that the lazarette was pumped?

1 A. Yes. You know, ultimately, we ended up pumping both the
2 lazarette and the steering room.

3 Q. Do you remember how much water you got out of each or how
4 deep it was?

5 A. No, sir. The crew that was down there working it just told
6 me that there was water in there and they pumped it, and I believe
7 one access -- it's on the port side to one of them and the other
8 on the starboard side. And they said that the one that was on the
9 starboard side I want to say is the lazarette. They pumped it
10 down and then they had to get in the space and moved the pump over
11 to the port side to get the rest of it.

12 Q. All right. Thank you.

13 MR. FAWCETT: Thank you very much. For Bay Diesel?

14 MR. ABEL: No questions.

15 MR. FAWCETT: Thank you, sir. Captain Nadeau -- I don't see
16 anybody has joined. So, Mr. Weigel, City Cruises/Hornblower?

17 MR. WEIGEL: I have no questions, thank you, Captain Edgar.

18 MR. FAWCETT: All right. Thank you very much.

19 BY MR. FAWCETT:

20 Q. I just want to be clear, Mr. Edgar, who did you understand,
21 when you arrived on the 8th, was in charge of actually
22 firefighting operations?

23 A. I don't think that at any time -- anybody did relinquish
24 control of the firefighting operations from the Norfolk base fire
25 chief. At all times, I think he was responsible for the

1 firefighting. We never were, as Donjon-SMIT, responsible for the
2 extinguishment of the fire. We were tasked with overhaul of the
3 fire, but not extinguishment of the fire.

4 Q. Lessons learned. One of your colleagues, Mike Oder (ph.), in
5 one of the emails you provided. Was Mr. Oder a firefighter?

6 A. I believe he is. I have not worked with him personally.

7 Q. He sent an email, which -- it was an update on the 7th of
8 June at 7:04 p.m. to Guillermo Hernandez, and he was saying our
9 man is working with the Navy and the U.S. Coast and unified
10 command to develop an action plan. Hopefully, they can get it
11 developed and enacted before the vessel is completely consumed by
12 fire. Lots of lessons to be learned from this in regards to early
13 and effective attack. And then he said we'll update further as I
14 am notified.

15 Do you know of any lessons to be learned in terms of your
16 role as the person in charge of bringing dewatering expertise --
17 and I will say also stability and naval architect capabilities --
18 to the Spirit of Norfolk fire? Because, you know, one of our
19 things is we will analyze these facts and we will make
20 recommendations to various entities to prevent something like this
21 to the future. Do you have anything you'd like to share with us
22 in terms of lessons learned?

23 A. Not really, sir. I haven't given it much thought. One of
24 the issues of logistics was that -- and this may sound trite --
25 but a lot of the assets had to be staged at the head of the pier.

1 The ship was at the end of the pier, and this included things like
2 the porta potties. So, getting, you know, people had to transit
3 the full length of the pier for equipment and some personal
4 assets.

5 And as you can imagine, we were encouraging everybody to
6 hydrate while they're out there on the pier, not just the
7 firefighters, but everybody. The firefighters were getting bumper
8 gear, wearing apparatus. The rest of us were out there wearing
9 PPE, so a lot of water consumed. It has to go someplace. And
10 that did -- not just the porta potties, but some of the other
11 assets could be better positioned, I think, to be a little more
12 sensitive to what the troops are going through.

13 Q. I understand.

14 MR. FAWCETT: We asked you to deliver a couple of items.
15 And, you know, counsel, if you'll consider that, please and, you
16 know, get in touch with us with those two items that we talked
17 about. Does anybody have any follow-up questions for Mr. Edgar
18 before we complete the interview? Hearing none, the time is 3:22
19 p.m. We thank you very much, sir, for your willingness to sit for
20 this interview, and if we need anything else we'll get back in
21 touch with you.

22 For the people on the line, if you'll stay on for a brief
23 second after we're done. And thank you very much, Mr. Edgar.

24 (Whereupon, the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Jack Kevin Edgar

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: September 1, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: TOM BLAKELY, Administrative Manager
Hornblower Group/City Cruises

via Microsoft Teams

Thursday,
August 11, 2022

APPEARANCES:

KEITH FAWCETT, Investigator
United States Coast Guard

LCDR NICOLE EMMONS, Investigator
United States Coast Guard

CDR RANDY WADDINGTON, Investigator
United States Coast Guard

MICHAEL KARR, Investigator
National Transportation Safety Board

DANIEL T. STILLMAN, ESQ.
Willcox Savage
Attorney for Bay Diesel

WILLIAM BENNETT, ESQ.
Blank Rome, LLC

ERIC DENLEY, Counsel
Hornblower Group/City Cruises

I N D E X

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I N T E R V I E W

(4:01 p.m.)

1
2
3 MR. FAWCETT: Mr. Blakely, I'm going to ask you to just
4 acknowledge for the record that we are turning on the tape
5 recorder.

6 MR. BLAKELY: Understood.

7 MR. FAWCETT: By saying yes, that you understand that we are
8 recording this interview?

9 MR. BLAKELY: Yes.

10 MR. FAWCETT: Thank you. So this is a joint U.S. Coast
11 Guard/National Transportation Safety Board investigation, the
12 Coast Guard is the lead federal agency and we're conducting this
13 interview and this investigation under the rules of the U.S. Coast
14 Guard. Today is August 11th, 2022, it's Thursday, we're located
15 here in a Teams interview. We're conducting an interview with
16 Mr. Tom Blakely, who is described as the incident and admin
17 manager with Hornblower. And just so you know, I will use the
18 term Hornblower just to -- you know, City Cruises or Hornblower,
19 in some ways I may inadvertently use them, but I'm referring to
20 the organization that you work for.

21 MR. BLAKELY: Understood.

22 MR. FAWCETT: Thank you. So we're going to go around the
23 room and make introductions and I'll start with you and if you'll
24 say your name, first name and last, spell your last name and then
25 your position with Hornblower, please.

1 MR. BLAKELY: My name is Tom Blakely, B-l-a-k-e-l-y. I'm the
2 administrative manager on the national marine team for Hornblower
3 and City Cruises U.S.

4 MR. FAWCETT: So my name is Keith Fawcett, F-a-w-c-e-t-t, and
5 I am with the Coast Guard's District 5 formal investigation team.
6 In the room with me is --

7 CDR WADDINGTON: Commander Randy Waddington. Waddington is
8 spelled W-a-d-d-i-n-g-t-o-n. I am the District 5 formal team
9 lead. Thanks.

10 MR. FAWCETT: Commander Roy.

11 CDR ROY: Commander Eric Roy, R-o-y. I'm a member of the
12 E Class formal investigation team.

13 MR. FAWCETT: Commander Emmons.

14 LCDR EMMONS: Lieutenant Commander Nicole Emmons,
15 E-m-m-o-n-s. I'm part of the D-5 formal investigation team.

16 MR. FAWCETT: And for the National Transportation Safety
17 Board.

18 MR. KARR: Michael Karr, K-a-r-r, NTSB.

19 MR. FLAHERTY: David Flaherty, F-l-a-h-e-r-t-y, NTSB.

20 MR. FAWCETT: For Bay Diesel, please.

21 MR. STILLMAN: Dan Stillman, S-t-i-l-l-m-a-n, with the law
22 firm of Wilcox & Savage, here on behalf of Bay Diesel.

23 MR. FAWCETT: I don't see a representative for Captain
24 Nadeau, so Hornblower, please.

25 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y, Hornblower

1 Group and City Cruises.

2 MR. BENNETT: William Bennett, B-e-n-n-e-t-t, from the firm
3 of Blank Rome on behalf of Hornblower.

4 MR. FAWCETT: Thank you, everybody.

5 Mr. Blakely, memory is a perishable thing, you may recount
6 things differently, you may want to change your interview
7 statements. If you do that, your attorney, Mr. Denley, should
8 provide you with a copy of the transcript. If you see that you
9 misspoke or maybe you want to explain things a little differently,
10 work with him to get that message to the Coast Guard and then we
11 will produce a report of investigation and when you have the
12 opportunity, if you have the opportunity to take a look at it, if
13 you see any new information or inaccuracies in the report, once
14 again contact Mr. Denley and he can get that information to the
15 Coast Guard.

16 MR. BLAKELY: Understood.

17 MR. FAWCETT: So the final thing is the Coast Guard does
18 business by following the procedures and policies in the Coast
19 Guard's Marine Safety Manual. If you Google Coast Guard Marine
20 Safety Manual, Volume V, it's a searchable document and it talks
21 about the hows and whys of us conducting investigations and you
22 can look up any details of information that you desire there.

23 INTERVIEW OF TOM BLAKELY

24 BY MR. FAWCETT:

25 Q. So all of my questions in general relate to the time period

1 before the fire that occurred on June 7th, 2022. So for your role
2 that you perform at Hornblower/City Cruises, can you talk about
3 your background and experience directly related to the job you
4 perform?

5 A. Could you clarify that? I'm sorry.

6 Q. Yeah, so what's your background and what's your experience
7 that led to your role with the company that you work for?

8 A. Understood. I have a captain's license, I've been a captain
9 at other companies, so I come in with, I think, about 9 or 10
10 years and on my license I've been in the industry for about 20
11 years, give or take a few. So I come with that experience and
12 have been in a few organizations related to the maritime industry
13 on the nonprofit side, which led to some of the more clerical
14 sides of that work, and then I was also a marine safety training
15 manager at my last company, so --

16 Q. So which license do you hold as a Coast Guard credential,
17 what tonnage and is it coastal, near coastal?

18 A. I have a 200-ton near-coastal license with an unlimited able-
19 bodied seaman limit on life craft or lifeboats.

20 Q. So you just mentioned a safety-related, safety training
21 position with other companies?

22 A. Not safety training per se, sorry, it was a deckhand training
23 program that I created and ran for my previous employer.

24 Q. Could you talk about that a little bit?

25 A. New hire, boat orientation, basics, how to tie knots, how to

1 tie lines, how to do fire prevention, everything that they would
2 need to learn in order to grow within the company and advance in
3 their responsibilities and positions. And related to the maritime
4 aspect of the work.

5 Q. So the vessels that you did the training program for, the
6 people that were going to man those vessels, were those commercial
7 vessels?

8 A. Commercial passenger vessels, yes.

9 Q. And did you create a written training program and like --
10 that would be like a syllabus to follow so that all the people got
11 the same kind of training?

12 A. Yes, I developed training based off of the Passenger Vessel
13 Association materials which are supplied to their members, which
14 deal with the requirements of training.

15 Q. So how big a fleet in the company that you worked for, how
16 many vessels did they have?

17 A. They had seven vessels, about a hundred, the captain and crew
18 combined. Or employees.

19 Q. Did that training percolate down to all of the vessels? In
20 other words, if you developed a written training program, was the
21 expectation for all the vessels in your fleet to have the same
22 standard of training?

23 A. That is correct.

24 Q. And were written procedures developed in conjunction with the
25 material from the Passenger Vessel Association that would be

1 required to be adhered to in each vessel in the fleet?

2 A. The standards of training and operation were laid out by my
3 materials and others within the company and then for progress to a
4 new position, there were check-off points that were developed that
5 need to be filled before that could happen.

6 Q. And did somebody, for example, that was in a position to
7 certify, say you or a vessel captain or somebody else, did they
8 make sure that the person was prepared by following the material
9 and then sign them off?

10 A. That was how it was designed, yes.

11 Q. And what materials did you use that the PVA generated? I'll
12 give you an example. Did you use the personal safety manual?

13 A. I don't recall a specific. I remember that I used the fire
14 -- firefighting manual that they had out. Beyond that one, I
15 don't remember the names of them.

16 Q. Why would you distribute the PVA firefighting manual to the
17 people that you trained and put it on the vessels and have them
18 follow it?

19 A. They were training resources that were developed by the
20 Passenger Vessel Association and they provided the basics of fire
21 theory and basics of firefighting that our crew could use in an
22 emergency, and it's something that we trained our crew to do.

23 Q. Do you recall if the firefighting manual contained
24 information on how to prevent engine-room fires?

25 A. I do not recall.

1 Q. So now I'd like you to take me through what you do for the
2 organization, just take a minute, and in your own words, and
3 please try to provide as much detail as you can.

4 A. With Hornblower and City Cruises, you ask, with my role now,
5 I am in charge of the regulatory documentation from the Coast
6 Guard or CODs and the inspection piece for the COIs and some of
7 the FCC licensing for the vessels in the City Cruises U.S. fleet.
8 Beyond that, I'm also the lead on incident management as far as
9 the initial intake of incidents from across our fleet and
10 verifying that info and relaying that off to the proper -- if it's
11 going to insurance or if it's going to HR, on the incident itself.

12 Q. So talk to me a little bit about this marine metrics
13 dashboard, I don't know what that is.

14 A. Marine metrics dashboard. Within IndustrySafe itself, there
15 is a dashboard which will summarize incidents and break them down
16 by classifications, type of incidents, employee, non-employee. Is
17 that what you're referring to, marine metrics?

18 Q. Yeah, it's listed as a subcategory of your job description
19 and responsibilities.

20 A. So yeah, so within that and then there is also a basic report
21 that I pull from our maintenance tracking software in which I'll
22 just do a blanket -- a very basic rundown of percentage of open
23 preventative maintenance items against what has been completed.

24 Q. So is that the Vessel Vanguard system that used to be
25 described as Wheelhouse?

1 A. Yes, it is.

2 Q. And the information that you pull, is it exclusively
3 preventative maintenance or is it something more?

4 A. It is exclusively preventative maintenance for what I'm
5 doing.

6 Q. So would it contain recommended repairs, for example? In
7 other words, by preventative maintenance do you mean oil changes,
8 filter changes, belt changes and so forth?

9 A. That is my understanding. I do not dive deep into Vessel
10 Vanguard, I only go in and pull specific numbers out of the -- out
11 of a list that is provided when you click on a vessel. So I don't
12 go into the actual items themselves.

13 Q. So the marine metrics that you described --

14 A. Um-hum.

15 Q. -- you mentioned IndustrySafe, is that something?

16 A. That is Vector Solutions, it's our incident management
17 system.

18 Q. All right, so talk to me more about that. I wasn't aware
19 that, you know, you had that. So I'm a layman, I don't understand
20 it, could you help me understand how that works?

21 A. As an incident occurs at one of our operations, on one of our
22 vessels, the captains or first mates would take a report. If it
23 involved a passenger, they would have a description of what
24 happened, they'd have contact information for people involved,
25 there'd be a basic classification system that was applied to it

1 and then from there, that would be submitted in, that ticket would
2 populate and e-mails me and I would go into the system to verify
3 all the information is in the right place and that we have
4 everything we need and then from there I would relay it on to the
5 proper person.

6 Q. So if a passenger slipped, would that be in the system?

7 A. Yes, it would.

8 Q. First aid for a passenger?

9 A. Yes, it goes into -- if first aid was applied, if the person
10 declined it, if further medical attention was needed, if EMS was
11 called. Information like that.

12 Q. How about if there was a discharge of a fire extinguisher in
13 a suspected fire aboard the vessel?

14 A. Yes, there are hull incidents, which would include mechanical
15 and fire incidents. There are also security incidents that will
16 be -- that can be generated within there, and then the personnel,
17 as we discussed.

18 Q. Would a pure engine casualty and -- you know, we use that
19 term in the Coast Guard, but what I'm talking about, a mechanical
20 breakdown of a main propulsion engine, would that be captured in
21 there?

22 A. Yes, it would.

23 Q. So the event where a coolant leak occurred in May of 2022,
24 was that captured in the system?

25 A. I do not know, I have not looked for it.

1 Q. But if you looked into the system you could see if the event
2 was input at some level, correct?

3 A. That is correct.

4 Q. And so would it be the general manager's position or the
5 captain, director of marine operations' position, to go to a
6 computer that's linked into your system and log into the system
7 and follow procedures to document that event?

8 A. It would fall, as it's set up right now, under the director
9 of marine operations. It's his responsibility to relay that
10 information through the reports to us.

11 Q. So how often do you look at the reports generated by that
12 system and how do you look at them? In other words, do you look
13 at them as a printer report or a runner report and I glance at it
14 and pass it on, or do you actually look at the report and say
15 follow-ups need to be completed? You mentioned, I think, an
16 e-mail or notifying somebody --

17 (Crosstalk)

18 MR. BLAKELY: There's -- sorry.

19 MR. FAWCETT: No, no, I'm sorry. Go ahead.

20 MR. BLAKELY: There's an e-mail that's automatically
21 generated that is sent off to myself as something is input. I
22 will do a brief glance. If it's something that needs immediate
23 attention, I'll hop into the system, I'll log in, verify
24 information within that and then from there I'll add in if it's
25 something, if it's -- there are different things that trigger an

1 investigation, an internal investigation just within the system,
2 which provides a little bit more clarity on what happened, if it
3 was something with the hull incident, if it was a medical, beyond
4 first aid, that would classify that, but that would give us an
5 investigation. So a few things like that and that would -- I
6 would be the one that would be clicking on the investigation being
7 needed and closing that file out.

8 BY MR. FAWCETT:

9 Q. So were you working through the entire month of May, except
10 for like weekends and evenings?

11 A. Yes. May, I'm sorry, May of which year?

12 Q. Of this year, this prior --

13 A. Of this year, yes.

14 Q. So you don't recall the engine casualty that occurred in the
15 middle of May of 2022, with a discharge of a fire extinguisher in
16 the engine-room space?

17 A. I do not.

18 Q. If that happened and you were aware of it, would you have
19 clicked on investigation?

20 A. Yes, for that we would have.

21 Q. And who would that e-mail have been directed to?

22 A. The e-mails for the incidents are sent off to our senior vice
23 president of marine operations, Scott Smith; our VP of marine
24 operations, Gary Frommelt; John Lake; and a few other internal
25 people that are outside of the marine part of things.

1 Q. And who would they be?

2 A. Matt Warner, Colleen La Ha. And then it also is sent back to
3 the general manager of the port and the director of marine
4 operations for the port.

5 Q. And what would be an investigation, like the scenario I
6 described actually happened on board the vessel, you're not
7 familiar with it?

8 A. I honestly don't recall it, no.

9 Q. Okay, so there was a coolant leak in the port main diesel
10 engine which released a cloud of steam and vapor. The crew opened
11 the door, the watertight door, and they saw the compartment full
12 of steam and vapor, discharged a fire extinguisher in the general
13 direction of the engine and then they figured out hey, it's a
14 coolant leak, but it led to the overheating of the engine and the
15 rebuilding of the engine. So what kind of investigation would
16 typically, based on your experience, follow an event like that?

17 A. There might be a few extra details that would be filled in
18 from the initial report and for something like that, there would
19 be a corrective action that was created and then that would need
20 to move through a completion process and get closed out.

21 Q. And who would see that corrective action was adequately
22 described, in other words, who would write the corrective action?

23 A. The director of marine operations would generally be the
24 person that wrote that.

25 Q. And then who would carry out the corrective action?

1 A. That would be up to them, if it was somebody within their
2 team or if it was them, themselves, or if somebody needed to be
3 brought in from the outside.

4 Q. Would it ever -- you know, I'm looking at the organization
5 chart here and I see that there is a training and certification,
6 marine crewing person, that position is vacant. But have you seen
7 investigations where one of the corrective actions required
8 through training or like written procedures like you described
9 that you developed for the company that you used to work for?

10 A. Yes, you will see notes that, you know, additional training
11 was required and that the crew was brought in for that.

12 MR. FAWCETT: Mr. Denley, whatever the output of that
13 IndustrySafe system and tracking system is for the fire, the
14 engine casualty and the coolant leak, whenever that was developed
15 from that system, could you please take a note that we would like
16 to get a copy of that? If it's not under the existing subpoena,
17 we can add that information.

18 MR. DENLEY: Okay.

19 MR. FAWCETT: So thank you very much, sir.

20 MR. DENLEY: Sure.

21 BY MR. FAWCETT:

22 Q. So talk about, were you on duty or working when the fire
23 occurred on June 7th?

24 A. I was working, yes.

25 Q. Talk about that from your incident coordinator perspective,

1 how you learned about it, what you did, and then as you describe
2 this tracking system, the marine metrics system and the
3 IndustrySafe, how all that got put together. Just take your time
4 and tell the story.

5 A. I'm trying to remember exactly how I heard about it, if it
6 was from a team member or if it was from social media. What
7 happens with the reports that I see in IndustrySafe is that it is
8 something that's put in after the fact, so I'm not dialed in to
9 what is happening immediately at the moment.

10 It's up to the director of marine operations to call as soon
11 as they can in to the leadership level, you know, whether that's
12 their GM or if it's the director of marine operations or if it's
13 the VP of marine operations for City Cruises U.S. But the
14 incident report itself wouldn't be completed and submitted until
15 after the incident. So anything I did with that didn't occur
16 until that was submitted either later that day or the following
17 day.

18 Q. Yeah, that's understandable, but explain how you learned
19 about the fire and what role you played to support your company
20 during that fire, as it relates to -- we'll call the fire an
21 incident.

22 A. Sure. Like I said, I don't exactly remember who I heard it
23 from. In the day, during the day of the fire itself, I had very
24 little interaction with what was happening with our team. The
25 higher-up personnel were busy on the phone, that were in the

1 office, and I was just carrying on with my regular workday. I
2 didn't help to coordinate anything on-scene or to, you know, pass
3 along any additional information other than what I would have with
4 the incident report and relaying that to our insurance companies.

5 Q. So I don't recall who helped out one of your company
6 executives with an application that had a scanner on it, that was
7 able to listen in on the firefighting operations, that wasn't you,
8 was it?

9 A. That was not.

10 Q. So how did you put this into the system? So this incident,
11 how did that go into the -- eventually it got into the
12 IndustrySafe marine metrics system, how did that go in?

13 A. John Lake submitted a report in, he was involved in
14 coordinating the response with our insurance companies and with --
15 through our gone-tank (ph.) vessel program and everything we need
16 to do for that, he was coordinating that so he was in contact with
17 the people on the ground in Norfolk and he was the one that
18 submitted the report on their behalf.

19 Q. And did that get checked for an incident investigation?

20 A. Yes, it did.

21 Q. And what kind of e-mails did that incident investigation
22 classification generate?

23 A. I don't recall. I mean, the incident investigation, I
24 believe, was on hold pending the investigation that was being
25 conducted by the Coast Guard and NTSB, but I'm not sure at what

1 stage that is at this moment and I don't recall any specific
2 e-mails that discussed the investigation itself.

3 Q. So the company, and that's the broad term I'm using, you
4 know, that you're --

5 A. Yes.

6 Q. -- aware of, do they have a safety council?

7 A. I'm not sure. I know my reporting structure with what I'm
8 doing. I'm not sure at what -- to what degree they have a
9 specific safety council set up within the company.

10 Q. Are you aware of any portions of the company that have a
11 safety management system?

12 A. There are other components, I believe, within the ferry
13 system that have been in place, but it is not a part of City
14 Cruises U.S.

15 Q. And have you participated in phone calls, like phone safety
16 meetings or anything like that, where you listen in or make
17 reports?

18 A. There is a monthly call that happens, that involves some of
19 the GMs and DMOs and their port safety officers that are a part of
20 that, which are stood up in some of the ports and with that there
21 will be some safety discussions.

22 Q. This is the first time I've heard of a port safety officer.
23 What is that?

24 A. It's something I'm not quite familiar with because I'm coming
25 in from the outside and I haven't worked within the marine

1 operation side of things here. So the port safety officer and
2 some of the different titles and the way the procedures are here
3 are not something I'm entirely familiar with coming in from the
4 outside.

5 Q. So I should've asked this and I apologize. So how long have
6 you been working with this company?

7 A. Since April of '21.

8 Q. You know, there's some vacancies in the corporate structure,
9 there's, you know, two prominent vacancies in the directorship
10 there, engineering, and training and development. Have you picked
11 up any of those duties to help support the gap?

12 A. I have not.

13 Q. Has the company, prior to the fire, asked you to develop any
14 training for vessel crews or any written procedures prior to the
15 accident?

16 A. No, they have not.

17 MR. FAWCETT: Thank you very much.

18 Commander Roy.

19 BY CDR ROY:

20 Q. Thank you. Just a couple questions, I just want to go back
21 to the IndustrySafe system real quick. So you said when you --
22 like for example, (indiscernible) on the May engine casualty. In
23 that particular instance you would push an investigation, it would
24 go out in e-mails and then there'd be a report, a corrective
25 action, and a completion process, did I get that right?

1 A. I'll clarify one thing with it. As I send out an e-mail,
2 that goes out to our insurance companies and the people that were
3 mentioned. It would not signify in that, to my knowledge, that
4 there was an investigation that was triggered from that. Who would
5 be notified about that would be the GM and the director of marine
6 operations for that -- for the city in which that happened and it
7 would be their responsibility to make sure that that was closed.

8 Q. Okay, so the director of marine operations would be filling
9 out the initial report, it would go to you. If it was determined
10 that was an investigation, it would go back to them again, is that
11 right?

12 A. That is correct. And the incident report itself could come
13 from the DMO or from one of the captains.

14 Q. So, for example, if the director of marine operations is also
15 a captain, that would be the -- he would actually be doing the
16 report, it would go back to him to do corrective actions and
17 complete whatever that corrective action was?

18 A. That is correct.

19 Q. And the director of operations is the one who is responsible
20 for completing that and closing that all out?

21 A. They are responsible for making sure that it is completed,
22 yes.

23 Q. Is there any review process on that? Who reviews that, do
24 you know?

25 A. I do. I will be prompted that the investigation is completed

1 and I'll look at the corrective actions and I'd be the one that
2 would close that out.

3 Q. Okay, if the captain is also the director of marine
4 operations and they were actually a captain at the time, they're
5 the ones that were -- they were kind of investigating their own
6 incident, would that be a correct statement?

7 A. Yes.

8 CDR ROY: That's all I have, thank you.

9 MR. FAWCETT: Thank you, sir.

10 For the National Transportation Safety Board?

11 MR. KARR: This is Michael Karr, I have no questions.

12 MR. FAWCETT: Mr. Flaherty?

13 MR. FLAHERTY: I don't have any questions, thank you.

14 MR. FAWCETT: Bay Diesel?

15 MR. STILLMAN: No questions. Thank you very much,
16 Mr. Blakely.

17 MR. FAWCETT: Checking once again for Captain Nadeau, for
18 counsel.

19 (No audible response.)

20 MR. FAWCETT: Hornblower, please.

21 MR. DENLEY: No questions. Thank you, Tom, appreciate it.

22 MR. BLAKELY: Of course.

23 MR. FAWCETT: Before we complete the interview, any further
24 questions from anybody?

25 (No audible response.)

1 MR. FAWCETT: Mr. Blakely, thank you very much. The time is
2 4:34, we are completing our interview and stopping the recording.
3 Thanks again, sir. Have a nice day.

4 (Whereupon, at 4:34 p.m., the interview 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Tom Blakely

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 11, 2022

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.



David A. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: CHRISTOPHER BROWN, Captain
Spirit of Norfolk

Norfolk, Virginia

Tuesday
August 9, 2022

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I N T E R V I E W

(11:01 a.m.)

MR. FAWCETT: In addition to that, we are tape recording the Teams meeting that we're doing here. And if you'll acknowledge just by saying yes that I've told you that we are --

(Audio lapse)

MR. FAWCETT: -- joint investigation between the United States Coast Guard and the National Transportation Safety Board. The Coast Guard is the lead federal agency for this investigation. And we're conducting this investigation based on the Coast Guard regulations governing marine casualty investigations.

Today is Tuesday, August 9th. The time is 11:01 Eastern Standard Time. We're conducting an interview with Captain Brown, who was aboard the *Spirit of Norfolk*, and the location is the Norfolk federal building. We're conducting this interview to determine the circumstances surrounding the fire aboard the *Spirit of Norfolk* and the subsequent loss of the vessel, which occurred on June 7th, 2022, in Norfolk harbor.

So, what we'll do first is we'll introduce ourselves and go around the room, and if you would, if you'll state your name your last name spell it for the record, and then your affiliation with the *Spirit of Norfolk* on the day of the accident. And we'll then follow around the room.

MR. BROWN: Okay. I'm Christopher Brown, B-r-o-w-n. I am a captain with City Experiences. The 7th was my first day with the

1 company. That was a meet and greet day, so.

2 MR. FAWCETT: All right. My name is Keith Fawcett, F-a-w-c-
3 e-t-t. I'm with the Coast Guard's Fifth District Formal
4 Investigation Team for the *Spirit of Norfolk* fire.

5 LT. COMMANDER EMMONS: Lt. Commander Nicole Emmons, E-m-m-o-
6 n-s and I'm with the Fifth District Formal Investigation Team as
7 well.

8 MR. FAWCETT: All right.

9 MR. ABEL: Chris Abel, A-b-e-l with the Willcox Savage firm.
10 We represent one of the parties-in-interest in the case, Bay Power
11 Solutions.

12 MR. DENLEY: Eric Denley, D-e-n-l-e-y. I'm with City
13 Cruises, the *Spirit of Norfolk*.

14 MR. FAWCETT: So, in addition on the Teams call, remotely by
15 the telephone we have Coast Guard, please.

16 COMMANDER WADDINGTON: Commander Randy Waddington.
17 Waddington's spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5
18 Formal Team lead.

19 MR. FAWCETT: And then from the National Transportation
20 Safety Board?

21 MR. KARR: Michael Karr, K-a-r-r, of the NTSB.

22 MR. FLAHERTY: And David Flaherty, F-l-a-h-e-r-t-y with the
23 NTSB.

24 MR. FAWCETT: And counsel for Captain Nadeau, please.

25 MS. GALITOU: Magdalini Galitou, G-a-l-i-t-o-u, with Phelps

1 Dunbar for Captain Nadeau, designated party-in-interest.

2 MR. FAWCETT: And for Hornblower also on the line?

3 MR. WEIGEL: This is Alan Weigel with Blank Rome. It's
4 spelled W-e-i-g-e-l.

5 MR. FAWCETT: Anybody else?

6 Okay. So, Captain Brown, just to let you know, your memory
7 of this event and the information you provide in this interview,
8 you can change your statement, modify it. New things come to
9 mind, you can let Mr. Denley know or let us know, we'll let Mr.
10 Denley know. A transcript will be produced. Mr. Denley will have
11 access to that. And if you look through it, decide you didn't say
12 that or there needs to be some corrections, we can accommodate
13 that.

14 MR. BROWN: Okay.

15 MR. FAWCETT: We do this to produce a report of
16 investigation, which will be published. And if you see that
17 report and you say to yourself that you would like to amend that
18 information because some of the information -- that I have new
19 information or it needs to be corrected, once again let us know
20 and we'll start that process. You can let Mr. Denley know. If we
21 know, we'll let Mr. Denley know.

22 And, finally, there's a textbook in the Coast Guard called
23 the Marine Safety Manual, Volume 5. You can Google that and it
24 explains all the details of the how's and why's of conducting a
25 Coast Guard investigation.

1 Well, with that, I'll turn it over to Lt. Commander Emmons.

2 INTERVIEW OF CHRISTOPHER BROWN

3 BY LT. COMMANDER EMMONS:

4 Q. Thank you, Captain Brown, for coming down.

5 A. Certainly.

6 Q. Can you just kind of go and give us your maritime history
7 prior to your employment on the *Spirit of Norfolk*? Can you kind
8 of give us a background to -- of your background.

9 A. Certainly. Okay. I'm retired Coast Guard 30 years, chief
10 warrant officer. Throughout my career, I was in the
11 (indiscernible) and then when I retired, I had a command of the
12 ship, command of multiple units. Once I retired from the Coast
13 Guard, after a short time off, I went down -- accepted a job down
14 in Florida as a general manager for a marina, and a captain for
15 the company yacht and boats.

16 Q. And your -- how did you go about getting the job as captain
17 with *Spirit of Norfolk*, Hornblower City Cruises?

18 A. Yes. So, just a few years ago, I had interest prior to
19 getting out of the Coast Guard. So, I had come down and met with
20 Ryan, talked to him a little bit. And then circumstances changed,
21 so I ended up going down to Florida, and then when I came back I
22 pursued that again.

23 Q. And how soon prior to the *Spirit* that it was your first time
24 on board, meet and greet on the 7th. When were you hired with the
25 company prior to getting --

1 A. Two days before that.

2 Q. Oh, just a few days, okay.

3 A. Maybe a week before that.

4 Q. And did they give any indoc training, any kind of booklet,
5 pamphlet when you got hired on board?

6 A. Well, yes, I had to review the company policies and
7 procedures prior to coming on board. But just for a point of
8 clarification, the day that I was there, I was not the captain of
9 the ship that day. That was a meet and greet, an opportunity to
10 meet with Ryan, talk about job expectations and with the schedule,
11 and what it look like moving forward.

12 And then since he was getting underway, I got there about
13 10:00 since he was getting underway at 11:00. He asked if I was
14 interested in to getting it underway. So, I said absolutely and
15 got underway.

16 Q. Okay. And can you -- speaking of that -- I'm going to go
17 back and -- can you recall your accounts that day, just as much
18 detail as you can give us, what you saw, heard, what you did,
19 right, sounds, smells, anything that you can give us starting from
20 when you showed up --

21 (Crosstalk)

22 A. Yes, so I got there at 10:00 to meet and greet with him. I
23 met him on the pier. I had a short conversation. Worked our --
24 there were a couple of people, worked my way up to the bridge with
25 Ryan. On the bridge, we had a conversation again about

1 expectations, what the job was entailing, what kind of hours he
2 would be looking for, uniforms. And then about -- I don't
3 remember the time, it was before getting underway -- he had asked
4 if I was interested in getting underway. I said, yes, absolutely,
5 I'd love to go.

6 Once I agreed to that, he said all right, let's go down and
7 do the round. So, I shadowed him from the bridge down to the
8 engine room. Once we were in the engine room, we went -- first
9 place we went was back out to the port engine, walking between the
10 generators, which were already running. I went back to the port
11 engine, I didn't have my flashlight with me, but Ryan had his, so
12 he did a round of the engine, of the bilge and I just followed him
13 and watched using his flashlight. But he did a round of it, and
14 after that was done, he -- there's a starting panel right next to
15 the engine, I guess (indiscernible) of the bulkhead and he did
16 what he did to get it started.

17 Once it was started again, he went back to the engine, walked
18 around it, used his flashlight and looked around. I looked with
19 him. From there, we went over to the starboard engine, same
20 routine, walked around, looked at it, looked at the bilge, looked
21 at the engine, went over to the console mounted on the -- well, I
22 guess it was a (indiscernible), and he started it up. Once it was
23 started, again looked around, looked at it. I followed him
24 around, shadowed him. They looked fine.

25 We went forward. He showed me an air conditioning system and

1 the piping system shut off because I had asked him what it was.
2 And I also looked at the bilge system -- system just to kind of
3 familiarize myself with the different valves and placements.
4 After that, we went over the generators, which again were already
5 running, and we just looked around them same as the other engines.
6 He looked around, I just followed him. He pointed out the gauges
7 to me and where they should be -- operating temperature should be
8 at.

9 And then we walked out of the engine room, went up back to
10 the main deck and before going on the bridge, he said he had to
11 use the head real quick. So, I stayed there. He went down to use
12 the head and once he was done and came back up, we went up to the
13 bridge. Once we were on the bridge, he was doing a couple of
14 things, preparing to get underway. He asked me if I would be
15 interested in getting the ship underway under his direction. I
16 said absolutely. And we talked about engine control, we talked
17 about getting underway procedures, line handling, communications.

18 Once we were all ready, he handled the radio communications.
19 Once we were ready, he let everybody know. We got underway,
20 backed out, started heading outbound, a pretty easy ride. One
21 vessel was out there, the *Victory Rover*, which we passed by and --
22 I'm sorry, they passed by us. And once we -- everything was fine.
23 Once we got to about (indiscernible), I noticed that the port
24 engine had dropped out. So, I announced that on the bridge and he
25 acknowledged that. And from that, almost simultaneously, I

1 smelled smoke and said to him, do you smell that as well; yes, I
2 do. And then to me, it smelled like an alpha fire. It's not like
3 material, paper material, something like that burning.

4 So, there wasn't (indiscernible) in the bridge. It was just
5 -- you could smell it. So, I went right over to the window with
6 him. I looked out the window on the port side aft and saw smoke
7 and flame coming out of the port vent area, aft. He looked as
8 well and confirmed that -- well, we both went back to -- well, I
9 went back to the center -- top center of the bridge and he was on
10 the radio. I don't recall what he was saying. I meant, internal
11 radio system. Then immediately he got on the radio, called the
12 Coast Guard, let them know what was going on, and then a flood of
13 vessels started calling, which he was controlling at that point,
14 talking to them.

15 And then I told him I would stay here on the radio -- take
16 over the radio side of it if he, you know, concentrated on the
17 fire portion of it. So, at that point, I stayed on the radio,
18 called the Coast Guard a couple of times to update them, talked to
19 incoming vessels that were offering assistance. And he had at one
20 point -- one of the crew members had come up -- I think it's
21 Jeremiah. I did not know that in the first interview, but his
22 name is Jeremiah. He came up to the starboard bridge wing. I
23 remember him opening the door and talking across. I don't know
24 what the context of the conversation was, but I know Ryan had
25 agreed on whatever it was we should get -- go down and check that

1 out.

2 And at some point Ryan had said I'm going to go down below
3 and check some things out. I said okay, I got the bridge, I got
4 the comms, I got our position. So, I was staying on the bridge,
5 continued talking to various vessels and working with the *Victory*
6 *Rover* who had called and said they wanted to come alongside when
7 it was a good time to offload passengers. So, Ryan had come back
8 up -- I think he ended up talking to *Victory Rover* and talking
9 about the (indiscernible) for coming alongside. They did come
10 alongside. I stayed at the center of the bridge on the radios.
11 He had -- he was looking out the window, talking on the internal
12 radios to somebody. And then he said he was going to go down
13 below again, checked some things.

14 So, he went down; I stayed on the bridge again. Another
15 update from the Coast Guard, talking to the vessels around us,
16 looking out the windows. At this point, we had one tug on the
17 starboard side flowing water into the vent on the starboard side.
18 And it might even -- I think there was another one but I don't
19 know what it was doing. On the port side, same thing, we had one
20 actively putting water and there were two other tugs there, too, I
21 guess assisting in putting some water in there.

22 Once he had come back up to the bridge, I had heard on the
23 radio that all guests are off at this time. And the *Victory Rover*
24 pulled away and Ryan and I had a short conversation. I think it
25 was he was -- he said I'm going to back down below and look around

1 again to make sure. And I said, well, if you're going to go down,
2 I'm going to go down with you because we had nobody else on board.
3 So, he said you know what, it's probably time to get off the boat.
4 And I said, yes, it's probably time.

5 I mean, it wasn't anything -- you know, it was contained, it
6 was smoking, you know, but we had good stability and
7 (indiscernible), you know, not a whole lot of traffic other than
8 one ship going by that was having issues. But we ended up
9 deciding, yes, let's go.

10 So, we went down, went to the main deck area, looked out in
11 the dining room area. Nobody was there. We walked back slightly
12 and it was like no, come on, let's go. So, we went to the port
13 side, there was an opening, there was the -- like a crew boat
14 pushed up to it. And Ryan stepped off, I stepped off behind him.
15 I was the last person getting off. We pushed away. I had a
16 handheld VHF radio so I called the Coast Guard and let them know
17 that the two of us that were remaining on board are no longer on
18 board, and nobody's on board.

19 We backed away from the boat and then there was a tow boat,
20 U.S. vessel nearby and I guess Ryan knew the captain on there.
21 And we heard on the radio Bill Burket from MIRT was asking to get
22 us in there to kind of help out with information. So, we got on
23 the tug boat, took us into the pier -- the Navy pier. We got up
24 on the pier. We immediately went over to the command post, met
25 with Bill Burket real quick, and then went over to another truck.

1 They had a command post set up. And at that point, we kind of
2 broke apart and Ryan was being interviewed from the Coast Guard
3 representatives. And then he interviewed me afterwards and that
4 was kind of the end. I mean, I was there for support, but I ended
5 up leaving about 6:00 or 6:00 p.m.

6 And I will say one thing, in my original interview I had
7 talked about an alarm going -- there were alarms going off in the
8 bridge. I will say I think it was -- in hindsight, looking back,
9 I don't know the system well enough to really identify what alarm.
10 I think I said it was a smoke alarm. I think it was kind of
11 simultaneously going off with that, but I really can't say if that
12 was a smoke alarm or not, looking back at it, so I'd like to add
13 that to that.

14 Q. It's going to be on (indiscernible) as well. Were there
15 alarms going off and --

16 A. Yes, there were alarms going off, but honestly, I had been on
17 board for two hours. I wasn't versed enough on the alarm systems
18 on board to know whether it was an engine shutdown alarm or a fire
19 alarm or smoke alarm or -- I don't know what it was. I think I
20 connected that with what I heard him saying about smoke, and I
21 just put that in my head that that was a smoke alarm, but I can't
22 confirm that that's what that was.

23 Q. Okay. That morning when you were doing the rounds with
24 Captain Nadeau, did he mention anything -- I know you said he was
25 showing you everything -- but did he mention anything about the

1 engines, the generators in particular or did he -- was just doing
2 his rounds?

3 A. During that he did not -- and quite frankly, I couldn't hear
4 him anyway with our hearing protection on walking through, so
5 there was a lot of pointing and filling me in, look around, look
6 here. There was no real communication as far as that goes.

7 Q. Okay. For the crew boat (indiscernible) you got off on, the
8 first crew that you (indiscernible), did you get onto a crew boat
9 and then on to a tug boat?

10 A. No, I did not. I think we -- I think the *Victory Rover* had
11 pulled away and another crew boat had bowed in and we walked right
12 onto it and backed away. And then we were on there for, you know,
13 five, ten minutes. And I went down below and used his radio,
14 actually, to call the Coast Guard, just letting them know we were
15 no longer on board the *Spirit of Norfolk*. And then we pretty much
16 immediately went over to the tug boat, jumped on board there and
17 went right over the pier. We got off onto the Navy pier.

18 Q. Can you describe that vessel?

19 A. I mean, because we came right on it, I didn't see the -- I
20 really didn't see the size of it. And when we pulled away on the
21 tug boat, I really didn't -- it wasn't a concern to me which boat
22 it was. I thanked them, I was very appreciative they were there,
23 but I don't know what crew boat, but it was a crew boat of some
24 sort. But I don't recall who -- what boat it was or the colors or
25 any of that, unfortunately.

1 Q. Did you get to the pier then before the *Spirit* was --

2 A. Yes.

3 Q. -- pushed on the pier or was it after it was pushed to the
4 pier?

5 A. I feel like it was simultaneously. In fact, no, it was being
6 pushed in at the same -- because we waited a moment while they
7 were getting it alongside so we could go around the boom and get
8 in to climb up.

9 Q. Okay.

10 A. So, it was pretty much at the same time it was being pushed
11 in and tied up to the pier.

12 Q. And then you said when you got to the pier, there was a
13 command center. Can you kind of describe a little more about on
14 scene assets, what it was -- just like, who was there when you
15 arrived?

16 A. There was an overwhelming number of emergency vehicles and
17 people, which is great. But I don't know all of whom was there
18 and I know Bill Burket was there with his team. I don't think the
19 mobile command was there yet, but he was there and then they had
20 one of their trucks set up as kind of the command post. And then
21 there was various -- I mean, there must have been 10, 15 various
22 fire trucks, cars, trucks, equipment there on scene. But a lot of
23 firefighters on the pier.

24 Q. And did you happen to see, like, who was -- or what names on
25 the back?

1 A. Well --

2 (Crosstalk)

3 A. I did, but I'm not familiar enough with all the -- I know one
4 of them was Norfolk -- I think Norfolk was there, Norfolk Fire.
5 And then the Navy fire department was there and MIRT. That's
6 really all I remember.

7 Q. And were you attending -- did you attend any meetings, any
8 conversations once you got to the pier before you left at 6:00
9 p.m.?

10 A. No, nothing formal. I mean, I was just kind of trying to --
11 I was kind of poking my nose and just trying to hear what --
12 because I had done this kind of thing in the past. It was a ship
13 that caught on fire, I just had interest on hearing what they were
14 doing and how they were going to be going about it. But it was
15 just pretty standard conversation of a ship. And, you know, one
16 of the conversations was accessibility and, you know, where to
17 best access the fire from. And I know Ryan had told them that he
18 left the (indiscernible), you know, the ship's diagram and
19 drawings were in some sort of cylinder on the stern. He put them
20 back there so that way whoever came on board would be able to
21 access them, so.

22 Q. You mentioned you've done this before.

23 A. Well, just being in the Coast Guard for 30 years, being on
24 training teams -- shipboard training teams, leading training
25 teams, you know, those type of drills for many, many, many years.

1 And then being in the maritime world for all that time, I just had
2 interest in it, how they're doing, what they're doing, I mean,
3 point of approach.

4 Q. What was your experience as a firefighting maritime? Has it
5 been solely in the Coast Guard or have you had outside training
6 from anywhere as well?

7 A. No, all Coast Guard.

8 Q. So, you were on the radio comms most of the time for Captain
9 Nadeau when he was taking care of --

10 A. Yes.

11 Q. -- things on the vessel. One of the communications was
12 something about -- to the Coast Guard. We have investigators
13 looking at it. Can you go into that about who was investigating
14 the first of the fire or was it mentioned on the radio?

15 A. Yes, I don't know who specifically -- I don't know, I didn't
16 know the crew well enough to know who was actually going down
17 there, but I do know that (indiscernible) were going down to look,
18 because I had heard that on the internal -- on his radio at one
19 point, for him directing somebody to go down and take a look. And
20 I think I probably said that on the radio that we had people going
21 down to take a look at the space, to see if they could access --
22 but in my mind, I was -- he said we're going down to take a look
23 at it, so.

24 Q. Did anyone relate to you or did you hear anything about the
25 source of the fire?

1 A. No, never heard.

2 LT. COMMANDER EMMONS: Mr. Fawcett?

3 BY MR. FAWCETT:

4 Q. So, had you actually done some form of orientation prior to
5 your arrival at the vessel that day?

6 A. By the administrative company, what uniforms to wear, how,
7 you know, how to present yourself, the expectation of the company,
8 that type of thing. But no onboard firefighting drills or
9 (indiscernible) or any of that.

10 Q. So, did they give you any documents to review about your role
11 as either a captain or relief captain? Like, this is our -- like
12 in the maritime trade, we talk about a safety management system
13 where we talk about firefighting procedures or emergency
14 procedures. Did they give you anything like that?

15 A. Not that I recall. It was all online. It was an online
16 documentation, like a training -- not a training program --
17 information was sent to review, about 500 pages to go through.
18 But a lot of it, though, was administrative, I mean, policy
19 procedures, but I don't recall at that time anything about
20 underway procedures.

21 Q. So, since that point, even to this date today, have you
22 reviewed company procedures or policies for shipboard operations
23 like firefighting, emergency response, man overboard?

24 A. Yes, on the smaller boat, on the Freedom Elite.

25 Q. Which is?

1 A. The smaller vessel that they have.

2 Q. And how big is that vessel?

3 A. I'm going to say it think it's an 81 --

4 (Crosstalk)

5 A. -- feet.

6 Q. Okay. And does that same document specify this applies to
7 this vessel or does it generally apply to -- like the firefighting
8 procedures --

9 A. Yes.

10 Q. -- would they be for Hornblower/City Cruises vessels, like in
11 general?

12 A. I don't recall if it states specifically Freedom Elite or
13 Hornblower vessels.

14 Q. So, when did the company expect you to get that done? In
15 other words, you know, you had done the orientation and then you
16 had that fire that you had to deal with and you continued in your
17 employment. At what point did the company said you have to
18 complete digesting these documents, signing off somewhere that
19 you've done them?

20 A. I haven't received anything of that nature.

21 Q. Okay. So, there was no document that you signed that I
22 completed some kind of review?

23 A. Not to my knowledge, not for those -- not for that kind of
24 training.

25 Q. Related to emergency procedures?

1 A. Yes, no.

2 Q. So, the Coast Guard credential that you hold, what credential

3 --

4 (Crosstalk)

5 Q. Is that coach lines or --

6 A. Yes.

7 Q. So, when you went to the engine room, your experience with
8 Coast Guard vessels, which have this particular standard for
9 engineering spaces and so forth, what was your -- when you entered
10 the engineering space, what was your impression of the cleanliness
11 of the engine room in terms of oil drips, leaks, and so forth?

12 A. I thought it looked fine. I didn't see anything -- I mean, I
13 don't know what -- I mean, I don't want to be unfair with my
14 expectation is to what other people's expectations are. But when
15 I go through and look at the engine room as a captain, I'm looking
16 for specific things, things out of place, oily rags, dripping
17 engines -- well, diesel engines sometimes do that anyway. But,
18 you know, bilges filled with oil, rags, hazardous materials,
19 paints, stuff like that just being out in the open, not stored
20 properly. And when I went through that, I didn't see any of that.

21 Q. So, where the areas around the main diesel engines and the
22 generators free and clear of any combustible material?

23 A. From what I can remember.

24 Q. Do you recall the captain showing you, like -- just in
25 passing, I know it's your first day, I understand that. But,

1 like, here's the fire pump, here's how you operate it, even if it
2 was just casually?

3 A. I don't recall.

4 Q. Do you recall if, like --

5 A. I don't think -- I don't believe we went through the
6 procedures for lighting off the power main -- or the fire pump and
7 switching on the fire main valves. I probably looked at the valve
8 systems, because -- like the bilge system. I just don't recall in
9 there this time if I looked at that, but I'm pretty sure --
10 probably -- to at least look at the valves to know how to, you
11 know, where the valves were. But no operating procedures or how
12 to turn it on.

13 Q. All right. Do you remember seeing any of that bilge piping
14 system, like, handles -- valve handles being painted red to
15 signify or maybe they were part of the fire --

16 A. I don't recall.

17 Q. And then you mentioned the electronic -- the engine controls.

18 A. Yes.

19 Q. There was an alarm that came to the bridge based on
20 information we've acquired --

21 A. Yes.

22 Q. -- in this investigation. But loss of engine comms --
23 communication loss.

24 A. Okay.

25 Q. So, can you describe just based on that day you were on board

1 what you knew at the day how those controls function? Were they
2 the kind where you operated throttles and there was a linkage
3 between that and the engines or air, or was it pure electronic?

4 A. Yes, so unfortunately, I don't know. I don't know what type
5 of -- whether it was electronic, cable system, air drive system.
6 I don't know that. I think I believe they were electronic just
7 based on others that I've used. The system was pretty similar to
8 it.

9 Q. So, there were a lot of communications going on that day?

10 A. Yes.

11 Q. And we have reviewed -- you know, unfortunately for us,
12 they're in little bytes. We're trying to string them all together
13 in a coherent, you know, story so we can share it with the party-
14 in-interest. But --

15 A. Understood.

16 Q. -- channel 16 is the typical calling distress emergency
17 frequency. Do you remember using other radio channels in -- when
18 you were up in the wheelhouse in terms of calling other boats?

19 A. No, it was all on 16.

20 Q. So, you mentioned a point in time where you said in this
21 interview there was a ship that had issues.

22 A. Yes.

23 Q. Talk about that from the standpoint of when you knew about
24 that that day?

25 A. I did not know about it that day.

1 Q. Okay, that's enough. Yes, we're looking for, you know, what
2 you knew then, so we're good.

3 A. All I know that -- all I don't know -- all I know is that
4 while this was going on, I looked off to the port side and saw an
5 outbound ship with tugs all around it. And I did hear on the
6 radio we need to get tugs on that boat. It's -- I don't remember
7 the verbiage after that -- it's out of control or it doesn't have
8 -- I think he mentioned they don't have power. I'm not sure.

9 But truthfully, I thought they were talking about us. I
10 didn't know that they were talking about that container ship,
11 because it looked like it was just coming out, and I didn't
12 connect it till later on that that was -- that communication was
13 not for us. I just assumed because we were floating, they were
14 saying we need to get tugs on that boat because they don't have
15 power. We already had tugs on here, you know, but I just thought
16 that was part of the communication. I didn't know until
17 afterwards that it was something different going on in that
18 timeframe with another vessel.

19 Q. So, the communications going back and forth, you were in the
20 wheelhouse while things are going on, the captain's going below,
21 like, you know, to check on the safety of the passengers and so
22 forth. Do you recall any broadcast by the Coast Guard about,
23 like, waterway restrictions, like your safety zone or urgent
24 marine broadcast asking people to come to your assistance?

25 A. I don't recall. I mean, I -- so, I believe I heard the Coast

1 Guard putting out the broadcast for our situation, but that would
2 be the only one I heard. Like I said, there was a lot of radio
3 and I'm trying to -- I was trying to monitor the boats that were
4 coming in and wanting to assist and keeping track and control of
5 them. But I did hear the Coast Guard do a broadcast.

6 Q. And at that time, you had plenty of assistance?

7 A. Oh, yes.

8 (Crosstalk)

9 A. Yes, I've never seen so much -- a lot of the maritime world
10 come together so quickly. It was overwhelming.

11 Q. So, let's shift for a moment to the -- you're on the dock
12 safely.

13 A. Um-hum.

14 Q. You know, you're on the dock till about 6:00 p.m. that night.
15 Were you in a position to witness the -- one of the fire apparatus
16 kind of made the gangway, put it over onto the upper 01 deck,
17 second deck or the upper deck of the -- one the upper decks of the
18 *Spirit of Norfolk* so that people could transfer to the vessel?

19 A. I don't -- I'm trying to split hairs between seeing the news
20 and me being on the scene is the same thing. But -- and that -- I
21 don't -- I do know I saw it, I just don't know if I saw it when I
22 was physically there or I saw it on a news article and going
23 (indiscernible).

24 Q. So, in the afternoon, a reconnaissance party of firefighters
25 went aboard the vessel. Did you see, like, people mustering up

1 to, you know, pull on that gear and self-contained breathing
2 apparatus to go aboard the vessel like around mid-afternoon?

3 A. I don't think I saw that.

4 Q. And sometime after that, they did a recon and they came back
5 ashore. That's how I understand it. And then another team
6 equipped with a foam hose were now going to be aboard and try to
7 attempt to put foam in engineering spaces. And what's been
8 described to us is somehow that went amiss, there was a mayday
9 issued by the firefighters and the vessel suddenly lurched.

10 A. I know I wasn't there for that.

11 Q. Okay.

12 A. I know I wasn't on scene when they made access.

13 Q. Okay.

14 A. I heard about that on the news.

15 Q. Okay. I'll see if there's anything else. Did the captain
16 talk to you at all about, like, here's what we do, our safety
17 briefing and this is what we do as required by regulations? Did
18 he explain it to you at all or did you witness it?

19 A. Before getting underway that day?

20 Q. Yes.

21 A. I did not.

22 MR. FAWCETT: That's all I have. We'll go to the NTSB.

23 BY MR. KARR:

24 Q. Yes, this is Mike Karr. I've got a few follow-up questions.

25 A. Yes.

1 Q. When you said the port engine dropped off, what did you see
2 that indicated to you that you no longer had the port engine?

3 A. It was the RPMS on the tach gauge.

4 Q. And along that same line, you know, what kind of control of
5 the vessel did you have? Did you lose anything else? If you can,
6 just chronologically --

7 A. Yes.

8 Q. -- talk us through, you know, what happened on the bridge
9 with all the wheelhouse controls that you noticed?

10 A. Yes. I noticed we -- just from looking because we were at a
11 point of slowing down to make our turn to come back in. So,
12 brought the controls back to kind of glide for a little bit, and
13 when I looked down after a minute -- I don't even know the
14 timeframe -- a short time, I noticed that the port engine was off,
15 well the RPM gauge was at zero. We did still have the starboard
16 engine and the bow thruster.

17 And then I don't know at what point or if or when it went
18 down or Ryan shut it. I don't know, because I'd actuated from the
19 console and Ryan stepped in. Once he -- I had made the
20 announcement, he came over, he acknowledged it and then I backed
21 away and that's at the same time I smelled the smoke and he
22 smelled the smoke.

23 Q. Did you ever return to the controls and try to maneuver the
24 vessel after that?

25 A. I did not. I backed away in the position to give him control

1 back of the ship. I think I might even have said that, you know
2 -- I think at that point I had said you have control of the ship.

3 Q. And at that time when Ryan had control in those moments
4 immediately after that and continuing, did he share with you any
5 -- did you hear him say anything or did he communicate to you
6 about the control of the ship whether there were any additional
7 problems that he noticed?

8 A. No.

9 Q. Any comments about steering?

10 A. No, I didn't even notice whether or not we still -- did or
11 did not -- because I had the rudder at midship and we were --
12 brought the engines back to slow down and never touched the rudder
13 again, never looked down again at it, at the indicator whether or
14 not it worked.

15 Q. Was there any attempt made to maneuver the ship to -- for the
16 recovery of the passengers?

17 A. No.

18 Q. With the benefit of hindsight, you know, you said you thought
19 you smelled something like an alpha fire. Have you thought about
20 what that could have been that was in the engine room that you
21 saw?

22 A. I -- it just sort to came to mind to me from past training
23 and experiences, and it's just the insulation. But that's
24 speculation. I mean, it's just -- I mean, I smelled -- actually
25 from my first thought was -- the first thing I said to Ryan do you

1 guys have trash cans on the stern that might have caught fire, and
2 I thought maybe they have a receptacle back there that someone put
3 something in and either it started it by combustion or -- but he
4 said no, there's nothing back there. And then I looked out
5 further, I could see it was coming out the vent. But then it was
6 closed back there when I first looked, so I thought maybe it's
7 coming around the stern.

8 Q. With regard to the vessels that were responding and putting
9 water onto and into the *Spirit of Norfolk*, did you or Ryan provide
10 them with any direction?

11 A. I did not and I don't -- I know Ryan was talking to them on
12 the radio, but I believe there was a conversation about putting it
13 into the vent system to try to get access -- to try to put water
14 in the space.

15 Q. Did Ryan make any comments to you about what was going on,
16 what the plan was or anything like that?

17 A. No.

18 Q. When you were --

19 A. We --

20 Q. Pardon me, go ahead.

21 A. No, I was just going to say, you know, it's kind of an -- it
22 was an understanding that I had -- I had told him I'll take over
23 the radio portion of it and maintain comms outside the ship and he
24 would take care of the firefighting portion of it. So, I really
25 just stepped out of his way, because obviously my first day there,

1 I don't know what the policies and procedures are at that time for
2 fighting fires or who goes down or what systems are used. So, I
3 just stepped away from that. I didn't feel that was in my purview
4 to be a part of that piece. But I could definitely talk on the
5 radios and provide information and control to boats there outside.

6 Q. Was there any key piece of information you thought you passed
7 in your role that you were conducting?

8 A. On the radio?

9 Q. Yes.

10 A. I mean, other than -- you know, I think the only thing I had
11 given -- I mean, Ryan gave me the key piece of information of what
12 the situation was and where we were. And then my pieces were just
13 the updates that I was getting or that I had heard, which was just
14 a couple of them.

15 Q. And was all your conversation with the Coast Guard or were
16 you communicating with anyone else?

17 A. Well, I was communicating with a couple of other outside
18 vessels that were calling to offer their assistance and all of
19 them were heading our way pretty quickly. So, I was just trying
20 to coordinate that and asking them to just stand off a minute so I
21 could get Ryan -- you know, I want to run it by Ryan to make sure
22 any moves that happened alongside or with the ship with anyone
23 coming alongside, that he knew about it.

24 Q. And was there anything like that?

25 A. No, I mean, I just told him I got a bunch of calls and I

1 pointed out, you know, different vessels that were calling and
2 approaching that were standing by, if we needed anybody to come
3 alongside and he acknowledged that.

4 Q. And was Ryan -- where was Ryan when he was -- how close were
5 you and Ryan when he was talking to the other vessels?

6 A. Within -- I mean, I was standing pretty much right next to
7 him within a few feet, five feet at the most.

8 Q. And can you remember specific things he was -- mentioned to
9 the other vessels that were responding?

10 A. No.

11 Q. What -- when you were ashore, before you left, when was the
12 last time you spoke with Ryan?

13 A. Right before I left, I just went up and, you know, I just
14 told him I said I can hang around if you want me to hang around.
15 I have no problem with that. But if you don't need me, I'm going
16 to go ahead and take off.

17 Q. And if Ryan --

18 A. And he said no.

19 Q. All right. Did Ryan share anything with you as far as how
20 the response was going?

21 A. No, not that I recall.

22 Q. And if you could sum up, what was -- were you aware of what
23 Ryan was doing? If you can tell us, you know, what you observed
24 Ryan doing while you were on the dock until you left?

25 A. He was talking to -- he was being interviewed and talking to

1 multiple people on the pier. I just -- I didn't stand right next
2 to him the whole time. I kind of went down to the end of the pier
3 and I was just observing, just watching. I didn't track him or
4 trace him the whole time I was there, but he was interacting with
5 people that were there.

6 Q. The --

7 A. I don't know.

8 Q. Did he interact with firefighters?

9 A. Yes.

10 Q. Do you remember whether they were the chiefs or the people
11 that were in charge?

12 A. I think he was with MIRT. I think he was over there with,
13 you know, Bill Burket and his group.

14 Q. And was Bill --

15 A. And there might have been other people over there with him.
16 I don't recall who. There were people over there, I just don't
17 recall if they were, you know, MIRT people or, you know, Navy or
18 Norfolk firefighters. I don't know.

19 Q. And were the MIRT people separate from the firefighters or
20 were they all, like, one big group?

21 A. It was one -- there was a lot of people down there. I mean,
22 it was the one big group of people moving around.

23 Q. What would -- what I'm looking for is to kind of define when
24 you said the MIRT group, whether the MIRT group was, you know, off
25 by themselves or just closer to --

1 A. No, they -- I mean, every time that I saw them, they were
2 standing just off the stern on the dock.

3 Q. All right, thanks. I have no more questions.

4 MR. FAWCETT: Mr. Flaherty.

5 BY MR. FLAHERTY:

6 Q. Yes, hi. Sir, appreciate you coming in. So, you were at the
7 helm when the vessel departed or --

8 A. Yes.

9 Q. All right. How did the -- what type of helm was it, the
10 steering system?

11 A. It had a wheel and a joystick control, multiple joystick
12 controls. I chose to drive using the wheel, which I thought was
13 pretty (indiscernible).

14 Q. So, did the captain ever explain to you what the mechanism
15 was to turn the rudder from the wheel?

16 A. No.

17 Q. All right. Did he give you any words of advice when turning
18 the helm, that, you know, hey -- that, you know, you should keep
19 in mind while operating it?

20 A. The only thing that I asked him about before getting underway
21 in my curiosity was helm control response time. I just -- I had
22 run multiple ships and was -- just before I drove, I wanted to
23 know how, you know, based on his opinion what kind of timeframe
24 the response was. And we had just had a short conversation about
25 how -- I think they had had -- they replaced -- I think -- at any

1 rate it went from, you know, being a longer segment of time to a
2 shorter segment of time. So, it was pretty responsive just a
3 (indiscernible).

4 Q. I'm sorry, you broke up before you're saying -- the captain
5 was saying something to you.

6 A. We were just having a conversation about time delay and
7 response to the rudder and command, and he said it's significantly
8 shorter than what it used to be. And what he's referring to is a
9 few years ago, prior to me getting out of the Coast Guard, I had
10 interest in -- as I had mentioned, in joining the fleet as a
11 captain and I had come down similar to this and met with him and
12 had gotten underway with him. And I think he was referring to
13 that from the last time I was there. They had had worked done and
14 it was a significant time difference in response.

15 Q. Okay. Do you know when that work was done? Did he mention?

16 A. No, I have no idea. Sometime, you know, between 2019 or it
17 might have been 2018 until now.

18 Q. Okay. So, did you know that the system was hydraulic?

19 A. I did not.

20 Q. Okay.

21 A. Well, I mean, that would be -- it would an assumption,
22 though. I guess I assumed that, from the -- at least from using
23 the wheel control, I deemed it hydraulic.

24 Q. Okay. So, how would you -- how is a hydraulic system
25 different from maybe like a cable or electrical system, in your

1 opinion? How does that feel different?

2 A. Just response time. Cable is pretty direct --

3 Q. Um-hum.

4 A. -- and hydraulic has a time delay.

5 Q. Okay. So, he never gave you, like, any advise on, you know,
6 other than the time delay when you were talking to him, there was
7 nothing else asked about hydraulic system?

8 A. No.

9 Q. All right. When you were making the rudder commands, how
10 responsive was the system?

11 A. So, it was -- for that -- it seemed very responsive.

12 Q. Okay. Did you know which hydraulic motor for the steering
13 system was on?

14 A. I don't.

15 Q. Okay. So, prior to the fire, what was the helm command that
16 you were doing?

17 A. It was a midship.

18 Q. It was a midship. All right. What direction was the vessel
19 turning?

20 A. We were not turning yet. We were slowing down to make the
21 turn.

22 Q. Okay. So --

23 A. I mean --

24 (Crosstalk).

25 A. -- we would have made the turn to port, because we were

1 running down the green -- down the starboard line, with
2 (indiscernible) we would have come to port. But I don't -- I
3 really don't believe yet. We were at the point of slowing and I
4 don't believe I had made the turn yet. I'm pretty confident.

5 Q. So, when you turned the wheel, the helm responded pretty
6 quick. For you to stop the rudder at a certain angle, did you
7 have to counter-steer it or did you just chain to that angle that
8 you put the helm at and stopped?

9 A. We came to the angle and stopped.

10 Q. Okay. All right. And when the alarms went off -- I know
11 you're new to the ship and everything -- do you remember, like,
12 was there any lights on the console in front of you or anywhere in
13 the front, on the bridge that started flashing?

14 A. Well, I mean, there is a light -- there is -- I know from
15 getting underway that there's -- there is light for each engine on
16 the console, but I don't recall if any of them were flashing or
17 not.

18 Q. All right. Was any lights that were previously in the off
19 position started either coming on or flashing?

20 A. I don't recall.

21 Q. Was the alarm and the audible alarm --

22 A. Um-hum.

23 Q. -- coming from a specific area on the console?

24 A. From the -- yes, from the console area. I don't know where
25 on the console, but --

1 Q. All right. Well, you were facing forward at the time?

2 A. Yes. It was in front of me on the console.

3 Q. So, it was directly in front of you where the alarm was
4 coming from, the audible alarm?

5 A. I don't know if it was directly ahead of me, but it was in
6 front of me. It could have been to the right or to the left a
7 little bit. I don't know if it's directly -- I don't know where
8 the panel -- the alarm bell system is on there, but it wasn't --
9 (Crosstalk).

10 Q. Go ahead.

11 A. No, I was just saying it wasn't behind there. It wasn't off
12 to one of the bridge wings. It was ahead of me on the console.

13 Q. Okay. Was there any other audible alarm outside of the first
14 one that occurred while you were still on the bridge?

15 A. Not that I recall.

16 Q. Okay. That's all the questions I have, thank you.

17 MR. FAWCETT: Thank you, sir. Counsel for Captain Nadeau?

18 MS. GALITOU: No questions. Thank you, sir.

19 MR. FAWCETT: Thank you. Bay Diesel?

20 MR. ABEL: Thank you, sir.

21 BY MR. ABEL:

22 Q. Captain, I just had a couple of questions. With the engine
23 light off, you said you started in the port main?

24 A. Yes.

25 Q. Okay. And from what we're talking about, it sounds like

1 everything went as you would expect, everything started out just
2 fine. Correct?

3 A. Yes.

4 Q. Okay. Nothing seemed out of order?

5 A. None at all. It started right up, came right online.

6 Q. Do you know approximately how long the -- well,
7 (indiscernible) first -- was running continuously from the time it
8 lit off until the time of the fire?

9 A. It was just before 11:00, probably when we (indiscernible)
10 off, probably quarter of 11:00. So, an hour and 20 minutes.

11 Q. Okay.

12 A. I don't know if they had already it running previous to that,
13 though. A lot of times the mates -- it'd be speculation -- but
14 they get on board, get everything lit off, run everything up, shut
15 down, leave the generators running.

16 Q. Do you ever remember it being hot, you know, the engine was
17 toasty when you got down?

18 A. I don't know if it was running or not prior to that.

19 Q. Okay. We talked about starting port main then starboard
20 main. Were the generators already running when you guys got down
21 into the engine room?

22 A. They were.

23 Q. Okay. When I say they, let me break it down a little bit.
24 Were both generators running -- okay. Is that a plan that can be
25 split in terms of the electric load or do you know?

1 A. I don't know.

2 Q. Okay. Do you know which, if either one, was carrying load
3 that day?

4 A. I don't know, no.

5 Q. This might seem like a silly question. Just bear with me.
6 As far as the generators were concerned, did you observe anything
7 unusual, and in particular, any components that were missing, you
8 know, stuff that -- well, that's odd?

9 A. No, we did not.

10 Q. Okay.

11 A. Everything looked -- I've never seen it before so I don't
12 know those engines, what should or should not be on there. But
13 basic items that you look for, the gauging system and the, you
14 know, the joule lines and filters -- fuel filters, oil filters,
15 valves, were all in place.

16 Q. Okay. You mentioned about internal radios, and by that I
17 assume you mean just among the crew --

18 A. Handheld.

19 Q. Right. Did you have one that was assigned to you for that?

20 A. Before he went down below, he gave me a radio, and said hey,
21 if I need anything I'll give you a call on here.

22 Q. Okay. But in terms of from the time you got underway until I
23 think you lost the port main, you didn't have a radio?

24 A. I did not. He had one, I did not.

25 Q. All right. We talked about the steering, which I'm going to

1 come back for a moment. Simple question, is there a rudder
2 running indicator there in the pilot house?

3 A. Yes.

4 Q. Okay. And, again, basing on a silly question, at no point
5 were you surprised by anything in terms of how the rudders work?

6 A. No. In fact, I don't even know if I looked at it more than
7 once just to look at it, because unless you're getting a specific
8 rudder angle to steer, there's -- I turn and it turned.

9 Q. Okay.

10 A. I had no reason to believe that it wasn't doing what it
11 should that I would go it's not moving.

12 Q. During the time that -- up to and shortly before the fire and
13 I believe you said you were coasting at that point --

14 A. Yes.

15 Q. -- when the fire broke out. And that was in anticipation of
16 slowing and making the U-turn to go back --

17 A. Correct.

18 Q. -- to help you get the right -- okay. Up until the point
19 when you started coasting, about what speed was the ship making?

20 A. We were making 5 knots.

21 Q. All right.

22 A. Just about 5 knots.

23 Q. Okay. And then I'm assuming the coasting is -- you pull the
24 throttles back to neutral and just --

25 A. No -- I call it coasting, but basically -- I don't know if

1 that's the right -- I can --

2 Q. So, the moments -- they were in gear.

3 A. They were in gear.

4 Q. Right, okay.

5 A. But the first -- the lowest they can go.

6 Q. The lowest they can go, all right.

7 A. To maintain headway and control.

8 Q. All right. At that point, at the point at which you got it
9 in that first (indiscernible) and you're now coasting, were the
10 rudders likely to be effective at all and you were going to steer
11 with the engines?

12 A. I was going to steer with the engines.

13 Q. Okay. So --

14 A. And probably a little bit of rudder, but mostly engines.

15 Q. Okay. So, once you started coasting, you had the rudder
16 midship, right?

17 A. Yes.

18 Q. Best you can recall, for how long had the rudder been in
19 midship up to that point?

20 A. Probably 10, 15 minutes.

21 Q. Okay. So --

22 A. Once we rounded Lambert's Point, I headed down the green line
23 -- just off the green line and we were running the straight
24 course. And we talked about the turn coming up and, you know,
25 what he likes to do and, you know. And I said okay, it sounds

1 good to me. So, I said we'll just start drawing it back and when
2 we get down to about a knot, knot and a half, I'll start to make
3 our turn. And we hadn't gotten to that point yet. We were
4 slowing, slowing, slowing.

5 Q. All right. So, would it be accurate to say that for about 15
6 minutes before the fire, the rudder was in midship and at least,
7 to your knowledge, never moved again --

8 A. No --

9 Q. -- of the ship?

10 A. No, I would say -- I'm probably sallying a little -- you
11 know, I mean, it's not going to run a straight course. You got to
12 do a little correction here and there, and I would imagine I did
13 that. If not it would be a super boat -- super ship that just
14 runs straight on a course without ever adjusting anything, but it
15 would have been a very small maneuver.

16 Q. So, let me come back again then. How long do you think it
17 was from the last time you actually --

18 A. Okay.

19 Q. -- used the helm --

20 A. Yes.

21 Q. -- until the fire?

22 A. Let me think. I'd say a couple of minutes. I mean, a minute
23 to two minutes.

24 Q. Okay. Now, I believe you'd said that you realized the loss
25 to port main when, you know, with the acting engine RPMs. Did you

1 actually see it fall off --

2 A. I did not.

3 Q. Okay.

4 A. I didn't know anything was even wrong. I mean, you're -- we
5 were slowing so the anticipation was slowing. Had we been running
6 at a speed, I would have noticed for sure a drop off of an engine
7 because of the course change. But immediately, because we were
8 gliding at that slow speed, I didn't even notice anything until I
9 looked down. And I don't know what prompted me, honestly, I don't
10 know if my phone's -- I don't know. I just know I looked down and
11 I'm like we lost our port engine.

12 Q. Okay.

13 A. And the tach was at zero.

14 Q. So, it was already at zero when you --

15 A. It was at zero.

16 Q. Okay.

17 A. It could have been at zero for a couple of minutes. I don't
18 know that.

19 Q. And you -- and just say my question was did you hear the
20 sound of, you know, half the engine sounds had dropped out?
21 Anything that would cue you that something's unusual until you saw
22 the tach to zero?

23 A. When I looked down and saw the tach at zero and I smelled the
24 smoke -- it was like at the same time, that's why I figured it
25 out. But there was no feeling, no jolting, no booming, no

1 banging, no explosion, nothing.

2 Q. So, here's the longshot question. Prior to the tach going to
3 zero, when you were in coasting mode at that first (indiscernible)
4 as you were kind of getting ready to make the turn, do you know
5 what -- how many engine turns you at? What --

6 A. I don't

7 Q. Okay.

8 A. I know they were both equal --

9 Q. Um-hum.

10 A. -- because when I -- I assume we were talking about the
11 expectation for making the turn with Ryan, he said you want to
12 start bringing that back. So, I looked at the gauges and then
13 brought them back together, took the D10 (ph.), I watched them
14 both come down and then we just -- we're gliding along.

15 Q. Okay. And we've been talking about the port main, obviously,
16 because you saw that getting to zero.

17 A. Yes.

18 Q. Do you have any recollection of the starboard main still
19 showing turns on this tach?

20 A. Yes, it was still on. Yes, there was -- it was still up.

21 Q. You mentioned there was wheel and then multiple joysticks.

22 A. Yes.

23 Q. My imagination is each bridgeway and maybe on the console and
24 then in the pilot house as well. Where were the multiple
25 joysticks?

1 A. Yes, there's port and starboard bridgeways and then on the
2 console, and also on the chair -- on the captain's chair.

3 Q. Four joysticks.

4 A. That's what I'm saying, in the -- that one's in the center
5 console area. So, I said, Ryan, I said, well, I'll just drive
6 with a wheel. I like that.

7 Q. And nothing in the pilot house, I assume?

8 A. Yes.

9 Q. The wheel is set all high --

10 (Crosstalk)

11 A. In the pilot house.

12 (Crosstalk)

13 A. -- you got a big old ship, that's okay.

14 Q. I'm going to come back to the time of -- your conversation
15 with Captain Nadeau about the response time being faster than when
16 you've been there before, in terms of that.

17 A. Yes.

18 Q. And correct me if I got this wrong, the sequence as I
19 understand it is some years before when you showed an interest in
20 (indiscernible), the response time was for the helm. Fast
21 forward to the 7th of June, first time you're back in the pilot
22 house. And the comparison you have is since that previous time,
23 now it's better. Significantly better, I think were the words
24 you --

25 A. I did not (indiscernible) the boat the first time.

1 Q. Okay.

2 A. I was a complete passenger. I stood back and watched
3 everything going on, so I don't have any feel or any recollection
4 of it. I don't even know if we actually talked about it a few
5 years ago, but he referenced it in our conversation that since the
6 last time you were here, that's been changed or replaced. I don't
7 know what the conversation was (indiscernible) in response and
8 what it used to be.

9 Q. Well, and you're one step ahead of me there. You -- I think
10 you said something about being replaced or had work done. Was
11 there any description of what was done or how extensive the work
12 was that he was referring to?

13 A. No.

14 Q. Was it your understanding the work was to the steering
15 system, though?

16 A. Well, based on our conversation, yes.

17 Q. Okay.

18 A. For the steering, yes. Something must have been -- something
19 new was replaced, a component of some sort.

20 Q. Actually I think those are all the questions I have.

21 MR. FAWCETT: Mr. Denley?

22 BY MR. DENLEY:

23 Q. Yes, I've got a few questions. So, you talked about your
24 Coast Guard career, your 30-year Coast Guard career. What vessels
25 did you command in the Coast Guard?

1 A. I was the commanding officer of Coast Guard Cutter Frank Drew
2 here in Portsmouth, 175-foot.

3 Q. Okay. And what other (indiscernible) tours did you have?

4 A. I was on Coast Guard Cutter Kanawha, which is a river tender
5 in Pine Bluff, Arkansas. I was on --

6 Q. What did you do on that vessel?

7 A. I was the first lieutenant, so worked the deck, drove the
8 ship. I was an engineer, qualified engineer as well. Then I was
9 on Ida Lewis, which is a 175-foot buoy tender. Again I was the
10 first lieutenant on board there, deck watch officer, department
11 head. And then I was on Juniper, which is a 225-foot buoy tender,
12 and I was the chief of the mess on there. I ran the deck crew,
13 small boats, deck watch officer. And then I was on Willow, a 225-
14 foot buoy tender and I was the first lieutenant on there, deck
15 watch officer, department head.

16 Q. When you were on Kanawha, you said that you were a qualified
17 engineer? So, what would that entail as the qualified engineer
18 aboard the Kanawha?

19 A. Again qualified to run the engines, keep the engines on line,
20 ramping up speed, get underway.

21 Q. They were diesel engines?

22 A. They were.

23 Q. Pretty comfortable that when you go down in an engine room,
24 you kind of know what the components are, know what the systems
25 are.

1 A. Pretty comfortable, yes.

2 Q. Okay.

3 A. I mean, engine -- so, point of clarification, I was an
4 engineer, which is great, but I was not in engineering department
5 so I didn't do the break downs, I didn't do -- well, we did
6 actually do some of that stuff because we're a small crew, but it
7 wasn't my responsibility to do, you know, oil changes although I
8 did some, but it wasn't my responsibility. And (indiscernible)
9 here and there, it's kind of like being a mate in this company.
10 You know, they could be units on line or parameters, fuel levels,
11 operations, how they should operate.

12 Q. You kind of know what to look for.

13 A. Yes, absolutely.

14 Q. And then the Kanawha had main diesel engines and it had
15 diesel generators as well similar to the *Spirit of Norfolk*, yes?

16 A. Yes. Kind of a little smaller, but yes.

17 Q. And so you mentioned that this was a meet and greet.

18 A. It was.

19 Q. So, this opportunity to get underway, was there any
20 expectation, was there any talk of you doing training while you
21 were on board?

22 A. Absolutely not.

23 Q. No?

24 A. Not at all.

25 Q. So, that was not the intent of you getting underway and you

1 being --

2 A. No.

3 Q. -- on board?

4 A. The (indiscernible) was just like the last time I went on
5 board. I was there to meet him, talk to him, catch up on what's
6 happened, where -- what I've done, what I'd like to do, him to
7 give me his expectations, what he was looking for and just watch
8 like I did last time. But he had asked if I was interested in
9 everything else (indiscernible). He goes you want to get it
10 underway under my direction, that's -- I said I'd love to.

11 Q. But in terms of, you know, when got booked to show up to
12 "work that day" there wasn't an expectation that you were going to
13 be doing any sort of intensive training --

14 A. No.

15 Q. -- systems --

16 A. No, it was supposed to be a quick -- I was just -- it was to
17 just come down, meet with him, talk about, like I said,
18 scheduling, expectations, uniforms, when to start, all that. It
19 wasn't even to get underway.

20 Q. So, Mr. Abel clarified that when you first got underway and
21 when you were first getting the vessel underway, you did not have
22 a radio.

23 A. I did not.

24 Q. A ship's crew radio.

25 A. (Indiscernible) I did not.

1 Q. And so you couldn't hear any of the communications that Ryan
2 was making with the other ships -- the other crew members?

3 A. Correct.

4 Q. Except what you could --

5 A. Yes, I could hear him having a conversation, but I honestly
6 had no idea what -- I wasn't paying close enough attention to
7 listen to what he was saying to everybody.

8 Q. Once you got the radio, once the fire happened and he went
9 down below and he gave you a radio, then you were able to listen
10 in to some of those conversations?

11 A. I could have, but he wasn't on the radio because he went down
12 below. And he personally -- there was nothing on the radio.

13 Q. He wasn't making -- he wasn't giving directions --

14 A. No --

15 Q. -- on the radio.

16 A. -- not at all.

17 Q. Giving direction in person.

18 A. Yes. And then when he came back up, I put the radio back
19 over on the console.

20 Q. Okay.

21 A. On the port side.

22 Q. Okay. So, was there some questions about -- or I believe Mr.
23 Karr asked you some questions about attempts to maneuver the
24 vessel after the fire started, I guess, or the firefighting
25 efforts started. I mean, it sounded to me, based on what you

1 said, that there was a tug on one side providing firefighting
2 water. A tug on the other side providing firefighting water.

3 A. Yes. And we also had a tug -- there was also a tug on the
4 port bow.

5 Q. Can you talk about the tug on the port bow?

6 A. Yes. So, at some point, a tug had come in on the port bow
7 and threw a line across -- onto the port bow to control the ship,
8 to pull it around.

9 Q. So, you were physically connected to that --

10 A. Yes.

11 Q. -- ship at that point?

12 A. Yes.

13 Q. And who was making those arrangements and who was kind of
14 communicating that?

15 A. Ryan.

16 Q. Okay. So, at that point in time, could you have safely
17 maneuvered the vessel, if you had wanted to, given the fact that
18 there are so many other vessels around?

19 A. Well, we wouldn't have. They took control -- I mean, once
20 you have a ship alongside that takes control of maneuvering, you
21 no longer control without communication to that ship to say hey,
22 I'm going to come ahead on an engine or something, but -- yes.

23 Q. Can you give us -- so essentially the tow -- the towing
24 vessel that had the bow line on --

25 A. Um-hum.

1 Q. -- was effectively in control of the maneuverability of
2 the --

3 A. I don't know. He -- I mean, he was attached.

4 Q. Yes.

5 A. I don't know if he was effectively in control. We really
6 didn't maneuver a whole lot, other than we were heading northbound
7 in the channel and then we ended up west -- facing westbound
8 towards (indiscernible).

9 Q. So, you were physically connected to another vessel --
10 (Crosstalk)

11 A. I didn't go over and look, but if he wasn't holding us there
12 then we would have been drifting somewhere. Between the two who
13 pushed in our stern and the one with the line controlling us.

14 Q. Yes. So, I'd like to ask just a couple of questions about
15 kind of what you saw when you were at the Navy pier. So, you're
16 ashore now, you're at the Navy pier. Can you describe -- you
17 mentioned that there were -- I think this maybe what you said --
18 was there was an overwhelming number of firefighters --

19 A. There was.

20 Q. -- response vehicles. Could you describe the scene? Do you
21 know who was in charge?

22 A. I don't.

23 Q. Can you describe the scene? Did it seem like there was a
24 coordinated effort to fight the fire?

25 A. Yes. It seemed -- I believe only because having trained in

1 this environment and worked with MIRT a lot, while I was on
2 (indiscernible) through the assumption when I pulled up to the
3 pier is that MIRT's in charge because that's what they do, Bill
4 and his team. So, we went and found him right away. That was the
5 first person we went towards so I could introduce him to Ryan. I
6 didn't know if Ryan knew him or not, but we just went over and
7 said hey, we're here, if you need anything let us know. And that
8 was just off the stern after they pushed it in, probably like, you
9 know, 50 feet down the pier. And they were just standing there in
10 a group. I know -- I don't know everybody that was there, but I
11 know Bill for sure and I know one of the other guys. He had a
12 MIRT jacket, something on it that said MIRT. I remember because
13 of the embroidery on his shirt. So, they were standing there.

14 Q. And you said that the assumption was that MIRT was in charge?

15 A. No, that was my assumption.

16 Q. Yes. I believe you said it was because of some training
17 while you were with the Coast Guard.

18 A. Um-hum.

19 Q. Can you describe that? Why was that your assumption?

20 A. We just -- I did a lot of training with MIRT over the years
21 while I was there, involved in their symposiums every year,
22 getting underway, doing different -- national firefighters would
23 come to the area and I would take them out. Our boat would be one
24 of the boats used as a command post with Bill to get him out to
25 the head fleet and do the training wherever we were. Just having

1 worked with him throughout the years, I know his role, I know the
2 command post. I'd see them at the base a ton of times, built a
3 relationship with him. I know that's their job. And once we get
4 to -- once we get to the location, it's their job to coordinate
5 any of those maritime events, to bring together the other groups
6 and be an essential command post and utilize them.

7 Q. And so kind of given the fact that you had just come off the
8 vessel that was on fire, you were standing there at the Navy pier,
9 I guess from your professional perspective, was it a fairly
10 reasonable assumption on your part that there were enough key
11 firefighting people and trained firefighting people to, you know,
12 address the situation?

13 A. So, I believe there were enough -- more than enough physical
14 parties there. I don't know about the training portion of it. I
15 don't know who's trained to fight maritime fires versus structural
16 fires on land. I don't know that, but there were a lot of people
17 and apparatus there to be a part of it if they were properly
18 trained to deal with a maritime fire.

19 Q. And so you were observing -- as you've obviously trained --
20 you're trained in maritime --

21 A. Yes.

22 Q. -- firefighting. You were there observing that. Did -- I
23 mean, did you see any efforts that were made to address the -- to
24 address the fire in a manner that's consistent with maritime
25 firefighting?

1 A. I guess -- I mean, the only comment that I would make is, you
2 know, maritime firefighting, when they're dealing with a ship,
3 dealing with compartmentation and dealing with introduction of
4 water into a space that's already been boxed and closed and
5 sealed, and then accessing that compartment, there are certain
6 challenges, certain actions that have to be taken before you go on
7 board. And if you can't access it from above, which is not
8 optimum because of heat and because of the rise. But if you have
9 to access it, you just have to be conscious of what was just put
10 in that compartment before you access it. And the, you know,
11 understanding what you're about to come up against in that type of
12 situation.

13 Q. And are you speaking because you observed something or are
14 you speaking just in general --

15 A. I'm just speaking in general --
16 (Crosstalk)

17 A. I'm just speaking in general to combatting, you know, the
18 procedures in the maritime world for combatting -- controlling --
19 identify and controlling combatting fire and seeing what did
20 happen. Later on -- I wasn't there, but later on after coming --
21 I went back to the -- I went back the next morning or two mornings
22 -- I went back just to kind of see what was going on in the
23 morning and got debriefed on what happened. And talked to the
24 captain of the port just kind of see what was happening and I
25 heard what happened.

1 Q. What did the captain of the port say?

2 A. She just told me what happened overnight, that, you know,
3 that they -- I had asked, you know, what happened last night. And
4 she just said yes, they went on board to access the space and were
5 overcome, they called a mayday and had to evacuate off the ship.
6 And I was, like, yes, that's not a surprise. I mean, when we
7 filled that -- that thing was being filled for two hours, I mean,
8 with water. And the stern went down significantly so you're going
9 to have water in that space and you can't just access it through
10 the galley compartment and open that watertight door and expect to
11 not be met with what was put in there. It has to be pumped out
12 first, contained.

13 You know, ideally, in a firefighting situation like that,
14 you're best to let it soak -- you're best to let it sit. It's
15 contained, it's closed, ventilation's off. You have natural
16 ventilation, I get that, but for the most part, the compartment is
17 closed off, sealed, the water is covered over, whatever, was on
18 fire. The electrical system is down so it's basically just
19 floating. Just let it soak, but then at some point you got to
20 take accountability for all the water that's pumped in there and
21 get that pumped out before you try to access (indiscernible). If
22 you're coming from the top then I could a lot more water, but --
23 and at that point, you know, bulkhead's twisted from the heat.

24 So, anyway, my opinion was once they had gone on board to
25 access the space, somebody didn't account -- from what I

1 understand -- somebody didn't account for the water that was put
2 in there and pumped that out before trying to open that bulkhead.
3 And most bulkheads -- most of the watertight doors have a double-
4 staged door so you can pop it once, see if air, pressure, water,
5 anything comes out, and if nothing comes out, you open it the rest
6 of the way.

7 I don't know if they did or (indiscernible), I don't know but
8 they would have thought that was a lot of water, which would have
9 opened the space and allowed access for whatever was remaining in
10 there to start moving its way forward.

11 Q. Thanks. That's all the questions.

12 MR. FAWCETT: Okay. I've got a couple of (indiscernible).
13 Is that okay?

14 BY MR. FAWCETT:

15 Q. So, this is Mr. Fawcett again. Just some follow-ups based on
16 what you were just talking about. So, you were actually employed
17 by Hornblower on June 7th. Is that correct?

18 A. That's correct.

19 Q. And then we used the term like mates around here. There are
20 mates that are licensed as a mate, for example, but what are we
21 talking about in terms of who a mate is on the *Spirit of Norfolk*?

22 A. So, the mate is a -- is the -- so when we got underway, we
23 have the captain, the mate and then the deck crew. I get
24 underway. And the deck crew obviously takes care of the deck
25 portion, making sure the line handling, getting underway they

1 handle the lines. And then the mates are in charge of the deck
2 hands, but the mates also are the ones who will ensure that the
3 ship is prepared to go for the day, engineering lives.

4 So, they'll go down, check the engines, verify fluids, light
5 the engines off, make sure that everything comes up on line and
6 then shut everything back down into a standby position. And then
7 we -- or I get on board. I do the same thing. I run back
8 through, go through the engine space, check all the engines, check
9 the bilges. And then, yes.

10 Q. So, based on your knowledge, is a mate on the *Spirit of*
11 *Norfolk* at the time of the accident, are they licensed and
12 credentialed by the Coast Guard or is it simply a designation for
13 a deck hand? So, it'll be a designation where Hornblower would,
14 for some reason, designate that as a mate.

15 A. Correct.

16 Q. Do you know if that is in, you know, requires the kind of
17 training program -- we just had a witness in here that was a crew
18 person on that accident. And they said that she had a friend who
19 was studying and taking an exam to become -- to advance herself
20 with the company. Would a mate have to do something like that
21 based on what you know now?

22 A. I mean, I do not know.

23 Q. There was in testimony in the transcripts from previous
24 interviews with the crew a discussion about a bow thruster alarm
25 -- a high-water level bow thruster alarm -- that came in prior to

1 the fire event. Are you aware of a bow thruster alarm or
2 anything?

3 A. I am.

4 Q. And could you talk about that?

5 A. I heard or I guess Ryan had identified -- again, I didn't
6 know what alarm, what it was. But he at the time, he had
7 identified that a bow thruster alarm was going off.

8 Q. And where would have that been in the voyage?

9 A. It was at the dock.

10 Q. Okay.

11 A. It was at the dock. And he had -- I don't know who he called
12 on the radio, but I know he had called on the radio and talked to
13 somebody about it, he said to go check it out. And I don't know
14 after that what -- whether or not they did or didn't -- I'm not
15 privy to the response after that, if they came and called and said
16 yes, it's good or if even -- I don't know.

17 Q. So, the -- like when the captain was showing you around the
18 vessel, was the bow thruster -- do they have like a bow thruster
19 room or compartment with electrical or hydraulic bow thruster? Do
20 you have any idea?

21 A. I never made it -- I have no idea. I don't know.

22 Q. So, during the time from the fire was discovered until the
23 time you were off the vessel -- let's use that time frame -- where
24 you disembarked with the captain, did the captain make a phone
25 call with his cell phone to anybody that you're aware of?

1 A. I don't recall.

2 Q. But do you have any photographs, like cellphone photographs
3 or anything about the fire or the subsequent events?

4 A. The only -- I have a few videos -- not videos -- I have a few
5 photos from the bridge just at the tugs, because I was -- I
6 couldn't remember their names so I wanted to take a picture. And
7 I did forward those out to the lieutenant who was at the first
8 one.

9 Q. Okay.

10 A. And the same day I sent them to him.

11 MR. DENLEY: (Indiscernible).

12 Q. Yes, so we'll make sure with Mr. Denley that those are the
13 photographs that you're talking about. Because I've seen so many
14 photographs.

15 A. Yes, absolutely.

16 Q. So, you're on the dock, you've got -- you're familiar already
17 with Mr. Burket, you've worked with him and his organization for
18 the Port of Virginia for a long period of time, a relatively long
19 period of time. Did he make any statements or observations to you
20 when you saw him on the dock that afternoon about the
21 effectiveness of the firefighting operation? Did he characterize
22 it in any way?

23 A. No. In fact, I had very minimal interaction with him that
24 day. He was -- I went up and approached him at one point to say
25 hi and he was busy and he went on with what he was doing. I just

1 backed away. I don't even think I talked to him after that.

2 Q. And then my final question. So, when you talked to the
3 sector commander, I'm assuming you were talking to Captain
4 Stockwell?

5 A. Yes.

6 Q. So, when you talked to Captain Stockwell, did she explain
7 like who opened the watertight door, in that conversation you had,
8 who opened the watertight door to the engine room?

9 A. I think it's just the team that went on board. They were
10 saying if it was maybe the Coast Guard or who -- she didn't -- I
11 don't recall that, the team who went on board.

12 Q. Did she say anything like a mistake was made or there was an
13 error in the way they approached that --

14 (Crosstalk)

15 A. No.

16 Q. That's all I have.

17 MR. FAWCETT: Mr. Abel.

18 BY MR. ABEL:

19 Q. Just a couple of follow-ups. We talked about positions on
20 the ship, mate, deck hand, that sort of thing. There's no chief
21 engineer, right?

22 A. (No audible response).

23 Q. Okay. There's not -- in fact, are there any engineering
24 watchstanders or wipers, engineers of any kind on the ship?

25 A. No.

1 Q. All right. And (indiscernible) engine room when she's
2 underway.

3 A. Okay. So, I have to start my conversation between two
4 things.

5 Q. Okay.

6 A. *Spirit of Norfolk*, I'm really not familiar with --

7 Q. And that's all I want to know.

8 A. -- how they do what they do, when they do it on there. I was
9 on there two hours and my time was on the bridge. Other than
10 doing the initial round, I don't know who, when, what time, but I
11 do know that that is an accessible engine room while underway. It
12 was very accessible and my understanding was -- because I did ask
13 the question -- who does -- the conversation of who does, you
14 know, when we're up here, who does the rounds on the boat? And he
15 said the mates and the deck hands.

16 Q. Okay.

17 A. They're all trained to look at the engines and understands
18 what they should look like and what the engine should be looking
19 like.

20 Q. That's all. We talked about when you got to the naval base
21 about the same time as the ship got to the naval base. My
22 understanding is she was put alongside starboard side. Do you
23 have any idea why it was starboard, not port side or can you
24 recall who --

25 A. The side of the ship being put in there?

1 Q. Yes. Why the other side was to the pier?

2 A. I don't know. I wasn't part of the conversation, but being
3 in the maritime world and knowing they had a tug connected to the
4 port and was already -- I mean, that's my --

5 (Crosstalk)

6 Q. -- fender.

7 A. It was already attached for control and didn't want to
8 detach, come around, reconnect, spin the whole boat around. So, I
9 believe it was already positioned that way off the pier when we
10 were in the river. So, they essentially just brought it back and
11 put it into the pier.

12 Q. You talked about the (indiscernible) the Coast Guard?

13 A. No.

14 Q. So, if I look backwards, what (indiscernible) did you retire
15 out of?

16 A. D5.

17 Q. And what position did you have at the --

18 (Crosstalk)

19 A. I was District (indiscernible) officer.

20 Q. Okay. Now, if I look backwards from the D5 (indiscernible)
21 officers, what did you have?

22 A. (Indiscernible).

23 Q. Okay. And you put those two together, that's how many years
24 here in Portsmouth and in Fifth District?

25 A. I got here in 2012 and I retired in 2020.

1 Q. And then prior to that, were you out of the district?

2 A. No, I was the officer in charge of the unit here in '97 to
3 2001 at Portsmouth.

4 Q. Okay. And then the last thing I was curious about, we talked
5 about main engines and losing power and we talked about the
6 generators running at the outside of the (indiscernible). At what
7 -- well, was there a point where you lost power on the generators?

8 A. I don't know.

9 Q. Okay. Was there a point before you left the ship that you
10 realized, okay, it's essentially a dead ship, we've lost
11 electrical power, too.

12 A. I don't know. The radios were still on when we left, so --

13 Q. Okay.

14 A. -- if I bring a battery backup, I don't know.

15 Q. But you know the one, the one generator --

16 A. I have no idea what the operations below deck were, what was
17 running or not running or control.

18 Q. Okay. But you are sure the boat's port main -- port
19 starboard main diesel engines have shut off by the time you left
20 the ship?

21 A. I don't know that. I know the port engine, for sure. I
22 don't know when or if the starboard engine went offline. I don't
23 know that.

24 Q. All right. I have no further questions. Thank you, sir.

25 MR. FAWCETT: Thank you. We'll go on the line first if

1 anybody has any follow-up questions and then we'll conclude with
2 Mr. Denley, if he has any follow-ups?

3 BY MR. KARR:

4 Q. This is Mike Karr with the NTSB. Captain, could you describe
5 how you intended to turn the *Spirit of Norfolk* when you were --

6 A. Yes.

7 Q. -- you know, to make the return trip home.

8 A. Yes. I was doing it under Ryan's direction. We were talking
9 about, you know, what he does and what he did, and was expecting
10 me to do. And it was to bring the -- to start slowing the ship
11 down until we got down to about a knot or a knot and a half. And
12 then using mostly engines, a little bit of rudder, turn the ship.

13 Q. Thank you.

14 A. And the reason behind that is -- there's a simple reason
15 behind that is because rudders create a lot more port and
16 starboard listing than using engines to get a smoother turn with
17 passengers.

18 Q. All right. Thanks for that explanation. Next question is,
19 when you came back -- when you showed up at the pier on June 8th,
20 the day after the accident, you were an employee of Hornblower or,
21 you know, you were an employee of the *Spirit of Norfolk* at that
22 time?

23 A. I was.

24 Q. And what was your role, what were your orders? You know,
25 what was your --

1 A. I --

2 Q. -- role there on scene?

3 A. I had no role, I had no orders. I went back on my own just
4 because I had an interest in what was going on and what the
5 response was. But there was no expectation that -- I wasn't told
6 by anybody to come back the next morning and be a part of
7 anything. I just went back on my own.

8 Q. Were you put to work by anyone?

9 A. No, not at all.

10 Q. And was that the only day you were back on the pier while the
11 ship was there?

12 A. Yes. I'm trying to -- I think I went back the next day as
13 well.

14 Q. Thank you.

15 A. Sorry about that. I don't -- I'd have to look at the
16 timelines on when we pulled in and how long it was there before it
17 went to the shipyard just to try (indiscernible). But I know I
18 was definitely there the next day and wanted to go back down there
19 and take a look and see how things have progressed.

20 Q. No more questions from me.

21 (Crosstalk)

22 BY MR. FLAHERTY:

23 Q. This is David Flaherty with the NTSB. I just want to
24 confirm, sir, that the -- at no time after the -- that the fire
25 was discovered, was the helm ever turned to starboard?

1 A. No.

2 Q. Okay.

3 A. Not -- I wouldn't have turned to starboard, no.

4 Q. All right, thank you.

5 MR. FAWCETT: Captain Nadeau?

6 MS. GALITOU: No questions. Thank you, sir.

7 MR. FAWCETT: Thank you, ma'am. Mr. Denley?

8 MR. DENLEY: No questions, thanks.

9 MR. FAWCETT: Anyone else?

10 UNIDENTIFIED SPEAKER: No, sir.

11 MR. FAWCETT: The time is 12:33. We are completing the
12 interview with Captain Chris Brown. Thank you very much. At this
13 time, we're turning off recorders. Thanks.

14 (Whereupon, at 12:33 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Christopher Brown

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, Virginia

DATE: August 9, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*

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NEAR NORFOLK NAVAL STATION,

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Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022

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Interview of: NICHOLAS COFFIEY, Captain
Condor

via Microsoft Teams

Wednesday,
August 10, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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United States Coast Guard

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United States Coast Guard

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Blank Rome

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I N T E R V I E W

(1:01 p.m.)

MR. FAWCETT: -- and produce a transcript?

MR. COFFIEY: Yes.

MR. FAWCETT: Thank you. So this is a joint U.S. Coast Guard NTSB investigation. The Coast Guard is the lead agency for this investigation and we are conducting this investigation under the rules of the U.S. Coast Guard. We're conducting an interview for -- today is Wednesday, August 10th, 2022. The time is 1:01 p.m. Eastern Time.

We're conducting an interview with Captain Coffiey who was -- or Coffiey who was the skipper of one of the assistance tugs via Teams. We're conducting this interview to understand the circumstances surrounding the fire and the subsequent loss of the (indiscernible) the commercial excursion vessel *Spirit of Norfolk* which occurred in Norfolk Harbor on June 7th, 2022.

So what we're going to do first, Captain, is starting with you, we're going to introduce ourselves to you. If you would just your first name, last name, and the spelling. And then who you work for and what you do. And then we'll go around the room.

MR. COFFIEY: You want me to start?

MR. FAWCETT: Yes, please, Captain.

MR. COFFIEY: Nicholas Coffiey. N-i-c-h-o-l-a-s C-o-f-f-i-e-y. And I am the captain on the *Condor* and I work for the (indiscernible) towing to Norfolk.

1 MR. FAWCETT: Thank you, sir. My name is Keith Fawcett. F-
2 a-w-c-e-t-t. I am with the Coast Guard's 5th District formal
3 investigation team. With me in the room --

4 MR. WADDINGTON: Commander Randy Waddington. Waddington is
5 spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5 formal team lead.

6 MR. FAWCETT: Thank you. Also for the Coast Guard,
7 Ms. Emmons.

8 MS. EMMONS: Good afternoon. I'm Lieutenant Commander Nicole
9 Emmons. Last name is E-m-m-o-n-s. And I'm with the District 5
10 formal investigation team.

11 MR. FAWCETT: And now, the NTSB, please.

12 MR. KARR: I am Michael Karr, K-a-r-r, with the NTSB.

13 MR. FLAHERTY: I am David Flaherty. Last name is spelled F-
14 l-a-h-e-r-t-y. With the NTSB.

15 MR. FAWCETT: And Mr. Ventker, please.

16 MR. VENTKER: I am David Ventker, V-e-n-t-k-e-r. And I'm
17 counsel for McAllister Towing.

18 MR. FAWCETT: Thank you, sir. For Bay Diesel.

19 MR. STILLMAN: Dan Stillman. S-t-i-l-l-m-a-n. Counsel for
20 Bay Diesel.

21 MR. FAWCETT: Thank you. Representing Hornblower?

22 MR. DENLEY: This is Eric Denley. D-e-n-l-e-y. I'm with
23 City Cruises and *Spirit of Norfolk*.

24 MR. FAWCETT: And representing Captain Nadeau. All right.
25 Thank you. So Captain, did I miss -- before I go on, did I miss

1 anybody on the call?

2 UNIDENTIFIED SPEAKER: No, that's it. I think that's all of
3 us.

4 MR. FAWCETT: So Captain, you know the mind -- you can
5 remember things differently. So if you remember anything
6 differently from this interview, the questions we ask you, or have
7 additional information, if you'll let Mr. Ventker and he'll let us
8 know.

9 Then when a transcript is produced, if you see the transcript
10 and you say that it's not accurate, please let us know through
11 Mr. Ventker or contact Lieutenant Commander Emmons and we'll let
12 Mr. Ventker and we'll share that information with everybody on
13 this call.

14 MR. COFFIEY: No problem. Will do.

15 MR. FAWCETT: So the Coast Guard is going to publish a report
16 of investigation about the circumstances relating to the *Spirit of*
17 *Norfolk* fire. If you see that report, same thing. If you see any
18 new information or errors, if you'll let Mr. Ventker, he'll let
19 the Coast Guard and we'll see if you consider any changes to the
20 report.

21 MR. COFFIEY: (Indiscernible).

22 MR. FAWCETT: Then there's a big thick manual called the
23 *Marine Safety Manual* if you Google it. If you Google that *Marine*
24 *Safety Manual*, which is the *Marine Safety Manual Volume 5*, it
25 talks about how we conduct business. So if you don't have any

1 more questions, I will do one piece of housekeeping here.

2 Ms. Emmons, I just got an email from Mr. Weigel. I will
3 address that if you want to commence the interview.

4 MR. WEIGEL: (Indiscernible).

5 MR. FAWCETT: Yes, sir.

6 MR. WEIGEL: I'm on. I get the (indiscernible).

7 MR. FAWCETT: Okay, thank you. Thank you, Mr. Weigel and
8 Ms. Emmons.

9 MS. EMMONS: Good afternoon, Captain Coffiey.

10 INTERVIEW OF NICHOLAS COFFIEY

11 BY MS. EMMONS:

12 Q. Again, thank you for taking the time out of your day. I know
13 you just got off duty so thank you for talking with us.

14 A. No problem.

15 Q. We'll just start with -- kind of give us your maritime
16 background, the history of --

17 A. Yeah. I am a graduate of SUNY Maritime College. I graduated
18 with my third mate unlimited license back in 2016. While I was
19 there, I used to work as a dockhand, deckhand, at Wilmington Tug.
20 After I got out of school, I (indiscernible) my license.

21 RECORDING: Welcome to the audio-conferencing center. Please
22 enter a conference ID followed by pound.

23 A. I (indiscernible) transportation. I'm sure most people know
24 -- are familiar with them. They ended up kind of losing all their
25 business and everything like that. And sold it all --

1 RECORDING: You are now joining your meeting.

2 A. -- and my brother who actually worked for McAllister Towing
3 for a while, he's actually --

4 RECORDING: This meeting is being recorded.

5 A. -- so I made the transfer over to McAllister Towing and I've
6 been working here for the last two-and-a-half years. Started out
7 as a deckhand training me to become familiar with the D drives
8 which is a little bit different than the conventional boats. I
9 trained under Larry Sullivan here. Great teacher, great captain.

10 And yeah, got the mate position shortly thereafter. And then
11 just got the captain position. And that was actually my first
12 (indiscernible) captain on the *Condor* was when this fire happened.
13 So -- yeah.

14 Q. Did you say that was your first day?

15 A. It was like my third or fourth day. But it was my first
16 hitch as captain.

17 Q. I was just going to ask you if you'd work on other vessels as
18 a captain but --

19 A. No, not as the captain. That was actually the first vessel
20 as a captain. Yes.

21 Q. Thank you. We're just going to start. I'm going to have you
22 recount the events of June 7th. And then we'll ask some follow-up
23 questions and we'll all go around. But if you could just take us
24 back to June 7th. Prior to you the receiving the call. And try
25 to be as detailed as you can. Just kind of what you witnessed,

1 what you did, what your crew did, and what you saw that day and
2 kind of talk about how (indiscernible).

3 Q. Yeah. So it was -- the Rosemary what's the first boat to get
4 underway. We all kind of saw the smoke coming out of the *Spirit*
5 *of Norfolk* and we weren't really sure yet -- they had gotten a
6 call off the radio on (indiscernible) 13. We're always monitoring
7 13, 10, and then we had it with 16, as well. On 13, heard the
8 call from the *Spirit of Norfolk* calling any available tugs in the
9 area. Obviously, we were right there at NIC pier 3.

10 Captain Sullivan was the first one to get underway with the
11 Rosemary. And I heard over the radio that they were going to get
12 the passengers off so I had my engineer (indiscernible) up.
13 Obviously, there was a fire onboard seeing the smoke billow out.
14 I had him get my -- we have a deck fire monitor onboard the
15 *Condor*.

16 So I had him get that all warmed up, turn on the other
17 generator and everything like that. We reported -- shortly
18 thereafter, the Rosemary was already there. They were getting a
19 line on the bow. They roped up the bow to bow. And the GM
20 McAllister came. Him and me showed up basically at the same time.

21 Trying to think. As soon as we got there, Captain Sullivan
22 kind of took charge of all the McAllister boats. He positioned
23 the *Spirit of Norfolk* to where the passengers wanted to get off
24 about mid ship of the *Spirit of Norfolk*. The fire was aft on the
25 vessel. You can see the -- you can basically tell it was aft

1 because it was coming out the back right here (indiscernible) or
2 the ventilation.

3 So we got the vessel to a position where the wind was blowing
4 the smoke aft so the passengers could get off. The *Victory Rover*
5 what's the one that first came alongside. I did (indiscernible)
6 the Captain -- it was like midway through they couldn't hold
7 position after we were holding it.

8 So before that, we were holding position kind of close to aft
9 like right at to where the passengers were getting off. And I
10 directed my deckhand who was using the fire monitor at the time to
11 cool the boundary and just kind of keep the boundary. I didn't
12 want -- obviously, knowing that you can't have too much water
13 getting onboard a vessel because it's got to have a way of getting
14 off, as well.

15 So I kind of directed him to keep a cool boundary, his
16 boundary cool. And have that curtain to where the passengers
17 could get off and not feel that immense heat. Because at that
18 point, we were actually seeing flames come out the ventilation on
19 the port side. All I could see was really the port side of the
20 vessel at the time.

21 After that, yeah, then the *Victory Rover* -- the captain on
22 the *Victory Rover*, which was the smaller passenger vessel that got
23 all the passengers off, he asked if I could come alongside him. I
24 was only there for maybe not even a minute. I felt
25 (indiscernible) heat was coming off to where the passengers

1 couldn't get off. He was calling me on 13.

2 Came up, nudged up alongside of him there for about a minute.

3 And there was a smaller -- I couldn't tell you the name of the

4 vessel. It was a smaller, I think, firefighting vessel.

5 (Indiscernible) I couldn't really hold position anymore. I just

6 kind of backed clear, kept boundary cooling, and then that other

7 vessel came in and held the *Victory Rover* in better than I could.

8 Obviously, he uses a smaller vessel and it was a lot easier for

9 him to maneuver alongside.

10 But I think at that point, after they had most of all the

11 passengers off, I was just about to leave one day they called --

12 when the other -- there was another outbound ship that

13 (indiscernible). And right as they were coming by and calling for

14 all available tugs, as well, it was -- they made a call that the

15 *Victory Rover* was clearing out and they had all passengers off the

16 vessel. And at that point, I really wasn't needed. And

17 obviously, the other ship needed the tugs. So I went. Larry was

18 kind of like in charge. And he said, you know, go help that other

19 ship out. (Indiscernible) we're all done with you here. So that

20 was about the extent of what happened from my perspective.

21 Q. Thank you.

22 A. No problem.

23 Q. I just have some follow-up questions. Could we go back to

24 the firefighting on board. Do you receive any kind of

25 firefighting training as a part of your job or have you in the

1 past?

2 A. Yes, I actually have advanced firefighting, basic safety
3 training. I've been -- basic firefighter. I did all this while I
4 was in school. Obviously, every five years through the Coast
5 Guard, you have to do your refresher courses. And then, while on
6 board a vessel, obviously, we do drills, training. And knowing
7 this is a new boat, you know, we do thorough walkthroughs on the
8 vessel as well. Any time any new crew members come onboard, you
9 know, that's so familiarization and all of that, especially with
10 all the safety equipment.

11 And knowing that this was a newer vessel to McAllister and
12 all that, and newer crew, you know, we went through thorough -- we
13 had everything lined up, like I said. We were able to start the
14 other generator (indiscernible). By the time we got out there,
15 everything was working. We actually checked the deck fire monitor
16 the day before. So as soon as we got on, we were testing all the
17 safety equipment. Make sure everything was up and running and
18 everyone was familiar with everything. So as a crew, we were all
19 very well trained and good to go with the firefighting systems.

20 Q. Thank you.

21 A. No problem.

22 Q. You had mentioned when you were putting water on the hull and
23 everything about the water inside. Have you received any
24 stability training, as well?

25 A. Yes. We took stability as well in school at SUNY. I knew --

1 I mean, obviously, you kind of learn that. And going through
2 drills, you know, you add your water, you have to keep stability
3 (indiscernible) the vessel. And especially if crews are getting
4 off, you don't want that vessel to roll or anything like that
5 until everyone is safely off. And then they can deal with it once
6 it gets to the dock.

7 That's why I instructed my deckhand -- I said, you know, do
8 not point it towards the hull or towards the ventilation. Just
9 keep boundary cooling on deck and right there at the bulkhead to
10 where the crews can get on slowly and don't put water into the
11 vessel that doesn't need to be there.

12 Q. Thank you.

13 A. No problem.

14 Q. That day, just for purposes of gathering information, is
15 there any video capability or a closed-circuit TV on your -- the
16 *Condor*?

17 A. No, there is not.

18 Q. Can you kind of talk about -- from the time that you saw the
19 smoke and received -- heard the call of the captain of the *Spirit*
20 *of Norfolk* and then you got your fire monitor ready and
21 everything, about what was the time span between when you first
22 heard the distress from the time you got underway?

23 A. I mean, like probably three to five minutes, I would say,
24 give or take. I mean, it's literally right there. I mean, it was
25 just the time to get the engines cranked, get the line off, get

1 underway and then just head on over there. So it really was not
2 -- I mean, it was a pretty quick turnaround. And like I said, Cap
3 Sullivan was even before us so he was there before us.

4 Q. Thank you.

5 A. Yep.

6 Q. What were the communications like that day? Did you have
7 communication with shoreside firefighters, as well, or was it just
8 with Captain Sullivan?

9 A. It was more of just Captain Sullivan. Then I had an ear on
10 13, as well, for any, obviously, traffic in the area or whatnot.
11 But it was more just with Captain Sullivan letting us know what we
12 needed to do as a crew and if we needed to do something or
13 maneuver or help him out, you know, that's what we were doing.
14 Just aiding assistance.

15 Q. Did you have any communications with Captain Nadeau on the
16 *Spirit of Norfolk* or was it still just through Captain Sullivan?

17 A. Not on the *Spirit of Norfolk*. I believe it was just, like I
18 said, *Victory Rover* which asked me to come in. And the captain
19 was actually there just telling me where to land and nose-up.
20 Just as easy as I could just to get him a little bit closer. That
21 was really the only communication with another boat that I
22 actually had.

23 Q. Thank you. Can you kind of -- I know you talked briefly
24 about the firefighting capabilities of the *Condor* but can you kind
25 of describe to us, is it foam capable, is it water? Can you kind

1 of described the capabilities as a firefighting (indiscernible)?

2 A. It's just strictly saltwater. It has a pump, saltwater pump,
3 and basically just pulls salt water and that's it. It's a pretty
4 easy, basic system. And it just runs straight up to the fire
5 monitor. Just as well, we also have hoses on board. We have
6 hoses capable. Like I said, I mean, the monitor provided
7 sufficient boundary cooling to where I was able to get passengers
8 off and -- like I said, I didn't want to put more water on that
9 vessel than already need be.

10 Because I know there were other vessels on the other side. I
11 don't know what they're doing at the time. I didn't want to,
12 obviously, dump water onto a vessel that has a fire. I don't know
13 anything about the capabilities what ballast -- how much fuel is
14 onboard that vessel. I was just there to help get them passengers
15 off more so than anything.

16 Q. And those other vessels on the other side, were they
17 McAllister tugs, as well (indiscernible) different company?

18 A. It was -- I think I wrote in -- or I think it was ICM or
19 Intercoastal Marine. I think that was one of the other tugs.
20 There was a lot of boats in the area, honestly. I'm not -- I
21 couldn't be 100 percent what boats they were truthfully.

22 Q. Thank you. Did your -- did -- at any point, does your
23 company ever ask if you needed more crew or did you have a
24 sufficient crew? How does that (indiscernible)?

25 A. No. We had a sufficient crew. Had Everyone on board that we

1 needed, proper manning and everything like that. So there was no
2 issues there.

3 Q. And what do you -- usually, what's your manning
4 (indiscernible)?

5 A. I have a five-man crew onboard the *Condor*. I have the mate,
6 me as the captain, two deckhands. And then an engineer.

7 Q. And are you outfitted with firefighting bunker gear or
8 anything like that on your vessel, as well?

9 A. We -- the *Condor* does. We have SCBAs onboard and bunker
10 gear. But there was no immediate (indiscernible) well off the
11 vessel. The monitor has (indiscernible) capabilities to where I
12 didn't really need to do any of that.

13 Q. Kind of talking about your response to try to -- did you have
14 preapprovals to respond to a harbor emergency or was this kind of
15 something that you just saw the need and responded to, or is there
16 plans for this kind of event with your company?

17 A. I believe there's probably plans with the company. But I
18 mean, as a seafarer with the Coast Guard, obviously, is somebody
19 is in distress, that's my job with my license to go out and
20 respond to that if capable. So that's what we did.

21 Q. Thank you. Can you kind of talk about just how you prepared
22 your crew? I know you said you asked them to get the fire monitor
23 ready and everything. Can you kind of talk (indiscernible) what
24 you said to them, how do you prepare them for what you're able to
25 do --

1 A. The biggest thing, like I said, I had a deckhand. You know,
2 he was maintaining the fire monitor well I have the engineer out
3 on my starboard bridge wing talking to me and letting me know if
4 you saw anything or whatever like that. Obviously, there was
5 passengers getting off. I kept a safe distance to where forbid
6 somebody fell overboard or anything like that, so he would keep an
7 eye.

8 Then the only instruction I really gave him -- like I said,
9 do not squirt directly into the vessel. Keep boundary cooling and
10 just maintain that boundary cool.

11 Q. Thank you. You said that Captain Sullivan was kind of giving
12 commands. Is that kind of who you would consider in charge at the
13 time of your operation?

14 A. Yes. I would say, yes.

15 Q. And you stated that you're on channel 13. Is that correct?

16 A. Yes, I was with -- I was monitoring channel 13. Yep.

17 Q. What was the weather like on scene for you? Was -- in the
18 waterway.

19 A. It was pretty calm. I don't remember there being much swing
20 or anything like that that I can remember. But --

21 Q. Do you think that your actions would have been harder to --
22 more difficult to respond had it been, say, evening or bad
23 weather?

24 A. I mean, there is -- it's probably a possibility. Yeah,
25 maybe. If it was bad weather. You know, I don't know. Evening

1 -- I mean, we could have been on a job. We couldn't have been
2 there. But I mean, luckily, we were all -- you know, most all
3 McAllister boats were there at the right place at the right time.
4 And bad as it is to say, you know, it all happened -- I'm just
5 glad we were all there and able to help out.

6 Q. How did you get -- you said Captain Sullivan released you
7 from the scene or how did you know that it was time to depart
8 or --

9 A. He kind of just released me. So obviously, we were
10 monitoring 13 and we heard that ship (indiscernible) was coming in
11 lost propulsion. And I believe (indiscernible). They were
12 calling on 13. And I could hear the ship calling all available
13 tugboats, all available tugboats and asking for us or anyone in
14 the available vicinity to get on the starboard bow port quarter of
15 that ship because they were actually heading straight for the Navy
16 base.

17 So there was two other Moran boats that went and assisted and
18 then I was the boat that actually went on the port quarter of that
19 vessel And were able to get them turned up. He was able to
20 regain propulsion and we got him turned up and back into the
21 channel. So that was right after that. But I can't recall when
22 -- I don't know if he told me on a different channel or if it was
23 on 13, but he was like, you know, you need to go help that ship
24 now because that's going to be a disaster.

25 And like I said, all the passengers off that vessel were

1 already gone and they were getting ready to -- I'm pretty sure
2 getting a pilot onboard and bring the boat into whatever pier they
3 were into the Navy base. So it was basically, we were no longer
4 needed on that.

5 Q. So there were three tugs on the vessel that lost propulsion
6 helping it out?

7 A. Yes.

8 Q. Two Moran and then you?

9 A. Yes.

10 Q. Did you take part in bringing the actual *Spirit of Norfolk* to
11 the naval pier?

12 A. I did not, no. After that, I -- like I said, we went --
13 assisted the ship. I believe I called Captain Sullivan, asked if
14 he needed any more help but at that time, the GM and the -- there
15 was a bunch of other Navy boats there and everything else. And
16 they all had it taken care of at that point just bringing it to
17 (indiscernible).

18 Q. Do you know about how much time you were on scene from the
19 time you departed the pier to the time you got back?

20 A. I had it written down from when I stopped there and when I
21 got back. I don't recall off the top of my head. It was in my
22 logbook that I gave.

23 Q. Did your vessel -- sustain any damage to your vessel as a
24 result of the incident?

25 A. No.

1 Q. When you arrived on scene -- we'll kind of go back to the
2 evaluation. Were you prepared to evacuate people from the *Spirit*
3 *of Norfolk*?

4 A. Yes, if need be. But like I said, the *Victory Rover*, as
5 well, right place, right time. And it's already a passenger
6 vessel equipped with all them capabilities of holding passengers
7 like that. It was the perfect boat to come alongside. Like I
8 said, of all the boats that helped out, all in the right spot at
9 the right time for that scenario to happen.

10 Q. Thank you. Have you ever trained before, maybe your previous
11 training at SUNY, or with McAllister, for mass evacuations, taking
12 people off --

13 A. No.

14 Q. Have you ever done like a drill or an exercise, something
15 like that? What's --

16 A. Nothing like that. No. Nothing to that extent to where, you
17 know -- I don't recall the actual number of passengers they had
18 onboard. I think it was in the hundreds or something. Yeah, no,
19 we never trained for anything like that. No.

20 Q. Have you ever taken part in any kind of mass fire rescue?

21 A. I've been a part of a fire that was had onboard one of my old
22 vessels that I worked on before. It wasn't anything to that
23 extent. You know, it was easily put out. But I've seen fires
24 onboard a vessel and how they need to be put out and contained and
25 all that. I was pretty familiar with what needed to be done. The

1 captain onboard the *Spirit of Norfolk*, I think he did all the
2 right things with evacuated the passengers and all that.

3 Q. Thank you. (Indiscernible) just kind of summing up, would
4 you say it was an effective response? And if so, or if not, do
5 you have any recommendations for how things could have been
6 coordinated better, done better?

7 A. Yeah, I would say 100 percent. Everyone got off safely. No
8 one was injured. Obviously, the boat I'm pretty sure wasn't in
9 great shape after the couple days of burning but all that stuff
10 can be replaced. At the end of the day, you know, the people are
11 what matters and all that. So it was unfortunate with the wealth
12 of the vessel and all that but everyone -- I think, like I said,
13 right place, right time. Everyone responded how it needed to be
14 responded to it. And so I thought everything went well.

15 MS. EMMONS: Thank you very much Mr. Fawcett, back to you.
16 That's all I had.

17 MR. FAWCETT: Thank you, Ms. Emmons.

18 BY MR. FAWCETT:

19 Q. So Captain, I have a couple follow-up questions. First, I'd
20 like to thank you and other captains for providing the detailed
21 logbooks and the statements that added to the log. Those have
22 been created as an exhibit for this investigation. And they are
23 available to the party in interest and the NTSB. So thanks for
24 that.

25 A. No problem.

1 Q. So you're in the wheelhouse, you're listening to the
2 different VHF radios. How much related to the *Spirit of Norfolk*
3 was coming in on 16 versus 13?

4 A. It was more just 13. Most of the time, in-shore breaks to
5 breaks, it's usually 13 especially in-shore. Sixteen more so,
6 obviously, when they make their emergency calls or like a mayday.
7 It will be on 16. But it was more so 13. And then, I'm trying to
8 think. I know Captain Sullivan had us go over to a different
9 channel just for our boats to communicate, as well. I believe it
10 might have been channel nine. I'm not 100 percent sure. But to
11 my best knowledge.

12 Q. So we have the channel 16 recordings.

13 A. Yeah.

14 Q. Does your boat record like other radio channels?

15 A. I don't believe so. I don't think.

16 Q. Do you know anywhere, based on your experience, that may
17 record channel 13? Because that's different from the search and
18 rescue channels. It's the bridge-to-bridge channel as you --

19 A. Yeah.

20 Q. Do you know any harbor control, traffic control, anybody that
21 might record that?

22 A. I -- certainly, I hope the Coast Guard recorded 13 and 16 but
23 I'm not sure. I couldn't tell you. Or monitored.

24 Q. Right. Yeah. We don't. But we don't do 13 anyway. So you
25 mention a term of art for firefighting. You mentioned it

1 repeatedly. Boundary. What do you mean and where did you acquire
2 that knowledge?

3 A. That was actually in firefighting school. I actually took up
4 in Jersey while I was in SUNY with the boundary cooling. To make
5 that boundary of water to keep the (indiscernible) heat from that
6 fire. Because like I said, you started to actually see flames
7 coming out the vent aft on the *Spirit of Norfolk*. Just to keep
8 that while the passengers were getting off the boat. To keep that
9 boundary of water between them.

10 And if it was going -- you know, obviously, hitting them
11 bulkheads, as well, to keep anything from coming through that
12 bulkhead. Because like I said, I wasn't -- I've never been on the
13 *Spirit of Norfolk*. I don't really know much about it. All I saw
14 was that fire and all that aft. So I didn't want anything to come
15 forward.

16 Q. As a graduate of a maritime school and holding a third mate's
17 license, part of your curriculum that you -- the things you've
18 learned was the details of stability and critical vessels,
19 stability terminology, and so forth. Is that correct?

20 A. Yes.

21 Q. As a mariner, do you believe that helps you in understanding
22 -- in the firefighting operation, the critical factor of
23 maintaining the vessel stability by not adding --

24 (Crosstalk)

25 Q. -- additional water?

1 A. I believe so. Just knowing the stability of the vessel. And
2 you hear that -- I mean, I wouldn't even say so much to go so far
3 as any college, but being on board vessels with trained captains
4 and other mates and everything like that, and my experience on
5 vessels, you know, you learn a lot and that's always been one of
6 those things, when you get on board a vessel you learn that if
7 that water's coming on -- you can only put so much water on board
8 a vessel until some has to come off. Especially to hold the
9 stability of that vessel.

10 Q. If I asked, would McAllister have like a safety management
11 system for the operation of their tugs that would include
12 firefighting and salvage operations?

13 A. I believe so, yes. I'd have to look it up. We have
14 (indiscernible) we have QSMS folder on our stuff. Then we have
15 our SMS safety management system at McAllister. Yes.

16 Q. And if a new captain came aboard the vessel, would you expect
17 there to be a requirement for him to not only understand the
18 system but you to maybe sign him off?

19 A. Yeah.

20 Q. Do you have like a designated towing function where you have
21 to sign off people's capability to become a tugboat master?

22 A. I don't have to sign off them to be a manager. That's
23 obviously Coast Guard's thing with getting their master's license
24 and going through the amount of days and working at that position
25 to get up to that point. But onboard a vessel, anytime you get

1 onboard a vessel, you have vessel familiarization, safety
2 training, security training. And that's a big part of McAllister
3 or any boat you get on that I've ever been a part of. You need to
4 learn that boat like the back of your hand. You're onboard that
5 vessel 24/7 most of the time for -- we do two weeks on, two weeks
6 off. It's your safety and your livelihood to know that vessel and
7 that's something that you learned through schooling and all that,
8 just being a part of -- being on a tugboat or a ship or whatever
9 it may be.

10 Q. The *Spar Lyra*, she put out a call on 13, the pilot did.

11 A. Yes.

12 Q. I'm assuming. For any and all tugs to assist.

13 A. Yes.

14 Q. And did he -- did the pilot explain that he'd lost propulsion
15 or steering or was it just call to assist?

16 A. I believe -- honestly, I couldn't tell you if it was or not.
17 But I'm pretty sure. I don't know if I heard it after the fact
18 that he lost propulsion or steering or it was before the fact.
19 But you could see him shearing off and at that point
20 (indiscernible) him making the calls is obviously he lost
21 propulsion or steering to some aspect.

22 Q. So did your vessel have to maneuver out of the way to avoid
23 the green buoy that ultimately became entangled in the *Spar Lyra's*
24 running gear, rudder?

25 A. As soon as I saw it pop up out of the stern of the ship, I

1 (indiscernible) clear. So it's hard to explain but I was on the
2 port quarter, the very port quarter with a rumble (ph.) so we call
3 it. I came up and I worked ahead full on the port quarter to get
4 him around. Basically acting like his rudder since it was not
5 working at the time.

6 And I was letting him know that I was doing that because
7 that's where the (indiscernible) work. And once I saw that buoy,
8 up, I cleared myself and knowing that he was straight up in the
9 channel, I cleared myself from the situation because I didn't want
10 to obviously entangle my vessel in that either. But he then
11 regained propulsion and he was all set and had the boat stopped on
12 the bow and all that. So he was straight up in the channel at
13 that point.

14 Q. So prior to that, you were in the indirect mode?

15 A. No, not indirect. It was just working head -- so
16 (indiscernible) this is the end of the ship. I came in and worked
17 ahead on the quarter if you can see me on the monitor.

18 Q. I can see that. Thank you, Captain.

19 A. Yes.

20 Q. So talk a little bit more in detail not on the *Condor* because
21 you had just gotten on there but give me an example of a typical
22 drill in terms of not fighting fires on board your vessel but
23 fighting fires that perhaps are on another vessel or a dock or a
24 pier. Can you recount one of those type of drills?

25 A. To my knowledge, no. Not -- I mean, I can't recount one off

1 the top of my head.

2 Q. So you mention new boat. Was the *Condor* new to McAllister's
3 fleet or was it just a new boat to you?

4 A. It's a new boat to me and to the fleet. It's a rental. We
5 have -- It's a rental from Seabulk Transportation. So they're --
6 we're using it.

7 Q. So how long had it been with McAllister?

8 A. I don't recall the exact date it got here.

9 Q. I mean, a month, a year?

10 A. Yeah, probably about a month it's been in the harbor, I
11 think. For that point, for that date, yeah.

12 Q. There are two names that came up. Captain Warren and Captain
13 Moore (ph.). Do you know who those two gentlemen are?

14 A. Captain Warren and Captain Moore?

15 Q. Yeah. Warren -- one of the boats -- it sounds like One of
16 the boats picked up a Captain Warren, W-a-r-r-e-n. Could be a
17 first name, could be a last name. Then Captain Moore, in one of
18 our interviews it was a Navy chief pilot that maybe got taken out
19 and boarded the *Spar Lyra*.

20 A. No. I do not know those gentlemen.

21 Q. Did you see a crew boat or something bring anybody out --

22 A. I remember hearing one of the tugs, Moran tugs, saying that
23 they had a pilot on board but who and what boat they put them on,
24 I do not recall.

25 Q. So was your tug in terms of size smaller or larger than the

1 *Spar Lyra?*

2 A. Smaller.

3 Q. Do you have a fire detection system in the engine room?

4 A. What do you -- like detectors in the engine room?

5 Q. Yeah. That will sense heat or smoke.

6 A. Yes.

7 (Crosstalk)

8 UNIDENTIFIED SPEAKER: -- *Spirit?*

9 (Crosstalk)

10 MR. FAWCETT: Yes, *Spirit of Norfolk*.

11 UNIDENTIFIED SPEAKER: (Indiscernible) *Spar Lyra*.

12 MR. FAWCETT: I'm sorry. Pardon me. So I'll --

13 MR. COFFIEY: Yeah, that's definitely bigger.

14 BY MR. FAWCETT:

15 Q. *Spirit of Norfolk*.

16 A. Are we smaller than the *Spirit of Norfolk*? I think length-
17 wise, yes, we are smaller. But I'm not -- I don't know what --
18 how long is the *Spirit of Norfolk*?

19 Q. It's 180 plus feet.

20 A. Yeah, we're smaller than that.

21 Q. So you do have a fire detection system.

22 A. Yes, we have fire -- we have smoke detectors, heat detectors
23 onboard. Yes.

24 Q. And how about in the -- do you have a fire suppression system
25 in the engine room?

1 A. We had extinguishers onboard and we had a 100-pound semi
2 portable CO2 extinguisher in the engine room. We do not have a
3 fixed suppression system in the engine room onboard our vessel.

4 MR. FAWCETT: That's all the questions I have. Thank you,
5 Captain. Mr. Karr, NTSB?

6 MR. KARR: Hi, Captain. This is Mike Karr with a few
7 questions.

8 UNIDENTIFIED SPEAKER: You're on mute.

9 BY MR. KARR:

10 Q. This is Mike Karr with the NTSB.

11 A. How you doing?

12 Q. Very well. Follow-up questions. Captain Sullivan, was he in
13 charge of the McAllister vessels or were you under the impression
14 that he may have been directing all the vessels that were
15 responding?

16 A. I can't really speak on that. I mean, to me, it seemed like
17 he was just kind of in charge especially (indiscernible) the
18 McAllister folks. But I wasn't really -- there was a lot going on
19 to where I was more concerned when he -- when I heard him say
20 something to me, that's what I was listening out for.

21 Q. Can you describe the conversations that you heard or
22 participated in with regard to maneuvering of the *Spirit of*
23 *Norfolk* so that the smoke would not affect the passengers or the
24 evacuation?

25 A. All I remember is -- I didn't really have a conversation. I

1 just remember hearing something from Captain Sullivan stating to
2 -- he wanted to maneuver the vessel because of the wind. He
3 wanted to maneuver in a way where the smoke was blowing away from
4 where they were getting the passengers off which that's how he
5 maneuvered the vessel. He turned it to face the wind to where the
6 smoke was blowing towards the stern away from all the passengers.
7 But I did not interact with that conversation. I just remember
8 hearing it.

9 Q. Did Captain Sullivan, with his vessel, was He the only vessel
10 that maneuvered the *Spirit of Norfolk* so that would occur?

11 A. I do not recall at that time. I did not help out with any of
12 the maneuvering of the vessel (indiscernible) position. I just
13 remember hearing that he wanted to position the vessel to keep the
14 wind blowing the smoke away from the passengers.

15 Q. Did -- were they successful in doing that?

16 A. Yes, they were.

17 Q. The *Victory Rover*, same type of question. Was There any
18 conversation about how the *Victory Rover* should -- was there any
19 coordination between the vessels and maneuvering the *Victory Rover*
20 or was it more of an operation by the *Victory Rover* itself? If
21 you could describe how that all happened with all those vessels up
22 there.

23 A. I mean, it was just kind of -- as soon as they got there, the
24 *Victory Rover* was kind of on scene at the same time. And like I
25 said, it was just best-case scenario. Another passenger vessel

1 that could carry a bunch of passengers. Was able to maneuver
2 alongside. And I can't stress it enough. It was really -- all
3 these boats and people helping out, right place at the right time.
4 Not to say fire is a good thing but it happened at perfect timing
5 for one to happen and no one was hurt or injured because of it.

6 Q. In a similar-type question, was there any sort of -- was
7 there any coordination of the firefighting response? You were
8 cooling the boundaries. Did anybody direct you to do that? Did
9 you hear anybody describe other vessels that do this?

10 A. Not really. I mean, there wasn't really -- it was more so --
11 like I said, the fire (indiscernible) was -- all I saw smoke, or
12 the flames were coming out of that one vent. I really didn't see
13 them billowing out anywhere else at that particular moment. So
14 like I said, I wasn't really sure where the fire was at that time.
15 I just knew the fire was here, the passengers were getting off
16 here, and I went to boundary cool there. I just told my crew, my
17 deckhand, you know, don't Point it towards the hull, do not shoot
18 it into the ventilation. Stay between that and the passengers and
19 keep the boundary cool.

20 MR. KARR: Thank you. I have no more questions.

21 MR. COFFIEY: No problem.

22 MR. FLAHERTY: I don't have any questions at this time.

23 MR. FAWCETT: Thank you very much. For Bay Diesel who is
24 there with Captain?

25 MR. STILLMAN: No questions. Thank you.

1 MR. FAWCETT: Hornblower, please.

2 MR. WEIGEL: This is Mr. Weigel. I have no questions.

3 MR. FAWCETT: Final call before we complete the interview.

4 Thanks again, Captain, for your time. The time is 1:46 p.m.

5 Eastern Standard Time. Why don't we take -- if it's agreeable

6 with everybody -- above five minutes and reset and be ready for

7 Captain Sullivan.

8 UNIDENTIFIED SPEAKER: That works for us.

9 (Whereupon, at 1:46 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Nicholas Coffiey

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 10, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

* * * * *

Interview of: JOHN FAHLBUSCH, Marine Surveyor
Castlerock Risk Services

via Microsoft Teams

Friday,
August 12, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

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National Transportation Safety Board

LCDR NICOLE EMMONS, Investigator
United States Coast Guard

CDR RANDY WADDINGTON, Investigator
United States Coast Guard

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National Transportation Safety Board

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Willcox and Savage

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Blank Rome, LLC

FREE STATE REPORTING, INC.
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I N T E R V I E W

(8:32 a.m.)

MR. FAWCETT: We'll go around, make introductions.

Mr. Fahlbusch, thank you very much for joining us. We don't have video at this end. But do you have any questions before we get started?

MR. FAHLBUSCH: No.

MR. FAWCETT: We're turning on tape recorders. And if you would acknowledge for the record just by saying, yes, that you acknowledge that the interview is being recorded.

MR. FAHLBUSCH: Yes.

MR. FAWCETT: Just for the record, even though we're using video in certain circumstances here, the audio portion of this will be utilized to create a transcript. The transcript will be produced by the NTSB. You should have an opportunity to take a look at it. It will be posted in the NTSB docket eventually. And if you see any inaccuracies in that document, you can let Lieutenant Commander Emmons know and we will attempt to correct the record so it reflects the accurate transcript.

So we're conducting -- this is a joint U.S. Coast Guard, NTSB investigation. The Coast Guard is the lead federal agency. We're conducting this interview under the -- and the investigation under the applicable rules governing Coast Guard investigations. Today is Friday, August 12th, 2022.

We're conducting an interview with Mr. John Fahlbusch with --

1 a surveyor with Castlerock Risk Services. And the time is 8:32
2 a.m. Eastern Standard Time. And we're at the Norfolk Federal
3 Building. And you are appearing, along with other people, via
4 Teams.

5 So the purpose of this interview is the Coast Guard is
6 conducting an investigation into the loss -- the fire, and
7 subsequent loss of the *Spirit of Norfolk* which occurred in Norfolk
8 Harbor on June 7th, 2022.

9 We're going to take a little moment to introduce each other
10 for the record. What I -- I'm going to start with you, sir. And
11 if you'll state your first name, your last name, spell your last
12 name, and then your position and title with the company you
13 represent. Then I'll go around the room and we'll all make
14 introductions.

15 So go ahead, sir.

16 MR. FAHLBUSCH: I'm John Fahlbusch, F-a-h-l-b-u-s-c-h. I'm a
17 marine surveyor with Castlerock Risk Services.

18 MR. FAWCETT: Thank you. And on the line traveling, we have
19 a representative of your company. Could you introduce yourself
20 under the same -- name, first name, last name, spell it, and then
21 who you are within the organization.

22 MR. CRIVICI: Yes. This is Claudio Crivici, C-r-i-v-i-c-i.
23 And I am the president of Castlerock Risk Services.

24 MR. FAWCETT: Thank you, sir. My name is Keith Fawcett, F-a-
25 w-c-e-t-t. I'm a member of the Coast Guard's 5th District marine

1 investigation team for the *Spirit of Norfolk*. And in the room
2 with me --

3 MS. EMMONS: I'm Lieutenant Commander Nicole Emmons, E-m-m-o-
4 n-s. And I'm part of the District 5 formal investigation team.

5 MR. FAWCETT: Thank you. And on the line for the Coast Guard
6 remotely.

7 MR. WADDINGTON: Good morning. This is Commander Randy
8 Waddington. Waddington spelled W-a-d-d-i-n-g-t-o-n. I'm the
9 District 5 formal team lead.

10 MR. FAWCETT: Thank you, sir. For the National
11 Transportation Safety Board?

12 MR. KARR: I'm Michael Karr, K-a-r-r with the NTSB.

13 MR. FLAHERTY: And I'm David Flaherty, F-l-a-h-e-r-t-y, with
14 the NTSB.

15 MR. FAWCETT: Sir, we also have counsel for the party in
16 interest for this investigation. And I'll start with Bay Diesel.

17 MR. ABEL: Yeah, good morning. This is Chris Able with the
18 Willcox Savage law firm. My name is -- last name is spelled A-b-
19 e-l. And we represent Bay Power Solutions known as Bay Diesel.

20 MR. FAWCETT: Thank you, sir. I will, just for the record,
21 Captain Nadeau, counsel? None heard. Hornblower, please.

22 MR. BENNETT: Yes, good morning, everyone. My name is
23 William Bennett from the firm of Blank Rome. Last name is spelled
24 B-e-n-n-e-t-t.

25 MR. FAWCETT: Thank you.

1 MR. BENNETT: On behalf of Hornblower as Mr. Fawcett has
2 stated.

3 MR. FAWCETT: Thank you, sir. Without further ado,
4 Lieutenant Commander Emmons.

5 MS. EMMONS: Mr. Fahlbusch, thank you first for being here
6 today and taking --

7 MR. FAWCETT: Excuse me one second. My apologies, Commander.

8 So I wanted to tell you that if you remember things
9 differently and you see the transcript, if you want to add
10 additional testimony or facts, you can let Lieutenant Commander
11 Emmons know or you can let the president of your firm know and he
12 can convey it to Lieutenant Commander Emmons. We will produce a
13 report of investigation. And if you look at that report and find
14 errors or have additional information that are relevant, please
15 let us know once again in the same way.

16 Then the Coast Guard conducts its business for these
17 investigations. There's a manual that's available on Google or
18 Bing if you do a search. It's called the Marine Safety Manual
19 Volume 5. And that book explains our procedures and policies and
20 how we conduct the investigations, as well as the reasons why we
21 do it.

22 So my apologies, Commander. Thank you.

23 INTERVIEW OF JOHN FAHLBUSCH

24 BY MS. EMMONS:

25 Q. Thank you, again, Mr. Fahlbusch, for your time today. Just

1 to start off, if you refer to any notes or photographs or videos
2 or any other documents, we'll just ask you to identify them and
3 then the Coast Guard would like a copy for the purposes of this
4 investigation if you do have any of those.

5 At this time, we haven't received a survey report of the
6 visit before the fire so if that could -- if you have a copy of
7 that and could produce that, that would be appreciated.

8 And I -- for this interview, I'd like to focus on the time before
9 the *Spirit of Norfolk* fire on June 7th, 2022.

10 First, I'll ask, after the fire, were you contacted by anyone
11 representing the owners of the *Spirit of Norfolk*?

12 A. I was aware of the fire because I was doing another job for
13 the Hornblower -- for Hornblower.

14 Q. Can you -- we'll go into your background, Mr. Fahlbusch. Can
15 you describe your background and training for conducting surveys
16 on commercial vessels similar to the vessels of the *Spirit of*
17 *Norfolk*?

18 A. I've been a marine surveyor for over 40 years. And I've been
19 surveying similar boats during that length of time. I also have a
20 background with marine construction and repair previous to that.

21 Q. Can you talk about -- a little more detail about what types
22 of vessels you've done surveys for?

23 A. Tugs, barges, yachts, fishing boats, similar type things.

24 Q. And can you go into your background specifically for dealing
25 with a vessel's engineering systems, training for that, or

1 experience with engineering systems?

2 A. I guess jus that the general marine survey work that I've
3 done -- I've worked for a company called Hauling Cargo (ph.) and
4 I've worked under other surveyors there. And was trained to --
5 differ things to look for.

6 Q. And are you a certified marine surveyor? Is that a
7 certification or --

8 A. I belong to a National Association of Marine Surveyors and my
9 certification -- it's in yachts and small craft.

10 Q. And do you also work as a marine accident investigator
11 (indiscernible)?

12 A. Occasionally, yes, I guess you'd have to -- I -- yes.

13 Q. Can you talk about any work that you had done related to the
14 *Spirit of Norfolk* in the period before the fire on June 7th?

15 A. Well, on June 6th, I had accomplished a condition and value
16 survey for -- at the request of Hornblower but I believe it was
17 for underwriting purposes. And I'd also looked at the boat
18 previous to that, I believe, in 2019. I'd have to refer to my
19 notes. I've seen the boat before.

20 Q. That was going to be my next question. Was how many previous
21 surveys -- survey work have you done on the vessel. But just the
22 one in 2019?

23 A. I -- I'm not exactly sure of the date but I have looked at it
24 previously.

25 Q. Did you build on that former survey in terms of the history

1 of the vessel maintenance? Did you -- does that factor in,
2 history of the vessel?

3 A. The one that I did before that was a little different
4 purpose, I believe. I think it was more of a valuation. It was a
5 very -- I did go through the whole boat but it was a very brief
6 survey for a different purpose. I believe it was for a fleet
7 evaluation of some sort. And it was in a different survey format.

8 Q. And you had mentioned you were doing another job when you
9 received a call on a Hornblower vessel. But have you done other
10 work on Hornblower vessels in the past?

11 A. Yes, I have.

12 Q. And do you know about how many years, could you say, have you
13 been doing work on Hornblower vessels?

14 A. Well, I believe it was Entertainment Cruises before that.
15 The company was purchased by Hornblower. But I believe -- I don't
16 know the exact number of years but over five years, maybe ten
17 years.

18 Q. Can you talk about your assignment you got in June of this
19 year related to the *Spirit of Norfolk*? If you could just -- if
20 you want to take a minute to think about the pre-fire assignment
21 and kind of talk in as much detail as you can, as possible, from
22 the time you got the notification assigning you the job to what
23 the job entailed on June 6th.

24 A. I'm not -- it was -- I was asked to look at it, do a visual
25 inspection, condition and value survey, for -- and I believe it

1 was at the request of Hornblower but I believe it was going to
2 eventually be forwarded to their underwriters.

3 Q. Can you kind of go into detail about what that work was that
4 day? When did you -- starting from the time you arrived at the
5 vessel to the time you left, can you kind of go into that?

6 A. It's a visual inspection. We do not do any testing in this
7 type of survey. And it's -- we try to look at areas that can be
8 examined. The boat was being used. So there's some areas that
9 cannot be examined typically. I would have to refer to my notes
10 but I think I looked at inside almost every void in the boat and I
11 did not look in any tanks or anything like that because they're
12 sealed. And I took a number of pictures and made notes on the
13 conditions that I found.

14 Q. Can you kind of go into detail for us what exactly like the
15 scope of a condition and value survey, what does that -- what does
16 that mean?

17 A. Well, we try to describe the boat, describe the equipment
18 that's on the boat, the furnishings, the electronics, the
19 machinery, systems, and also describe the conditions that we see.
20 And eventually, when we prepare a report, you may compare it to
21 other boats that you've seen before, similar boats or new boats or
22 what you may have seen, and then you come up with an idea and the
23 valuation of the vessel. And in the process of doing this, you
24 may have some recommendations for improvement.

25 Q. And how long did the survey on June 6th take to complete?

1 A. I would have to check my notes. I was there the whole day.

2 Q. And who was the company representative that met you at the
3 vessel?

4 A. It was Captain Ryan Nadeau. And Tyler was a person that he
5 -- that followed me or helped me access different areas during the
6 course of this survey. I do not know Tyler's last name.

7 Q. Was Tyler with the *Spirit of Norfolk* or was he with a
8 different third party?

9 A. He was a crew member.

10 Q. Did Captain Nadeau talk to you about any mechanical repair
11 work that was done on the vessel?

12 A. He just pointed out the recent installation of engines in the
13 boat and also the fact that a short time previously, they had had
14 a problem with the port main engine.

15 Q. Did he specifically go into the specifics on that or just say
16 there was a problem with the port main?

17 A. He did go into specifics. I believe an overheating problem.
18 I'd have to check my notes (indiscernible) to exactly what he
19 said. But it was -- wound up being a significant repair.

20 Q. And did your report contain any historical information for
21 the vessel such as the 2020 engine replacement?

22 A. I -- it described the engines. Now, it's my understanding
23 that you do not have a copy of my report. Hello?

24 UNIDENTIFIED SPEAKER: I can still hear you, John.

25 MR. FAHLBUSCH: Yeah, I don't know. I --

1 UNIDENTIFIED SPEAKER: Yeah. Did the Coast Guard drop off?

2 UNIDENTIFIED SPEAKER: I can't hear Ms. Emmons.

3 UNIDENTIFIED SPEAKER: Is anyone from the Coast Guard still
4 on?

5 MR. CRIVICI: Hey, Bill. This is Claudio. I have a
6 question. Has the Coast Guard been provided a copy of my report
7 or I mean, our report? I thought they were provided a copy.

8 MR. BENNETT: Claudio, I'm unsure. I know I did not
9 personally give the Coast Guard any documents but that doesn't
10 mean that Hornblower didn't prior so I just don't know.

11 MR. CRIVICI: Oh. Because when I was down at the initial
12 NTSB, Coast Guard (indiscernible) the NTSB did have a copy of our
13 survey report at that point.

14 MR. WADDINGTON: This is Commander Waddington. Can anybody
15 hear me?

16 UNIDENTIFIED SPEAKER: Yeah. Now, we can, sir. We're back.
17 And I --

18 MR. ABEL: This is Chris Abel. I lost everybody about 30
19 seconds ago. I just came back in.

20 MR. FAWCETT: Roger. We're going to re-ask the question for
21 Mr. Fahlbusch and resume the interview. Thank you for your
22 patience. We're going to just keep the recording rolling. So
23 thank you for your patience, Mr. Fahlbusch. And everybody on the
24 line? Commander?

25 MR. WADDINGTON: Do you want to verify everybody is on line

1 first, Keith? Let's -- just kind of quick roll call so we don't
2 drop anybody or leave anybody off.

3 MR. FAHLBUSCH: John Fahlbusch.

4 MR. WADDINGTON: Is NTSB on the line?

5 MR. FLAHERTY: David Flaherty is on the line.

6 MR. KARR: Mike Karr on the line.

7 MR. WADDINGTON: I heard Mr. Abel. Mr. Bennett?

8 MR. BENNETT: I am here. Thank you.

9 MR. WADDINGTON: And anybody else that I missed?

10 MR. CRIVICI: Claudio Crivici still on the line.

11 MR. WADDINGTON: Okay, good. Sorry about that, Keith. I
12 just wanted to make sure everybody was on. So it sounds like
13 we're good to go.

14 MR. FAWCETT: Is Commander Emmons on the line.

15 MR. WADDINGTON: Yeah, she is on the line.

16 MS. EMMONS: I'm on the line.

17 MR. FAWCETT: Okay.

18 MS. EMMONS: Thank you.

19 MR. WADDINGTON: Sorry.

20 MR. BENNETT: Mr. Abel, are you on the line, sir?

21 MR. ABEL: I am.

22 MR. BENNETT: Thank you.

23 BY MS. EMMONS:

24 Q. Mr. Fahlbusch, I think we were at -- I was asking about if
25 your report contained any historical information for the vessel

1 such as the engine replacements that occurred in 2020.

2 A. Yes, it described the replacement engines. I was questioning
3 whether you all had a copy of our report.

4 Q. We do not.

5 A. Okay.

6 UNIDENTIFIED SPEAKER: Well, Mr. Fahlbusch, the Coast Guard
7 will formally request copies of the report, copies of the notes
8 you took to create your report, and the photographs not only for
9 the 2019 survey, the report for the -- 2019 survey, but the
10 photographs for both of your surveys. So we'll put that in
11 writing and we thank you very much.

12 And Commander Emmons, you can go ahead and continue.

13 BY MS. EMMONS:

14 Q. And did your report also have -- go into historical
15 information concerning the replacement of components for the
16 steering system?

17 A. It -- I don't believe it did.

18 Q. Did you -- for this survey, for the condition and value
19 survey, do you consult any online documents for information to
20 complete your report?

21 A. Sometimes I'll look at Port State Control website. I don't
22 believe I looked at anything else online.

23 Q. We were just talking about photos and again, we haven't seen
24 those, but do you know about how many digital photos you took for
25 this type of survey?

1 A. I took 163, I believe, is the number. And I provided them to
2 -- I usually do not have that number of photos. I take them from
3 my own reference in writing the report. But I provided those -- I
4 usually provide 10 or 12 photos with a report. But in this case,
5 I provided all the photos as best that I could caption them. I
6 think a couple of them did not come out but I tried to caption all
7 of them. And I provided them to Hornblower within a few days
8 after the casualty.

9 Q. Did you -- for this survey, did you look at the port main
10 engine and did you document the condition of the engine?

11 A. I took a visual look at it and did not have any -- did not
12 see anything unusual about it other than it was a recent
13 installation and the hoses and wiring and that type of thing --
14 there was no -- there was chafe protection provided and it was a
15 new installation.

16 Q. And did you document the condition of the water-tight door
17 gasket to the engine room?

18 A. No, I did not.

19 Q. Do you have any photos of the water-tight door to the engine
20 room?

21 A. I'd have to check. I may have something but it's not a
22 close-up.

23 Q. Did you document the condition of the engine room escape
24 hatch that was part of the main deck?

25 A. No, I did not.

1 Q. You said everything looked normal about the port main diesel
2 engine. If you recall, was there anything that stood out about
3 anything surrounding the engine or in the vicinity?

4 A. It was a very clean installation. The engine is -- was up on
5 -- it's not -- some installations in boat, the good part of the
6 engine is below. You can't see a lot of it. In this case, it's
7 -- was clearly visible. You could see hoses and fittings and
8 piping and mounts and it was a very clean installation.

9 Q. Did Captain Nadeau tell you that the service technician from
10 Bay Diesel recommended the replacement of one of the port main
11 diesel turbochargers?

12 A. I don't believe so. I don't recall.

13 Q. Would you have done anything on your report had you known
14 about the recommendations to replace the turbocharger?

15 A. I'm not sure what the recommendation would have been for or
16 what context it was in, so I guess that would depend.

17 Q. If it was a leaking turbo and they recommended a replacement,
18 would that help clarify?

19 A. It -- I'm not sure what you mean by leaking.

20 MR. BENNETT: Well, Lieutenant Commander Emmons, this is Bill
21 Bennett. Why don't you read the exact recommendation of Bay
22 Diesel to Mr. Fahlbusch so that we're not working in a vacuum. I
23 just make that suggestion to you since you may be misreading the
24 Bay Diesel report.

25 MS. EMMONS: Understood. I don't have that in front of me so

1 I can't read the exact word. But we can move on.

2 MR. BENNETT: Well, then just note my objection to the record
3 that you're mischaracterizing the Bay Diesel report which has been
4 done throughout this investigation.

5 MS. EMMONS: Noted.

6 BY MS. EMMONS:

7 Q. Did you do any report or document of the findings for the
8 June visit to the vessel? Like who did you submit that report to?

9 A. I submitted the report to Captain Scott Smith of the
10 Hornblower Group.

11 Q. And did it contain any recommendations or findings that
12 should have been corrected? Is that part of the survey?

13 A. I did note the things that I would have put recommendations
14 on. But because of the casualty, it's a moot issue. But I did
15 list the items that I find on the -- on my inspection that were
16 subject to recommendations.

17 Q. Can you go over those items?

18 A. Yes. It would probably be best if you all had a copy of my
19 report and looked at it and possibly questioned me again after
20 that. But I'd be happy to go over those items.

21 Q. Okay, thank you.

22 A. Okay. One item is up on a starboard forward deck. There was
23 a Mitsubishi heat pump that had a dislodged wire conduit and that
24 particular item is in an area where passengers walk around. And I
25 did advise the captain of the boat, Captain Nadeau by email, I

1 believe the morning of the casualty. That item I thought was --
2 could be significant. You don't want somebody stepping on a loose
3 electrical wire.

4 The second item was the -- there was an anchor line on the
5 forward -- that connects to the forward bit and that had been
6 sitting in the sun for some time and it was deteriorated, sun
7 degraded, fuzzy. Something that should be either renewed or --
8 there was -- the third item was a wire reinforced window glass in
9 two -- three locations had cracks. Should be renewed.

10 The fourth item was an area of the starboard upper deck.
11 Bulwark had some wasting on it. That would be something you would
12 do at the next dry dock period. There was -- and the fifth item
13 was an outlet cover missing port side upper deck area.

14 The sixth item was a PFD box with a missing label on the
15 starboard side upper deck. The seventh item was on the helm
16 console, the center area, there was a lot of wires that were loose
17 underneath the console. The eighth item was some rope lighting
18 underneath a port side restroom staircase and there was -- the
19 wire was loose and there was no chafe protection where it went
20 through some steel plating.

21 And ninth item was loose wires by battery charges in the
22 engine room. The tenth item was electrical -- main electrical
23 panel in the engine room had some temporary labels. They needed
24 to have permanent labels. Apparently, they changed the function
25 for different switch breakers and that should be permanent labels.

1 Then the 11th item was the vessel had a dumbwaiter with -- missing
2 some instructional placards. How you operate the dumbwaiter on
3 each deck level.

4 Q. Can we kind of go into the level of detail you go into into
5 these surveys? Do you talk to the vessel operator and ask him if
6 the equipment operates properly? Is that part of the survey?

7 A. Yes. I did talk to Captain Nadeau and everything was
8 reported to be in proper operating condition.

9 Q. And I can't remember if you said you had them operate. But
10 do you have them operate the engineering systems --

11 A. No.

12 Q. -- in the various modes? Okay. If a client tells you that
13 something operates properly, is that -- you just assume and take
14 their word? How does that work? Do you verify anything or do you
15 just take their word if they said that it operates good?

16 A. I take their word unless I see something that I question. I
17 may, depending on the survey situation, I may ask to see something
18 operate.

19 Q. Is part of your survey part of the examination of the order
20 and cleanliness of the vessel spaces?

21 A. Yes.

22 Q. Can you kind of describe the housekeeping and the storage of
23 combustible goods in the engine room? We'll go specifically to
24 the engine room, the housekeeping.

25 A. Well, the engine room had been -- I believe the bilges had

1 been recently cleaned and painted. And the housekeeping was -- it
2 was a wide-open space. And housekeeping was good.

3 Q. Did you notice any combustible materials stored in close
4 proximity to any of the engineering equipment?

5 A. Close proximity meaning?

6 Q. Touching or --

7 A. No.

8 Q. -- touching? Okay. When you repaired your
9 -- prepared your report for the May 2022 visit, is there a
10 disclaimer in the report about the role of the survey in terms of
11 like your responsibility in determining the material and operating
12 condition?

13 A. Yes. It's a limited visual inspection.

14 Q. And the same for the June survey?

15 A. Yes.

16 Q. Do you note things like wastage and material condition in the
17 survey?

18 A. Yes.

19 Q. We'll kind of go just -- I have a few more questions. After
20 the fire on June 7th, were you engaged in any way to provide
21 services for the company to conduct work on the *Spirit of Norfolk*?

22 A. No.

23 Q. And I'm -- and you submitted your -- did you submit your
24 report to Hornblower?

25 A. Yes.

1 Q. And they received it?

2 A. I believe so, yes.

3 MS. EMMONS: That's all my questions I have. I'll move to
4 Mr. Fawcett.

5 MR. FAWCETT: Thank you, Commander. Thank you, sir.

6 BY MR. FAWCETT:

7 Q. Just a couple of follow-ups. When you do your surveys for
8 towing vessels, do you usually meet with a port engineer or do you
9 usually meet with like a vessel captain?

10 A. On a towing vessel?

11 Q. Yeah. You mention you had done tug surveys? Do you at times
12 meet with port engineers, somebody other than the captain?

13 A. Yes, occasionally.

14 Q. And what -- is a meeting with the port engineer, from your
15 perspective as a surveyor, is it different in terms of the amount
16 of information you get about engineering systems?

17 A. It can be. It depends on the company. In this case, I
18 believe the captain was supervising a lot of the repair work and
19 the upgrades to the boat. Captain Nadeau seemed to be the -- he's
20 not the only captain but he was the lead captain. And I believe
21 he acted as a port engineer for this vessel. There's people above
22 him in the company that help out when you get into a shipyard
23 situation or whatever but I believe he does the day-to-day
24 operations and repairs to the vessel.

25 Q. And based on your considerable 40-year career as a surveyor,

1 how knowledgeable do you believe he was based on your observations
2 about engineering systems such as main diesel engines, auxiliary
3 systems, steering systems and so forth?

4 A. That's kind of a difficult question. I don't know his
5 engineering background or whatever so I am not (indiscernible)
6 knows how the systems work or how they should work, what his
7 background is as far as getting into repairs. I don't know.

8 Q. So you conducted a survey in 2019 which was a shorter survey,
9 and in 2022, you did a more extensive visual survey of the vessel.
10 Would those two surveys capture, for example, and upgrade to the
11 steering system or modifications to the hydraulic system?

12 A. No.

13 Q. So I've seen -- I haven't seen your survey but I've seen the
14 -- and it is now an exhibit -- the joint survey conducted after
15 the fire. And in each significant space, say the wheelhouse, it
16 lists a detailed list of equipment. Would they have perhaps
17 pulled that from your survey report?

18 A. I don't know.

19 Q. So the captain had an assistant, a crewperson by the name of
20 Tyler. Who attended the engine room while you were conducting
21 your visual examination of the engine room?

22 A. Correct.

23 Q. No, I'm saying who did? Was it Tyler?

24 A. I believe I may have walked through with Captain Nadeau but I
25 generally walk through a vessel. And Captain Nadeau was busy

1 doing other things and he did not attend the whole inspection.
2 But he had Tyler help open hatches and if I had any questions, I'd
3 ask Tyler, that type of thing. So I may have gone through with
4 Captain Nadeau but I specifically had Tyler with me when I was
5 making notes in the engine room.

6 Q. So just for clarity, take a moment to think about it. You
7 know, it was a couple of months ago. But do you remember Captain
8 Nadeau in the engineering space with you during your survey in
9 2022?

10 A. I don't recall. I believe he walked through with me like I
11 said because generally, before I start to write notes, I'll walk
12 around the outside of the boat, I'll go walk through the boat from
13 one end to the other. Then I get down to details. I'll go
14 through voids and go through specific spaces and make specific
15 notes. But I like to get an overview before I start writing
16 notes. But I -- like I said, my -- the bulk of my writing in the
17 engine room was later in the day and it was -- Tyler was in
18 attendance at that time.

19 Q. And what kind of questions did you ask Tyler about the engine
20 room spaces?

21 A. I don't recall.

22 Q. Looking back at the steering system, for example -- and
23 please take a minute to think about it. Did you see anything
24 amiss with the steering system, the hydraulic system, the hoses,
25 anything out of what you consider the ordinary with that system?

1 A. I'm going to look at my notes, my report right now, because
2 that may -- I may have said something about it in my report. If
3 you'll be patient with me while I look through it. But I do not
4 recall anything unusual. I'm trying to recall what -- I have no
5 unusual conditions. I had down -- it seemed that the steering
6 pumps had been renewed. That may have been from my -- from the
7 time 2019 until 2022, they appeared to be newer.

8 Q. Do you recall if you asked Tyler about that?

9 A. I don't recall.

10 Q. Then the starboard main diesel engine, these are kind of
11 unique engines. They're a Scania engine. Did you asked Tyler any
12 questions about the starboard main engine while you were down in
13 the engine room that you recall?

14 A. I don't recall but there was nothing unusual that I saw.

15 Q. So you had known that the port engine had been rebuilt. Did
16 you recall asking Tyler any questions about the engine? And what
17 I'm getting at is, if you were told that the engine had rebuilt
18 and doing a visual inspection, would you -- you know, you
19 mentioned it was clean. You mention, I think, it was well clear
20 of the deck. You could see most of the hoses, and fittings, and
21 chafing guards. Do you recall an increase level of scrutiny when
22 you looked visually at the port engine?

23 A. There didn't visually appear to be any difference between the
24 port engine in the starboard engine. They were both a similar
25 appearance. My understanding, I believe, from Captain Nadeau was

1 words that these engines were repurposed from something else and
2 then converted to marine and installed in the boat together.

3 Q. Did he talk -- did Captain Nadeau talk anymore about any
4 additional repair work or any additional work that needed to be
5 done on the port engine?

6 A. There was one item he said something about. Possibly, it was
7 -- I'd have to refer to my notes but it was -- they were going to
8 put in a cooling water level indicator. That had not been
9 provided on the engine, on either engine. But I'd have to refer
10 to my notes on that.

11 Q. Do you recall if you asked Tyler any questions about the port
12 engine, anything whatsoever about the port engine?

13 A. No.

14 MR. FAWCETT: That's all the questions I have. I'm going to
15 turn the questions over to the National Transportation Safety
16 Board. Mr. Karr?

17 BY MR. KARR:

18 Q. Good morning. This is Mike Karr of the NTSB. Was your
19 survey on June 6th conducted while the vessel was underway?

20 A. No.

21 Q. What hours were you onboard the vessel?

22 A. Approximately 7 or 8:00 in the morning until 3 or 4 in the
23 afternoon. I do not have the exact time but I could better
24 determine that maybe from my photo log. But I was there all day.

25 Q. Okay, all day. So do you know if the vessel got underway

1 that day?

2 A. I don't know.

3 Q. But you were there all day. You got there in the morning and
4 you left --

5 A. Yes.

6 Q. -- in the afternoon?

7 A. I'm not sure if it went out for an evening cruise or not.

8 MR. KARR: Thank you. I have no other questions.

9 MR. FAWCETT: Mr. Flaherty?

10 BY MR. FLAHERTY:

11 Q. Morning, sir. How you doing?

12 A. Okay.

13 Q. I do have a question about the hydraulic system for the
14 vessel steering. How did you determined that the hydraulic pumps
15 were new or recently added?

16 A. Visual appearance.

17 Q. In what way?

18 A. They just looked to be -- when you look at something and it
19 -- fresh paint. Not all buggered up or corroded or whatever.

20 It's --

21 Q. So did your Survey include any test of the steering system?

22 A. No, it did not.

23 Q. When you were looking at the hydraulic pumps, did you -- From
24 your previous time on the vessel, did you note anything about the
25 pressure of the pumps or any details about them?

1 A. No, sir.

2 MR. FLAHERTY: All right. That's all I have. Thank you.

3 MR. FAWCETT: Thank you very much. For Bay Diesel?

4 Mr. Abel? I will give Mr. Abel An opportunity in a minute but
5 shifting over to Hornblower, Mr. Bennett.

6 MR. BENNETT: No questions, sir.

7 MR. FAWCETT: Thank you. Once again, another attempt with
8 Captain Nadeau. And once again for Bay Diesel.

9 UNIDENTIFIED SPEAKER: Looks like Chris Abel is on mute.

10 BY MR. FAWCETT:

11 Q. Okay. Yeah. So I have a follow-up question, sir. During
12 The course of a typical condition and valuation survey, have there
13 been occasions where someone has said the engine has been rebuilt
14 and you've said can I see the paperwork and invoices just to
15 determine condition?

16 A. There have been times in the past. It depends on the -- any
17 scope of the survey or what people requesting the survey might
18 need. For instance, if I was doing a survey on something that was
19 going to be purchased by somebody, you would want to look over
20 invoices and that type of thing. For underwriting purposes,
21 typically you wouldn't.

22 Q. Did either Captain Nadeau or Tyler offer to show you the
23 invoices if they had them available?

24 A. In this case, the -- there was some information that I was
25 not able to get at the time of my survey. And typically, I would

1 follow up with Captain Nadeau to get more information but the
2 casualty happened and that -- it became a moot issue.

3 Q. Need to get more information?

4 A. Sometimes model numbers, serial numbers makes different --
5 sometimes there is not labels on certain pieces of equipment so
6 that it makes the report more complete if you can have that
7 information.

8 Q. Do you recall in this case -- were you saying sometimes other
9 than the *Spirit of Norfolk* survey or in this case, you told
10 Captain Nadeau you needed more additional information for your
11 survey report?

12 A. I did ask him if there was a master equipment list on it.
13 And he was going to look into that. But like I said, the casualty
14 happened. And it was never done.

15 Q. Do you -- Are you doing that so you can compare your 2019
16 survey to the 2022 or --

17 A. No. The 2019 survey was for a different purpose and it was a
18 very brief inspection, and it was more of a fleet comparison
19 inspection type thing. It was more of -- there was less of a
20 specific listing of different items on it.

21 Q. Does your report contain a disclaimer about the specific
22 scope of what you're doing? In other words, you don't do -- you
23 don't inspect watertight door gaskets, you don't check for air
24 leaks or water leaks.

25 A. No. Correct. The preamble to the report describes the

1 parameters of the report and it's a visual inspection. We don't
2 do any removals or testing or that type of thing. Unless they're
3 requested. Certain surveys do involve that type of thing but in
4 this particular case, not for underwriting purposes.

5 MR. FAWCETT: Thank you, sir. So Mr. Abel, you were on mute.
6 And I'd like to offer you an opportunity for follow-ups with Mr.
7 Fahlbusch.

8 MR. ABEL: Yes, thank you. Can you hear me now?

9 MR. FAHLBUSCH: Yes, sir.

10 MR. ABEL: Good. Yeah. Someone had put me on mute. I kept
11 trying to ask questions or I believe speak up before. As it turns
12 out, I have no questions. But I am concerned about whatever it is
13 that was muting me, there was no way to let you know that other
14 than me emailing Commander Emmons a moment ago.

15 So I have no questions here but just for the future please be
16 alert to the fact that something is muting at least this remote
17 participant which kind of cuts me out of the program at that
18 point.

19 MR. FAWCETT: Yes, sir. We understand.

20 MR. FAHLBUSCH: I'm looking at my screen here. It shows one,
21 two, three, four people with -- appear to have mics off, muted.
22 But I'm not sure about that.

23 MR. ABEL: Yeah, my -- I had not muted myself. I was told --
24 yeah, I got an announcement that says you are now on mute. So I
25 assume it was from that end.

1 MR. FAWCETT: Yes, sir. Your comment is noted. It might
2 have been when we logged back on with that technical glitch.
3 Something might have occurred.

4 MR. ABEL: Yep, good to know.

5 MR. FAWCETT: But we note that. And Mr. Bennett, we note
6 your comment during the course of the interview. One last round.
7 If anybody has any questions for Mr. Fahlbusch.

8 BY MR. KARR:

9 Q. Yeah, this is Mike Karr with the NTSB. Mr. Fahlbusch, help
10 me understand a little bit about the condition and valuation
11 survey. You as a surveyor, are you the person that makes the
12 determination as to the condition of the equipment in your -- in
13 this process?

14 A. It's a visual inspection. And it's just an opinion of the
15 appearance of the different equipment.

16 Q. How about the valuation? Do you -- is it your job in this
17 process to establish a value for everything that you've seen on
18 board the vessel?

19 A. I would not establish a value for everything I see onboard
20 the vessel. I'd look at it as a whole and compare it to other
21 vessels that we've looked at or -- we might call a builder up and
22 get a price on a new vessel and then do a depreciation type thing.
23 But it's that type of an analysis.

24 Q. So you do value the vessel and it's all based on the visual
25 assessment of the condition of what you see onboard the vessel.

1 A. Right.

2 Q. And comparing that to other vessels and the current market
3 value of other visual --

4 A. Yes.

5 Q. -- reports.

6 A. Yes. Yes, sir.

7 Q. Thank you.

8 A. And it's taken as a whole. The vessel is in service. It's
9 Coast Guard inspected. It's been dry docked at a certain date so
10 it's not due for major -- it's had engines replaced. This
11 particular vessel had major work done. On the windows, was very
12 extensive work on it. The engine room work was very extensive.
13 It was -- the boat was significantly upgraded from the last time
14 that I saw it in 2019.

15 MR. KARR: Thank you, sir.

16 MR. FAWCETT: This is Keith Fawcett with the Coast Guard.
17 Any follow-ups? Mr. Fahlbusch, thank you very much for attending.
18 We will send you a document requesting the specific information
19 that we spoke about. The time is 9:25 a.m. Eastern Time and we've
20 completed the interview. Thank you.

21 MR. FAHLBUSCH: Thank you, sir.

22 (Whereupon, at 9:25 a.m., the interview was concluded.)

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

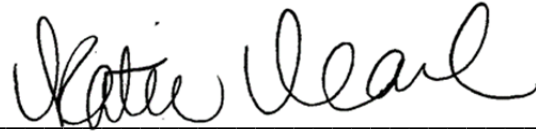
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of John Fahlbusch

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 12, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: GARY FROMMELT, Vice President Marine Operations
City Cruises, U.S.

via Microsoft Teams

Thursday,
August 11, 2022

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I N T E R V I E W

(2:01 p.m. EST)

MR. FAWCETT: Ms. Bark (ph.) is recording this interview to produce a transcript. Will you acknowledge that by saying yes?

MR. FROMMELT: Yes, sir. Yes.

MR. FAWCETT: Okay. Even though we have video on, we're not using the video portion of this. We'll produce a transcript, and you'll have the opportunity through your attorney to review it for accuracy.

MR. FROMMELT: Okay.

MR. FAWCETT: This is a joint U.S. Coast Guard/NTSB investigation. The Coast Guard is the lead federal agency, and we're conducting this interview and this investigation under the procedures and policy of the U.S. Coast Guard.

This, today it's August 11, Thursday, 2022. The time is 2:01 Eastern Standard Time. We're conducting an interview with Mr. Gary Frommelt, and you are listed as the Vice President of Marine Operations, is that correct?

MR. FROMMELT: Yes, for City Cruises, U.S.

MR. FAWCETT: We're conducting this interview to determine the events leading to the fire and subsequent constructive loss of the *Spirit of Norfolk* which occurred in Norfolk Harbor on June 7, 2022. And what I'd like to do now is starting with you, sir, go around the room and make introductions. If you would give us your full name, spell your last name, and then what your

1 affiliation is with the company that you work for.

2 MR. FROMMELT: Okay. Yes, sir. So my name is Gary Frommelt.
3 It's F-r-o-m-m-e-l-t, and I am Vice President of Marine Operations
4 for City Cruises U.S., just the domestic fleet.

5 MR. FAWCETT: Thank you, sir. My name is Keith Fawcett,
6 F-a-w-c-e-t-t, and I'm with the Coast Guard's Fifth District
7 Marine investigation team looking into the fire aboard the
8 *Spirit of Norfolk*.

9 Commander Roy?

10 MR. ROY: Yes, Commander Eric Roy, R-o-y, and I'm a member of
11 the D-5 formal investigation team.

12 MR. FAWCETT: Lieutenant Commander Emmons?

13 MS. EMMONS: Good afternoon. Lieutenant Commander
14 Nicole Emmons, E-m-m-o-n-s, and I'm with the District 5 formal
15 investigation team.

16 MR. FAWCETT: So on behalf of the National Transportation
17 Safety Board?

18 MR. KARR: Michael Karr, K-a-r-r, of the NTSB.

19 MR. FLAHERTY: David Flaherty, F-l-a-h-e-r-t-y, with the
20 NTSB.

21 MR. FAWCETT: Representing Bay Diesel?

22 MR. STILLMAN: Good afternoon, Dan Stillman from Wilcox and
23 Savage here on behalf of Bay Diesel.

24 MR. FAWCETT: Okay. Thank you. And I'll just once again for
25 Captain Nadeau. So there's no one present for Captain Nadeau.

1 Could we go with Hornblower, please?

2 MR. DENLEY: Yes, this is Eric Denley, D-e-n-l-e-y,
3 Hornblower Group City Cruises.

4 MR. BENNETT: William Bennett from the Law Firm of Blanc Rome
5 on behalf of Hornblower.

6 MR. FAWCETT: Thank you. So I may inadvertently use the term
7 Hornblower as a representational term for the company that you
8 work for, and if I do that, I don't mean it with malice or
9 anything. It's, you know, City Cruises U.S., National Leadership.
10 There's a lot of terms so if I -- if it needs clarification,
11 please do that.

12 MR. FROMMELT: Sure. Understood.

13 MR. FAWCETT: And, you know, you can -- if you recall things
14 differently, for example, additions to the story, corrections, or
15 anything like that from this interview, Mr. Denley will receive a
16 transcript from the NTSB. We'll deposit those so that you can
17 review those for accuracy, and if you find any omissions or
18 changes you want to make, just let Mr. Denley know, and he'll
19 convey that information to the Coast Guard.

20 At the same time we're going to produce a report of
21 investigation, and if you view that report, and you see new
22 information that needs to be brought to our attention, or you need
23 to clarify any inaccuracies, please let us know through your
24 attorney. And then finally the Coast Guard has a large manual
25 called the Marine Safety Manual, Volume 5, that's available on the

1 internet, and it contains -- it's in PDF format, and it contains
2 all of the details how we and why we conduct these investigations.

3 MR. FROMMELT: Very good.

4 MR. FAWCETT: And should you have questions, just work with
5 Mr. Denley to convey those to us.

6 MR. FROMMELT: Okay.

7 INTERVIEW OF GARY FROMMELT

8 BY MR. FAWCETT:

9 Q. So I want to narrow the discussion for the time being to the
10 time period before the fire on board the *Spirit of Norfolk*. So
11 any of your answers, please scope them to the timeframe before.
12 We will have post-accident questions for you, and that'll be
13 clearly defined.

14 A. Okay.

15 Q. So looking at your position within the organization, would
16 you please talk about your background, training and experience
17 that supports the work you do for your company?

18 A. Sure, I'm happy to. Background, I'll try and curtail it
19 because I'm at the tail end of my career, so it could get a little
20 lengthy. So I have been in the marine profession if you will my
21 entire career. I spent a little bit of time decking on tow boats
22 to help pay for college, and shortly after that time, I went to
23 work on passenger boats, and really kind of stayed -- I've stayed
24 with passenger boats my whole career.

25 Earlier on it was all H boats, larger vessels. I'm a haus

1 (ph.) piper. I started work on passenger boats in the '70s, and I
2 was always in the engine room, and I worked my way up. I got a
3 chief engineer's license, steaming motor, 1984 I believe it was.
4 Limited rivers. I never sailed blue water, so on the river
5 system. It was, you know, limited horsepower.

6 So I've sailed as chief on a variety of vessels until like
7 into the '90s, and again, these were mostly H vessels, but the
8 companies I've worked for also had some T boats, some 100 ton
9 vessels in the fleet as well, and then in the '90s I went into
10 more of a management position where I was a marine director over
11 both deck and engine, and these again were primarily inner
12 sightseeing vessels.

13 Spent some time in the river boat gaming business. Most of
14 my vessels were big, like in New Orleans we had a 1,600 passenger
15 vessel, 3,000 passenger vessel, casino days we had a 5,000
16 passenger vessel that I was responsible for.

17 And, you know, moving on into more current times, I was
18 actually with Entertainment Cruises. You know, Hornblower has
19 pulled together a lot of companies with private equity money
20 involved, so a lot of companies, or several companies that I've
21 worked for before are now under one umbrella, so I was in charge
22 of marine operations for Entertainment Cruises until 2015. That
23 fleet is -- it's basically now the fleet we have as City Cruises,
24 mostly Chicago and East Coast.

25 And then in 2015 I went to work for our overnight division,

1 so I was responsible for marine operations, deck and engine on
2 three overnight river boats on the Mississippi, one on the
3 Columbia, and I left that division to come here in late January,
4 early February of this year. So as Vice President of Marine
5 Operations, I'm responsible for all the marine operations aspects,
6 regulatory compliance, maintenance repairs, shipyard work, crew
7 training, you know, everything under the marine umbrella.

8 Obviously a lot of Coast Guard, I've spent my life with the
9 Coast Guard. Never in it, but certainly have worked with the
10 Coast Guard closely all throughout my career. So I think that
11 kind of covers it.

12 I have been, you know, for extracurricular activity been on a
13 couple of natural working groups with the Coast Guard, heavily
14 involved in the Passenger Vessel Association. I've been on the
15 Safety and Security Committee since its implementation in the
16 '90s. I was actually president of PVA in 2003 and I'm doing a
17 second term on MERPAC so a fair amount of industry interaction. I
18 think that covers it. It's probably too much, huh?

19 Q. No, that was good. And MERPAC is the federal advisory
20 committee for merchant personnel?

21 A. Yes, that's correct.

22 Q. Thank you. You mention your license. You said limited
23 horsepower. Is there a horsepower limit on that? Is it so many
24 horsepower or is it listed on your license as limited horsepower?

25 A. No, it's -- I just have 4,000 horse, and I never really did

1 upgrade. You know, at the time I would have had to kind of get
2 off the passenger boats I was on to really upgrade the horsepower
3 much, and I moved into a management position so I didn't pursue
4 it. I've kept my license active, but it's listed as 4,000
5 horsepower, steam and motor.

6 Q. So who in the company -- you had extensive marine engineering
7 background and a credential to certify that level of knowledge and
8 expertise. Who else in the company would I find that had marine
9 engineering backgrounds specific to diesel engines and the systems
10 that you find in one of your vessel's engine rooms?

11 A. So it varies really by the port, and, you know, we've got
12 port engineers in several locations, and we really lean on the
13 city team and use their expertise, so it depends. The directors
14 of marine operations who are the marine management personnel at
15 the port level or city level have varying degrees of experience as
16 well as the captains, and we base -- we really -- it depends on
17 the city and their expertise. So we will hire out. You know,
18 they'll reach up to either me or some of the folks on the national
19 marine team for advice or expertise, and then depending on what
20 the need is and the skill level in any given city, we'll reach out
21 to outside vendors, you know, for a higher level of experience or
22 even if somebody doesn't have time to deal with an issue, you
23 know, whether it's a CAT dealer or control folks, and we work with
24 our naval architect very closely on a lot of issues as well, so it
25 -- really there's no cookie cutter thing across the fleet. It

1 really depends on the skill level on the local level, and then we
2 have resources moving up the chain to help out wherever the need
3 may be.

4 Q. You mentioned a naval architect. Who is your naval
5 architect?

6 A. We use DeJong & Lebet from Jacksonville, Florida, and they
7 have been with this fleet. They worked with *Spirit* -- I would say
8 they're the best for this, our type of vessels, and they're quite
9 familiar with our fleet. They did all of our work back in
10 Entertainment Cruises days and they continue to do really all the
11 work for the fleet we have today.

12 Q. I'm going to jump ahead a little bit since you brought them
13 up to the incident of the fire, and the follow up to the fire.
14 Did you engage that naval architect firm to provide assistance and
15 support for your response efforts to the fire?

16 A. I did not directly, but I believe we gave Don John the naval
17 architects information. Scott Smith really had taken the lead for
18 the response, but I'm sure we provided that information to Don
19 John. They had their own naval architect on site and I don't know
20 if they contacted them, but I'm sure we gave them, you know,
21 DeJong & Lebet's information as a reference if they needed to
22 speak to them.

23 Q. Thank you. You mentioned the port engineers. What value do
24 they bring to -- I think you alluded to the fact that they were
25 mostly for your fleet on the West Coast, is that correct?

1 A. Yes. We don't have a port engineer at every location, and --
2 but we have a port engineer -- well, we have a position. We just
3 lost a person actually, but in San Francisco and also San Diego,
4 and then we have an engineering team, maintenance team in
5 New York. We haven't really called the person there port
6 engineer, but we've got more of a dedicated team there, and then
7 also in the Boston Harbor Cruises division we have a port
8 engineer.

9 Q. Would it be fair to say that that's predicated on the size of
10 the fleets in those geographic areas?

11 A. Yeah, that's exactly what it is.

12 Q. And so the Norfolk, that region, Norfolk and the
13 Chesapeake Bay, how many boats would be operating in those areas?

14 A. While in Norfolk we only have two vessels.

15 Q. And how about up, you know, moving up towards Baltimore or
16 Washington?

17 A. Baltimore we have two, Washington we have, what is it, four,
18 and I'm embarrassed to say I'm not sure in Alexandria. We have
19 several water taxis. I think it's four water taxis and three
20 other vessels with that fleet, but don't -- I'm not sure the exact
21 number right off the top of my head honestly.

22 Q. When was the last time before the fire you visited the
23 *Spirit of Norfolk*?

24 A. I was on board -- I don't remember the exact date. I'm going
25 to -- I could follow up with that. It might have been May 6 or

1 somewhere in there. I went down to -- it was at the time they
2 were doing repair work on the engine and I just went down on the
3 port main on the *Spirit of Norfolk*, and I went down to speak to
4 Captain Ryan and see how things were going. Basically he had
5 involved Bay Diesel. They were doing the repair work and I just
6 went down to check in and honestly provide some moral support.

7 Q. Was that something you would typically do?

8 A. Yeah, it varies. I mean, we have a lot of boats in the
9 fleet, so I kind of pick and choose where I go, when. You know,
10 we had an extended dry dock in Norfolk and, you know, Ryan's a
11 strong player. I just went down -- I hadn't been there for a
12 while so I just went down to check in and see how things were
13 going, but, yeah, I try to do that, you know, whether it's
14 expertise, whether it's oversight to put my eyes on something that
15 maybe I'm concerned about, or just be a team player and pat
16 somebody on the back. I try and pick and choose where those --
17 where I can best help I guess I'll say with the fleet.

18 Q. So why wouldn't you send Mr. Lee down there?

19 A. You know, I don't know at the time. I mean, it's not unusual
20 for Mr. Lee to go and do the same thing. We, you know, the whole
21 team's pretty busy. I can't specifically remember if it's like --
22 I think I wanted to go. I mean, part of it, too, with me, you
23 know, I'm -- I just joined the team late January, so part of
24 that's relationship building as well for me to, you know, put
25 boots on the ground and eyes on the deck plates and, you know,

1 kind of build -- you know, either build relationships with new
2 folks to rekindle old ones.

3 Q. So what's your understanding of the relationship in a
4 management structure between the general manager and the director
5 of marine operations; in this case Captain Nadeau? In other
6 words, does Captain Nadeau work for the general manager and does
7 she in this case approve the decisions he makes? How does that
8 work?

9 A. So, yeah, the structure really across the fleet -- or I'll
10 speak specifically to Norfolk, the -- as Captain Nadeau as marine
11 director, director of marine operations, he reports directly to
12 the general manager with a dotted line to me. So the day to day
13 decisions or business decisions and those kind of things would
14 really go on at the city level, and then I am there I guess I'll
15 say as a resource, and also to keep an eye on things to make sure
16 we're doing -- you know, my job is for I'll say support and also
17 protect the company, make sure the folks in the field are doing
18 what they're supposed to do, so the -- you know, the Captain Ryan
19 would reach out to me, want to update me on anything that goes on
20 in the marine world with any degree of severity or difficulty, and
21 keep me posted, ask me questions if he needed some information
22 that either I or some other resource might be able to offer, so it
23 just varies, but it's -- you know, it just depends on the issue as
24 to my level of involvement, but the communication is pretty good.
25 A lot of times it's just a heads up and like let's say in this

1 case, you know, Bay Diesel, who we have a long term and good
2 relationship with, it's not like a new vendor where you're going,
3 well, I wonder if they know what they're doing, there's a high
4 level of trust there and, you know, also familiarity with the
5 vessel.

6 Q. Did Captain Nadeau contact you and talk to you before you
7 made a decision to come down there?

8 A. Yes, he had informed me about the incident with the loss of
9 coolant on the port main engine, so he kept me up to speed. He --
10 I, you know, let me know Bay Diesel was coming in to take a look
11 and just periodically would keep me posted on the progress of the
12 repairs.

13 Q. And how did he do that? Did he send you an email or pick up
14 the phone and give you a call?

15 A. It was usually on the phone.

16 Q. And in this case, you know, this particular case, was there
17 an exchange of email?

18 A. I don't recall. I think we did exchange some emails, but I
19 know we verbally covered it over the phone several times as well.

20 Q. So I'm looking at this organizational chart, and I'll name a
21 couple of people, and if you can tell them how they work within
22 the organization. So Mr. Blakely, what does he do, you know, in
23 the time before the fire? What is his function, his key
24 functions?

25 A. So Tom Blakely's job is he's the admin basically for the

1 national marine team. So he fields a lot of the administrative
2 work. His primary job is to gather the incident reports that come
3 in, insure that they're accurate, check for follow up if there's
4 something that was left hanging or something missing in the
5 report. He provides updates to me on Vessel VanGuard system, that
6 type of thing. I mean, it's a multi-function job. It's kind of
7 like if I need to throw any administrative work around, it ends up
8 in Mr. Blakely's bucket.

9 Q. So, you know, we do a broad, we cast a broad net in
10 investigation, and we were looking at the Hornblower site, and
11 we're looking at job openings and postings to try to understand
12 the workings of the company, and they had a marine assistant
13 administrative manager position in Alexandria. The posted date
14 was June 15. Are you aware of that position and what those people
15 do?

16 A. Not intimately, no. I mean, we have -- over a period of
17 time, you know, we have marine directors in each port. You know,
18 I guess with my time in the industry I can speak as an old guy
19 because the administrative load has become greater and greater,
20 and one of the things that we've identified is that we need some
21 support just for tracking all, whether it's drug testing,
22 recordkeeping, submittal of different items, and, you know, it's a
23 matter of we want our marine directors to be -- make sure they
24 spend enough time on the deck plates and not all day in the
25 office, so that's really what the position is for. Not every city

1 has it. We've over a period of time said, you know, we think
2 based on the administrative load to do all the paperwork and
3 everything that needs to be done, the reporting up the hill and
4 that, it's a position that would really help us in each city.

5 Q. Do you know if you had those positions in the work force
6 prior to the fire?

7 A. Yeah, I believe we did in Alexandria. You know, like I said,
8 not every city has one and that's kind of like it goes back into
9 the port engineer a little bit, depends on the size of the fleet
10 if you will. I'm pretty sure that it was in existence in
11 Alexandria. My dealings are more with the marine directors, so I
12 believe so, but I couldn't tell you absolutely.

13 Q. So under cruise standards aesthetics, you have an individual
14 here. What does that person do?

15 A. Rosalio Tavares (ph.)? That was a position that was just
16 created earlier in the year, and that person is in charge of
17 really aesthetics, the looks of the boat, you know, we're trying
18 to standardize things so whether it's materials or let's say we
19 want to do an interior renovation, instead of having 10 people
20 pick their favorite carpet, we'll standardize that. So Rose is
21 responsible for working with our interior designer with
22 standardizing the look and coordinating with renovation projects,
23 getting bids for that, insuring that all the materials are within
24 spec, you know, so they meet all the fire and smoke requirements.
25 Part of what he'll expand into as he gets ramped up on this is

1 even uniform standards. We have a lot of different fleets that
2 have been married together over a period of time and some of the
3 stuff went on hold I guess during the pandemic, so it'll expand
4 into uniform consistency and standards and things along those
5 lines. And he's a gentleman that's been with the company for a
6 long time. He was assistant marine director in New York, and then
7 took over as director in Chicago, so he's very familiar with the
8 fleet.

9 Q. So marine crewing, training and certification is listed in
10 the organization chart as vacant.

11 A. Yes.

12 Q. Do you know if that division of the organization would deal
13 with factors related to the *Spirit of Norfolk*?

14 A. Well, I'm not sure if I understand exactly what you mean by
15 factors.

16 Q. Well, crewing and training.

17 A. Yeah, okay. Yes, that was a fleet wide position. That
18 position had been filled, and that person moved up to the group
19 level, so instead of -- he was promoted. So instead of just being
20 involved in City Cruises, U.S. like I am, he is up at the
21 Hornblower group level, so that's expanded to the entire fleet. I
22 will say this, that I would say more than half of his time has
23 been spent -- probably more than that, yeah, easily, supporting
24 the City Cruises fleet. It's where he came from, and he spent
25 time in that fleet in Boston. He knows the fleet quite well, so

1 even though the position is vacant, we haven't lost the support
2 and the expertise that that person's provided. He spent a lot of
3 time helping with recruiting as well over the past while.

4 Q. So they talk about the learning management system. Do you
5 know if that applies and it utilized in Norfolk for the *Spirit of*
6 *Norfolk*?

7 A. I'm a little hesitant to say strictly by definition, you
8 know. We have a lot of training material that's been put together
9 as available online, and we do have a marine learning system, so
10 that material is available for any of the cities, and Norfolk, in
11 particular, to access and use. We're continually improving, so
12 we're, you know, we've got big ideas to expand and standardize all
13 the training material, but there's a good bit in place already and
14 has been for quite some time.

15 Q. But you can't speak specifically to Norfolk.

16 A. I'm going to say that Norfolk is -- has the same access that
17 every other city. To look you in the eye and say this is exactly
18 what's in the marine learning system, I can't say exactly to give
19 you the litany of what is, you know, included in there. I mean,
20 it's basic training. We have other resources for firefighting,
21 line handling, and that kind of thing in that system.

22 Q. So the regulatory safety and security, Mr. Lake, we did not
23 call him as a witness at this point because we were figuring that
24 some other management executive could explain what Mr. Lake's
25 function is, but I'm looking at the chart here and it talks about

1 risk management, incident oversight, safety council, safety
2 management system, emergency response plan, emergency regs, and
3 material safety data sheets. So do you sit on the safety council?

4 A. Say that again, please?

5 Q. Do you sit on the safety council?

6 A. I do not. I'm involved with our safety calls. John hosts a
7 monthly safety call, and I sit in on that, and then we have
8 biweekly calls with marine directors that safety's one of the
9 topics.

10 Q. Can you describe the safety management system that
11 (indiscernible) such as the *Spirit of Norfolk*?

12 A. Well, I'm going to tell you that we don't have an SMS per se
13 as far as the formalized system, and we are working to roll into
14 that, but I will say that we -- a lot of us -- we have a lot of
15 (indiscernible) in place. I'm hesitant to say, yeah, here's our
16 SMS. That's coming, but we have a lot of policies and procedures
17 in place accessible to the entire fleet. We have a risk
18 management system, we have, you know, we have an incident
19 reporting system where any incident no matter what, if it's a
20 slight cut up to a bigger incident, it all gets reported. We
21 report near misses, and that information is reviewed by the marine
22 director, and then it also goes up to John and I get copied on
23 that as well, so ones of higher interest or that need follow up,
24 we look at that. We have -- we use Vessel VanGuard. It was
25 called Wheelhouse. We have a preventative maintenance system, and

1 so I think we have a lot of the components and the foundation.
2 It's not going to be a huge leap to go for a more formalized SMS,
3 but we have a lot of the components and systems already in place
4 that constitute an SMS.

5 Q. So would vessel crew persons, key vessel crew persons such as
6 captains, general managers at specific locations have to sign off
7 in any way that they were in compliance with the procedures that
8 you just described? I mean, you didn't describe -- you did not
9 describe a safety management system, but you said you had parts
10 and components.

11 A. Yes.

12 Q. Where you had to sign off, you know, that they understand and
13 will comply?

14 A. They sign off on the training. I'm hesitant to say that
15 everything I mention that a management level person signs off on.
16 I don't think that's an exact -- I don't think I can directly say
17 it like that, but there's an involvement, you know, with, you
18 know, the marine directors would sign off on the training, the
19 human resources really leads that. They sign off that someone had
20 taken the training, and gone through the drug and alcohol program.
21 The incident reporting has to be reviewed by the marine director,
22 and depending on the severity, it may get passed up to the general
23 manager, but I'm not comfortable saying that everything I
24 mentioned, someone actually puts their name on to say, yeah, I
25 signed off on that.

1 Q. So that we talked to Mr. Lee so we understand his position,
2 but the marine engineering and projects position is vacant. How
3 do you absorb the demands? I know there has been discussion about
4 that person is perhaps in the group above the City Cruises and
5 could assist you, but how do you handle the challenges posed by
6 that person's position being vacant?

7 A. Yeah, and I'm glad you said that because it is -- it's very
8 similar to the training position, you know, that I'm going to tell
9 you probably 70 percent of that person's support has gone -- even
10 though he has moved up to the group level, I'm going to say
11 70 percent of his efforts have gone to support us in the
12 City Cruises, U.S. fleet and as far as picking up the load, I'm
13 going to tell you that it depends on what the topic is, and we all
14 picked up whether it's Chip Lee or John Lake or me or even leaning
15 on the naval architect, it depends on where we feel the expertise
16 falls that any of us may pick up and help.

17 We also have a team, you know -- I'd say we've probably used
18 a naval architect for things we might not have before. We have
19 our own group that -- it's an independent division, but they have
20 shipyard and a brain trust in Bridgeport, Connecticut, Hornblower
21 Marine, and we've farmed things out to that group to help with
22 some guidance on certain things that we -- and we have to pay for
23 that even though it's one of our divisions, you know. It's a cost
24 to us. So wherever that gap is with that position being vacant,
25 you know, you either absorb it within the team we have or hire it

1 out to someone else.

2 Q. But you were part of -- you're not part of the safety
3 council. Who is?

4 A. Well, it's -- as far as the safety review and that, it's
5 really John Lake, Tom is involved, and then City marine directors.

6 Q. And that's the safety council?

7 A. Yeah, I mean, that's pretty much the makeup of the safety
8 team that we have to review any incidents and, you know, post
9 action items or corrective action items.

10 Q. Okay. So there's not an actual safety council that addresses
11 like the existing safety issues and looks ahead to problems and
12 challenges that you may encounter? I'm a little confused because
13 you're saying all of the directors of marine are member of that
14 organization --

15 A. Well, you know, maybe -- I --

16 Q. -- safety council?

17 A. I'm not familiar with the term safety council, so I don't
18 know where that came up, you know. We have a group that reviews
19 the incidents, like I said, the incidents and any post action
20 items and corrective action items.

21 Q. So under Mr. Lake's responsibilities are risk
22 management/safety and then --

23 A. Yeah.

24 Q. -- risk management, and then the second bullet it safety
25 council.

1 A. Yeah.

2 Q. So is there -- maybe the term's wrong. Is there some other
3 safety group within the company whose job it is -- I'll give you
4 an example. So the tragedy on the Conception which occurred on
5 September 2, 2019 was a fire on a small passenger vessel.

6 A. Right.

7 Q. The circumstances were tragic and there was a clarion call as
8 a result of that fire for implementing changes. The NTSB did an
9 exhaustive report. For example, one of their recommendations, not
10 only the Coast Guard, but the operating companies --

11 A. Yeah.

12 Q. -- was to implement a safety management system. The other
13 thing was talking about the things that are important here, are
14 smoke detection, fire suppression. Was there a group within the
15 company, and that could be at any level because I know there's
16 talk about the above the national level and U.S. City Cruises that
17 does that kind of work, that examines those situations and makes
18 recommendations to the company to promote change?

19 A. I'm going to tell you it's a Hornblower level, and I'm not
20 sure -- I should know better if we call it a safety council, but
21 there's a group there that really looks at safety across the
22 fleet, and then has a monthly call to share information and
23 discuss those things, you know, so any of that stuff on the bigger
24 picture is looked at I would say at the Hornblower level and then
25 internally we would do that as well. Obviously, you know, the

1 Conception fire predated my coming to this division, but the
2 lessons learned in that kind of thing are talked about, and we
3 handle that. We have a monthly marine directors call, and then we
4 also have a monthly safety call, so, you know, those things are
5 discussed and shared across the fleet.

6 Q. So at any time you were with the company, was there a
7 discussion about upgrading existing fleet boats that were the old
8 T boats, passenger carrying vessels to include fire suppression
9 systems or fire detection systems?

10 A. Not specifically. I mean, we talk all the time about
11 continual improvement, and risk management and where our hot
12 buttons and what do we need to work on, and obviously, you know,
13 that topic is accelerated because of recent events, but I would
14 say there's an awareness, but based on, you know, regulatory
15 compliance that we, you know, we're in compliance with existing
16 regs and a risk based decision makings. I mean, the Conception
17 was a little outside of the world we operate in. I don't want to
18 completely distance myself from that kind of risk, but, you know,
19 we -- it wasn't identified at any point like it was a big risk in
20 our fleet at the time.

21 Q. So moving to the -- you went down to Norfolk for the -- to
22 support Captain Nadeau and be a sounding board related to the
23 engine rebuild.

24 A. Um-hum.

25 Q. Were you aware of all the work that was actually completed by

1 Bay Diesel before the fire?

2 A. In general terms I'd say. I know we replaced heads and a
3 water pump, and, you know, to go through each item, no, not
4 specifically.

5 Q. Before the fire, did anyone make you aware that there was a
6 recommendation from technicians to replace one of the turbo
7 chargers on the port engine? And that -- and I'll just -- that
8 the turbo charger was available.

9 A. I recall some issue that after the initial repairs there was
10 some follow up needed, but I don't remember specifically that it
11 was.

12 Q. If Captain Nadeau had called you because, you know, he valued
13 your support and your expertise, and he said, hey, look, here's
14 the deal, the recommendation was to replace the turbo charger and
15 we have it in the warehouse at Bay Diesel, what decision might you
16 have made regarding the timeliness of effecting the repair of a
17 turbo charger?

18 A. Well, I guess it would depend on exactly what the issue is,
19 but if he would make that recommendation, and as I said we depend
20 on Bay Diesel and trust them -- well, they've always done a great
21 job for us, they make that recommendation. I don't think there
22 would have been any hesitancy, you know. If -- I don't want to
23 speculate. I mean, it depends on the severity. If it's like,
24 okay, it's a risk based decision. Is this an immediate need or is
25 this something we should do after the next cruise, or in the next

1 day? It really depends on what the issue may be as far as how
2 immediate if that's what you're asking.

3 Q. So based on your experience because you do have a credential
4 and you've served on a variety of larger, you know, more powerful,
5 bigger horsepower boats than the *Spirit of Norfolk*, do you think
6 they could replace the turbo charger, a singer turbo charger
7 overnight when the boat was laid up?

8 A. Yeah, I don't see why if the equipment's available. Yeah,
9 that seems reasonable if you have everything you need to get it
10 done.

11 Q. So shifting to the fire event, when did you first become
12 aware of it?

13 A. I was notified of it probably within the first hour or so of
14 the incident.

15 Q. Okay. Where were you?

16 A. I was at a conference in Miami.

17 Q. So once you were notified, just -- could you just tell the
18 story of your involvement with the fire in as complete detail as
19 possible? Nobody will interrupt you. Just tell the story if you
20 would.

21 A. Yeah. Sure. So I was at a conference in Miami, and my first
22 notification was a text from Mary Reynaldo (ph.), our regional
23 general manager, and then at some point not too long after that I
24 spoke to Mr. Smith, and I was digesting the information as it was
25 coming in. I probably stayed on the conference floor for 45

1 minutes or so, you know, because the first notification was
2 there's a fire in the engine room on the *Spirit of Norfolk*,
3 severity undetermined. So it probably took me about 45 minutes
4 before it got to the point where, hey, this is really serious, we
5 evacuated the full boat, no one on board, everybody's safe, no
6 injuries, boat's being towed to the Norfolk Navy Yard.

7 So once it became evident that this is, you know, pretty
8 serious, I left, returned to the hotel and started looking at
9 flights. And at that point in time I got the first flight that I
10 could make, if you will, and that didn't get me to Norfolk until
11 midnight or something like that the night of the fire.

12 So once I got there, I got a car and went to the Navy yard
13 and went straight to the pier, and so I think it was probably 0100
14 by the time I got to the pier, somewhere in there.

15 Q. And then what happened?

16 A. So, well, I went -- two of our folks were already there,
17 Tim Redman (ph.) and Chip Lee, and I caught up with them, and then
18 was trying to just get a handle on who's doing what. I mean, it
19 really kind of came across this is out of our hands, that the fire
20 team -- initially I thought it was the Navy that was handling the
21 lead with the firefighters, but it was -- they were apparently
22 just there and available, and it was a local fire team that really
23 took over, and there wasn't a lot of interaction with us.

24 It -- you know, the Coast Guard was present, the Navy was
25 present, and at that point the fire team had already pulled off of

1 the vessel, so it was only a matter of putting water on the
2 exterior of the boat. I think somewhere in that range they were
3 already worried about losing her because of the amount of water
4 that was on board, so there wasn't a lot of -- I mean, I was there
5 until 11:00 the next night, and, you know, there wasn't a lot of
6 involvement with us. It's just how can we get this thing out
7 without any personnel on the boat, and what do we do to, you know
8 -- if we can't put any more water on her because she's going to go
9 down if we do.

10 And then, you know, I was there for the duration, but
11 Scott Smith whose position I took, he had the position I have now,
12 he moved up to the group level, but he got there the next morning
13 and he took over as the lead person as the company representative.
14 And I don't remember exactly when, but, you know, Don John, the
15 salvage guys got there pretty early on. They were there by the
16 time I got there. Not all of them, but some of them.

17 So that was -- you know, I'm not sure, where else do you want
18 me to go with this? That kind of catches me up to where we were
19 there.

20 Q. So you departed the Norfolk area when?

21 A. I was there for a week or a week-and-a-half. I was at the
22 Navy pier, so I got to the Navy yard at 0100 the day after the
23 fire started, and then I didn't leave the pier until like 11:00
24 that night, but I was in town and present for the next week or
25 more, something like that.

1 Q. So does the company have a structure wherein an event like
2 this they stand up some kind of back of the home office some
3 crisis incident team or something like that?

4 A. Yes, we do.

5 Q. And is there a plan? Is that part of the emergency response
6 plan?

7 A. Yes.

8 Q. And who leads that at the corporate level?

9 A. It varies. I mean Mr. Denley takes a big part in it. In
10 this case Scott Smith led the charge on scene, and, you know, it's
11 a complete plan to identify resources, what do we need, involve --
12 you know, make sure we've done everything regulatory wise,
13 mitigate the situation, insure crew are okay, talk to passengers,
14 handle media issues, the whole spectrum.

15 Q. I just want clarification on -- you talk about group. Is the
16 group some organizational level above City Cruises? I'm a little
17 confused as to the organizational structure.

18 A. Yeah, okay. So, yeah, group -- it's a term that we use to
19 say -- group I guess for us means fleet wide, so like when we say
20 someone's at the group level -- let's start with me. Okay. I'm
21 at the City Cruises, U.S. level, so I have just the U.S. domestic
22 fleet of City Cruises. So that's the dinner and sightseeing side.
23 I have nothing to do with the ferry boats, Alcatraz, nothing to do
24 with the overnight boats anymore and that kind of thing.

25 So at the group level, those folks are over the entire fleet,

1 so say Mr. Smith, he is now over the ferry boat division, the
2 overnight division, the City Cruises division that I'm in and not
3 only U.S. but internationally, so the group level is one step
4 above that kind of covers all the different divisions in the
5 company.

6 Q. Thanks. I think I understand that now. Thank you very much.

7 A. You're welcome. It took me a while.

8 Q. So did you play any role in the unified command down in
9 Norfolk in any capacity?

10 A. Not really. Once Scott got here, he really took over, and I
11 was present for most of the meetings, but more in a support role,
12 be available, but not the lead guy for the company on scene.

13 Q. So shifting to the decision to shift the Mount Vernon, the
14 *Spirit* of Mount Vernon down to replace the *Spirit of Norfolk*, who
15 was the project manager or team leader or whatever that oversaw
16 that decision process and those activities?

17 A. You know, it was a multifaceted effort and decision making
18 process. We have two co-COOs in the company, Dan Russel and
19 Christine Mativia (ph.), so they're ultimately at the top of the
20 leadership for the company, so it involved a number of people,
21 Mr. Smith at the group level and marine ops, me at the
22 City Cruises level, Mary Reynaldo who' the regional GM for
23 Mid-Atlantic over D.C. and Norfolk, so, you know, as we kind of
24 got settled after the fire, it was like, okay, what are we going
25 to do to shore up business in Norfolk, and we just pulled the

1 whole team, so it was I guess, you know, Dan Russel would be the
2 ultimate end point for the decision making with all of us
3 providing input on the pros and cons, and feasibility of which
4 boat we could use in Norfolk that would service the needs for our
5 guests, and not damage the business in any one other port. You
6 know, it's not like we got a lot of boats sitting around doing
7 nothing, so it was, you know, it was a business decision really.
8 What do we need to do to get a boat up and running without
9 damaging the city that that boat is coming from.

10 Q. So if I understand it, the *Spirit* of Mount Vernon is -- was
11 built in 1990, would that be correct?

12 A. Yeah, I think -- I can't remember if she came out in '92 --
13 '91 or '92, somewhere in that range. Um-hum.

14 Q. So the decision to install fire suppression, engine room fire
15 suppression and fire detection systems, talk about how that
16 decision was made.

17 A. Well, obviously there's an awareness that we have vessels
18 that, you know, were not required to have a fire suppression
19 system because of the change in the K regs in 1996, or coming
20 about with that. So although this wasn't driven by any feeling of
21 a big risk on the vessel, certainly we're aware of any -- you
22 know, we're always looking to -- so much of this is a business
23 decision, cost benefit. It is a for profit business. We dedicate
24 our resources. I do not feel we crimp at all on R&M. We're
25 continually improving safety enhancements, but once we got to this

1 point, we felt because we were doing other work on the vessel, it
2 was the right time to say you know what, we can improve this
3 vessel and put a suppression system in.

4 Q. So do you mean just suppression or detection and suppression?

5 A. At this point we just have CO2 suppression. We have a
6 surveillance system, so the pilot, the captain can monitor
7 visually what's going on in the engine room. We do not have a
8 heat and smoke detection system on board at this time.

9 Q. Well, as part of these discussions for upgrades for this
10 vessel, were there any discussions about enhanced training for the
11 crew for safety operations such as firefighting or anything like
12 that?

13 A. Yes. I mean, we felt the crew was pretty well trained and
14 we've expanded that training. That was one of the things at
15 Sector Hampton Roads really stressed as well. We needed to make
16 sure the crew -- now that we have this CO2 fire suppression
17 system, that we need to make sure the crew is intimately familiar
18 with how it operates and how to operate it.

19 Q. So are you developing written procedures for firefighting on
20 the *Spirit* of Mount Vernon at this time?

21 A. We're expanding that to, yeah, to cover CO2 and that. I
22 mean, I think that the training materials for basic firefighting
23 are already in place.

24 Q. And would that be a requirement for all vessel personnel
25 including wait staff, non-marine crew?

1 A. It depends on the severity. We train all on board staff
2 with, you know, basic safety training to say here's where all the
3 equipment is, fire extinguisher, fire hoses, notification
4 procedures. If you see anything, smell anything, whether it's a
5 -- something smells hot, I see a suspicious person or whatever it
6 is, they're all trained to report that up to the captain, and we
7 teach everyone where the fire hose stations are, but don't expand
8 the hands on hose training to servers and bartenders and that.
9 The marine crew is the emergency response team, so the more direct
10 action and in depth training goes to those folks with, you know,
11 general training of awareness really for support purposes. If I'm
12 a waiter or a bartender, if I see a trash can fire, I want them to
13 be able to grab an extinguisher and put it out, but really their
14 job is to notify the marine crew who have the more in depth
15 training and also, you know, the captain to let them handle the
16 situation directly.

17 Q. So speaking directly to the *Spirit of Norfolk* and the time
18 before the fire, do you know who on that vessel would have had
19 knowledge to operate the fire pump system?

20 A. Well, not specifically by name. I mean, certainly the
21 captain, the senior deck hand. The deck hands are trained in
22 that, but to give you a list of names that are exactly, no. I
23 mean, that's really -- no, I don't.

24 Q. Yeah, I --

25 A. I should, but --

1 Q. Well, I was looking for positions. I wouldn't expect you --

2 A. Yeah.

3 Q. -- to know the names, so that was very helpful. So one of
4 the things we do in our reports is we talk about actions taken
5 since the accident, and it reflects actions taken by the Coast
6 Guard, other entities up to and including the operating company.
7 So I know, are there any other actions that you've taken as a
8 corporation after the fire to improve and enhance safety?

9 A. We have talked about this incident and, you know, with the
10 marine director of the fleet, and gone through lessons learned,
11 you know, I'll say as far as the incident itself and the action,
12 you know, I think our crew proved that they were trained, well
13 trained, and I don't mean just marine crew, but, you know, in the
14 evacuation, the notification. It wasn't, you know -- I think the
15 crew recognized early on that this is something that was a little
16 beyond them as far as capabilities, but we shared that
17 information, and then as a fleet, we're really looking at the
18 systems we have on board and what we want to do to -- I don't say
19 continually improve.

20 We've looked at the fleet, you know. We've got newer
21 vessels, but we've got a mix of new vessels, old vessels, so we've
22 look at the fleet, and we're in the process of evaluating what we
23 may need to do to continually improve and put systems on other
24 vessels, so it's a work in progress, but, yeah, it's certainly --
25 we haven't lost sight of what went on although I, you know, I know

1 -- you're asking the questions, but, you know, firefighting, we
2 wouldn't be having some of the conversations we're having if
3 proper firefighting had taken place, but we're taking a good look
4 at this to see what we need to do with the fleet.

5 Q. So are you aware of the actions of the -- you know, some
6 details of the actions of the crew of the *Spirit of Norfolk* in
7 terms of responding to the event?

8 A. I wouldn't say I know intimate details. I know some pieces
9 of it that was reported to me.

10 Q. So were you aware that the restaurant manager was very
11 successful in directing the movement of the passengers and making
12 public announcements, and then calling out the passengers what
13 they should do and so forth?

14 A. Yes.

15 Q. And did you consider that one of her duties and
16 responsibilities on the vessel?

17 A. It's not a primary duty, it's an expectation I guess I'll
18 say. You know, on any of these boats we have a marine crew
19 dictated by the COI of X size based on, you know, the severity,
20 the way the vessel's laid out. You know, sometimes it's so many
21 deck hands per deck, all of that, and then of course there's this
22 other whole crew of wait staff, bartenders and even on the
23 overnight boats we have housekeepers, all this, so we looked to
24 that team to really support the marine crew. The marine crew are
25 the emergency responders, and, you know, we'll reach out to

1 anybody for assistance, so even though it's not their primary
2 duty, this is why we give them basic safety training to say, you
3 know, if you see something, report it up. We may ask you to do
4 something. It's kind of like if you're on an airplane and
5 somebody says is there a doctor in the house, so we look to them
6 for supporting the marine crew in any of those kind of activities.
7 The more experience they have, the better off we are.

8 Q. So when you say basic safety training, to me as a mariner,
9 that means something completing different. That's an STCW
10 requirement with formal education, hands on experience. What does
11 it mean at Hornblower when you say that you give the restaurant
12 basic safety training? What would that -- if I were that person,
13 if I was Ms. Ginn, what would I experience in getting the basic
14 safety training?

15 A. It's sort of what I mentioned earlier. It's a general layout
16 -- you know, many of the -- well, I'd say most of the restaurant,
17 bar staff and that are not boat people if you will. So we go
18 through everything with this, you know. Vessels move. You know,
19 when you're hitting the ladder way, one hand to the railing, one
20 hand for yourself, you know, steady on your feet, here's where all
21 the safety equipment is, here's the location of the fire
22 extinguishers, fire hoses, here's how you notify the captain. If
23 you see an emergency and, you know, you don't have a radio, notify
24 the deck hand. He or she will pass it up. There's a chance of a
25 man overboard, so if you see someone in the water, make sure you

1 notify someone and always point. It's just those kind of -- you
2 know, it's interesting you say that because I don't want to tag
3 myself to a term that could be misunderstood, but we've always
4 called it basic safety training, and it's just all those general
5 safety items, emergency evacuation routes, if there is a problem
6 on any particular deck, always follow the captain's announcements,
7 but here's the exit path, you know, here's what happened, here's
8 what the general alarm means, you know, and just basic safety
9 training.

10 Q. Do you find it unusual that during this event the captain
11 didn't make more detailed announcements on the vessel's PA system
12 or sound the general alarm?

13 A. I honestly don't know in detail what that evolution was, so I
14 can't really comment on that.

15 Q. Thank you very much. That's all the questions I have.

16 MR. FAWCETT: Commander Roy?

17 BY MR. ROY:

18 Q. Good afternoon, sir. I just want to go back to the
19 City Cruises kind of your chain here as far as your roles and
20 responsibilities. I'm still a little confused on a couple of
21 things. So Ryan Doe (ph.), director of marine from Norfolk, and
22 he reports directly to the general manager, is that correct?

23 A. That's correct.

24 Q. And that would be who, sir?

25 A. That's Jolene Price Thompson (ph.).

1 Q. Okay. And who does she report directly to?

2 A. She reports to Dan Russel and Christine Mativia, our co-chief
3 operating officers.

4 Q. Okay. So we have -- we also have a regional director which
5 is Tim Redman; is that right?

6 A. Yeah, yeah. I'm sorry, I missed a step. Sorry to interrupt.
7 We have a regional general manager in the mid-Atlantic region, so
8 Jolene really reports to -- there's a step in between, but
9 Mary Reynaldo who's the regional GM.

10 Q. Okay. So the general manager reports to Mary?

11 A. Yes.

12 Q. And then where does Tim fall into that?

13 A. Tim Redman is the regional marine director, and in that role
14 he reports to Mary as well with a dotted line to me.

15 Q. Okay. So Tim's not in the chain for the general manager, is
16 that correct?

17 A. Well, he's not with the city general manger. He reports to
18 the regional general manager because he has regional
19 responsibilities. Does that make sense?

20 Q. Not really. Okay. I'm looking at the chart you gave, so I
21 think I missed --

22 A. Let me -- would --

23 Q. -- that.

24 A. If I can, let me try and take it from the top and maybe I'll
25 make it more clear because I forgot about -- sorry. So

1 Jolene Price Thompson is the city general manager, so she is over
2 everything that goes on in Norfolk. And she reports to a regional
3 general manager who is Mary Reynaldo, and Mary reports up to the
4 co-chief operating officers, Dan Russel, Christine Mativia. I'm
5 embarrassed to say this, I don't know, I imagine there's a dotted
6 line that goes from Jolene right up to Dan and Christine. I
7 really don't know if that's the case. The regional GMs are a
8 little new since I came back.

9 Tim Redman is the regional director of marine operations, and
10 so his responsibility is Baltimore, D.C., Alexandria, Norfolk, and
11 in that role, he reports directly to Mary Reynaldo with a dotted
12 line to me, and he has really a dotted line from the city
13 directors of marine operations like Captain Ryan to him. Does
14 that clarify any better?

15 Q. So the new one to me that I just heard for the first time was
16 he said that Mary reports to the co-chief operating officers, is
17 that -- did I get that right?

18 A. That's correct.

19 Q. And where do they fall in line between you and Mary? Where
20 do they fall in line there?

21 A. They meaning the chief operating officers?

22 Q. Yes.

23 A. Mary works for them. I work directly for them. Really more
24 so for Dan. That's the co-operating officers have kind of split
25 up duties, so Dan is more the operations guy, and even though I

1 deal with both of them, I really report directly to Dan.

2 Christine is more in the sales and marketing side. They've kind
3 of split up responsibilities, and so --

4 Q. And Dan's last name again, sir, I'm sorry?

5 A. I'm sorry, what?

6 Q. Dan's last name?

7 A. Russel, R-u-s-s-e-l.

8 Q. So he's your -- you work for him?

9 A. I work for him.

10 Q. And so -- okay, so -- and then underneath you are the marine
11 engineering and projects, system oversight, maintenance planning,
12 regulatory safety and security, marine crew and training
13 certifications, and then cruise standards and aesthetics, is that
14 correct?

15 A. Yes, sir.

16 Q. Okay. So there's another line somewhere where the regional
17 directors and general managers work for somebody besides you,
18 right? They don't work for you directly.

19 A. Yeah, the regional marine directors have a dotted line to me.

20 Q. Okay.

21 A. So it's, you know, I don't know if that's a little fuzzy to
22 describe, but I don't think it's uncommon. You know, if -- I
23 guess it just puts some muscle. We never really have an issue
24 where it's like Gary said this, but the general manager said that.
25 That really doesn't happen, but I guess it just puts a little

1 muscle behind, hey, if the vice president of marine operations
2 says something even though you directly work for the general
3 manager, you need to do this, and we coordinate all the time. I'm
4 not going to tell him anything the general manager's going to go,
5 what, what are they thinking?

6 Q. So who's responsible for maintenance, like the maintenance
7 systems, overall maintenance of all the boats in the fleet, making
8 sure that the appropriate maintenance is done, repairs are done?
9 Who's responsible for that?

10 A. So we put that responsibility at the port level, so it's the
11 director of marine operations at the port or city level to insure
12 that gets done. We provide oversight where we review the status
13 of completion, and, you know, that's actually Mr. Blakely who's
14 our marine admin that works directly for me provides those updates
15 on reports. I'll go in and drill down where I feel I need to to
16 look at something, but it's really at the city level, and then we
17 provide oversight to make sure they're keeping up and nudges that
18 along if we feel the need to.

19 Q. Okay. And we talked about the maintenance system, and you
20 use the Vessel VanGuard system, is that correct?

21 A. Yes.

22 Q. And is that just preventative maintenance or do all
23 maintenance records go into that system?

24 A. It's primarily preventative maintenance where we're
25 continually expanding to where we were trying to use it in a

1 broader sense and put more information into it on routine
2 inspections and the status of that varies a little bit by city,
3 but we keep loading more into it, you know, to cover more items.
4 If I'm doing my, you know, weekly checks, whether it's, you know,
5 a routine PFD check or fire hose check or whatever.

6 Q. So like an engine overhaul, that type of stuff would not go
7 in there?

8 A. No, that would go in there, sorry.

9 Q. Do you know if the overhaul that happened in May and all that
10 information got put into VanGuard?

11 A. I am honestly not sure.

12 Q. Who would know the answer to that?

13 A. Probably Mr. Blakely. I mean, we just have to go in and
14 look.

15 Q. Okay. All right. And is there paper copies, too, or is
16 everything just electronic now?

17 A. Everything's electronic.

18 Q. So there would be no paper copies anywhere on all the
19 maintenance and stuff? Everything's in VanGuard?

20 A. Yeah, I mean, some of the fleets are still using the
21 clipboard, but we have really pushed this along to, you know, for
22 people to utilize the systems and I guess I've used the line if
23 it's not in Vessel VanGuard, I'm not considering it's done.
24 That's our system, that's our metric to say, okay, this has
25 happened and that, so some cities were, you know, we've got

1 tablets rolled out in a few places where they can enter more real
2 time. Some places are still using paper, but then they go to the
3 desktop and enter it in Vessel VanGuard, so we're really trying to
4 get away from paper.

5 Q. Okay. Awesome. The indoor book, who would be responsible
6 for making sure all those entries were in VanGuard?

7 A. It would be primarily the marine director's responsibility,
8 and then, you know, others have access to the system, so, you
9 know, anyone he would tag usually at the captain level would have
10 access to the system depending on how he assigned the
11 responsibility.

12 Q. All right. We were talking to Mr. Lee earlier and we were
13 talking about, you know, maintenance and you guys need a lot of
14 third party, especially Norfolk since you don't have any
15 engineers. How is it determined like what repairs are made or
16 what maintenance is done by the crews, and what maintenance or
17 repairs or done by the -- a third party? Who makes that decision
18 and how do they pay for that as far as, you know, what -- is that
19 the local level as well or is that something that needs to go up?

20 A. Yeah, it's at the local level. We count on the marine
21 director to know the skill set of their team, of themselves
22 individually and the skill set of their team and also, you know,
23 we're budget conscious, but we're also very careful to say we
24 don't want anybody going on a stretch. If you're not comfortable,
25 if you're not sure you can accomplish this repair, then get --

1 hire it out, get the professionals in, and, you know, we've done
2 that. We've got great support in Norfolk being right there, we do
3 all of our shipyard work with Kalanas (ph.), and that's a long
4 term relationship and same with Bay Diesel, but, yeah, it's really
5 the local level, marine director to say, okay, we can do this, or,
6 no, I need some outside help.

7 Q. But it would also be the marine director's responsibility to
8 determine what's safe to sail?

9 A. Yeah, it's primarily there. If there's any question, you
10 know, again they can use any of us as a resource. That's usually
11 more of a local level with boots on the ground, but, you know,
12 whether it's Chip Lee or myself or any of the team or Tim Redman,
13 we're there to provide support, but it would be the local level
14 typically.

15 Q. Would -- I know Mr. Fawcett did ask. I just want to go back
16 to this real quick. Was there a discussion about replacing a
17 turbo on the port engines?

18 A. I don't recall. I know there was a call back for something
19 after the initial work with the port main, and I remember we
20 talked about heads because it was like -- it seemed like only a
21 couple of the heads needed to be replaced, but as a precaution we
22 went beyond that, but I don't recall specifically component by
23 component what was replaced, and exactly at the time or even after
24 the initial repair.

25 Q. So as a chief engineer, if you found that a turbo had been

1 leaking oil, what would your recommendation be for that?

2 A. Well, you know, when you put I like that, I'd say you'd need
3 to change it. I don't like any oil leak, you know. If it's a
4 Detroit, it comes with the engine, but, you know, no one wants to
5 sustain an oil leak. It's never good.

6 Q. Would you be -- would you want -- what would your
7 recommendation be to use that vessel if you had an oil leak on the
8 turbo and there was an oil leak in and around the turbo? Would
9 you recommend the vessel was safe to sail or would you put it at
10 the pier?

11 A. Well, you know, I hate to try and second guess. I don't like
12 any oil leak, it shouldn't be there. I don't know. I hate to
13 speculate on that. I, you know, if there's an oil leak, you know,
14 it should get repaired. I'll say it that way. You shouldn't be
15 using it.

16 Q. As chief engineer, is there a difference between an oil leak
17 like around the engine or around the seal and then on the turbo?

18 A. Well, certainly any oil leak that could be near any high
19 temperature surface is going to be riskier than something at the
20 bottom of an oil pan leaking on a mount or something like that.

21 Q. And in your experience again, you're a chief engineer, you've
22 got a lot of time in an engine room, how close to you usually like
23 things around your engine as far as boxes or other debris as far
24 as safety goes?

25 A. Well, there's -- I guess the short answer is I don't like

1 anything near an engine. Reality is it's a balance a bit. I
2 think anybody that's worked on board a vessel knows that there are
3 limitations for storage and that. We're always pretty tuned up to
4 make sure that we don't turn any of our areas into a warehouse,
5 you know, but we also like to have enough equipment and, you know,
6 or spare oil or whatever on board that if we had any problem
7 underway we have enough support to get back to the docket a
8 minimum, so it's a balance. I think in perfect world it would be
9 completely empty, but that's not real practical the way I think on
10 any boat I've ever been on.

11 Q. If you were a chief engineer on a boat, and you came in the
12 engine room and there was a cardboard box pushed up against the
13 engine that was actually touching the engine mounts, it was that
14 close, what would you do about that?

15 A. Well, I'd probably move it, but I wouldn't look at it if it
16 was next to an engine mount down low, I wouldn't view it as an
17 immediate high risk. You know, if it was up there in exhaust
18 line, then I'd probably view it differently.

19 Q. All right. Thank you, sir. Let's go back to the
20 Mount Vernon real quick. So you had said that there was -- you
21 guys put the cameras on board and then a fixed firefighting system
22 but no detaching, is that correct?

23 A. That's correct.

24 Q. And with that fixed firefighting system, would that include
25 emergency closures for all the vents and exhausts?

1 A. It will. It's part of the plan, and we work this out with
2 the suppression system provider. You know, we put a CO2 system
3 in. We have a supply problem with getting the vent closures, so
4 we're like two weeks away from having the vent closures and we
5 coordinated with Sector Hampton Roads on whether we would be able
6 to use the system or not, so on the *Spirit* of Mount Vernon,
7 there's three openings to the engine room, a large duct at the
8 stern that's supply, forced draft supply, and then there's two
9 natural vents forward for exhaust, so we had a pretty active
10 discussion on this because we wanted to be able to say we have a
11 system, the CO2 system fully functional and tested, witnessed by
12 the Coast Guard and in place, and the discussion was what about
13 the vent closures, and our fire suppression people, you know,
14 CO2's heavy, it goes down, so unless there's like some 30 knot
15 wind or something crazy in which case we wouldn't be sailing
16 anyway, the feeling was that we have an additional level of
17 protection with the CO2 system. We actually have a tarp, piece of
18 canvas made up that will go over the supply duct back aft so that
19 can be closed manually, and then we just have the two natural ones
20 up forward. That's a situation we're in right now and within
21 about a two week period we'll have the automatic closures that
22 will complete the system.

23 Q. Awesome. Thank you, sir. Was it ever discussed to put in
24 any fire detection or is that kind of what the cameras -- you
25 decided the cameras? How did that discussion go?

1 A. We had the basic camera system that was a little outdated, so
2 the mindset was, well, we'll get that improved right away that we
3 can monitor that, and we're investigating the detection system.
4 It was just a matter of how much can you get done in the time you
5 have, so we're looking into that right now I guess I'll say. We
6 did discuss it, but it's not actually in place yet.

7 Q. Understand. Do you have a cost on what the cost to put that
8 fixed firefighting system, the CO2 system in?

9 A. It's right now, we're right at \$100,000. Probably it's going
10 to go up a little bit from that just for the CO2 and just for the
11 CO2 system which our -- you know, it's engine shutdowns, it's, you
12 know, the vent closures are part of that, but I'm going to say,
13 you know, we're probably going to be close to 110,000 for that
14 size vessel.

15 Q. Awesome. I think that's all I have right now. Thank you. I
16 appreciate it.

17 A. Sure.

18 MR. FAWCETT: Thank you very much, Commander. For the NTSB?

19 MR. KARR: Michael Karr with the NTSB.

20 BY MR. KARR:

21 Q. When you arrived at the vessel, did you -- I'd like you to
22 describe -- paint a picture for me what was going on the vessel.
23 Tell me everything that you noticed with regard to the condition
24 of the vessel, what was going on the vessel?

25 A. Okay. So when I got there, Mr. Karr, I -- there were flames

1 roaring out of the pilot house. The whole boat had pretty well
2 been consumed, and it was a very active fire. I was quite shocked
3 actually. I don't know at what point or, you know, I did hear
4 that a team had gone on board and opened up the engine room door.
5 I didn't witness it. I was told that we were down to white smoke
6 and it looked like it was almost out if you will, you know, that a
7 lot of water had been put in the engine room at some point.

8 A team went on board and that's when that fire boundary was
9 compromised. The engine room door was open, the team evacuated,
10 so when I got there, no one on board, no one had been on board for
11 some time. I don't know exactly at what point the team had been
12 down in the galley to open up the engine room door, but -- so
13 flames every deck, but, you know, roaring out of the pilot house.
14 It had looked like, you know, there wasn't much left to burn on
15 the main deck and even through the second deck, flames there, but
16 mostly coming out of the pilot house and up top.

17 There were two tugs pouring water on the port side. She was
18 tied up at the Navy yard, starboard side two, and the shore side
19 firefighters were pouring water on her, and she was up a bit. I
20 can't remember just how far up she was, but she was getting pretty
21 heavy and the stern, and the salvage guys were already talking
22 about -- they were crunching numbers and talking about at what
23 point they'd have to be way more careful about getting any water
24 inside.

25 At that point they were still putting a little water in the

1 vent, I believe, the engine room vent, but there was a distinct
2 concern that, you know, we're going to just have to keep putting
3 water on the outside and not get any inside the boat or we could
4 lose her. And then that continued, that situation continued, you
5 know, for the next couple of days really where this thing
6 smoldered and that, so it was just pouring water on the outside
7 and making sure nothing went inside the hull.

8 Q. That night when you arrived, did you make any assessment
9 about how the fire had progressed that far?

10 A. I really did not. It wasn't until later on that I really got
11 any kind of an update on what had happened after she got back to
12 the pier, you know, with the team on board. It sounds like the on
13 board firefighting -- you know, I was just told that, you know,
14 the engine room vents that they were pouring a lot of water
15 through the engine room vents on the way to the pier, and it
16 wasn't until the next day that I learned that a team of, I
17 believe, four people went on board and, you know, were unable to
18 do anything.

19 They opened up the engine -- so this is secondary
20 information, you know, this is what I was told, that on board,
21 through the galley, opened the engine room door, and a wall of
22 water came roaring out, the door flew open. They thought they
23 lost one gentleman. They all got knocked down and then they
24 evacuated, and in so doing the engine room door was left open, and
25 then there's another structural fire protection barrier. It's

1 basically a door that flops down over the galley ladder way, and
2 that was left open, so there were two structural fire protection
3 boundaries that were compromised on the way out, and that's why I
4 think the fire raced through the rest of the boat, and it was just
5 too risky to be able to put anyone else on board is what I was
6 told.

7 Q. Describe to me the boundaries for the galley, the fire
8 boundaries for the galley that you were just talking about.

9 A. So there's two that I know of. There's a dumbwaiter that
10 connects the galley to the first deck and there's a door on that,
11 and then there's a door at the galley ladder way that seals the
12 galley off from the main deck.

13 Q. And a dumbwaiter door, is that for lack of a better
14 description, you know, it's upright, I walk up to it, it swings
15 out and then swings closed?

16 A. Yeah, I think like it's if I recall accurately, it's just
17 like a regular A-60 door with, you know, three hinge vertical
18 door, one in the galley, one in the main deck that isolates that.

19 Q. All right. And the ladder way, the stairwell that came up
20 from the galley to the main deck, I'll be specific, is there a
21 trap door? Is there a door on -- is there a hatch on -- hatch
22 cover on that that goes down on it or --

23 A. I'm trying to think. I want to make sure I'm not mixing up
24 boats.

25 Q. All right. All right. Well, if you --

1 A. So --

2 Q. -- know for sure, let me know. Otherwise --

3 A. I'm uncomfortable saying because I'm thinking of a Botwell 92
4 that has a trap door that flops down, and I'm -- this is a service
5 marine boat. I'm hesitant. I'm uncomfortable saying, and we can
6 get that information so I really don't want to say because, no,
7 I'm not confident that I'm going to give you the right answer.

8 Q. All right. And how about the -- when you were there, can you
9 remember recalling whether the -- those doors from the main deck,
10 you know, into the galley, I understand they are fire doors, were
11 they open or closed when you --

12 A. I don't know, you know. There was -- everything was smoke
13 rolling out. I could not see anything on board. I don't know
14 really what the condition was.

15 Q. So when you looked at the main deck when you arrived, you say
16 the smoke was so thick that you couldn't really see very well into
17 the main deck.

18 A. Oh, yeah, it was -- yeah, I'm going to say that looking at
19 the results of the flame and smoke, those doors had to be open the
20 way it was roaring out of there.

21 Q. I haven't seen any procedures, so I'll just ask you if these
22 exist. Is there a procedure that describes the fire -- excuse me,
23 the crowd control on board the *Spirit of Norfolk* that would cover
24 a situation such as the fire that we had on June 7?

25 A. I don't know. I can't tell you exactly. You know, we train

1 them where the fire boundaries are, and that to say that there's a
2 posted written procedure. I can't say that directly. I don't
3 know for sure.

4 Q. All right. Well, the main reason I asked that question is,
5 you know, we know what happened, you know, we know how the
6 restaurant manager told the DJ to make an announcement, and then
7 took charge, and, you know, so the evacuation -- well, I'll just
8 say this. So I'm wondering if there was any procedure related to,
9 you know, moving the passengers around the vessel. The restaurant
10 manager did it, but I'm just wondering if there was a procedure
11 that might have had someone else assign that role.

12 A. It would typically be at the captain's direction to determine
13 what area is safe and, you know, well, what area is appointed safe
14 refuge as opposed to what area has a higher degree of risk, and I
15 will say this, Mr. Karr, I was told that, you know, when the crew
16 went down and the -- you know, the captain sent a crew down to see
17 what was going on when there was evidence of smoke at least coming
18 out of the engine room vent, that the crew did close the engine
19 room door. I can't confirm anything else past that, but I know
20 that the engine room door was definitely closed, and, of course,
21 that had to be the case or there wouldn't have been four feet of
22 water, whatever it was, when the fire team went down.

23 Q. You -- earlier we talked about tarps. I'll just ask this
24 question, you know, from what you can recall from your week there
25 on scene, secondhand knowledge, was there any discussion of trying

1 to close the vents on the *Spirit of Norfolk* while the fire was --
2 while the vessel was at the Navy pier?

3 A. Not to my knowledge. I got to tell you I felt a little
4 helpless when I got there. It was kind of like, hey, this is out
5 of your hands, we got this, and, you know, really we left it up to
6 the professionals, so there wasn't a lot of marine input or
7 action. We've actually talked about that internally that
8 different -- with fire departments at different ports, you know,
9 might come on, look at the boat, get familiar, that kind of thing,
10 but the -- I don't recall there was any -- there wasn't active
11 discussion that I was involved in about, okay, what can we do to
12 seal this off or improve the condition other than hose it down the
13 outside of the boat to keep it cool.

14 Q. Can you recall if anyone specifically said, hey, we're glad
15 -- you know, we don't need your help, you know --

16 A. I don't think anyone --

17 Q. All right.

18 A. I don't -- no, I never got the feeling like, hey, none of
19 your business. No, I wouldn't say that's the case.

20 Q. But anybody specifically say, hey, we're glad you're here,
21 but, you know, we've got this, we'll call you if we need you, you
22 know, anything along that line, any direct communication that
23 said, hey --

24 A. I think the only person that really -- I had that interaction
25 with was the surveyor that was out of Norm DuFour's (ph.) office.

1 I think that's the initial contact I had with, you know, hey,
2 let's make sure we have numbers swapped or whatever, but I don't
3 recall if there was much interest from the response team to - for
4 our involvement I guess I'll say.

5 And I'll say this, I guess by the time I got there, one, I
6 don't think anybody expected this thing to go on. You know, it
7 was days before we were able to really get anybody on board. By
8 the time I got there, it really seemed like it was past any
9 preventative or any mitigating measures. It was kind of like it's
10 not safe to put anybody on board, the fire's consumed the whole
11 vessel, and the big concern is don't -- let's keep her floating.
12 Let's make sure we do what we can to -- that we don't lose her at
13 the pier.

14 Q. My last question with regard to, again, any secondhand, I
15 mean, you got there late, but was there any -- had you heard any
16 discussion, you know, when you got there at any time -- well, at
17 any time after that, any discussion about the urgency to have the
18 *Spirit of Norfolk* leave the Navy pier?

19 A. No, the Navy was really very supportive and tolerant. There
20 was a concern that, you know, they didn't want to lose a vessel at
21 the pier, but there was -- they wanted to make sure that we had
22 some kind of game plan, but I never felt any pressure at all from
23 the Navy that, hey, you guys got to get this thing out of here,
24 hustle it up or cut corners, anything like that. They were very
25 supportive and understanding.

1 Q. You mentioned game plan. What might that -- what might the
2 Navy -- what does that mean when you said that as far as the Navy
3 was concerned?

4 A. I'm not sure I understand your question.

5 Q. Well, you said the Navy wanted to make sure you had a game
6 plan for --

7 A. Oh, it was like once the fire's out, you know, it was at some
8 point you got to get this thing out of here, so it was more --
9 it's about life safety, pollution prevention, let's not lose a
10 ship at the pier, but once we're comfortable and all those things
11 are secure and in place, you need to have a game plan to relocate
12 the vessel, you know. You're in a, you know, a Navy yard, and if
13 we're moving submarines in and different things, it's like they
14 just wanted to make sure that we didn't walk out of there and say
15 we'll come and get our boat next week, something like that.

16 Q. All right. Thanks.

17 MR. KARR: I have no more questions at this time.

18 MR. FAWCETT: Thank you, sir. Mr. Flaherty?

19 MR. FLAHERTY: Sir, I don't have any questions. Thank you.

20 MR. FAWCETT: Thank you. Bay Diesel?

21 MR. STILLMAN: No questions. Thank you very much for your
22 time.

23 MR. FAWCETT: Thank you. Hornblower?

24 MR. DENLEY: Yes, I don't have any questions. Thanks, Gary.

25 We really appreciate it.

1 MR. FROMMELT: Okay. Yes, sir.

2 MR. FAWCETT: And just for housekeeping, did Captain Nadeau's
3 counsel join perhaps?

4 BY MR. FAWCETT:

5 Q. I have a question for you. Sir, this is Keith Fawcett with
6 the Coast Guard. So you're a vice president, and Mr. Smith is a
7 vice president. Who's the president?

8 A. So Mr. Smith is senior vice president, and, you know, Eric,
9 maybe I need to lean on Eric to answer that. So I think from
10 there you go up to the top guy in the company. I don't know, who
11 do we tag as president exactly? I don't want to misspeak. Can I
12 defer that question to Mr. Denley?

13 MR. FAWCETT: Mr. Denley?

14 MR. DENLEY: I'd rather not answer.

15 MR. FAWCETT: I mean --

16 MR. DENLEY: I'd rather not answer that question, Keith. I
17 mean, I think Gary's provided a lot of good testimony on the
18 structure. We can certainly make additional witnesses available
19 to you if you want to inquire into the structure even more. I,
20 you know, I find it kind of humorous that it seems that the
21 investigators are I guess maybe so concerned or confused by it.
22 It seems very similar to the Coast Guard structure. There's
23 several admirals, and which one's the admiral, so everybody has a
24 different role, and everybody has a different responsibility. So
25 I'm happy to make additional witnesses available to further

1 explain the corporate structure.

2 MR. FAWCETT: Okay. So here's the issue. The issue is that
3 there have been a cavalcade of names for positions above
4 Captain Nadeau. We sought an organization chart to understand who
5 witnesses are. We can't select witnesses in a vacuum. The role
6 of Mr. Lake, the general manager, the president of the company
7 would be part of a typical organization chart, and we request an
8 updated organization chart that includes the positions superior to
9 Captain Nadeau within the organization so that we can select
10 between the Coast Guard and the NTSB and the party in interest all
11 of them the appropriate witnesses for this investigation. So,
12 thank you.

13 MR. DENLEY: Sure. No, I completely understand. I think
14 what we provided was the marine structure within Hornblower group,
15 and if you want us to provide the additional structure that deals
16 with sales and marketing and finance and those types of things,
17 we're happy -- we're extremely happy to do it, but we, you know,
18 we certainly thought that we were complying with the request.
19 We've given you the entire marine operational structure for that
20 -- for the company.

21 MR. FAWCETT: We'll correspond on that, Mr. Denley. Like I
22 said, we're not aware that the general manager would be superior
23 in the organization in decision making in some regards to
24 Captain Nadeau. So does anyone else before we conclude have any
25 questions for -- final questions for our witness today? Mr. Karr?

1 MR. KARR: Yes.

2 BY MR. KARR:

3 Q. Mike Karr with the NTSB. Mr. Frommelt, can you tell me how
4 the old engines and the Scanya (ph.) engines were removed and
5 inserted into the engine room on board the *Spirit of Norfolk*? How
6 did you gain access to the engine room?

7 A. I can't comment on that only because it pre-dated me. You
8 know, I can tell you what we've done on other vessels and that,
9 but that was done before I came to work in this division.

10 Q. All right.

11 A. I really don't know.

12 Q. All right. Thanks for that. And then next question would be
13 did you hold your position when the hydraulic system work was done
14 on board the *Spirit of Norfolk*?

15 A. I -- when was the hydraulic work done? I mean I moved into
16 this position in late January of this year.

17 Q. All right. Well, I thought it may have been within the past,
18 you know, within six months. It may not have been, but if you
19 don't know about it, you don't know about it.

20 A. Yeah, I'm not aware of any hydraulic work that was done.

21 Q. All right.

22 MR. KARR: I have no more questions. Thanks.

23 MR. FROMMELT: Thank you. Any final questions for
24 Mr. Frommelt? I know you're on a tight schedule, sir, and thank
25 you for your forbearance during this interview.

1 The time is 3:44 Eastern Standard Time, and we have completed
2 our interview with Mr. Frommelt. Thanks again, sir.

3 MR. FROMMELT: Okay.

4 MR. FAWCETT: Thank you.

5 (Whereupon, at 3:44 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Gary Frommelt

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 11, 2022

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.



Lois D. Rush
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: CANDACE GINN, Restaurant Manager
Spirit of Norfolk

Norfolk, Virginia

Tuesday,
August 9, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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I N T E R V I E W

(2:00 p.m.)

MR. FAWCETT: This is a joint U.S. Coast Guard National Transportation Safety Board Investigation. The Coast Guard is the lead federal agency. And we're following the Coast Guard regulations in terms of conducting this investigation.

We're here on August 9th, Tuesday 2022, conducting an interview with Ms. Candace Ginn. The time is 2:00 Eastern Time. And we're at the Norfolk Federal Building where Coast Guard -- the Coast Guard Sector Virginia -- some of their offices are. And we're doing this interview to look at the events surrounding the fire aboard the *Spirit of Norfolk* and the subsequent loss of the vessel which occurred on June 7, 2022, in Norfolk Harbor.

So what we're going to do is make introductions. You'll get to hear the introductions for the people. So we'll start with you and you can just tell us your first name, last name, spell your last name, and then what you do in relation to the *Spirit of Norfolk*.

MS. GINN: My name is Candace Ginn, G-i-n-n. And I'm a restaurant manager.

MR. FAWCETT: Aboard the *Spirit of* --

MS. GINN: Yes, on the *Spirit of Norfolk*.

MR. FAWCETT: My name is Keith Fawcett, F-a-w-c-e-t-t. I'm a member of the Coast Guard's 5th District Formal Investigation Team for the *Spirit of Norfolk* fire.

1 MS. EMMONS: Lieutenant Commander Nicole Emmons, E-m-m-o-n-s.
2 And I'm part of the Formal Investigation Team.

3 MR. DENLEY: Eric Denley, D-e-n-l-e-y. And I'm with City
4 Cruises and *Spirit of Norfolk*.

5 MR. FAWCETT: On the conference call, Commander Waddington,
6 could you introduce yourself, please?

7 MR. WADDINGTON: Sure. Good afternoon. Commander Randy
8 Waddington. Waddington is spelled W-a-d-d-i-n-g-t-o-n. I am the
9 District 5 formal team lead.

10 MR. FAWCETT: Thank you. For the NTSB?

11 MR. KARR: I'm Michael Karr, K-a-r-r, with the NTSB.

12 MR. FLAHERTY: I'm David Flaherty, F-l-a-h-e-r-t-y, with the
13 NTSB.

14 MR. FAWCETT: So we have party in interest to this
15 investigation. And so counsel for Captain Nadeau, please?

16 MS. GALITOU: I'm Dalini Galitou, G-a-l-i-t-o-u, for Captain
17 Nadeau.

18 MR. FAWCETT: And for Bay Engine, please.

19 MR. STILLMAN: This is Dan Stillman, S-t-i-l-l-m-a-n, for Bay
20 Diesel.

21 MR. FAWCETT: Thank you. Did I miss anybody?

22 MR. WEIGEL: Yes. Mr. Fawcett. This is Alan Weigel from
23 Blank Rome LLP. W-e-i-g-e-l. For *Spirit* Cruises.

24 MR. FAWCETT: Thank you, Mr. Weigel. So I just want to
25 notify you that the intent of this interview is to gather the

1 facts for the accident. And we're going to produce a transcript.
2 And this interview -- if you remember things differently, if you
3 recollect additional information based on the questions we asked
4 -- Mr. Denley will have a copy of the transcript in a couple
5 weeks. Three weeks or so.

6 If you look at -- if you're given the opportunity and you
7 say, wait, I didn't say that, or I'd like to correct something,
8 you have that opportunity through Mr. Denley to correct it.

9 MS. GINN: Okay.

10 MR. FAWCETT: Because the memory is a little foggy sometimes.
11 Also, we're going to produce a report of the investigation which
12 will be down the road. But if you look at that report and you
13 say, wait a minute, I have new information, more information; I'd
14 like to appeal that report to add information, once again, you can
15 let Mr. Denley know or if you let us know, we'll let Mr. Denley
16 know. And we'll work to come to some resolution of that.

17 MS. GINN: Okay.

18 MR. FAWCETT: And then, the Coast Guard uses a book that's
19 called the *Marine Safety Manual*. If you Google it, *Coast Guard*
20 *Marine Safety Manual Volume 5* is like how we do our jobs.
21 Procedures and guidelines that explain why we do what we do. So
22 if you can't find it, Mr. Denley can find it for you.

23 So without that -- without any further ado, Lieutenant
24 Commander Emmons will have some questions for you.

25 INTERVIEW OF CANDACE GINN

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1 BY MS. EMMONS:

2 Q. Ms. Ginn, thank you again for coming in (indiscernible) to
3 meet with us. We'll just kind of go over -- can you kind of give
4 us some background of your history working on vessels on the --
5 like the *Spirit of Norfolk*. When did you start, that --

6 A. I started August 4th of 2009, as the restaurant manager. I
7 was a galley manager for a year-and-a-half. And then I was back
8 up in the restaurant.

9 Q. Can you kind of describe, as the restaurant manager, what
10 your duties are, what you're in charge of, kind of like
11 (indiscernible).

12 A. Okay. My day starts out with setting up floor charts for our
13 guests that are going to get on board. Once we -- once I get over
14 on the boat, my staff comes in. We do a meeting with them.
15 Telling them what's going on with the crews. We set the dining
16 room up. Get ready to go. Then when the guests come on, they
17 board, and we kind of take care of their needs while they're on
18 board.

19 Q. When you were hired back in 2009, do you recall while -- any
20 kind of training you received, INDOC (ph.) training? What was
21 your kind of like welcome to the *Spirit of Norfolk*?

22 A. Yeah, I do remember because it hasn't changed much. But it's
23 pretty thorough. We go through orientation; is the first day.
24 And everybody goes through that. It explains a little bit about
25 the company, our history. There's a very -- the largest section

1 of orientation is actually (indiscernible) safety. As far as
2 foreign objects being on the boat. What to do if you see
3 something or if somebody comes down that looks suspicious; who
4 you're supposed to report it to. That kind of stuff. It talks
5 about -- goes over life jackets, those. Explains how to put a
6 life jacket on. It goes over if there's a fire up on top, we have
7 a fire extinguisher. How to put that out. So that was the
8 orientation training.

9 Once you're on the boat before we actually leave the dock,
10 there's a safety announcement that's made. It's kind of the same
11 thing. For the guests to let them know, please no running, no --
12 you know, don't throw anything overboard. Where the life jackets
13 are located on all three decks.

14 And there's a life jacket demonstration done by one of our
15 (indiscernible) assistants where they go out on the dance floor
16 where a recording announces how to put the life jacket on, wrap
17 the string around your waist, pull it tight, and they do that for
18 the guests so they see that. And then it just (indiscernible)
19 that we're going to be going through there.

20 Q. So part of that INDOC goes over some of the safety
21 requirements you mentioned like life jackets and fire --

22 A. Right.

23 Q. -- extinguishers. Do -- does your staff -- do you get
24 refreshers on that? Do you do training on that type of thing
25 pertaining specifically to vessel procedures like --

1 A. The safety demonstrations I've done every single cruise.
2 When new people come on, we make sure they know how to put a life
3 jacket on because when you get nervous and you've not done it and
4 you're not comfortable (indiscernible) life jacket, they're not
5 going to know how to put these on. That is (indiscernible) that
6 everybody sees the demonstration every single cruise.

7 And if the (indiscernible) assistant doesn't happen to be
8 there, it's going to be a bartender or a server or somebody else
9 that does the demo so they all know how to put them on and what to
10 do. You know, put yours on first, take care of the guests. That
11 kind of stuff.

12 Q. How does that work in relation to the actual deckhands and
13 crew of the vessel? Do you do that together? Do you share those
14 responsibilities or is the restaurant staff responsible for those
15 safety announcements?

16 A. The deckhands will usually (indiscernible). Actual where
17 you're putting a life jacket on, taking it off, is kind of done
18 through the restaurant. The captain comes occasionally to our
19 meetings to go over safety things that they have for the week that
20 they want to talk about.

21 Q. And how often do you have those meetings that you --

22 A. We have a meeting every day before any of our cruises. Every
23 cruise has -- called a mini-meeting to go over what's going on on
24 the cruise and whatever the safety focus is for that particular
25 week.

1 Q. The INDOC training that you had mentioned (indiscernible)
2 safety announcements for the cruise, you were very familiar with
3 that. Do you help with that with your staff, as well?

4 A. Yes.

5 Q. Do you have -- does your staff have any other safety
6 sensitive positions other than the safety briefs before each
7 cruise? Do you do anything else related other than once you do
8 that safety message, do you have any other responsibilities, you
9 or your staff, or is it just strictly the restaurant side of it
10 after that?

11 A. I'm not quite sure what you (indiscernible) --

12 Q. Is there anything else throughout the day that you would be
13 asked to do as part of -- life jackets, showing people where they
14 are, or anything like that other than just your safety
15 announcement every day.

16 A. We occasionally have guests around the boat that are scared
17 to death to be on the water. So we kind of talk to them about
18 that. And we've actually had some people that want their life
19 jacket to wear while they're on the cruise. So we get those out
20 and we make sure they know where everything is at. Talking to our
21 guests if they're nervous or whatever.

22 We also go over man overboard and things to do -- what you're
23 supposed to do if they see somebody go overboard. But on a day-
24 to-day cruise, we go through the basics. And if everybody -- just
25 they're having a good time and (indiscernible) watch for people

1 running on the boat, not wearing shoes, that kind of stuff.

2 Q. How many people -- how many (indiscernible) are under you on
3 board on a typical -- I know it probably changes -- correct me if
4 I'm wrong -- based on the passengers --

5 A. Yes.

6 Q. But what is like -- for say the 106 people, like how many
7 crew members -- how many crew members did you have on --

8 A. That particular day because -- with student cruises, they
9 don't require as much. They're going to have sodas and juice. So
10 there's not a lot of drinks. So I had -- I think I had four staff
11 on. I had two servers, a bartender, and a service assistant.

12 Q. And if you had a full vessel, say --

13 A. I would probably have -- if the boat was totally full, I
14 would probably have 14 servers, two server assistants, two hosts,
15 two to three bartenders.

16 Q. I'm sorry. You said there were four. Is that including you?

17 A. No, that was the -- including me would make five.

18 Q. Just kind of in your most detailed -- I'm going to have you
19 think back to the day of -- the day of June 7th starting with when
20 you arrived to work that morning. And if you could just be as
21 detailed as possible. What you smelled, what you saw, what you
22 witnessed, what you did, or what your staff did. Things you
23 witnessed. Just kind of go into as much detail as you can
24 starting with just when you arrived at work.

25 A. So I got to work. I ran all my paperwork about the cruise.

1 And knew it was just two groups of children. And went to the
2 boat. Staff came on. We had our meeting. Talked about it being
3 kids. To make sure that they're not running on the boat. They
4 keep their shoes on. Parents have to be with them at all times or
5 an adult when they go up on the third deck. And just the basics.

6 Then we boarded everybody. They came on down, started
7 eating. Staff got their drinks to them. After they got down
8 cleaning the tables, pretty much when they get done eating and I
9 stay, they all go up to third deck. There was still a few people
10 on first deck. We were through with lunch. So it was probably --
11 I think it was an 11 to 1 cruise. (Indiscernible). So a half
12 hour, about a half hour into the cruise. And once they take the
13 buffet -- the galley takes the buffet and get all the food
14 downstairs, and then they allow the staff to come down and eat.

15 They had just called for staff meal. I was down there
16 waiting for my staff to come down. Brian, one of the deckhands,
17 and Gloria Marie were both down there, another deckhand. I wear a
18 radio -- we wear -- I have a walkie-talkie so we can communicate
19 with each other all the time.

20 As Brian was getting ready to make his plate of food, I heard
21 Captain Ryan say, someone check the engine room. I think there is
22 a fire. Brian walked over to the engine room. He turned down and
23 stopped. Said Gloria Marie, I need you to come here. So she went
24 over to where he was. He opened the door just a crack. He shut
25 it and he said there's a fire.

1 So we're like everybody needs to get upstairs right away. At
2 that time, I had gone up to first deck and I asked the deejay to
3 make a calm announcement that we need everybody to go up to third
4 deck so we didn't scare anybody; that we had an incident. You
5 know, something going on. So we started moving everybody up to
6 third deck. There was some people up there already.

7 By the time I got up there, I told Brian I was
8 (indiscernible) third deck with the walkie-talkie. By the time I
9 got up there -- I just walked up. The last guest came up. Some
10 people came out from third deck and told me that the smoke was
11 really bad. Is there somewhere else they can go. Because it was
12 making it hard for them to breath. I said absolutely. I was done
13 moving the second deck. I looked over the railing.

14 And my bartender happened to be right by the second deck
15 door. We've got one (indiscernible) by the stairway. And
16 (indiscernible) please open that door and send everybody down.
17 They need to get into second deck. I didn't want them going down
18 to first deck because I just thought that was going to be closer
19 to where the fire (indiscernible) if there was a problem.

20 So she did that. I went out onto third deck. Told everybody
21 we needed to come back inside. We're going to take them to second
22 deck where there's no smoke. Most everybody cooperated. I had a
23 few people that were, no, we want to watch this. Leaning over the
24 railing looking at what was going on. Like, no, you all need to
25 come in. We need you to get you on second deck.

1 At that time, I walked in through the stern door one second
2 deck. After I walked through, and I asked one of the Photogenics
3 (ph.) people who was there with (indiscernible). What do you
4 need. I said let me get my (indiscernible) all these people.
5 Actually, let me back up there.

6 During that time, I had -- Ryan had said that *Victory Rover*
7 was coming to the boat to help evacuate. And I had stopped at the
8 wheelhouse first to ask Ryan -- I said, do we need life jackets.
9 And he said yes. So that's where I went (indiscernible) the life
10 jackets.

11 I also heard him say -- I believe that there was a barge
12 coming, as well, to help evacuate everybody. So then we -- that's
13 when I went downstairs to start getting out life jackets for
14 everybody. We got them all -- the people in the stern. Like
15 okay, need to get up to the front because want to make sure all
16 these kids are getting the life jackets on.

17 There were life jackets out on the tables. Everybody was
18 putting them on. They're helping get the kids on, get the adults,
19 all their life jackets. Then once that got going, I was telling
20 people -- they could hear me because I was a little loud -- you
21 know, we're going to be evacuating the first deck. I finally had
22 to stand up on a chair. It's like everybody please be calm. We
23 got another vessel coming. We're going to evacuate you all
24 through the midship door. Just make your way down the
25 (indiscernible).

1 When they started going down, I was following them down to
2 check the restrooms up on second deck to make sure there was
3 nobody in there. The marine team had said they checked first deck
4 restrooms down below.

5 When the *Victory Rover* got there and were evacuating, we're
6 lifting the kids up over the rails and the adults climbing over.
7 Everybody had got off -- after I had everybody off, Jeremiah, the
8 other deckhand, was there. He was waiting to (indiscernible). I
9 climbed over and then he followed me over.

10 I did hear Jeremiah had said -- he was talking. I heard him
11 say they had just done an engine check 20 minutes before and
12 everything was fine down there. So we all got off the boat. Got
13 on *Victory Rover* and they brought us back. I think that's
14 everything.

15 Q. Thank you. So just for -- to get a visual. Everyone was
16 eating on the first deck?

17 A. That's where they started. They started eating. Once they
18 were done, a lot of them made their way up to third deck. It was
19 a gorgeous day out. So they were up on third deck just enjoying
20 the weather. There was still several people down on first deck
21 just hanging out.

22 Q. And is -- what -- was the second deck open?

23 A. Second deck was -- no, second deck was closed. We didn't
24 have anybody else but those two groups so we didn't have second
25 deck.

1 Q. Oh, okay. Then they were walked back down to
2 (indiscernible).

3 A. Yeah. And I brought them back down to second. I went to
4 second deck and started getting their life jackets to them.

5 Q. When you (indiscernible) that the deckhand opened the door,
6 what -- can you see that from (indiscernible) --

7 A. Yeah. Where I was standing, it would be like -- I -- like
8 there's a table like not as big as this. And it can be a little
9 bit farther from that wall but I could -- I was standing at the
10 end and I was watching it because I knew it was (indiscernible)
11 engine room. I wanted to see what was going on.

12 And he just opened a bit. And he shut it. From what I can
13 remember. And he's like -- Gloria Marie said there's fire; we
14 need to get everybody up, get upstairs.

15 Q. Did you notice that he -- did he just open it or did he feel
16 the door? Did he just -- do you remember?

17 A. I don't remember. I just kind of remembered him just -- I
18 think he just opened it just a crack. I don't remember.

19 Q. Do you remember --

20 A. (Indiscernible) --

21 Q. Do you --

22 A. I think he (indiscernible) because actually our galley -- the
23 galley sous chef was down there washing dishes. And I think he
24 must have felt it because he told him, get out of here right now.
25 You need to get away from here. So I'm thinking from what he said

1 that he must have felt the door and it felt hot. (Indiscernible).

2 Q. Did you witness yourself any smoke when he opened the door?

3 A. No, no. I don't think he opened it very far. I think -- I
4 want to say it was just a bit.

5 Q. Did you see any other times that the engine door was open or
6 just that first time?

7 A. Just that time.

8 Q. When -- you said you're the one that told the deejay to make
9 the announcement?

10 A. Yes.

11 Q. Did he know what to -- did you tell him what to --

12 A. Yes. I just asked him please announce we need everyone to go
13 on up to third deck. We got a situation we need to take care of.
14 And everyone needs to move upstairs.

15 Q. And did -- was it explained like why you just told -- like
16 how was that -- do you remember --

17 A. With the deejay or the -- the deejay, he -- yes, he asked me.
18 And I told him -- I said, there's a fire. And we just need to get
19 everybody upstairs. But I don't want them to panic. So they got
20 up there and it got -- actually, as I was going up, people had
21 said, it's really smokey up here. So I told them -- I said, move
22 to the front of the boat up by our bar area.

23 RECORDING: This meeting is being recording.

24 A. And then, it was shortly after that where I got up and then
25 people came up. But it was really bad. All the smoke was bad.

1 So we moved them back down.

2 Q. What exactly were your interactions -- did you have any
3 conversations with passengers or were you just trying to get --
4 like what was that --

5 A. Just basically, we need to get a life jacket on and we need
6 to evacuate the boat. And that there's another boat coming to get
7 us.

8 Q. And at any point -- I know you said you and your staff were
9 helping with life -- helping move the passengers, helping
10 announce. Were there any deckhands, any crew members? How was
11 that like interaction?

12 A. I did see -- I don't even remember who it was I saw. Because
13 I know they were trying to get everything ready to -- I don't want
14 to say docked -- to get the two boats together. So they were
15 waiting for them. Because the *Victory Rover* happened to be --
16 just happened to be very close because they were out doing their
17 cruise, as well.

18 So it didn't seem to -- I don't know how long it was but it
19 didn't seem very long. So I know -- I did see one of them because
20 I had one crew member -- I hadn't seen it. And I just asked, you
21 know, have you seen him. And he was like, oh, yeah, he's over
22 there. But I don't remember who it was I said that to. Then I
23 know they were down there trying to get everything secure so we
24 could (indiscernible) next to the other one.

25 Q. Did you ever see any -- in the time since the door opening

1 and getting passengers off, did you see any firefighting efforts,
2 any hoses being laid out, anything like that?

3 A. I didn't see anything. No.

4 Q. Just for uniform purposes, is your -- you and your staff, are
5 uniforms different from the crew members (indiscernible) --

6 A. Like -- the deckhands have on the white like captain's
7 deckhand shirt. They're real nice dress shirts with their -- I
8 don't know what those are called. Lapels or whatever they are.
9 And the black pants. And my staff is black, black shirts, black
10 pants, black apron. And I'm just in regular dress clothes.

11 Q. Have you been a part of or (indiscernible) a mass evacuation
12 drill in your experience in the last 10 plus years? Have you been
13 involved in any like mass evacuation drills?

14 A. Drills. Actually, we -- we're having -- we have things
15 called *Spirit Days* where they do stuff for the staff. And they --
16 I can only remember the one time that they did it. During the
17 day, it was on the boat. They have an alarm that they can set up
18 to let everybody know or beep so everybody knows to go to advance
19 (indiscernible) or whatever. But as far as the managers and
20 whatever.

21 And they said, we need to evacuate. Which -- we're at the
22 dock. Well, we -- you know, kind of knew it was a drill. But it
23 was kind of -- still gets you kind of nervous and everything.
24 They say, grab your life jackets, get off the boat, get off the
25 boat. And everybody knew where they were and everyone got their

1 life jackets. But I don't recall having any other ones other than
2 that.

3 Q. Is there any -- was it similar to or different, the actual
4 event, from that drill, the mass evacuation drill?

5 A. Well, it was different because we were on the water and it
6 wasn't employees. You know, it was all guests. But
7 (indiscernible) weren't really sure what to do. So we don't want
8 to -- when it was the drill, we all -- it was in (indiscernible).
9 We knew what we were supposed to do.

10 Q. Were there any announcements that you can recall from the
11 deckhands or the captain letting passengers know like where to go
12 or was it solely just the deejay?

13 A. Other than that first announcement, everything pretty much
14 came from me until we started disembarking and there was -- I want
15 to say Jeremiah. I think Jeremiah may -- was up on the landing --
16 somebody else. Because he was on first deck. Somebody up there
17 kind of was telling the people where to go. But they're just
18 (indiscernible) go down the stairs. So they were there telling
19 people come down here and to get them off the boat.

20 Q. And you and your staff, where were you in the order of
21 getting onto the *Victory Rover*? Were you --

22 A. My staff was -- they were the last regular people. The
23 people that got off. And then myself and then Jeremiah.

24 Q. Did you at any time -- I know you said there was a crew
25 member near you, but they were at -- you said they were getting

1 the vessel ready for the vessel coming up alongside. Were they
2 also helping with the evacuation efforts or at that time are they
3 getting ready for the other boat to come alongside?

4 A. I believe they were getting ready.

5 Q. So it was just you and your staff at that -- like the door
6 right there? Is that where you're talking about when they're
7 going over to the *Victory Rover*?

8 A. I'm talking about from second deck going down to first deck.
9 So there were people down there from the marine team once they got
10 out the door. (Indiscernible) I could hear them. Down this way,
11 don't run. You know, be careful. Everything is going to be fine.
12 Just kind of trying to make them feel better.

13 Q. And who was actually helping the passengers go over the rail?

14 A. Jeremiah and somebody from the *Victory Rover*.

15 BY MR. FAWCETT:

16 Q. So Ms. Ginn, this is Keith Fawcett. I have some follow-ups
17 (indiscernible) follow in the order.

18 A. Okay.

19 Q. So what does the general manager for the *Spirit of Norfolk*
20 do?

21 A. The general manager?

22 Q. Right.

23 A. She's my boss. I honestly don't know what all her job
24 entails.

25 Q. Do you know if any of it entails anything related to the

1 marine operations? In other words, if I wanted a job with the
2 company and I'm a mariner, would she interview me?

3 A. She might but I don't think that's usual. She usually gets
4 involved when it's management as the second interviewer. Ryan
5 would probably be the one to -- one of the captains or possibly
6 all would be the ones to actually do the interview.

7 Q. So for the galley crew and the restaurant crew, those type of
8 people, how do you -- these -- you talk about you have like sort
9 of a theme of the week for safety. Do you remember what the theme
10 of the week was for that week, June 7th?

11 A. No, I don't.

12 Q. Then what would be -- if I work for you and I was the sous
13 chef, for example, and I'm down in the galley on the lower deck of
14 the vessel and there's a fire in the deep fat fire -- I guess you
15 have one of those.

16 A. Nope. We don't have fryers.

17 Q. Well, let's say the microwave catches on fire.

18 A. There's no microwave.

19 Q. Well (indiscernible).

20 A. Yeah, yeah.

21 Q. What am I supposed to do? I'm a sous chef down there.

22 A. Well, you're going to have a walkie-talkie. So first you're
23 going to be, I've got a fire down here, to the marine team because
24 we communicate any odd thing, any odd smells or anything. They
25 automatically go to them first. But depending on what it is,

1 there's fire extinguishers down in the galley. Where they could
2 pull out to put the fire out.

3 Q. So do they -- does -- do -- would I have training how to
4 operate a fire extinguisher? Because there's different kinds of
5 fire extinguishers.

6 A. Well, the fire extinguishers that we have are -- I don't know
7 the letter of them. The ones that are basically for all purpose.

8 Q. Correct.

9 A. That's what we have down there. And during our orientation,
10 we talk about fire extinguishers. And that comes up occasionally
11 as far as how to use it and make sure people know how to use it.

12 Q. Have you witnessed a fire drill aboard the vessel prior to
13 the accident?

14 A. No. But I don't -- as far as the marine team, I don't
15 (indiscernible) see what they're doing.

16 Q. Have you witnessed, prior to the accident -- you know, the
17 logical extension of a fire is perhaps abandoning the vessel.
18 Have you witnessed like a fire drill onboard the vessel? Not that
19 you've seen it but you know that the marine team is doing it. And
20 then they announced over the PA system something like, we're going
21 to assimilate abandoning the vessel, put on your life jackets, or
22 anything like that?

23 A. Just the one that I spoke about earlier where everyone was
24 involved.

25 Q. And how about -- you mentioned man overboard, I think.

1 What's your role or your staff's role in man overboard?

2 A. Basically, if they see someone go overboard to stand there
3 and yell and point and not take their eyes off them until somebody
4 -- they get somebody else's attention.

5 Q. So all of these procedures -- where would I find -- if I was
6 a person on the vessel, where would I find where I could read
7 these procedures? Like what am I supposed to do if I happen to be
8 walking through the restaurant on the first deck and I see
9 somebody fall overboard? (Indiscernible) procedures about what is
10 going to happen to save that individual?

11 A. It's on the orientation packet. I mean, we do the
12 orientation. It's part of the training and the orientation, what
13 to do, and why it's important. And then, they get copies of that
14 packet.

15 Q. And do you know if they have to sign in -- sign for that
16 training? In other words, if I said that you've just completed
17 that training or that -- do I sign off on it so that it shows that
18 I completed the training?

19 A. No, because that's when we clock them in and out.
20 (Indiscernible) they were there.

21 Q. So what about a first aid incident? Let's say it happens in
22 your direct view. You see somebody sprain their ankle, what would
23 you do?

24 A. Well, I get to the guests first or the staff member and then
25 immediately let the marine team know that somebody has been

1 injured. And somebody will be down right away or to wherever
2 we're at.

3 Q. The deejay -- you asked the deejay to make -- you explained
4 what was going on. Didn't want to cause a panic. You had to make
5 an announcement that the guests were to go to the upper deck. Is
6 there a policy or procedure on what type of announcements should
7 be made in emergencies that you're aware of?

8 A. No.

9 Q. Do you know if anybody made an announcement saying, ladies
10 and gentlemen, the -- there's a vessel coming over to take us off.
11 Please remain calm. And explain what was going to happen next
12 over the PA system.

13 A. Not over the PA system. It was made (indiscernible) very
14 loud.

15 Q. I was coming to that one. So you mentioned Photogenics. Is
16 that where people stand at the gangway and there's a light ring
17 and they take --

18 A. Yes.

19 Q. -- (indiscernible) picture and guests have the opportunity --

20 A. Yes, yes.

21 Q. So is there staff for that?

22 A. Yeah. There's usually two people there from that company.

23 Q. You just mentioned it. So in essence, would you say that for
24 the moving of the passengers, the initial putting on the life
25 jackets and so forth, you know, moving them from the upper deck to

1 a second deck and then lining people up to go down, were you, in
2 essence, directing the movement of those passengers?

3 A. Yes.

4 Q. So you mentioned also -- during this employee day where the
5 vessel goes out, everybody puts on a life jacket. Then you
6 mentioned some kind of alarm that went beep, beep, beep. What is
7 that?

8 A. There's -- I don't know where -- maybe on the wall. But it's
9 just an alarm that they can push that just kind of makes a sound
10 for all the people to go to the dance floor. (Indiscernible) to
11 go to the dance floor to get direction of what's going on.

12 Q. Have you heard another chime on the vessel which is like a
13 rapid ringing of the bell which we would call like a fire alarm,
14 but we call it a general alarm, like for a full-blown emergency?
15 Have you heard of that?

16 A. Yes.

17 Q. Have you ever heard it tested?

18 A. No, I don't -- this one -- the one I'm talking about I
19 haven't heard in quite a while. And I don't know if that would be
20 -- I don't know how rapid it goes. I don't remember.

21 Q. Does that same alarm, you know, the one you're describing
22 from this scenario where everybody put on the life jackets when
23 you were at the dock -- do you remember if it was accompanied by
24 like a flashing light? Is there like a strobe light that blinks?

25 A. No, there's not.

1 Q. Then we generally offer people the opportunity like -- having
2 gone through what you've gone through, do you have any idea or
3 suggestions? Our goal as the Coast Guard and the NTSB is to come
4 up with a way to prevent this from happening to people in the
5 future. Do you have any thoughts you'd like to share as to that?

6 A. Not really because I don't know how you would have prevented
7 it in the future.

8 Q. So that's the questions I have. Now we have -- the NTSB will
9 follow up and then the other parties.

10 A. Okay.

11 MR. FAWCETT: So Mr. Karr?

12 BY MR. KARR:

13 Q. This is Mike Karr with the NTSB. Good afternoon. You talked
14 about the second deck being closed. Was that done physically?
15 Was there anything done to prevent the passengers from accessing
16 that deck?

17 A. Oh, no. We just have -- we don't use the -- one of the decks
18 because we don't have enough sails or weren't -- we aren't going
19 to use it. We just put a closed sign on the door. It's a
20 magnetic sign but the doors are unlocked.

21 Q. But the doors are closed?

22 A. Correct.

23 Q. Do you as the restaurant manager have a specific role in
24 planned actions for an event such as this? I mean, you talked
25 about the orientation materials. And I'm thinking if there's any

1 other procedures that the company may have to address responding
2 to a fire. But is there any document that you know of that you,
3 as the restaurant manager, have specific assigned duties during
4 what I'll call an emergency?

5 A. I don't know of any document. I just know myself. It's my
6 responsibility to take care of my staff and my guests.

7 Q. Did -- when you were -- after you spoke to the deejay or
8 before you spoke to the deejay, did you speak with the captain to
9 let him know what --

10 A. No, I was --

11 Q. To let him know what you were doing?

12 A. No, I was coming up from the galley. And as soon as Brian
13 had said there was a fire, I just immediately went to get
14 everybody off of first deck because that would have been the
15 closest if -- closest to the fire.

16 Q. Do you have any first --

17 A. And then, as I was moving them, I let Ryan know that I was
18 moving them up to third deck. I also let him know when I moved
19 them down to second deck.

20 Q. Give me a moment. Let me see if I have any more questions.
21 This is for details about identifying people onboard the ship. I
22 heard there were employees of Photogenics, there's your staff, and
23 there's the crew. Were there any other people that were not
24 passengers that day?

25 A. No.

1 MR. KARR: I have no more questions.

2 BY MR. FLAHERTY:

3 Q. Hi. This is David Flaherty with the NTSB. I apologize. My
4 phone actually cut out during part of your interview there if I'm
5 asking a repetitive question. So where were you again when you
6 understood that something was wrong? A fire hadn't been
7 determined yet but people are starting to take action because
8 something is wrong.

9 A. When we first found out, I was in the galley. The galley
10 staff, once the buffets are broken down, calls restaurant team,
11 the marine team down to be able to come and get some launch. I
12 had gone down there. That's what I was doing. Brian had come
13 back from the marine team and that was -- he was just walking
14 down. And Ryan had made his statement to check the engine room.

15 Q. How long do you think you were down there before Brian came
16 down?

17 A. A minute or two maybe.

18 Q. Did -- and you've been underway on that vessel before?

19 A. Yes.

20 Q. Prior to Brian being notified that there was something wrong,
21 did you or any of your staff make any comments about something
22 unusual or a noise or anything?

23 A. Nope. Everything seemed normal.

24 Q. Did you feel -- like because the space you were in was right
25 next to the engine room. Were you -- by chance, did anyone like

1 start to feel like it was hot or did you start to smell something?

2 A. No.

3 Q. Then Brian, he got the radio call to check on the door. And
4 you -- if I remember correctly, you did not see anything inside
5 the engine room.

6 A. No.

7 Q. But you did see the smoke.

8 A. No, I didn't. I didn't see anything. I just heard Brian
9 reply back that there was fire and that's when he -- I immediately
10 went upstairs and told everybody else that was in the galley to
11 get up there so they got out of the galley.

12 Q. So no one directed you to start moving personnel around?

13 A. No.

14 MR. FLAHERTY: That's all the questions I have. Thank you.

15 MR. FAWCETT: Thank you, sir. For Captain Nadeau, please?

16 MS. GALITOU: No questions. Thank you, sir.

17 MR. FAWCETT: Thank you. For Bay Diesel?

18 MR. STILLMAN: No questions. Thank you very much for your
19 time.

20 MR. FAWCETT: Thank you. Mr. Denley?

21 BY MR. DENLEY:

22 Q. Yeah. Just a couple of follow-on questions. When you
23 brought the guests -- you commented that you were communicating --
24 made the announcement to the deejay and you were moving all the
25 guests up to the third deck.

1 A. Correct.

2 Q. Then you made the determination that it was smokey up on the
3 third deck and you moved folks down to the second deck.

4 A. Yes.

5 Q. What was it like on the second deck?

6 A. Second deck was fine.

7 Q. No smoke?

8 A. No.

9 Q. Was there any heat?

10 A. No.

11 Q. And so, at that point in time, there -- can you recall where
12 the marine team was? I believe you said that you knew that at
13 least Jeremiah was down on the first deck.

14 A. Correct. And I don't even remember who all was there. I
15 think I saw somebody on second deck. I don't remember if that's
16 when I asked, have you seen my particular staff member. I was
17 (indiscernible) my service assistant. And he said, yeah, he's
18 over there. Whoever it was (indiscernible). I believe it was the
19 marine team that I asked.

20 Q. Then normally when the vessel would be operating normally,
21 the deckhands would do a rotation.

22 A. Correct.

23 Q. And where would they do that rotation?

24 A. They -- somebody would be on the decks where the -- well,
25 like on first deck, second deck if it's open, and there would also

1 be somebody up on third deck.

2 Q. So when you're on second deck, it was -- it would be normal
3 for the deckhands to be on the first deck and the third deck.

4 A. Correct.

5 Q. Because that's what they're assigned to do.

6 A. Correct.

7 Q. And then, I believe you commented that nobody sort of ordered
8 you to start moving people away --

9 A. Right.

10 Q. -- from the -- but you did communicate your actions to --

11 A. Yes, I did.

12 Q. -- Ryan.

13 A. Soon as they said that, I told him I was moving everybody up
14 to third deck. Then I -- by the time I got up there, it wasn't
15 too long. And I let him know as I was telling the bartender to
16 open the door. And the reason I told her to open that door,
17 that's right where the stairs came down. And I wanted them to
18 know to go in that way.

19 Q. Do you have the same radio system that the marine team --

20 A. Yes.

21 Q. So when you communicated that to Captain Nadeau, all the
22 other marine team were (indiscernible) --

23 A. Yes.

24 Q. So as you were giving updates, the marine team was hearing
25 it.

1 A. Yes.

2 MR. DENLEY: Thank you.

3 MR. FAWCETT: Anything else?

4 BY MS. EMMONS:

5 Q. I just have two follow-up questions. The orientation that
6 they go through with their first hire, is that different -- a
7 different orientation than the deckhands receive? Is that
8 specific to you and your staff or is it the same like orientation
9 company-wide that they get?

10 A. I can't say for company-wide. It should be. But I know in
11 our city, yeah, everybody goes through that orientation.

12 Q. Wait staff and --

13 A. And deckhands. Yep.

14 Q. Did you witness the -- and the engine door is by the galley.
15 Did you witness anyone going in prior to seeing the -- opening the
16 door, like to their rounds? Did you (indiscernible) that?

17 A. No.

18 MS. EMMONS: Thank you.

19 MR. FAWCETT: Just -- this is Keith Fawcett. Just to follow
20 up. Did you take any video or shoot any cellphone pictures during
21 the event, the fire, evacuation, or anything?

22 MS. GINN: No.

23 MR. FAWCETT: That's all I have. You're good? Anybody else
24 on the phone have follow-ups for Ms. Ginn?

25 MR. KARR: Yes, Mike Karr with the NTSB. Ms. Ginn?

1 MR. FAWCETT: Go ahead, sir.

2 MS. GINN: Yes.

3 BY MR. KARR:

4 Q. As best you can, can you recall what Captain Nadeau -- if
5 Captain Nadeau said anything in response to you telling him that
6 the deejay was going to or did make the announcement about going
7 up to the third deck?

8 A. No. He didn't reply back.

9 Q. Any kind of response from him to that?

10 A. No.

11 Q. How about was there any -- was there a response from Captain
12 Nadeau when you told him about the smoke on the third deck and you
13 were having the people go down to the second deck?

14 A. He didn't respond at that particular moment. But before I
15 moved everybody down there, I was -- yeah, I walked into the
16 wheelhouse because I was up on third deck to ask him if I needed
17 life jackets. I just opened the door and asked him. And he said
18 yes.

19 Q. Yes to saying have people go down to the second deck?

20 A. No. Yes to I needed to have them in life jackets.

21 Q. Well, when you told Captain Nadeau that you were going to
22 have the announcement made and that you were having people go down
23 to the second deck, do you know if that message got through to
24 him? I mean, what I'm hearing is -- I didn't hear him respond to
25 you what you told him was occurring.

1 A. I don't know for a fact that he heard it. I have to assume
2 that he did because he was still on the radio. He could have been
3 communicating to whoever he had to communicate about the fire at
4 the time.

5 MR. KARR: Thank you. No more questions.

6 MR. FAWCETT: This is Mr. Fawcett with the Coat Guard. I
7 have a final question. So there are two different sized life
8 jackets on the vessel.

9 MS. GINN: Correct, yes.

10 MR. FAWCETT: So was there any difficulty with dealing with
11 parents in making sure that -- from the crew perspective -- they
12 were getting child life jackets on children and adult life jackets
13 on adults?

14 MS. GINN: No, there was no problem at all.

15 MR. FAWCETT: Go ahead. Mr. Denley?

16 BY MR. DENLEY:

17 Q. Yeah, just one more follow-on. Going back to the safety
18 announcement where the recording is played and the demonstration
19 is given --

20 A. Yes.

21 Q. You said it's -- the demonstration is given by a member of
22 the staff and it's --

23 A. Yes.

24 Q. -- on the dance floor?

25 A. Yes.

1 Q. And that would be -- you would -- someone would be giving the
2 demonstration on whatever deck the passengers were on?

3 A. Yes.

4 Q. So if you had passengers on the second deck and the first
5 deck, you would do it in both --

6 A. Yes.

7 Q. There would be a demonstration on all the decks?

8 A. Correct.

9 MR. DENLEY: Thank you.

10 MR. FAWCETT: And Keith Fawcett again. How do you know
11 that's done?

12 MS. GINN: Because I'm right there and I watch it.

13 MR. FAWCETT: But I'm saying multiple decks. How do you know
14 that someone did it on the third deck?

15 MS. GINN: There's not normally guests up on the third deck
16 right at the beginning because we're feeding them, they're getting
17 seated.

18 MR. FAWCETT: That's all I have. Anybody else? So the time
19 is 2:46 p.m. Eastern Time. We've just concluded an interview with
20 Ms. Ginn. Thank you very much for appearing and taking the time.

21 MS. GINN: No problem.

22 MR. FAWCETT: And we're turning off the tape recorders.

23 (Whereupon, at 2:46 p.m., the interview was concluded.)

24

25

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Candace Ginn

ACCIDENT NO.: DCA22FM022

PLACE: Via Telephone

DATE: August 9, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

* * * * *

Interview of: CHADWICK JAMISON, Captain
Spar Lyra

via Microsoft Teams

Friday,
August 12, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

KEITH FAWCETT, Investigator
United States Coast Guard

LCDR NICOLE EMMONS, Investigator,
United States Coast Guard

CDR RANDY WADDINGTON, Investigator,
United States Coast Guard

MICHAEL KARR, Investigator
National Transportation Safety Board

DAVID FLAHERTY, Investigator
National Transportation Safety Board

DANIEL T. STILLMAN, ESQ.,
Willcox Savage

WILLIAM BENNETT, ESQ.,
Blank Rome, LLC

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I N D E X

ITEM

PAGE

Interview of Chadwick Jamison:

By Mr. Fawcett

7

1 I N T E R V I E W

2 (2:03 p.m. EST)

3 MR. FAWCETT: Thank you very much, sir. Just if you would,
4 Captain Jamison, if you'd acknowledge for the record that we are
5 recording this interview?

6 MR. JAMISON: Yes, sir. I acknowledge.

7 MR. FAWCETT: And everybody, please, secure cellphones. And,
8 Captain --

9 UNIDENTIFIED SPEAKER: This meeting is being recorded.

10 MR. FAWCETT: So if we would like, you know, BRM for
11 Bridgework Resource Manager, just use plain language if you can.

12 MR. JAMISON: Yes, sir.

13 MR. FAWCETT: This is a joint U.S. Coast Guard/NTSB
14 investigation. The Coast Guard is the lead agency, and we are
15 conducting this interview under the applicable Coast Guard
16 regulations.

17 We're conducting an interview with Captain Chadwick Jamison.
18 Today is Friday, August 12, 2022. Captain Jamison was the pilot
19 of the ship *Spar Lyra*. The time is 2:03 p.m., and we are
20 conducting this telephonically via Teams.

21 Captain, just so you know that we're going to produce a
22 transcript of this interview. You will have the opportunity
23 through like accessing -- you can send a request to us. It
24 usually takes -- the NTSB does that on our behalf, but it takes
25 about three weeks to get the transcript, and you're welcome to

1 review it for accuracy if you'd like. We'll talk more about that
2 in a minute.

3 MR. JAMISON: Yes, sir.

4 MR. FAWCETT: So we're conducting this interview to delve
5 into the events leading to the fire aboard the *Spirit of Norfolk*
6 and the subsequent loss of the vessel that occurred in Norfolk
7 Harbor on June 7, 2022.

8 We're going to go through some introductions. We'll start
9 with you, Captain Jamison. If you'll state your first name, your
10 last name, spell it, and then state what you do, your affiliation
11 with the pilots and we'll go around the room and everybody will
12 say hello and do the same thing.

13 MR. JAMISON: Okay. My name's Chadwick Jamison, last name
14 spelled J-a-m-i-s-o-n. I've been a state licensed pilot in
15 Virginia since 2003, and a federally licensed pilot, first class
16 pilot since 2004.

17 MR. FAWCETT: All right. Thank you, sir. Counsel, could you
18 state and spell your name for the record?

19 MR. COBERLY: Yes, this is Mark with a K, Coberly, C-o-b as
20 in boy, e-r-l-y. I'm counsel for Mr. Jamison, Captain Jamison.

21 MR. FAWCETT: Thank you. Just for your awareness, sir, and
22 you might probably be aware, but under these rules counsel for PII
23 will be able to ask questions, the Coast Guard and the NTSB, and
24 if there's clarification, either, something like that, you may
25 help your client step in.

1 MR. COBERLY: Thank you.

2 MR. FAWCETT: Thank you. So if we would go around the room.
3 Commander Emmons?

4 MS. EMMONS: Lieutenant Commander Nicole Emmons, E-m-m-o-n-s,
5 and I'm with the District 5 formal investigation team.

6 MR. FAWCETT: Commander Waddington?

7 MR. WADDINGTON: Commander Randy Waddington. Waddington's
8 spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5 formal team lead.

9 MR. FAWCETT: For the National Transportation Safety Board?

10 MR. KARR: Michael Karr, K-a-r-r, of the NTSB.

11 MR. FLAHERTY: David Flaherty, F-l-a-h-e-r-t-y, with the
12 NTSB.

13 MR. FAWCETT: Thank you. Let's go to Diesel?

14 MR. STILLMAN: Dan Stillman, S-t-i-l-l-m-a-n, counsel for
15 Bay Diesel.

16 MR. FAWCETT: And now Hornblower, please?

17 MR. BENNETT: Good afternoon, everyone. William Bennett from
18 the Law Firm of Blanc Rome on behalf of Hornblower.

19 MR. FAWCETT: All right. Thank you. So, Captain Jamison,
20 memory is perishable. If you later remember anything different,
21 want to modify that, you know, the accounts you talk about here,
22 you're free to do that. Just you can let your counsel know or you
23 can contact us, and we'll make sure that everybody is aware of,
24 you know, how you're amending your story.

25 You may also if you have any interest, look at the report of

1 investigation which will be published eventually and if you see
2 any new information or errors in the report of investigation, you
3 can notify us, and we will take that under advisement whether we
4 modify the report of investigation, and then the Coast Guard uses
5 the Marine Safety Manual, Volume 5, which is published and
6 available on the internet. It's -- you can Google search it.
7 Volume 5 explains how we do business in conducting these
8 investigations.

9 MR. JAMISON: Okay.

10 INTERVIEW OF CHADWICK JAMISON

11 BY MR. FAWCETT:

12 Q. So we'll begin. And I think the most important thing is when
13 I learned about this accident on the *Spirit of Norfolk*, I did know
14 about the *Spar Lyra*, but I didn't think it was a -- sort of an
15 associated event on the waterway in close proximity. So we're
16 interested in your story from the time you got the job to pilot
17 this *Spar Lyra* outbound to sea or Anchorage or wherever it was
18 going up until the point that you considered, you considered, you
19 were safely past the activities involving the *Spirit of Norfolk*.

20 So if you'll take a minute -- I know it's a while ago, and if
21 you're referring to notes, that's fine. It would be helpful if I
22 had those notes, the Coast Guard did, to make sure we get the
23 record right, straight, but take a minute, sit there quietly, and
24 then when you're ready, tell the story of that day in as much
25 detail as you can. The more detail you provide, the less

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1 questions we have to ask, so whenever you're ready, go ahead and
2 start telling your story.

3 A. Well, I was ordered to sail the *Spar Lyra* at 11:45 that
4 morning from the cold pier. I arrived approximately 15 minutes
5 before that on the way time, so I got there about 11:30, maybe a
6 little bit before. You know, we were preparing to get underway.
7 You know, we did -- I did the normal discussions with the captain
8 involving the master pilot exchange, you know, mainly determining
9 if there are any irregularities with the vessel that he was he
10 aware of at which time he indicated there were none.

11 I obviously looked over the pilot card and did a general
12 assessment of the condition of the ship and, you know, what the
13 outbound transit and discussed that with the captain.

14 We undocked without much -- any event. It went very
15 normally. We dropped tugs, meaning we had finished with the tugs
16 about 10 minutes after 12:00. We were under way in Craney Island
17 Reach, and at that time was the first awareness I would say that I
18 had of -- that something may be going on with the *Spirit of*
19 *Norfolk*.

20 I was hearing chatter on the radio, channel 13, and various
21 events, but I couldn't quite determine the nature or the -- of
22 what was going on with him. As we proceeded out in Craney Island
23 Reach, we got to the north end of Craney Island Reach somewhere
24 around 12:20 at which time I was -- it was -- I was aware that the
25 *Spirit of Norfolk* was fighting a fire onboard, and that there were

1 several vessels responding to the fire.

2 At that time I reached out on channel 13 to the *Spirit of*
3 *Norfolk* and requested permission to come by on the red side of the
4 channel to leave them on my starboard side and they agreed that
5 that was fine, that they -- you know, whatever circumstances they
6 were dealing with, that that was safe to navigate by them in that
7 manner. So that was around about 12:20.

8 As we approached them about 12:32, 12:33, I was in the middle
9 of the red side of the channel, approximately 300 feet left of the
10 center line at that time and as we came abeam of them about 12:34,
11 I had ordered the engine to slow ahead from half a head just to
12 reduce whatever -- we weren't making much speed anyway -- we were
13 making, you know, what constituted almost bare steerage way. I
14 think we were making 7 -- around 7-1/2 knots, but just to be extra
15 safe, I reduced the engine speed to -- ordered the engine to slow
16 ahead.

17 At that time, we -- the captain I noticed through various
18 sensory observations with eyes, you know, through my feed, through
19 the noises I was hearing that something was not right, and about
20 that time I looked up at the cyclometer (ph.), the engine
21 revolution indicator, and it was at zero, and the captain said we
22 have a blackout.

23 And at that time, you know, I was evaluating all the
24 information. I would say we were abeam which means the *Spirit of*
25 *Norfolk* itself was a mid-ships on our starboard side, probably 500

1 feet or so off our starboard side, but when he said we have a
2 blackout, what he meant was we didn't have steering, we didn't
3 have any electrical capacity, and most importantly we didn't have
4 main propulsion.

5 Doing evaluating all those circumstances within a minute the
6 -- I guess the emergency generator kicked online and it was
7 indicated that we now had steering capabilities, but we still did
8 not have propulsion capabilities.

9 As we cleared the *Spirit of Norfolk*, that's when, you know,
10 we still hadn't regained propulsion and the bow started sheering
11 to starboard, but at that point we were clear of the *Spirit of*
12 *Norfolk*. Do you want --

13 Q. No, that -- yeah, that's fine. As you considered yourself
14 safely and clear of the scene about the time you knew that you got
15 steering back and then how long was it until you got propulsion
16 back?

17 A. Approximately six minutes.

18 Q. All right. I'd like to walk you through a few things.

19 A. Um-hum.

20 Q. So when you come aboard the ship, how do you check to
21 determine if there are waterway restrictions?

22 A. Usually if there is an enlistment monitoring channel 16 and
23 13 for any traffic that may be, you know, broadcasting.

24 Q. So did you at any time after you got underway, did you hear
25 an urgent marine broadcast by the Coast Guard about the situation

1 on the *Spirit of Norfolk*?

2 A. I don't recall hearing that, no, sir.

3 Q. And how about a closure of the waterway or safety zone around
4 the *Spirit of Norfolk*?

5 A. No, I don't recall hearing any of that.

6 Q. So you go aboard the ship. Could you talk about how you hook
7 up your pilot portable unit and describe what that device is?

8 A. Yeah, it's a DGPS antennae that is hooked up out on the
9 bridge wing of the ship. There's also an internal unit that hooks
10 into the ship's AIS that relays heavy information to my iPad. It
11 also relays AIS information to the iPad. But the position that I
12 entered the parameters of where I had placed the antennae indicate
13 to me where the center line of the ship is relative to the
14 Army Corps of Engineer's survey centers of the channels. In other
15 words it gives me cross track error, but the data that I'm getting
16 to give me that position is obtained from a DGPS signal and not
17 from the signal that the ship is transmitting. So that's
18 basically how that's set up.

19 Q. So if I were standing next to you and we got underway, could
20 I see the navigatable chart of the waterway?

21 A. Yes.

22 Q. And could I see the position of other AIS equipped vessels on
23 the waterway?

24 A. Yes, to the degree that they're accurate, yes.

25 Q. And I understand the discrepancies, but does that pilot

1 portable unit that you have also display like there's a system
2 called PORTS which is physical oceanographic real time sensor data
3 that shows like live bridge clearances, does it have anything like
4 that, like tie cables in it?

5 A. No, sir. Nothing like real time. I -- you can access
6 certain websites that will give you real time data, but like
7 there's no active display of something like bridge clearances or
8 things of that nature.

9 Q. So I mentioned waterway restrictions before. How would you
10 -- you know, before you got to the *Spar Lyra* that day, how did you
11 check to determine if there were any lead off station, river --
12 harbor closures, anything like that that might affect your voyage?

13 A. Well, we always keep up-to-date with the local notice to
14 mariners as it's published. It is the best way we do, but, you
15 know, other than that, other than keeping up with what's
16 published, it would be just audible listening to what is broadcast
17 over various channels.

18 Q. So did *Spar Lyra* have any unique characteristics such as a
19 becker runner, controllable propellers, anything like that?

20 A. No, sir.

21 Q. And is that -- that's over 300 tons?

22 A. Yes, sir. I -- yes, I believe so.

23 Q. So Norfolk Harbor, do they have a traffic control for vessel
24 movements within the harbor?

25 A. We would have checked with joint harbor operations control

1 before getting underway to receive permission to get underway
2 which I'm sure we did. Every vessel that gets underway.

3 Q. And how do you do that?

4 A. We contact them on VHS channel 12.

5 Q. And throughout the course of your voyage, and you required --
6 and I know when you lost the electrical power which led to the
7 steering and propulsion loss, it was kind of chaotic, but do you
8 have to make a report to them about that?

9 A. About the loss of propulsion?

10 Q. Yes.

11 A. That would be something that we would do once the situation
12 stabilized, you know. That would be my best answer is that would
13 be once the situation was stabilized, we would -- we basically
14 report to the -- just directly to the Coast Guard which is
15 something that I did.

16 Q. Where could I find the rules for your vessel in relation to
17 the joint harbor operations center? Like where would I look those
18 rules up?

19 A. I'm not certain, sir. I don't know.

20 Q. So did -- when you get the job, does your dispatch ever give
21 you additional information about the job, for example, do they
22 like give you updates on navigation or waterway conditions that
23 help facilitate you doing your job?

24 A. They may in various circumstances give us heads up on, you
25 know, traffic situations that they think may be germane to our

1 situation, but, yeah, in certain circumstances they may give us
2 that information.

3 Q. And I want to -- when did you -- do you recall approximately
4 when you first were able to physically put your eyes on the
5 situation? You know, like when did you first see the tug boats
6 and the *Spar Lyra* ahead of the ship as you proceeded northbound in
7 the Elizabeth River?

8 A. I'm sorry, can you repeat that?

9 Q. Yes. When did you, you know, visually when did you look out
10 the wheelhouse windows and see the *Spar Lyra* ahead of you -- I
11 mean, correction, the *Spirit of Norfolk*?

12 A. It was probably, you know, around about -- it was probably
13 around about 12:10 or so.

14 Q. And how far do you think they were ahead of your ship?

15 A. Probably three to four miles.

16 Q. So you proceeded up there, and you talked with the *Spirit of*
17 *Norfolk* and you made passing arrangements based on the
18 circumstances to favor the lesser edge of the channel, am I
19 correct there?

20 A. Yes, sir.

21 Q. And then when you say a beam, you know, you can actually
22 steam in a circle around a vessel and he can only -- that vessel
23 can always be on your beam. What I'm trying to establish is when
24 you say a beam, do you mean a beam in relation to the channel? In
25 other words, if I was in the channel going up the river, I would

1 look over at 90 degrees to me on --

2 A. Yes.

3 Q. So in relation to your course of travel, he was well off, not
4 well off, but he was off to the starboard.

5 A. Correct, like the mid-ship's beam is what I mean if that
6 makes sense.

7 Q. And can you estimate the distance?

8 A. 500 to 600 feet.

9 Q. And the propulsion casualty you weren't aware of until you
10 looked out at the tachometer, the RPM gauge showing zero
11 revolutions, and at that time you had already passed. I just want
12 to get that clear.

13 A. Yes.

14 Q. And so you directed -- at what point did you direct the
15 slowing of the vessel to reduce the, you know, any kind of wave
16 consequences and to slowly proceed past the point of the
17 activities responding to the fire?

18 A. Probably a minute before that.

19 Q. And at the same time you had ordered -- we have the 2692, the
20 Coast Guard report of marine casualty from the *Spar Lyra*. Did you
21 direct the rudder to starboard 20?

22 A. I think shortly before we had the electrical failure that
23 sounds accurate.

24 Q. And was that because you intended after you passed to slip
25 back over to the more appropriate starboard side of the channel?

1 A. No, I think it was just one last effort to create a little
2 more distance between our stern and whatever activity was
3 surrounding the *Spirit of Norfolk*.

4 Q. So you were trying to kick the stern to port to the red side
5 of the channel, correct?

6 A. Yeah, just a little bit more. I mean, I was comfortable with
7 our position, but just, you know, just to be a little more safe I
8 was trying to do exactly what you just described.

9 Q. So the pilot, your pilot portable unit, do you save those
10 files? Could you replay that for me?

11 A. Yes, they're saved.

12 Q. And at some --

13 MR. COBERLY: This is Mark Coberly. This is an NTSB
14 investigation and everything involved in this goes into the public
15 record. We aren't prepared to be producing that right now.

16 MR. FAWCETT: I understand your concern, sir. I just -- the
17 question was can, and I'm, you know, our interest is the
18 perspective of the ship's vantage point as they move past the
19 accident scene as would be displayed on the pilot portable unit,
20 and I was just asking about the capabilities of that and whether
21 it's been saved or not.

22 MR. JAMISON: Yes, sir. It's been saved.

23 BY MR. FAWCETT:

24 Q. So I've had a lot of familiarity with pilot groups. Does
25 your pilot group employ someone, either a pilot or another

1 individual within the organization that works for the organization
2 that conducts investigations of events when a pilot is carrying
3 out his duties?

4 MR. COBERLY: Sir, we're not going to be answering questions
5 about his performance on the *Spar Lyra*. There is another
6 investigation I guess you know that the Coast Guard was involved
7 in, and that was the Coast Guard investigation. This is supposed
8 to be about the *Spirit of Norfolk* and the pilot's processes and
9 procedures. I don't think they're going to be impacted or
10 involved in the *Spirit of Norfolk* fire.

11 MR. FAWCETT: Thank you, sir. Noted. And the only reason I
12 ask is I was just wondering if they took a look at, you know, if
13 they took a look at this propulsion casualty and those events,
14 that's all.

15 MR. COBERLY: And that is not related to the *Spirit of*
16 *Norfolk* fire.

17 MR. FAWCETT: We'll discuss that further in terms of the
18 proximity of the *Spar Lyra* in passing, but we were looking for his
19 perspective because of the close proximity that the ship transited
20 in relation to the response activities, the movement of the
21 vessel. We have talked to tug boat captains, Captain Larry
22 Sullivan who said that when he saw the *Spar Lyra* approaching, they
23 were able to assist the *Spirit of Norfolk* because they had a line
24 fast to move it further out of the way, so like I said, we're not
25 talking about the actions of the pilot, we're talking about the

1 vantage point of what the pilot saw and based on my examining the
2 AIS playback and animation, and looking at the time sequence in
3 the 2692, the Coast Guard report of marine casualty prepared by
4 the captain of the *Spar Lyra*, Captain Chadwick Jamison has just
5 explained clearly that they were past the scene of the *Spar Lyra*
6 fire response efforts when the propulsion casualty took place. So
7 we're just trying to clarify the sequence of events, that's all.

8 MR. COBERLY: That's fine, but asking about pilot association
9 procedures is another issue that isn't related to any of that.

10 MR. FAWCETT: Noted. Thank you, sir. So that's all the
11 questions I have, Captain. I appreciate your patience. I'm going
12 to go ahead and see if Lieutenant Commander Emmons has any
13 questions. And move to the National Transportation Safety Board.

14 MR. KARR: This is Mike Karr. I have no questions.

15 MR. FLAHERTY: This is David Flaherty with the NTSB. I have
16 no questions.

17 MR. FAWCETT: Moving to Bay Diesel?

18 MR. STILLMAN: No questions. Thank you, Captain Jamison.

19 MR. FAWCETT: And, Mr. Bennett from Hornblower?

20 MR. BENNETT: Thank you, Mr. Fawcett. I have no questions.
21 Thank you, Captain. Thank you, Mark.

22 MR. FAWCETT: I have a follow up question, Captain Jamison.

23 Q. BY MR. FAWCETT: Sir, did the Joint Harbor Operations Center
24 -- I have to be honest, the reason I was going with investigative
25 reports and so forth that might be conducted, are you aware of the

1 Joint Harbor Operations Center operates from the tower on the
2 naval base?

3 A. You're asking me if I know?

4 Q. Yeah.

5 A. No, sir. The only thing I know about their operations -- I
6 don't know where they physically are, but I do know that they
7 maintain some navigation equipment at our tower at Cape Henry that
8 they get data from, but I physically do not know where they exist.

9 Q. And that's the other reason for my question pertaining to in-
10 house investigations is I'm trying to determine, it's not simple
11 to determine this, but if they utilize closed circuit TV cameras
12 to monitor the waterway and whether you would know that or not,
13 and that was the reason for my question about investigations. So
14 I was wondering if on the Cape Henry tower they might have closed
15 circuit TV cameras to assist in their operations.

16 A. Yeah, I don't know. I don't know. If they do, I've never
17 been made aware of that.

18 Q. All right.

19 MR. FAWCETT: So a final round for any questions for
20 Captain Jamison? Hearing none, the time is 2:32 p.m. Eastern
21 Standard Time. Captain Jamison and to your attorney present,
22 thank you very much for taking the time and showing the
23 flexibility to adapt to the -- we had a very long interview with
24 the captain of the *Spirit of Norfolk*, so thank you very much. The
25 recorders are off and we appreciate your help.

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(Whereupon, at 2:32 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Chadwick Jamison

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 12, 2022

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.



Lois D. Rush
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

* * * * *

Interview of: CHIP LEE, National Director of Marine Operations
for Projects and Maintenance
City Cruises, Hornblower

via Microsoft Teams

Thursday,
August 11, 2022

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Balt. & Annap. 410-974-0947

APPEARANCES:

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United States Coast Guard

CDR RANDY WADDINGTON, Investigator
United States Coast Guard

CDR ERIC ROY, Investigator
United States Coast Guard

MICHAEL KARR, Investigator
National Transportation Safety Board

DAVID FLAHERTY, Investigator
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DANIEL T. STILLMAN, ESQ.,
Willcox Savage

ERIC DENLEY, Counsel,
Hornblower Group/City Cruises

WILLIAM BENNETT, ESQ.,
Blank Rome

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By Mr. Karr		35

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I N T E R V I E W

(11:02 a.m.)

MR. FAWCETT: Mr. Lee, would you acknowledge, please, for the record, that we are recording this interview?

MR. LEE: Yes.

MR. FAWCETT: So this is a joint U.S. Coast Guard, NTSB investigation, the National Transportation Safety Board. The Coast Guard is the lead federal agency and we're conducting this interview under the applicable regulations governing Coast Guard investigations of this type.

The date is Thursday, August 11th, 2022. We're having an interview with Mr. Chip Lee. I'll ask you to describe your role and function in a minute. The time is 11:02 Eastern Standard Time. And we're doing this by Teams.

Mr. Lee, we're doing this -- conducting this interview to understand the events leading to the fire aboard the *Spirit of Norfolk* and the subsequent loss of the vessel which occurred on June 7th, 2022, in Norfolk Harbor.

I'll ask you first to introduce yourself if you would. State your first and last name, spell your last name, and then what you do for the company. And we'll go around the room and everybody will introduce themselves.

MR. LEE: My name is Chip Lee. Last name is Lee, L-e-e. I'm the national director of marine operations for projects and maintenance for the company. Been with the company since 1991.

1 MR. FAWCETT: Thank you, sir. My name is Keith Fawcett.
2 Last name F-a-w-c-e-t-t. I'm with the Coast Guard's 5th District
3 formal investigation team looking into the *Spirit of Norfolk* fire.
4 I'm joined in the room --

5 MR. WADDINGTON: Commander Randy Waddington. Waddington is
6 spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5 informal -- or
7 excuse me -- formal team lead. Thank you.

8 MR. FAWCETT: Commander Roy, please.

9 MR. ROY: This is Commander Eric Roy, R-o-y, and I'm a member
10 of the D-5 formal investigation team.

11 MR. FAWCETT: Commander Emmons.

12 MS. EMMONS: Good afternoon. Lieutenant Commander
13 Nicole Emmons. Last name is E-m-m-o-n-s. And I'm part of the
14 District 5 formal investigation team.

15 MR. FAWCETT: Thank you. On behalf of the National
16 Transportation Safety Board.

17 MR. KARR: Michael Karr, K-a-r-r, of the NTSB.

18 MR. FLAHERTY: David Flaherty, F-l-a-h-e-r-t-y, with the
19 NTSB.

20 MR. FAWCETT: Thank you, gentlemen. Now for Bay Diesel.

21 MR. STILLMAN: Good afternoon, Mr. Lee. My name is
22 Dan Stillman, S-t-i-l-l-m-a-n. I'm with the law firm of Willcox
23 and Savage appearing on behalf of Bay Diesel.

24 MR. FAWCETT: Do we have counsel for Captain Nadeau on the
25 line? Thank you. Now for Hornblower, please.

1 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y, with
2 Hornblower Group City Cruises.

3 MR. FAWCETT: Thank you, sir.

4 MR. BENNETT: Good morning, everyone. William Bennett, B-e-
5 n-n-e-t-t, on behalf of the Hornblower Group.

6 MR. FAWCETT: Thank you. So Mr. Lee, just so you know that
7 memory is a perishable thing and if you remember additional events
8 or a question that any of us ask you that you may have wanted to
9 answer differently or add additional information, you can let
10 Mr. Denley know. And Mr. Denley will let the investigation know.
11 The same thing. When we publish our report of investigation, if
12 you see that report and you say to yourself that, hey, wait, I
13 have additional information or there are errors in the report,
14 please let your counsel know and then counsel will notify the
15 Coast Guard.

16 Then just so you know with transparency how we conduct
17 business in the Coast Guard, we use the *Coast Guard Marine Safety*
18 *Manual Volume 5* which is available if you do a Google search or a
19 Bing search. The manual will state exactly why we do this and the
20 procedures that we follow.

21 Mr. Lee, I'm going to ask you to confine your answers to the
22 period of time before -- well, before the fire started on
23 June 7th. So if I ask you otherwise, I'll specify. And if you
24 are going to answer otherwise, specify whether it was before or
25 after the fire just so we're clear. And I'm generally going to

1 use the term -- I'm going to try to use the term City Cruises or
2 Hornblower interchangeably which talks about the organization that
3 you're directly involved with. So I don't want to misidentify the
4 company.

5 INTERVIEW OF CHIP LEE

6 BY MR. FAWCETT:

7 Q. So if you would, give us a general description of your
8 background and training as it relates to what you do for
9 Hornblower City Cruises.

10 A. So basically, my background started off in the fishing
11 industry on the Chesapeake Bay as a deckhand back in the 1980s. I
12 was hired on the company with -- to the company as a captain in
13 1991. I actually received my license in 1990. I served as a
14 captain from '91 to 2003 for the company as a captain. And during
15 that period, about 1994, I was promoted to assistant operations
16 manager and director of marine operations in Washington D.C.

17 Then I was promoted to director of marine operations in '95
18 there in D.C. In 2003, I took a brief hiatus from the company and
19 went to run the U.S.S. Sequoia, the presidential yacht. I did
20 that for four years. Returned to the company in 2007 in the
21 Baltimore operations as the director of marine operations where I
22 worked from there until 2017, where I was promoted to my role as
23 national director of marine operations where I've been ever since.

24 During that time, you know, even as the marine director I
25 worked as a captain and also managed the operations that I was

1 involved with.

2 Q. What credential do you hold issued by the U.S. Coast Guard?

3 A. Two-hundred-ton master's license.

4 Q. Is that coast-wide?

5 A. That is inland.

6 Q. What in your background gives you expertise in maintenance
7 related to engineering systems?

8 A. Well, like I say, been with the company for many years.

9 RECORDING: Welcome to the audio-conferencing system. Please
10 enter --

11 A. Involved in --

12 RECORDING: -- a conference ID followed by the --

13 A. -- vessels but also managing, overseeing the maintenance
14 repair of the vessels I was involved in or managing through the
15 years. Like I say, I started off in my 20s. On the job training
16 is a lot of it.

17 RECORDING: You are now joining the meeting.

18 A. Being hands-on, learning, working on, repairing the systems
19 that are on ship board. Also, more self-education on different
20 systems throughout my years. A lot of it is on-the-job training
21 (indiscernible) you know, I've been involved with -- not only
22 (indiscernible) running the operation but also the dry docks,
23 major repairs, renovations, new vessel builds. So a lot of my
24 experiences on the job and being involved in the day-to-day
25 (indiscernible).

1 MR. FAWCETT: Would everybody check that they're on mute
2 other than myself and Mr. Lee? There you go. Thank you.

3 BY MR. FAWCETT:

4 Q. Mr. Lee, can you hear me okay?

5 A. Yes.

6 Q. Do you have any documented training or certification when it
7 comes to engineering systems such as main diesel engines, steering
8 systems, pumping systems?

9 A. No.

10 Q. Who what do you point me to in the company? I have an
11 organization chart which is Exhibit 8 which is the City Cruises
12 U.S. national team.

13 A. Okay.

14 Q. Who be the engineering expert within the company?

15 A. Chris Bierker.

16 Q. And who is he?

17 A. He's on the national team. And he's in charge of marine
18 engineering and projects.

19 Q. And where does he work?

20 A. He works for Hornblower City Cruises. And he's -- I guess
21 you could say he's kind of based out of the New York area, I
22 guess, but he works all over.

23 Q. And then, how would you -- from your position, how would you
24 utilize Mr. Bierker if you had an engineering issue on one of your
25 vessels?

1 A. If I had an issue, Obviously, I would call him. He would be
2 a good sounding board to walk through the -- whatever the issue
3 may be to see if he had any solutions to the issue. Then if not,
4 then I would call in local experts in that field whether it be
5 engines or pumps or hydraulic systems.

6 Q. By local experts, you mean third-party contractors?

7 A. Correct. Third-party contractors. Yeah.

8 Q. You know, take a moment, if you would. And just who --
9 describe your role in as much -- just take your time and just talk
10 about what you do.

11 A. Primarily, my role -- I do a lot of things for the company, I
12 guess. Well, I've had a lot of experience through my years doing
13 different things for the company. My current role -- I handle a
14 lot of special projects for the company. I handle vessel
15 renovations. I handled drydocks that require more than the -- a
16 normal drydock period. If it was a lot of steel repair or we were
17 running into issues in certain areas that, say, the local marine
18 director didn't have the experience in, they would send me to take
19 a look at that.

20 Through my years of experience -- I've been able -- I've done
21 a lot of things with the company and I've actually had the
22 opportunity to work in some of the different cities, as well, from
23 time to time as in relief captain and things like that. But I've
24 seen a lot of things through the years. Just happen to -- you
25 know, problems that have come up with different systems whether

1 it's pumps or electrical or an HVAC or hydraulic or steel repair.
2 And I've I -- through my on-the-job training and experience, I've
3 seen a lot of that stuff. And have been able to offer guidance
4 and oversee repairs and -- or come up with proposals for making
5 repairs and different things like that onboard the vessels.

6 You know, it's kind of -- I'm kind of like almost a center-
7 fielder for the company a little bit. Because not only can I do
8 --handle the projects but if they're short a captain, I can go
9 fill in in a different city to run trips. If we were to lose a
10 marine director, I could step in and fill in and run the -- be the
11 local marine director until they could find a replacement.

12 So I do a lot of -- wide variety of things for the company.
13 But my main focus is running special projects whether it's a
14 renovation or difficult drydocks. Repair maintenance type things
15 beyond -- that need a little bit more project management than
16 maybe say the less-experienced marine directors may have in local
17 cities.

18 Q. Do you know why Mr. Bierker would not be on an organization
19 chart for the company?

20 A. I do not know why he -- I have no idea why he's not on there.

21 Q. Where is your office physically located?

22 A. My office is Alexandria, Virginia.

23 Q. Do some of the operations -- So you've had like a lot of
24 experience moving around the company. Do you know if some of the
25 ports where Hornblower operates City Cruises, do they have port

1 engineers?

2 A. You know, since -- I believe the only place that I know was
3 San Francisco actually had a port engineer, I believe. And I
4 think San Diego. I don't think that any of our East Coast
5 operations do. Actually, maybe New York Ferries does but I'm not
6 sure. But that's a different branch of the Hornblower group.

7 Q. So in your experience, just in the knowledge that you have,
8 what unique talents would a port engineer have in supporting the
9 operations of Hornblower's fleet?

10 A. Well, you know, a port engineer obviously would bring --
11 their main focus is on the maintenance and upkeep and repair of
12 the vessel systems. Usually, a port engineer is -- that's what
13 they've -- their main experiences is in. That's been their field
14 of training. As opposed to somebody that you might would call
15 just maybe maintenance personnel.

16 Q. So in your role, do you attend management meetings of the
17 company? Let me first ask, where is the headquarters for the
18 company?

19 A. For City Cruises, it is in Chicago, Illinois.

20 Q. So do you attend those meetings?

21 A. No. Not -- I mean, so when you say meeting, what type of --
22 I mean, there's different types of meetings. If you're talking
23 like the (indiscernible) meetings and stuff, I do not attend those
24 types of meetings. We have the National Marine Team where we will
25 meet as a group but as far as the company -- you know, like where

1 they bring in all the managers from the different cities and
2 things, do not attend those normally.

3 Q. The National Marine Team meetings. Talk about those.

4 A. Well, that's -- last time we had one of those was in October
5 of last year where we met to discuss some of the upcoming -- one,
6 getting back into business after the pandemic. Two, upcoming --
7 what big projects may be on the horizon. Things like that.

8 Q. Following the pandemic, which I assume had a very serious
9 negative impact on your vessel operations, did you need to do
10 anything for the *Spirit of Norfolk* to get her ready to go back
11 into full operation as the volume of passengers began to pick up?

12 A. I did not have any involvement with that vessel. And from
13 what I do know, it did have -- it had a dry dock inspection this
14 past winter. I believe it was in February.

15 But I don't recall any special items that needed to be
16 attended to to get that vessel back into cruise shape. Captain
17 Nadeau, he was taking care of the vessel during the pandemic. And
18 to my knowledge, he did a very good job at maintaining in keeping
19 his vessel up so that it was ready to go back into service.

20 Q. The general manager in Norfolk, who does she report to
21 directly?

22 A. Directly. That would be either Dan Russell or
23 Christine Metivier who are the tow chief operating officers for
24 City Cruises.

25 Q. Then How much experience before the fire had you had with

1 Captain Nadeau?

2 A. I had -- I have known him for several years. I knew him when
3 he was a captain up in Philadelphia and actually, I believe I knew
4 him when he was actually a crew member before he was promoted to
5 captain. I had -- he had been on one vessel delivery with me from
6 Baltimore to New York. And I've had conversations with him on the
7 phone from time to time but that's about the extent.

8 Q. So would I be correct if I said that Captain Nadeau's
9 responsible -- responsibility as the director of marine operations
10 for Norfolk included oversight of the engine systems and the
11 different engineering components of the *Spirit of Norfolk*?

12 A. Yes.

13 Q. Then what would -- can you talk to me about his level of
14 knowledge with, say, for example, a rebuild of a main diesel
15 engine.

16 A. I'm not exactly sure. Ryan is a very talented individual and
17 I'm not sure his knowledge on rebuilding a diesel engine. I don't
18 think that is something that he would do. I don't think that's in
19 his qualifications.

20 Q. Where would Captain Nadeau turn to for Written procedures on
21 how to administer the engineering operations of the vessel
22 including routine maintenance, preventative maintenance, filter
23 changes, oil changes? When a problem exceeded his capability,
24 where would those written procedures -- where could I find those?

25 A. So you would -- we utilize a program -- well it was called

1 Wheelhouse. It's now called Vessel Vanguard which is a program --
2 maintenance program that all the cities in the fleet use. And it
3 lists the vessel, Each vessel individually in there. And Vessel
4 Vanguard is a third party that we pay for their service. They
5 come in. Do a walk through the vessel and machinery. And they
6 have access to a lot of information where they put in the
7 recommended hours for oil change and the different maintenance
8 items like that that you would use for maintaining your equipment
9 on board your vessel.

10 And on board there (indiscernible) by different intervals.
11 Okay, at this interval, you would -- oil change is a basic thing.
12 Let's say at certain hour or intervals you would look at belt
13 changes or you may want to look at water pump replacement or
14 (indiscernible) replacement or -- and then, further down, you
15 would look at -- it would make recommendations to do either a top-
16 end engine overhaul or a full in-frame overhaul.

17 Q. Got to stretch my memory a little bit. Hanson -- I think
18 Hanson or a similar name produced wheelhouse software. Did you
19 change software providers or did they just morph? Did it go one
20 day it was Wheelhouse and then they just introduced a new product?

21 A. From what I understand, it was Wheelhouse. And then at some
22 point -- and I don't know why but at some point, it went into --
23 it changed over to Vessel Vanguard. And I don't know if that --
24 and I do not know if it was because a change in ownership or what
25 the reason was for the change of name. But yeah, it's --

1 basically was the same program that morphed over to Vessel
2 Vanguard from Wheelhouse.

3 Q. So Captain Nadeau would have access to that program on the
4 computer or would that be -- do you recall whether it was on the
5 vessel or in the office ashore?

6 A. I do not know but that program could be accessed from your --
7 a laptop on board or a computer on board the vessel or his office
8 can be accessed from different locations.

9 Q. A lot of these programs have like a dashboard -- I'll call it
10 a dashboard -- which allows you to look at the status of your
11 fleet and sometimes it will indicate red, yellow, green, or some
12 kind of color, like what's overdue and what's -- which should be
13 done, what has been done. Do you have anything that you can look
14 at that shows the status of the fleet when it comes to
15 maintenance?

16 A. Yes. We go in and see -- and you're correct. It's like a
17 dashboard, I'd say. Pretty sure that's probably the term but I'm
18 not sure. But yeah, there is like a dashboard where you can go in
19 and see, like you said, items coming up, items that may be
20 overdue, things of that nature. Yes.

21 Q. For the *Spirit of Norfolk* -- I just want to be clear on this
22 -- were there any written procedures regarding how the engine room
23 was to be handled in terms of -- so I'll give you some examples.
24 Like is there a written procedure that would say how the engine
25 room is to be maintained in terms of fire prevention like

1 cleanliness, storage of combustible materials, or any other
2 similar documents?

3 A. I do not know of any written document that specifies that.
4 No.

5 Q. Any written document that you're aware of for the *Spirit of*
6 *Norfolk* that would talk about firefighting or anything like that?

7 A. No. I know of no written documents other than the --
8 probably the station bill that would be on board the vessel for
9 emergency procedures.

10 MR. FAWCETT: Mr. Denley, I don't know if we've asked for a
11 station bill. But we're noting that down.

12 MR. DENLEY: Understood.

13 MR. FAWCETT: Thank you, sir.

14 BY MR. FAWCETT:

15 Q. Let's talk about budget. How does the budget for the
16 maintenance of the *Spirit of Norfolk* work? In terms of -- is
17 there a specific money allocated for annual maintenance?

18 A. Yeah. Each city in the fleet develops and submits their
19 budget for each city to the corporate office, corporate team, who
20 then approves or adjusts the budget. That's basically the
21 procedure. Yep.

22 Q. For an engine rebuild, which is going to be a significant
23 expenditure, what happens when you get notified that a third party
24 has recommended rebuilding an engine such as the Bullet League
25 rebuild in mid-May? How did that go in terms of your involvement?

1 A. I had no involvement in that process. I wasn't involved with
2 that project at all. If you're referring to how that would go
3 with a budget, obviously, that would probably -- would not have
4 been a budgeted item but there is allowance is made in the budget
5 for emergency repairs and maintenance of components or engines,
6 vessels, whatever. So as far as a budget, they would have
7 submitted paperwork to the company where they approved it, you
8 know, approval will do that work. But I was not involved with
9 that process at all.

10 Q. Who was?

11 A. I don't know. I mean, obviously, Ryan would have been since
12 he would have submitted the paperwork for the engine rebuild. I'm
13 sure that he would have talked to -- and that -- course that would
14 have been notified up the line to -- obviously, the general
15 manager would have known that. And then regional manager
16 Tim Redman (ph.) who's a Mid-Atlantic regional marine operations
17 manager. Then probably Gary Frommelt would have been involved.

18 Q. It seems self-explanatory but your role is -- you know, some
19 of these sub-categories in the org chart for you are drydock and
20 engineering. Could you just elaborate a little on those
21 responsibilities of your job?

22 A. Drydock would be if -- you know, would manage the -- a
23 drydock for a particular vessel. Which would be -- could be
24 (indiscernible) from obtaining the drydock bids to selecting the
25 shipyard that's going to do the work to -- and then, managing the

1 day-to-day operation of the drydock. When I say operation, the
2 day-to-day activities in the drydock whether whatever would be
3 going on whether it be steel replacement or painting or whatever
4 project is required the during the drydock it was identified that
5 it needed to be taken care of. And also taking care of any items
6 that were found during the dry dock inspection by the Coast Guard.
7 Would have been on a work list.

8 As far as engineering, that would be basically, if we noticed
9 that we had issues with certain, say, systems, I would review what
10 the issue is and then I would refer to a third party on the
11 solution to whatever the issue may be at that time.

12 Q. Additionally, it talks about renovations and refresh
13 projects. I guess my first question related to that is, in 2020,
14 the vessel was repowered with the Scandia engines. Was add an
15 example of a renovation refresh?

16 A. No, that would not be. That Would be considered a re-power
17 of the vessel.

18 Q. So were you involved in those decisions.

19 A. I was not involved with the re-power of that vessel. No,
20 sir.

21 Q. According to the organizational chart, there is some senior
22 positions and management that are vacant. Have you picked up any
23 duties? Apparently, they have been shifted up to another level of
24 the company. Have you picked up any duties from those individuals
25 as part of your regular day-to-day jobs?

1 A. I'm not sure which -- what positions you're speaking of that
2 are vacant at this time. But I have not picked up any extra
3 duties at this time.

4 Q. So the second page of Exhibit 8 it refers to the national
5 maritime -- national marine leadership engineering position as
6 being vacant. And it also it also speaks about the training and
7 development director as vacant. So have you picked up any
8 engineering duties?

9 A. Those two positions that you refer to, they -- that would be
10 -- the engineering, I believe, is now Chris Bierker. And I
11 believe the -- what was the other position that you --

12 Q. It was training and --
13 (Crosstalk)

14 A. -- yep. That would be --

15 Q. Training and development.

16 A. Yeah. That would be a guy named Bob Langlais.

17 Q. So those positions have been filled?

18 A. Correct.

19 Q. So there was a small passenger vessel in September, early
20 September of 2019, The Conception. A little different than the
21 *Spirit of Norfolk* but they had a tragic fire on board. Were you
22 aware of that?

23 A. Yeah, I saw that on the news. Yes.

24 Q. Was the implications for operations discussed within your
25 involvement in Hornblower at any of these meetings?

1 A. I don't recall having any discussions of that fire during any
2 of our meetings.

3 Q. Did Mr. Smith attend any of the meetings you were involved
4 with?

5 A. He attended one in October.

6 Q. Have you -- prior to the fire and following the loss of The
7 Conception, had you done any cost estimates on putting aboard the
8 *Spirit of Norfolk*, or any other vessels in your fleet, fire
9 detection systems in the engine rooms?

10 A. No, sir.

11 Q. How about some kind of fixed firefighting systems such as a
12 CO2 system, halon system or similar system?

13 A. No, sir.

14 Q. So the *Spirit of Norfolk* has been replaced in Norfolk by the
15 *Spirit of Mount Vernon*. Have you been involved in that shifting
16 the vessel over and getting her ready for service?

17 A. Yes, sir. I have.

18 Q. Can you describe that vessel for us in terms of size, age,
19 and so forth?

20 A. Yeah. It is -- the *Spirit of Mount Vernon* would fairly close
21 be called a sister ship to the *Spirit of Norfolk*. They were built
22 about the same time in the early 90s there, probably a year apart,
23 or maybe they could have actually been under construction kind of
24 at the same time. The *Spirit of Mount Vernon* is 175-feet long
25 which is about 10 feet shorter than the *Spirit of Norfolk* and it's

1 about five feet narrower than this *Spirit of Norfolk*. Basically
2 the same vessel. A little shorter and a little bit narrower. And
3 the same exterior profile.

4 Q. Does that vessel, based on your knowledge, have a fire
5 detection system in the engine room?

6 A. It does now.

7 Q. How about a fire suppression system in the engine room?

8 A. It does now. Yes, sir.

9 Q. Could you talk about the decision to incorporate those
10 features into the vessel?

11 A. Yeah. So while we were -- We brought the *Spirit of Mount*
12 *Vernon* down from Washington D.C. *Spirit of Mount Vernon* was
13 built, I believe, around 1991, '92, which it was an old T boat.
14 And that fell under the old T (indiscernible) regs. We Product
15 down to replace the *Spirit of Norfolk*. At the time of its
16 construction, it did not require a fixed firefighting system on
17 board.

18 But while we were doing the renovation -- and when I say
19 renovation, the refresh which was changing the carpet and sprucing
20 up the interior of the vessel on the *Spirit of Mount Vernon* to go
21 into dinner service because it had been in basically tour boat
22 service which was kind of more of hot dogs, hamburgers type
23 service. And was converted over to dinner service so it needed a
24 little sprucing up.

25 During that time, it seems like it made sense that we would

1 go ahead and install the fixed firefighting system on that vessel
2 at that time.

3 Q. And the fire detection system?

4 A. It -- the -- yes. So I'm trying to think. So I was running
5 the interior renovation/refresh, part of that project. The
6 installation of the fixed firefighting system which was done by
7 Hiller Systems -- I'm -- I'm not sure what the fire detection
8 system is on that boat right now, how it's detected in the engine
9 room. I know there was cameras added and I'm sure there was --
10 I'm not sure on the detection part of it. So that was not my part
11 of the project but I know that from being on the vessel and seeing
12 some of the work being done.

13 Q. Who was the person that had the overall responsibility for
14 that project, shifting the Mount Vernon down to Norfolk?

15 A. When you say the overall -- if you could clarify, when you
16 say the overall responsibility, like what exactly is it that
17 you're saying, sir?

18 Q. Well, now, you took care of the interior renovations to bring
19 it in line with dinner cruises and so forth. Was there's somebody
20 who is in charge of like the project to shut the vessel down and
21 get it ready for service in Norfolk? Other than you, who would
22 have been in charge?

23 A. That was -- well, Gary Frommelt, he was the VP, he's my
24 direct supervisor on -- he was overseeing it. The actual
25 installation of the system I imagine on the scene at that time was

1 Gary and I believe -- and Ryan -- Captain Nadeau were involved
2 (indiscernible). I believe -- and Tim Redman who is a regional
3 manager was involved in it some at the beginning and then he moved
4 on to -- kind of moved off of the project to take care of some
5 other things during that time.

6 Q. Did you have any virtual meetings as a team or any physical
7 meetings where you all got together to discuss the project?

8 A. If They did, I was not involved in those meetings. No. I
9 was involved in the -- like I say, my area of focus was in the
10 interior renovation of the vessel.

11 Q. Were you aware of any discussions to enhance the level of
12 training for the crews for firefighting or anything related to the
13 vessel coming into service?

14 A. No, sir.

15 Q. For the City Cruises boats, do you -- are you aware of --
16 that Hornblower has brought in any third-party auditors to audit
17 the engineering operations of the vessels in the fleet? Did we
18 lose comm there?

19 A. Yep, yep. I'm back now. Yep. So something happened there.
20 Can you repeat that, please?

21 Q. Yeah. Are you aware of if Hornblower uses third-party
22 auditors to audit the engineering operations of vessels in the
23 fleet?

24 A. No, sir. I'm not aware of that.

25 Q. Do you see all the marine casualty reports that are submitted

1 to the Coast Guard?

2 A. I do not.

3 Q. Did You see the one for the coolant leak in the port main
4 diesel engine?

5 A. No, sir. I did not.

6 Q. How about before the fire, did the invoices from Bay Diesel
7 will come across your desk or on your computer so that you can
8 review them?

9 A. No, sir. Not that I'm aware of. Nope. A lot of that would
10 have been typically handled locally. Invoices and things like
11 that would have been handled locally.

12 Q. Did anybody tell you prior to the fire that there was a
13 recommendation to replace the port main diesel, one of the
14 turbochargers?

15 A. No, sir.

16 Q. Were you involved -- now, we're shifting a little bit to the
17 fire. Did you have a role -- it was described that you went down
18 to Norfolk. Can you talk about how you were made aware of the
19 fire and what you did after that in as much detail as you can up
20 until the point where the fire was reported extinguished?

21 A. I was -- the day of the fire, I had received a phone call
22 from Gary Frommelt and Scott Smith about the fire and that they
23 requested me to go down and be on scene. Get here as quick as I
24 could. Along with myself was Ted Redman who was the Mid-Atlantic
25 regional manager. The two of us travel together down there and we

1 were on scene about -- I can't exactly -- it was somewhere around
2 6 p.m. when we arrived on the pier where the vessel was at.

3 My duty at that time was to lend support to the Norfolk
4 operation, whatever it was that they needed to be done, and also
5 be a company representative on scene until Gary Frommelt or
6 Scott Smith could arrive on scene. Which they arrived on scene
7 early the next morning.

8 Q. And then what happened related to you?

9 A. I was there as support for whatever was needed for me to do
10 at the time. Basically, I was in a standby role. And that was
11 about the -- about limited my involvement during the fire at that
12 point. Once Scott Smith arrived on scene the next morning, he
13 took over as a qualified individual to make any decisions that
14 needed to be made or things like that.

15 Q. And at that point, did you depart the scene and head back up?

16 A. No. I stayed until Friday morning which, at that time, I was
17 told that I could return back -- return home, which I did.

18 Q. And related to the *Spirit of Norfolk*, during those days after
19 Mr. Smith arrived, what were you doing in terms of supporting the
20 activity surrounding the *Spirit of Norfolk*?

21 A. Really, at the time, when I arrived on scene for those few
22 hours before he arrived, I had discussions with the Donjon guys
23 who were the salvage company on scene who was handling the salvage
24 part of it. And they requested some drawings which I got for
25 them. (Indiscernible) general arrangement drawings. I believe

1 they already have the stability letter but I think we did send
2 maybe the stability letter to them, as well.

3 Then basically there to answer questions that they may have.
4 I'm trying to remember what type. I don't exactly remember what
5 kind of questions but basically any kind of general questions
6 like, you know, what's at the bottom maybe of this ladder, or what
7 -- such things like that. Just kind of provided general
8 information and answered questions to the best of my ability.

9 Q. Just a couple more general questions before I turn it over to
10 my colleague. Looking at risk management -- and risk could be
11 anything that may hazard the vessel, the environment, or the
12 people -- who was responsible for risk management from your
13 perspective for the *Spirit of Norfolk*?

14 A. That's -- that would be the -- normally, that would be the
15 local marine director.

16 Q. From perspective as someone that supervises maintenance in
17 the fleet, what would be the dangers or risks associated with oil
18 leaking from a turbocharger?

19 A. That would obviously present -- in my experience, obviously
20 not a good situation and would obviously present the possibility
21 of a fire.

22 Q. So if there was a recommendation to change a turbocharger,
23 would you say that should be an immediate action to change the
24 turbocharger if there were defects in the turbo charger or if a
25 third party recommended it?

1 A. When you say -- you know, I mean, there's various -- when you
2 say various defects on a turbo, is there's something like
3 specific? I mean, if you're referring to an oil leak, that's one
4 thing. If you're referring to other defects where maybe it's not
5 (indiscernible) certain things it would be, you could, you know,
6 maybe possibly get by not changing it immediately. But I mean,
7 there's certain aspects that if we're talking about an oil leak
8 then yeah, of course you would want to change that as soon as
9 possible.

10 MR. FAWCETT: Thank you very much, Mr. Lee. I'll turn it
11 over to my colleague, Commander Roy.

12 BY MR. ROY:

13 Q. Good morning, sir. Just want to go back real quick and talk
14 about kind of the change of command as far as the team goes.
15 Ryan Nadeau is the, obviously, captain and director of marine for
16 Norfolk. Who does he report directly to again?

17 A. So He would report directly to his general manager, which is
18 Jolene Price and on the marine side, he has a direct report --
19 Tim Redman who is the Mid-Atlantic marine manager.

20 Q. So he has two (indiscernible) reports for different things?

21 A. His direct direct -- so I guess in an organization chart, he
22 would be a direct report to Jolene Price and then probably a
23 dotted line to Tim Redman who kind of oversees the Mid-Atlantic
24 fleet which would be Norfolk, Baltimore, and Washington D.C. Then
25 Tim reports directly to -- he reports to his -- he reports to the

1 Mid-Atlantic vice president which is Mary Rinaldo and then he as a
2 dotted line to Gray Frommelt who is the face president of marine
3 operations for City Cruises.

4 Q. I'm not seeing her on -- where is she on -- I'm looking at
5 the schematic. I'm just trying to find out where she fits into
6 there so I don't really see her on --

7 A. Right. You know what? And Commander, I could be wrong.
8 Maybe it's the other way around. Maybe he reports to -- I'm not
9 sure on that.

10 Q. Who did you say Mary was again?

11 A. She's the Mid-Atlantic regional vice president that kind of
12 oversees the -- all aspects of the Mid-Atlantic region so any
13 sales and marketing marine.

14 Q. And her last name again. I'm sorry.

15 A. Rinaldo. R-i-n-a-l-d-o -- something like --

16 Q. And I'm looking again at the -- can you explain the
17 difference (indiscernible) between the difference of your position
18 which is that it's systems oversight maintenance planning and then
19 marine engineering and projects. As far as what -- can you
20 explain the difference between actual like systems, engineering
21 systems, maintenance overhauls, all engineering components?
22 What's kind of the split or the makeup of (indiscernible) work and
23 how you guys split those duties.

24 A. My -- A lot of my focus is -- would be in managing the
25 project whatever it may be. Whatever I'm -- what I'm assigned to.

1 Say it was the -- say it was something like (indiscernible)
2 overhaul and a rebuild of the steering system. Chris Bierker
3 would probably do the work with the design part of it and get the
4 right engineering -- make sure they're the right pumps
5 (indiscernible) and stuff like that. I would pick up and make
6 sure that that work was done to spec. So however it was drawn up
7 to make sure that it was installed and properly done.

8 Q. What's Chris' last name? Do you know how to spell that?

9 A. Bierker. It's B-i-e-r-k-e-r.

10 Q. Was he the -- marine engineering projects at the time, on
11 June 7th?

12 A. Yes.

13 Q. You We're talking about the Mount Vernon had some fire
14 (indiscernible) systems installed. Do you remember what the dates
15 were when that was installed or a date range?

16 A. I'm not exactly sure but it was within the last month. Work
17 began on that system sometime in early July and is being completed
18 as we speak, I believe.

19 Q. You mentioned that there was some sort of fire detection
20 system that (indiscernible) and a fire suppression system. Do
21 they also do anything with securing vents (indiscernible)?

22 A. Yes, they are.

23 Q. Do you know what the cost of that would be? Is there are a
24 cost estimate or a quote on that to do those three things?

25 A. I do not know -- I know there's a significant cause but I

1 don't know the number on it, the exact number on it. It's --

2 Q. Do you know who would have that information?

3 A. That would be Gary Frommelt would have that information on
4 that.

5 Q. You said -- so he is going to be the one who has the
6 information, any kind of -- or directing the bigger projects on
7 that vessel?

8 A. So he would be -- yeah. So he's the vice president of marine
9 operations for the fleet there. If there was big projects such as
10 that, yeah, he would be involved in it. And of course, he would
11 -- and he was involved with the installation of the new fixed
12 firefighting systems.

13 Q. Let's shift real quick to the Vessel Vanguard system. So you
14 talked about the maintenance. Do all mechanical repairs,
15 upgrades, all that stuff go into that system?

16 A. Yes, sir.

17 Q. How does that get in there? Who is responsible for putting
18 all that information in there at the local level?

19 A. The -- each local marine director is responsible for entering
20 that info.

21 Q. Are all of your repairs and maintenance done by a third party
22 or is anything done by employees of City Cruises?

23 A. Some repairs would be done -- can be done and are done by
24 employees of City Cruises. What I would call major repairs are
25 done by third-party (indiscernible). So like an engine overhaul,

1 that would be done by a third party. A shaft replacement would be
2 done by a third party. Anything major. The minor stuff, I would
3 say a lot of it would be handled by City Cruises' employees.

4 Q. So like major -- like so typical maintenance, oil changes,
5 belt replacements, those types of things are done by City Cruises
6 at the local level?

7 A. Correct.

8 Q. Is there something that says what items are to be done by the
9 local people on scene. When should -- a third party should be
10 contracted?

11 A. Could you repeat that -- you kind of --
12 (Crosstalk)

13 A. -- middle of that (indiscernible) question.

14 Q. Yeah. I just wanted to see if there was any policy or
15 written documentation that would help or explain what items can be
16 done by City Cruises' employees and which ones need to be
17 contracted out to a third party.

18 A. No, there is no document that specifies that. No, sir.

19 Q. So whose decision or who determines what items can be fixed
20 at the local level and what items need to be contracted out?

21 A. That would be the local marine director. Would be their
22 responsibility to assess whatever the issue is on whatever
23 particular system they're working on. And if it's beyond their
24 capability to make a repair to it.

25 Q. What training do the local levels have to do maintenance such

1 as oil changes or fluid changes or repair hoses? Do they have any
2 training on that?

3 A. I do not know that. They're -- I'm not clear on what agency
4 training they would have.

5 Q. Who is responsible for -- to making those types of decisions?
6 Is that again back to the director of marine for that area?

7 A. Yes, sir.

8 Q. So does Norfolk qualified mechanics that are on staff down
9 there?

10 A. Not to my knowledge.

11 Q. Is there a process for the repairs? So If they determine
12 that's a major repair needs to be done, for example, the one in
13 mid-May with the overheat, how does that process work and where is
14 all the decisions made for -- if the repair is done, how it's
15 done, who gets the contract? How does that all work?

16 A. So they would -- the local marine director would assess the
17 situation. Normally call for -- call a third party in to assess
18 the issue. Third party would say, all right, this is the issue
19 and this needs to be -- needs -- this is what needs to be done.
20 Then obtain a bid right cost on that.

21 Then it would go up to their -- well, their direct manager,
22 the general manager of the city which would involve budget reasons
23 for that, as well as operational reasons if the ship can be
24 operated or not like -- could be operated, or how long it would be
25 down. It would also involve the -- if there was a regional

1 manager and the -- and if need be, would go up to the vice
2 president of marine operations. (Indiscernible) and they also
3 could call on, if needed, advice on other members of the national
4 marine team if need be.

5 Q. So you are not in that chain as far as those types of repairs
6 go or -- that's not something that you deal with?

7 A. No. Not Unless I'm specifically called. No.

8 Q. So that would go right to the --
9 (Crosstalk)

10 Q. -- vice president?

11 A. Excuse me.

12 Q. That would go right to the vice president?

13 A. Yes, excuse me. It would usually go -- right, yes. Go to
14 the regional manager and then onto the vice president.

15 Q. Mr. Fawcett was talking earlier about the turbo
16 (indiscernible). Based on your experience, if you were to receive
17 report of a turbo that was leaking oil, what would be your
18 recommendation for that vessel in that turbo?

19 A. I'd secure that engine immediately and then request for a
20 turbo change.

21 Q. Would you take the vessel down or would you allow it to
22 operate?

23 A. I would -- that's -- On a situation like that, I would say
24 that's -- yeah, I would not be operating the vessel with an oil
25 leak on the turbo.

1 MR. ROY: Thank you, sir. That's all I have right now.
2 Thank you.

3 MR. FAWCETT: Thank you, sir. Now, NTSB. Mr. Karr?

4 BY MR. KARR:

5 Q. Mr. Lee, this is Mike Karr with the NTSB. When you arrived
6 on scene at 1800, can you describe the extent of the fire, what
7 you saw on the vessel?

8 A. Yep. When I arrived, the smoke was -- there was no visible
9 flames to be seen. The smoke was white in color, it wasn't very
10 dark. The tugs were spraying water on the side of the vessel.
11 Almost -- you know, white smoke almost as if it was being cooled.
12 There was no dark smoke, like I said. And No visible flames when
13 I arrived on scene.

14 Q. Can you describe the locations of where the smoke was when
15 you arrived on seeing?

16 A. Yes, sir. It was coming -- smoke was coming out of the
17 engine room vents at that time.

18 Q. Can You tell me if you noticed whether the fire doors to the
19 galley were open or closed, the fire doors on the main deck?

20 A. I could not see that from where I was.

21 Q. When you arrived at 1800, did you meet with or did you spend
22 time with the people that were responding to the fire, the
23 firefighters, the incident commander?

24 A. Not the incident commander. I spoke with -- can't remember
25 his name. I believe it was Ken from Donjon, the salvage company,

1 just to let him know I was there. He was responsible for -- he
2 was taking draft Marks and giving them to the salvage engineer
3 every 15 minutes to assess the stability of the vessel, figure how
4 much water was being put on the vessel.

5 Q. Well, who was the main contact within the unified command
6 with the incident command from City Cruises representing the
7 vessel?

8 A. We met with them Later that evening. The first time that I
9 had met any of the unified command was that evening and I'm not
10 sure what time it was. It was dark. And there was a conference
11 call. I was on scene but at the time, Scott Smith was on the
12 conference call, so he was -- during that call kind of -- he was
13 taking -- letting them know that he was the -- he was making a lot
14 of the decisions and I was on hand if needed be for -- if there
15 was any questions or advice I could give at that time during that
16 period. But Up to that point, I had not met with anybody from
17 unified command until we were on the conference call that night.

18 Q. Did anyone -- can you tell me what you know about what
19 contact anyone from City Cruises had with the unified command that
20 afternoon up until you arrived? Who was representing your company
21 within the unified command?

22 A. Yep. That would have been Captain Nadeau.

23 Q. And when you were --

24 (Crosstalk)

25 Q. When you had your unified command meeting later on that

1 night, can you tell us what you understood were the goals of the
2 firefighting efforts?

3 A. That evening during the -- obviously, the goal was to -- from
4 what I recall was to maintain the fire at that time. During that
5 call, the fire intensified during the call which was visibly seen
6 during -- there was a camera pointed towards the vessel from
7 inside the conference room of the mobile command center and we
8 could see that the vessel -- that the fire was intensifying during
9 that time. And at that time, the only firefighting efforts that I
10 knew of was just the tugboat spraying water on the side of the
11 vessel at that time.

12 Q. But were there any particular goals with regard to the plan
13 of -- or should I say -- maybe not goals but what was the plan at
14 that meeting for how the fire would be pursued or not pursued?

15 A. I do not recall what the specifics of that plan were at that
16 time other than to maintain what was happening at the moment while
17 the fire was intensifying which was to continue to spray water on
18 the side of the vessel and then continue to take draft marks to
19 assess the stability of the vessel. I do not recall any
20 discussion of any sending in fireteams or stuff at that time; what
21 the plan would be at that time.

22 Q. From the time you arrived on scene and up and to during that
23 meeting, did you hear anyone talk about the urgency to -- or was
24 there any discussion about removing the vessel from the Navy pier?

25 A. No. There was no discussion about -- not that I heard of,

1 moving the vessel from the pier, Navy pier at that time. I do
2 remember though, going back, earlier, that Donjon, the salvage
3 company wanting to go on and put in -- put a foam nozzle down the
4 state hatch to the engine room to extinguish the fire. But I
5 don't know -- to my knowledge, that did not happen and I'm not
6 sure why that did not happen. But there was discussion during
7 that meeting about doing that.

8 MR. KARR: Thank you. That's all the questions I have for
9 right now.

10 MR. LEE: Sure.

11 MR. FAWCETT: Thank you. Mr. Flaherty?

12 MR. FLAHERTY: How you doing, sir?

13 MR. LEE: Good.

14 MR. FLAHERTY: I got a question. Are you aware of any
15 maintenance or overhauled that was done to the vessel's hydraulic
16 steering system in the last few years?

17 MR. LEE: No, sir. I am not.

18 MR. FLAHERTY: That's all I got. Thank you.

19 MR. FAWCETT: Thank you. Mr. Lee, we'll now take questions
20 from counsel for the party in interest and we'll start with Bay
21 Diesel.

22 MR. STILLMAN: No questions. Thank you for your time.

23 MR. FAWCETT: Just double checking to see if counsel for
24 Captain Nadeau is on the line. Hearing none, Hornblower?

25 MR. DENLEY: Yeah. Hey, Chip, thanks. I don't have any

1 questions. Appreciate it.

2 MR. FAWCETT: One final go-round. Any other questions before
3 we conclude the interview with Mr. Lee?

4 MR. KARR: This is Mike Karr with the NTSB. Mr. Lee, do you
5 know how the old engines were removed and the new Scania engines
6 were placed and installed in the vessel? I mean, How did the
7 engines get into the vessel?

8 MR. LEE: I was not on that project. I do not know.

9 MR. KARR: Thank you. I have no more questions.

10 MR. FAWCETT: Any follow-ups for Mr. Lee before we conclude
11 the interview? Hearing none, Mr. Lee, Thank you very much for
12 your participation in this interview. The time is 12:13 Eastern
13 Standard Time and we have completed the interview with Mr. Chip
14 Lee. Thanks again.

15 MR. LEE: You're welcome. Have a good day.

16 UNIDENTIFIED SPEAKER: Thank you.

17 (Whereupon, at 12:13 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Chip Lee

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 11, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: RICK MILNER, Marine Surveyor
Knox Marine

via Microsoft Teams

Wednesday,
August 10, 2022

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I N T E R V I E W

(8:31 a.m.)

MR. FAWCETT: 8:31. Good morning, everyone. This is Keith Fawcett from the U.S. Coast Guard. Standby one second here. Before we begin, does anybody have any questions?

RECORDING: This meeting is being recorded.

MR. FAWCETT: I want to thank you for joining us. We want to try to avoid the use of acronyms. Coast Guard has got a million of them so if you use an acronym, explain what it is if you would. And then make sure everybody turns their cellphones off.

And Mr. Milner, if you will acknowledge that this interview is being recorded by saying yes?

MR. MILNER: Yes.

MR. FAWCETT: Thank you, sir. So this is a joint U.S. Coast Guard investigation into the loss of -- the fire and the loss of the *Spirit of Norfolk*. The Coast Guard is the lead agency. And the -- we were following Coast Guard rules and regulations to conduct this interview.

Today is Wednesday, August 10th, 2022. We're conducting an interview with Mr. Rick Milner. The time is 8:32 a.m. Eastern Time and we're conducting this interview via Teams.

We are conducting this interview to determine the fire and subsequent events leading to the loss of the commercial vessel *Spirit of Norfolk* which occurred in Norfolk Harbor on June 7th, 2022.

1 What I'd like to do first is -- Mr. Milner, we'll start with
2 you. If you'll give your first name, your last name, spell it,
3 and just give your affiliation. Who you work for. And then we'll
4 go around the Teams meeting.

5 MR. MILNER: Sure. My name is Richard Milner. I go by Rick.
6 And I'm an independent marine surveyor. I was working through
7 Knox Marine. And the client was Ascot Group, the insurer for the
8 hull, which is my affiliation to the boat.

9 MR. FAWCETT: My name is Keith Fawcett. F-a-w-c-e-t-t. I'm
10 a member of the 5th District Coast Guard investigation team
11 looking into the fire aboard the *Spirit of Norfolk*. Let's go next
12 to Ms. Emmons.

13 MS. EMMONS: Good morning. Lieutenant Commander
14 Nicole Emmons, E-m-m-o-n-s. And I'm part of the District 5 formal
15 investigation team.

16 MR. FAWCETT: Thank you. Then Mr. Milner, you have an
17 attorney present. Could that attorney please identify themselves
18 and spell their -- first and -- spell their last name?

19 MR. VENTKER: Yes. I'm Dave Ventker I'm counsel for Ascot
20 Group. Rick Milner is working at my direction. My last name is
21 spelled V-e-n-t-k-e-r.

22 MR. FAWCETT: Thank you, sir. For the NTSB, please.

23 MR. KARR: This is --

24 MR. FLAHERTY: Hi, this is David Flaherty. Last name is
25 spelled F-l-a-h-e-r-t-y.

1 MR. KARR: And Michael Karr, K-a-r-r, with the NTSB.

2 MR. FAWCETT: Thank you. With me here in the room for the
3 Coast Guard.

4 MR. WADDINGTON: Commander Randy Waddington. Waddington is
5 spelled W-a-d-d-i-n-g-t-o-n. And I'm the District 5 formal team
6 lead.

7 MR. FAWCETT: Thank you, sir. For Hornblower?

8 MR. DENLEY: This is Eric Denley, City Cruises. Last name D-
9 e-n-l-e-y.

10 MR. WEIGEL: And Alan Weigel from Blank Room. Spelled W-e-i-
11 g-e-l.

12 MR. FAWCETT: Thank you, sir. Do we have counsel for Captain
13 Nadeau on the call? Counsel for Bay Diesel, please.

14 MR. ABEL: Yes, this is Chris Abel, A-b-l-e, from Willcox and
15 Savage. Also if I need to leave at a point later, I will be
16 replaced in this process by Dan Stillman also of our firm. S-t-i-
17 l-l-m-a-n.

18 MR. FAWCETT: Understood. Did I miss anybody? Mr. Milner,
19 you can turn on your camera if you would. Mr. Milner, just so you
20 know that the NTSB will produce a transcript of this interview and
21 your attorney will have the opportunity to review that transcript.
22 And you'll have the opportunity. If you remember anything
23 different -- for example, something you want to change or modify
24 from the interview, just let Mr. Ventker know and he will let us
25 know and we'll take that change or modification and make it a part

1 of the record.

2 Also, we will produce a report of investigation. And when
3 that report of investigation is produced down the road here a
4 little bit, if you review it and you see any changes, any
5 information that's not contained that may significantly change the
6 report, once again, you could contact Mr. Ventker and submit that
7 new information to the Coast Guard so that we could consider that
8 information.

9 Then finally, the Coast Guard uses a large document called
10 the *Coast Guard Marine Safety Manual*. It's available on Google.
11 And it's Volume 5. And it explains how we do business in
12 conducting Coast Guard investigations. So those are at your
13 disposal to take a look at. It explains the hows and whys of
14 these investigations.

15 INTERVIEW OF RICK MILNER

16 BY MR. FAWCETT:

17 Q. What I'd like to do is -- I'll start the questioning and then
18 we'll go around. So if you have any notes, drawings, photographs
19 -- I know that Mr. Ventker has submitted a large body of
20 information to us from surveys that you conducted. But if you
21 have any notes that you refer to for this investigation that
22 aren't contained in that, if you'd let Mr. Ventker know and he can
23 talk to us about those notes.

24 So all of my questions are going to deal with -- the first
25 time period is leading up to the fire event which occurred on

1 June 7th, 2022. We'll start -- if you could tell us about your
2 background and training that you had at that -- you bring to bear
3 as a marine surveyor.

4 A. Well, I've had my own marine survey practice for 19 years.
5 I'm an accredited marine surveyor with SAMS, the Society of
6 Accredited Marine Surveyors. And I've been doing damage claims
7 almost exclusively since 2014. Marine damage claims for primarily
8 yachts and small craft. They would involve collisions, floodings,
9 fires, engine damage. Things of that nature.

10 Q. So the -- talk at length, if you can, about your engineering
11 background that allows you to conduct these kind of surveys.

12 A. Well, I've had numerous seminars for engine damage claims and
13 what to look for. Over the years, you have to meet certain
14 educational requirements to remain a member of SAMS. And also by
15 actually doing engine damage claims and discussions with repairs
16 and whatnot.

17 Q. So do you hold any Coast Guard credential?

18 A. No. I had a 50-ton master license but I did not renew it
19 when it came up from renewal because I wasn't using it.

20 Q. Have you ever worked on a vessel in a capacity as -- well,
21 call it engineer.

22 A. No. No, I have not.

23 Q. You mention you also have conducted marine accident
24 investigation work?

25 A. Yes.

1 Q. And talk a little about that. Later on, we'll talk about the
2 post-events after the June 7th fire. But talk about your work as
3 an accident investigator.

4 A. Well, occasionally, as I've been doing damage claims for
5 insurance claims, you have -- normally it's collision
6 (indiscernible) probably more commonly collisions where they've
7 struck a pier or a dock and you have to reconstruct what happened
8 and explain it to the adjuster in a way that they could understand
9 in your report. They -- I'm not involved in assessing liability.
10 Just basically the facts. Explain what happened.

11 Q. So prior to mid-May of 2022, had you done any work on the
12 *Spirit of Norfolk*, any -- had you had any calls to do any work in
13 the time period before mid-May?

14 A. I had -- prior to my engine damage inspection, I had never
15 done any work on the *Spirit of Norfolk*.

16 Q. Then we've mentioned, in the introduction of Mr. Ventker, the
17 Ascot Group. Can you describe who the Ascot Group is?

18 A. It's an insurance company.

19 Q. Are you aware if they insured the *Spirit of Norfolk*?

20 MR. VENTKER: (Indiscernible).

21 A. Yeah, the hull insurer of the *Spirit of Norfolk*.

22 Q. So that was Mr. Ventker explaining, along with Mr. Milner,
23 for the transcript, the hull insurer for the vessel.

24 A. Just so you know, I did not inspect the *Spirit* in May. I
25 inspected it in -- on the 2nd of June.

1 Q. So if you would talk about that assignment that you got in as
2 much detail as possible. In other words, you're sitting at your
3 office or wherever and the call comes in or email comes in. If
4 you'll start with how you were notified about the job. And then,
5 walk us through what you did.

6 A. Well, we typically get assignments by email. (Indiscernible)
7 the email that they had an engine damage on the port engine on the
8 *Spirit of Norfolk* and overheat. And even though the repairs had
9 already been completed, they wanted me to go down there and take a
10 quick look at the engine.

11 And then, the parts that were removed, the failed water pump
12 particularly, and then the damaged internal parts, were held by
13 the repair Bay Power Solutions. They wanted to go in there and
14 take a look at that, as well. And I document them with
15 photographs.

16 The -- I went in on the 2nd. Just a brief inspection of the
17 engine. Everything was repaired. There wasn't much to look at.
18 Inspected it with Captain Nadeau. And the next day, I went over
19 to Bay Power Solutions to look at the pistons, the cylinder
20 sleeves, and the failed water pump.

21 Q. So what did you understand had happened to that port engine
22 that resulted in the rebuild efforts?

23 A. They had an overheat. Initially, the crew thought it was a
24 fire. But it was steam from antifreeze or engine coolant coming
25 off the engine block that had overheated. They had a failed water

1 pump that had a perforation in it and allowed the coolant to
2 escape.

3 Q. And did you -- were you -- I'm trying to remember exactly
4 what you said. But you assemble the facts but you don't do an
5 analysis of what happened, for example?

6 A. Yes. In this case, I was to explain to the best of my
7 knowledge since everything had been repaired and put back
8 together, the nature of the damage, the cause of the damage, and
9 the extent of the damage.

10 Q. So you produced a report as a result of that?

11 A. Yes.

12 Q. And then when you got to the vessel on June 2nd, who did you
13 meet with from Hornblower?

14 A. I initially arrived and I walked around the bulkhead there to
15 get some overall shots of the boat. When I came back to the stern
16 to go onboard, the captain was coming to the boat at that same
17 time. And I met him there. We went onboard. He took me directly
18 down into the engine compartment. Took my photos. Captured the
19 hours on the engine and left. It was a brief inspection. I think
20 it was -- I have 31 minutes is what it took from the time I got
21 out of my truck until I got back into my truck.

22 Q. Was that Captain Nadeau, Ryan Nadeau, the captain?

23 A. Correct, correct.

24 Q. You mention in your introduction that you had done work on
25 small vessels. Have you done small commercial vessels such as --

1 similar to the *Spirit of Norfolk*. In other words, documented,
2 inspected Coast Guard vessels, Coast Guard inspected vessels that
3 are in commercial service?

4 A. Yes. Not as large as the *Spirit of Norfolk*. Smaller
5 vessels.

6 Q. So did Captain Nadeau say anything to you about the cause of
7 the engine -- did he provide any background that you included in
8 your report?

9 A. Right. It's included in my report what he told me. I
10 usually conduct an interview to find out from the insurers or the
11 insurer's point of contact what happened and how it happened and
12 whatnot.

13 Q. Do you recall the engineering space, the engine room on the
14 *Spirit of Norfolk*? Like what I'm looking for is, was it neat and
15 tidy?

16 A. Generally, neat and tidy. Yes. It -- I didn't -- you know,
17 it wasn't -- it was a fairly spacious engine room. There was good
18 room to walk around. It was -- it appeared to be well kept. Of
19 course, I wasn't scrutinizing the engine compartment. I was just
20 there to take photos of the engine.

21 Q. And around the engine, did you note any leaks or drips of
22 oil, anything like that?

23 A. No, no.

24 Q. How about engines that you took the photographs of, the --
25 were they clear of combustible material? Were there any like

1 cardboard boxes or any potentially flammable material nearby the
2 engine or engines?

3 A. On the outboard side of the port engine, there were shelves
4 with gear stowed there. Some of them were like engine filters and
5 things. Other things I don't know what they were. I really
6 wasn't paying attention.

7 Directly underneath the forward part of the engine was a
8 large box that was set in there. I wasn't sure what was in it.
9 It appeared after the fire when I went down, it must have been
10 some sort of a pump inside the box because the box had burned
11 away. Yeah, basically that's it.

12 Q. So would that be documented in the photographs that you have
13 provided to Mr. Ventker for transmittal to the Coast Guard
14 investigation?

15 A. Yes, you have photos of the engine and you can see the box in
16 front of the engine or below the front part of the engine.

17 Q. Are there times when you conduct your surveys similar to what
18 you did for the *Spirit of Norfolk* -- is there some kind of
19 disclaimer in your report about like -- what I'm getting to is --
20 that the engine is fully operable.

21 A. Disclaimer that the engine is --

22 Q. Well, in other words, what's the -- what is the standard
23 disclaimer in the scope of a survey report? For example, if you
24 go down there and you look at the port engine, is it your job to
25 determine if the engine is fully functional as designed?

1 A. No.

2 Q. What would be your job in relation to verifying the engine
3 repairs are complete and so forth?

4 A. Well, the engine was put back together. So there's not much
5 you can do to determine what was done. But I did review the Bay
6 Power Solutions invoice and their company reports to see what was
7 done and what was done, what was replaced, how it was replaced, et
8 cetera.

9 Q. Do you recall if they had any recommendations in the Bay
10 Power paperwork or invoices like for additional work on the port
11 engine?

12 A. They had -- and I can't remember if it was left or right
13 bank. I want to say left bank. It's turbo. They had replaced
14 one turbo. There's a right and left bank turbo. And then, they
15 determined that they were going to go ahead and replace the other
16 turbo because there had been some oil found inside of it and they
17 were concerned that it might have been damaged during the
18 overheat. They had ordered that turbo and it had been invoiced.
19 But it had not been installed according to the information I got.

20 Q. Do you know what the ramifications might be of oil in a turbo
21 from the overheat? What could happen?

22 A. It can cause the turbo to overheat. That helps cool the
23 turbo, lubricate it. It could be a lack of oil. Oil going where
24 it's not supposed to go.

25 Q. So did you have any conversations with Captain Nadeau about

1 that when you visited the vessel?

2 A. No, I wasn't aware of it. I wasn't able to get a hold of the
3 invoice and the reports until after my inspection.

4 Q. And when did you see those invoices and reports?

5 A. Actually --

6 Q. Was it after the fire?

7 A. It was after the fire. I had requested them prior, right
8 after my inspection, from Bay Power Solutions. Didn't receive
9 them. I did not get those until actually after the fire.

10 Q. So if you had received those invoices and those -- you know,
11 the work tickets and so forth from Bay Power, would it have
12 altered your report in any way that you would have submitted to
13 the people that contracted for you to do this work?

14 A. No, I don't think so.

15 Q. Do you make recommendations on your survey reports?

16 A. Normally, I do. Normally, the engines or the damage has not
17 been repaired. So my job is to see what I found in the way of
18 damage and then make a recommendation for repair. But these had
19 already been repaired and then did a full in-frame rebuild on the
20 engines. Okay. And they replaced one turbo. They were getting
21 ready to replace the other turbo. But there really wasn't
22 anything else to recommend.

23 Q. So let's shift now to after the fire. Can you talk about
24 what you were asked to do and how you were asked to do the work
25 you did on behalf of Ascot after the fire?

1 A. Yeah. My job was to determine the extent of damage. I was
2 not the origin guy. I wasn't to determine cause. I was to
3 determine extent of damage, which I did, and prepared a joint
4 field survey which was reviewed and signed on by the two other
5 surveyors that were in attendance. I believe you have a copy of
6 it, as well.

7 Q. So the cause guy, who would that have been?

8 A. Well, there were --

9 MR. VENTKER: Well, hang on. Hang on there, Rick. We have
10 engaged a number of expert witnesses as cause and origin folks.
11 Those people are not testifying. They have not completed their
12 surveys and everything they know at this stage is covered by
13 (indiscernible).

14 Who they are even, at this point, is not relevant or is not
15 going to be disclosed because they're -- it's privileged
16 information except to the extent (indiscernible) then they'll have
17 access to the vessel. But what their various roles are we're
18 going to (indiscernible) privilege until we have their reports.

19 MR. FAWCETT: That was Mr. Ventker, attorney for Mr. Milner.
20 I understand that.

21 BY MR. FAWCETT:

22 Q. So there was an individual or entity working to determine the
23 cause. Is that correct?

24 A. Yeah, several.

25 Q. And then, you had two other surveyors working with you on the

1 report of the fire. Is that correct?

2 A. Correct. A joint field survey.

3 Q. And did you mention that we most likely have a copy of that?

4 A. I believe you do. I saw it in the documents that Mr. Ventker
5 forwarded to you.

6 MR. VENTKER: Yeah, I provided it.

7 MR. FAWCETT: Okay, thank you, sir.

8 BY MR. FAWCETT:

9 Q. So are there any observations that you made during your visit
10 to the vessel in terms of particular to the cause of the fire from
11 your vantage point as a surveyor?

12 A. No, no. I didn't see anything that would cause me to think
13 that it was the origin of the fire. Although the general
14 consensus of the people that were on the boat -- and there were a
15 number of people on the boat the days I was there -- was that it
16 was somewhere around the port engine.

17 Q. So have you completed all of your work related to the *Spirit*
18 *of Norfolk*? Are you done now?

19 A. Unless I'm requested to come up with some other work, yes.

20 MR. FAWCETT: I'm done with my questions. Ms. Emmons, do you
21 have any questions?

22 MS. EMMONS: I don't have any questions at this time.

23 MR. FAWCETT: Thank you. Mr. Karr, NTSB.

24 BY MR. KARR:

25 Q. Sir, what was -- the box that was in front of the port

1 engine, what was that box made of?

2 A. It was cardboard.

3 MR. KARR: Thank you. That's all I have.

4 MR. FAWCETT: Mr. Flaherty?

5 BY MR. FLAHERTY:

6 Q. Yeah. I have a few questions. Sir, could you describe what
7 a marine surveyor is?

8 A. Well, there are many facets to marine surveying. There are
9 tug and barge guys, Bluewater guys, yacht and small craft guys,
10 engine guys. Different facets. And basically, a lot of the
11 surveyors do what's known as condition and value surveys. Matter
12 of fact, there was one completed on the *Spirit of Norfolk*. The
13 survey was done like the day before the fire. And there's a copy
14 of that report available, as well.

15 That's a condition and value survey. You go over the boat
16 and see what's right and wrong with the boat, list everything
17 that's on the boat. And also, a valuation of the ACV of the boat.
18 There's also damage claims which you come in when there's been
19 damage to a vessel which is what I primarily concentrate on.
20 That's -- you come in to determine nature, cause, and extent of
21 damage to a vessel.

22 Then there's just simple appraisals where you come out and
23 determine the value of a vessel. There's a lot of different
24 commercial type survey fields, as well. So it's kind of -- a lot
25 of different areas for marine surveying.

1 Q. So the day you went to check on the port main diesel engine,
2 did you do an operational test of the engine?

3 A. No. Captain stated everything was running properly.

4 Q. Was -- you were mostly doing a damage survey so we were just
5 trying to figure out what was damaged just to clarify.

6 A. Yeah. I just -- that's it. It was an engine damage claim.
7 It had an overheat. They got to determine, you know, what the
8 extent of damage was and what the cause of the damage was, which
9 was fairly obvious on this one.

10 Q. So what damage did you find if you could just clarify that?

11 A. Yeah. There was a water heater on the port engine -- I mean,
12 water pump on the port engine had corroded from the inside out.
13 And had a perforation and allowed the coolant to escape and the
14 engine overheat.

15 Q. Is that a common thing to happen with a cooling pump?

16 A. No.

17 Q. Do you have any idea why that occurred?

18 A. It -- the water pump appeared to have a chamber inside of it.
19 And there's photos that I think we submitted to you all. There's
20 a chamber inside of it. It's kind of a dead area that -- the
21 coolant goes in there but it doesn't have anywhere to go. The
22 rest of the water pump is circulating coolant.

23 Q. Right.

24 A. I could find very little info on the Scania engines in my
25 research. But Bay Power Solutions explained to me that the Scania

1 truck engines on that same water pump have a port in that area
2 that allows coolant to come out and go to other appliances
3 connected to the engine that need coolant. But it's not needed on
4 the marine engines. So that's sealed off.

5 Q. Oh, okay. And so, this is your first time dealing with that
6 type of an engine?

7 A. I've looked at Scania's before. But hardly ever. I don't
8 come across them very often.

9 Q. So in addition to the water pump, what else was damaged that
10 you observed?

11 A. Well, when the coolant was lost, the engine had a severe
12 heat. Caused scoring of the cylinder liners and the pistons,
13 which required -- and some of the bearings which required what
14 they call an in-frame rebuild. It's -- the whole upper part of
15 the engine was rebuilt.

16 Q. And you were able to observe the other pieces of the engine
17 that were also damaged --

18 A. Correct.

19 Q. -- from the overheating?

20 A. Correct. You should have photos of that, as well.

21 Q. When you were looking at the diesel engine (indiscernible)
22 for repair, what was your opinion of the engine at that time even
23 though you didn't witness it operating?

24 A. I'm not sure exactly what you're asking.

25 Q. Oh, what was your observation of the engine?

1 A. I mean, it was there. It was tidy and neat. I mean, there
2 were some traces of a fire extinguishing agent that hadn't been
3 completely cleaned off. The crew had dumped a fire extinguisher
4 on it because they thought it was a fire before they realized it
5 was coolant steaming off the block. You can see some signs of
6 paint that had been burnt from the overheat. They didn't paint
7 any new parts they put on so you can pretty much spot new parts.
8 But you know, it looked fine.

9 MR. FLAHERTY: Well, thank you for your time. That's all the
10 questions I had.

11 MR. FAWCETT: Thank you. Counsel for Bay Diesel, please.

12 BY MR. ABEL:

13 Q. Mr. Milner, this is Chris Abel. I just have a few quick
14 questions for you. Sir, you had said there was a C&V survey done
15 on the vessel the day before the fire. That would have been
16 June 6th of this year. Is that right?

17 A. I believe that's when it was conducted. That's when the
18 inspection was conducted. And there is a copy of that survey
19 floating around out there. (Indiscernible) may have it. But
20 yeah.

21 Q. I don't have it. So that's why I'm going to ask you just a
22 few questions. Do you know who did that C&V survey?

23 A. Yeah. It was --

24 MR. VENTKER: Castlerock. Castlerock did.

25 A. That's correct. That's correct.

1 Q. Got it. And you mentioned something -- I just want to make
2 sure I'm clear about it. There was a couple of questions now
3 about a cardboard box, I believe you said in front of the port
4 main. When was it that you observed this cardboard box, sir?

5 A. That was on June 2nd when I did the inspection.

6 Q. And about how far, I guess, in advance of the leading edge of
7 the port main engine was this cardboard box?

8 A. It was below and just forward of the engine. If I recall, it
9 was -- might have even been up against the engine mounts.

10 Q. And best you can recall, what was the size of the box?

11 A. Maybe 15x15x30. I'm not sure.

12 Q. And that's inches. Right?

13 A. Correct.

14 Q. And any labeling or identification of -- you know, like whose
15 box it was?

16 A. I didn't look at it when I was looking at the engine. I
17 reviewed my photos and I can't tell what the labels -- you know,
18 what's inside the box from my photos.

19 Q. But the box itself -- did it have any labels, audit
20 manufacturers, labels, or anything like that?

21 A. It looked like a shipping label and maybe a logo. But I
22 wasn't familiar with what I saw.

23 Q. And that box appears in the photos you have from your
24 inspection?

25 A. Yes.

1 Q. And I think -- I just want to make sure I'm not missing
2 anything here. Again, I don't want to put words in your mouth,
3 sir. But I think you said in response to an earlier question that
4 -- I know you're not a cause and origin guy but I believe you had
5 testified you hadn't seen anything yet to make you think that the
6 port engine was the source of the fire on the 7th. Is that right?

7 A. Oh, post-fire you mean? Yeah, I --

8 Q. Yes, sir.

9 A. I hadn't seen anything that would point to an origin. Okay.
10 And I don't think any of the other fire investigators or engineers
11 had either at this point.

12 Q. Very good. My last question, sir, is post-fire, when was the
13 first time you were in the engine room to look around and see the
14 damage that had been done after the fire, after the 7th of June,
15 sir?

16 A. That was -- I'll tell you. Yeah, I think it was June 22nd.
17 There was a general inspection that day, I believe. It could be
18 the 23rd. I have to pull it out of my notes. But --

19 Q. Got it.

20 A. There was a meeting and then the next day we went -- or next
21 day or day later we went down to look at the boat and there was
22 two days' worth of inspections basically.

23 Q. And I realize that you don't have a sign-in sheet in front of
24 you. At least I believe you don't. Just generally, can you
25 recall who was there for that general inspection over those two

1 days in June?

2 A. Well, they were personnel from NTSB, Coast Guard, Hornblower
3 representatives and counsel. Counsel for, I believe the liability
4 carrier for the *Spirit of Norfolk*. There were a couple other
5 surveyors. There was some Norfolk fire department personnel.
6 There were people with my team from (indiscernible) working for
7 Ascot. And I think ATF personnel, as well. So there was a large
8 group of people, basically.

9 MR. ABEL: Got it. Mr. Milner, thank you for your time. I
10 don't have any further questions at this time, sir.

11 MR. FAWCETT: Thank you very much. Mr. Denley or Hornblower
12 counsel, please.

13 BY MR. WEIGEL:

14 Q. Yeah, this is Alan Weigel. Thank you, Mr. Fawcett.
15 Mr. Milner, you discussed the reports. You talked a little bit
16 about (indiscernible) failure of the water pump as a result of
17 corrosion. And the question I have for you is did you find that
18 the arrangement where there was no discharge port allowing this
19 stagnation to occur inside the water pump -- did you find that to
20 be an unusual design based on your experience looking at other
21 engines?

22 A. It was -- yes, it was somewhat unusual. I hadn't come across
23 it before.

24 Q. Did you do any kind of -- I know you said you couldn't find
25 anything (indiscernible) Scania engine. Did you do any kind of

1 checking to see whether this water pump part had a history of
2 these corrosion failures?

3 A. Yeah, I researched it online. Very limited information
4 available on these Scania engines online. And I did not find
5 anything that pointed to an issue with the water pumps.

6 Q. Did you (indiscernible) with Bay Power Solutions this water
7 pump failure, whether they'd seen this before or done this kind of
8 repair on another Scania engine, anything like that?

9 A. He did not mention they'd seen this before.

10 Q. The box that you've been asked about that was underneath
11 forward part of the port engine, was this box -- it was closed and
12 you couldn't see what was in it when you were on there before the
13 fire. Is that correct?

14 A. Correct.

15 Q. Then after the fire, you saw that there (indiscernible) pump
16 that was still there and of course the box was burned
17 (indiscernible). Correct?

18 A. Yeah. It appeared to be some sort of a pump. Yes.

19 Q. Do you know where that pump was supposed to be used?

20 A. No. I don't know what the pump was for.

21 MR. WEIGEL: I have no further questions.

22 MR. FAWCETT: Thank you, Mr. Weigel.

23 BY MR. FAWCETT:

24 Q. This is Keith Fawcett with the Coast Guard. Mr. Milner, just
25 a follow-up. You listed a lot of discipline, so to speak, of a

1 marine surveyor. You know, the cause and origin person, they're
2 (indiscernible). There are people that do tug and barge and so
3 forth. Are there any marine surveyors that will, as part of their
4 job, like make sure a particular piece of equipment is operating
5 to manufacturer specifications?

6 A. I'm not exactly sure what you're asking. That sounds more
7 like a testing. That would be done in a lab possibly or at a
8 repair.

9 Q. So what I'm getting at is that a marine surveyor of one of
10 these disciplines goes down to a vessel and they look at an engine
11 and it's listed as -- like a GMC or (indiscernible) or whatever
12 particular type of engine. How do they know that that engine
13 functions properly when they -- when you do the work of a
14 surveyor?

15 A. Occasionally, we will go on a sea trial if the owner of the
16 vessel says that it hasn't been repaired properly to see if it is.
17 But that's not part of a normal damage claim survey.

18 Q. Right. So I'm asking you as a surveyor to expand that. Not
19 to just damage but in -- based in your experience, if you walk
20 into any vessel's engine room and you begin to conduct a survey
21 and you're looking at generators and looking at pumps and you're
22 looking at engines, how do you know if those components of a
23 vessel operate properly?

24 A. We are working for the insurance company and we go by what
25 the insured or the insurance point of contact tells us. If they

1 tells us there's an issue, then we will delve into it further.

2 Q. Well, how about in a straight warranty survey? Like a
3 valuation survey. Based on your experience in doing a valuation
4 survey, as a surveyor, you walk into the engine room under those
5 same conditions. You being listing the equipment. You begin
6 listing the history of the equipment and the age of the equipment.
7 How do you know that the equipment is functioning.

8 A. Well, if it's a condition and value survey for engines on a
9 condition value survey where the condition of the engines is
10 important to the -- usually it's the prospective purchaser -- we
11 recommend that they have an engine survey done by a qualified
12 technician. So far as the surveyor does, what I would do when I
13 was doing condition and value surveys is I would do a visual
14 inspection of the engine looking for signs of deterioration, rust,
15 corrosion, leakage, signs of an overheat.

16 And then, we would go on a sea trial. And we would see if
17 the engine would hit its manufacturer's recommended wide open
18 throttle range. If it did that, that's a -- with no issues, no
19 smoke or anything, then it's a fairly good indication that the
20 engine is operating (indiscernible). But it was always
21 recommended that they get a technician that's qualified. In other
22 words, certified in that engine to come down and check it. It
23 used to be there were a lot of engine surveyors.

24 But nowadays with the cost of computers and equipment and all
25 the different manufacturers, with all the electronics and digital

1 equipment on the engines, it's impossible for a surveyor to stay
2 up to date on every single engine manufacturer, make, model, and
3 all the computer and required special tools that are involved in
4 doing that. So you pretty much have to go to a specialist.

5 Q. Do you recall in looking at the paperwork that was provided
6 eventually -- and I'm not making an issue of eventually -- but
7 after the fire, you received the paperwork from the Bay Diesel
8 repair work on that engine. Do you recall if there was an entry
9 on that paperwork that said that the engine was functioning as
10 designed or some similar notation.

11 A. There's something like that in reports. Repairs took a
12 number -- occurred over a number of different days. I'd have to
13 read through them and see. I believe you guys have that though.
14 And see what -- which day it was that they determined that the
15 engine was functioning properly. But it's in there.

16 MR. FAWCETT: Any -- thank you very much, Mr. Milner. Any
17 follow-ups from anyone on the line?

18 BY MR. KARR:

19 Q. This is Mike Karr with the NTSB. Mr. Milner, when you were
20 on the vessel June 2nd, did you notice how many hours were on the
21 port engine after it had been repaired?

22 A. Yeah. I had the captain energize -- not start the engine but
23 energize the electronics. And I captured a photo of the OWL meter
24 (ph.) that was near the engine there. If you want to know the
25 amount of hours, I'd have to get on my computer to find it but --

1 Q. But is there --

2 A. I believe you have a photo of that, as well. And it's in my
3 report.

4 Q. Well, is there a way to know how many hours were on the
5 engine after the repair had been -- how many hours the engine had
6 run after the repairs had been made?

7 A. Well, yeah. The engines, I believe, are logged in the
8 reports from Bay Power Solutions.

9 Q. One more question. When -- the -- was -- the water pump that
10 was replaced, was it replaced with the same model, the same design
11 that had the similar compartment?

12 A. I'm going to say yes. I could not look at the water pump
13 that was installed on the engine. They have what's known as a
14 protective guard over the belts and the pulleys to protect
15 personnel from getting entangled in it. And that was installed
16 over the front of the engine. I could just see the side of the
17 water pump. I couldn't see the part of the water pump that had
18 perforated on the old one.

19 MR. KARR: Thank you, sir.

20 MR. FAWCETT: Any additional follow-ups? Hearing none, the
21 time is 9:18 Eastern Standard Time. We thank you very much, Mr.
22 Milner. And we are securing the recording and this concluded the
23 interview.

24 MR. VENTKER: Before --

25 MR. FAWCETT: Mr. Ventker, go ahead, sir.

1 MR. VENTKER: Just before we hang up, I want to talk
2 logistics for this afternoon a little bit.

3 MR. FAWCETT: That's fine. So if everybody could sign off
4 except Mr. Ventker unless, Mr. Ventker, you want everybody else to
5 say?

6 MR. VENTKER: Just for a second. Yes.

7 MR. FAWCETT: Thank you, Mr. Milner. You can sign off.
8 Thank you, sir.

9 MR. MILNER: All right.

10 MR. FAWCETT: I'm going to secure the recording, Mr. Ventker.
11 Stand by just one second.

12 (Whereupon, at 9:19 a.m., the interview was concluded.)
13
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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Rick Milner

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 10, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

* * * * *

Interview of: RYAN NADEAU, Captain, *Spirit of Norfolk*/
Director of Marine Operations
City Cruises

Norfolk, VA

Friday,
August 12, 2022

APPEARANCES:

CDR RANDY WADDINGTON, Investigator
United States Coast Guard

KEITH FAWCETT, Investigator
United States Coast Guard

LCDR NICOLE EMMONS, Investigator
United States Coast Guard

CDR ERIC ROY, Investigator
United States Coast Guard

MICHAEL KARR, Investigator
National Transportation Safety Board

DAVID FLAHERTY, Investigator
National Transportation Safety Board

BRIAN VAUGHN, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

MR. GLEASON, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

ERIC DENLEY, Counsel
Hornblower Group/City Cruises

WILLIAM BENNETT, Esq.
Blank Rome

CHRIS ABEL, Esq.
Wilcox Savage

MARTIN McLEOD, Esq.
Phelps Dunbar

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I N T E R V I E W

(10:02 a.m.)

1 LCDR EMMONS: -- NTSB and we also have the ATF with an MRU
2
3 (ph.) conducting the investigation, as well, and they are also on
4 the call along with parties-in-interest here, and we'll go around
5 the room and introduce ourselves. But we'll be -- the Coast Guard
6 is the lead agency and will be conducting the interview according
7 to Coast Guard rules and regulations.
8

9 The date is August 12th, 2022, the time is 10:02. We are in
10 an interview with Captain Ryan Nadeau and the location is the
11 Norfolk Federal Building in Norfolk, Virginia, and again, we're
12 conducting the interview to examine the events surrounding the
13 fire on board the *Spirit of Norfolk* and subsequent loss of an
14 inspected vessel on June 7, 2022.

15 And if you could -- we'll start with you, Captain. If you
16 could just state your name, state your affiliation, and then spell
17 your last name for the record and we'll kind of go around the
18 room.

19 CAPT NADEAU: Yeah, absolutely. My name is Ryan Nadeau,
20 that's N-a-d-e-a-u, I'm a captain and marine director with City
21 Cruises in Norfolk.

22 LCDR EMMONS: And we'll start with --

23 MR. McLEOD: Yeah, my name is Martin McLeod and I'm the
24 attorney for the captain.

25 MR. FAWCETT: Keith Fawcett, United States Coast Guard,

1 F-a-w-c-e-t-t. I am a member of the 5th District investigation
2 team for this accident.

3 LCDR EMMONS: Lieutenant Commander Nicole Emmons,
4 E-m-m-o-n-s, and I'm with the 5th District formal investigation
5 team, as well.

6 MR. DENLEY: Eric Denley, D-e-n-l-e-y. Hornblower Group/City
7 Cruises.

8 LCDR EMMONS: Can we go to Coast Guard members on the phone?

9 CDR WADDINGTON: Sure. Commander Randy Waddington,
10 Waddington spelled W-a-d-d-i-n-g-t-o-n. I am the District 5
11 formal team lead, thanks.

12 CDR ROY: Commander Eric Roy, R-o-y. I'm a member of the
13 Coast Guard District 5 formal investigation team.

14 LCDR EMMONS: Okay. And we'll go next to the NTSB.

15 MR. KARR: I'm Michael Karr, K-a-r-r, NTSB.

16 MR. FLAHERTY: David Flaherty, F-l-a-h-e-r-t-y, with the
17 NTSB.

18 LCDR EMMONS: And members of the ATF on the line.

19 MR. VAUGHN: Brian Vaughn, special agent and certified fire
20 investigator for the ATF based out of Washington, D.C.

21 LCDR EMMONS: Could you spell your last name,
22 Mr. Vaughn?

23 MR. VAUGHN: It's V-a-u-g-h-n.

24 MR. GLEASON: And Special Agent Gleason, spelled G-l-e-a-s-o-
25 n, Norfolk AOR.

1 LCDR EMMONS: And we'll go to parties-in-interest for
2 Hornblower.

3 MR. BENNETT: Yes, good morning, everyone. William Bennett
4 from the firm of Blank Rome on behalf of Hornblower.

5 LCDR EMMONS: And parties of interest for Bay Power
6 Solutions.

7 MR. ABEL: Good morning, this is Chris Abel with the Wilcox
8 Savage firm representing Bay Power Solutions, generally known as
9 Bay Diesel. A-b-e-l.

10 LCDR EMMONS: And is there any other member on the phone that
11 I missed?

12 (No response.)

13 LCDR EMMONS: Okay. Also for some ground rules, Captain,
14 this is being recorded, so a transcript will be produced from the
15 NTSB and you will have -- through your counsel will have access to
16 that, so if there's anything that changes or you think of
17 something later or anything you want to make to the record, just
18 go through your counsel and --

19 CAPT NADEAU: Absolutely.

20 LCDR EMMONS: -- you can work that out.

21 CAPT NADEAU: Okay.

22 LCDR EMMONS: We're also going to be producing a report of
23 investigation for this investigation and you have the right to
24 appeal anything. If you look at it and say hey, wait, I have
25 further information or this isn't quite right, again, just go

1 through Mr. McLeod to bring that up and again, if you would like
2 any information on why we're doing this, how we do this, how the
3 Coast Guard conducts this investigation, we have the Marine Safety
4 Manual, it's in Volume V, it kind of explains the whole formal
5 investigation process. Do you have any questions?

6 CAPT NADEAU: No.

7 LCDR EMMONS: Okay.

8 INTERVIEW OF RYAN NADEAU

9 BY MR. FAWCETT:

10 Q. So good morning again, Captain. You're probably wondering
11 why you're sitting here. You've done a couple of interviews,
12 right?

13 A. Yeah, another two.

14 Q. Yeah. So we didn't know, at the time, the relationship that
15 you -- for the role you filled of director of marine operations
16 and all of that kind of -- that kind of stuff. So we'll talk
17 about the fire and have questions on -- based on information we've
18 learned since your initial interviews, but all of my questions
19 will deal with the time period before the fire, unless I
20 specifically say otherwise.

21 So if you have something to add and you say well, that was
22 after the fire, that's fine, but first we're going to talk about
23 the role that you fulfill as director of marine operations and
24 we're going to talk about that, like your history with Hornblower
25 and so forth, so we'll start there and then later on we'll go to

1 the fire and subsequent events.

2 A. Okay.

3 Q. So tell me about your role as director of marine operations.

4 A. So my role encompasses our vessels in Norfolk, ensuring they
5 are operating safely, our crew is displaying the same customer
6 service that we expect from them, particularly when it comes to
7 how we are involved in also kind of the restaurant industry as
8 well as being a vessel, and the overall, dry docks, regular
9 maintenance, you know, overseeing all of that with our vessels.

10 Q. So how long have you fulfilled that role here in Norfolk?

11 A. Since June of 2016.

12 Q. How do you know how to do that? And by that, I mean, you
13 could've replaced somebody and there could've been you shadowed
14 them and that person told you what he did, but what -- how do you
15 know how to do your job in terms of the director of marine
16 operations position?

17 A. So prior to taking this role in 2016, I had started as a
18 captain on the *Spirit of Norfolk* in 2011, so I had already been a
19 captain four or five years. I worked in that period of time
20 between 2011 and 2016 for the Norfolk Tug Company, as well as the
21 *Spirit of Philly* and the *Freedom Elite*, which was up there at the
22 time, as well, which is now down in Norfolk. Through that
23 experience, I had worked with different organizations as well as
24 various sides, whether it be the commercial or the passenger
25 vessel industry, and I had very good guidance through Hornblower

1 or Entertainment Cruises, as it were, as to what to do when it
2 comes to fulfilling a role as a marine director. When my
3 predecessor departed in 2016, this is before I even had taken the
4 role, as a marine director, he had already begun kind of showing
5 me a few of the odds and ends but, I mean, I had been learning all
6 of these facets of the operation, you know, since I started in 26
7 -- or 2006 as a deckhand on our boats.

8 Q. So you mentioned guidance from Hornblower, what do you mean
9 by guidance?

10 A. So throughout the years we have various marine university
11 trainings where we will -- they have all of the captains meet in a
12 particular city and they'll teach us -- or kind of go through some
13 of the general procedures that we go through in an incident or
14 post-accident or we would -- what to do, best practices for
15 regular cruising operation, it's kind of an opportunity for a lot
16 of the captains from different operations to get together and pick
17 up best practices throughout those years and working with my
18 predecessor Tracy Wise or David Lanier (ph.), both of them were
19 instrumental in training me on how to do this.

20 Q. So this -- did you call it a marine university?

21 A. Yeah, yeah.

22 Q. So when was the last one that you attended?

23 A. I'm not sure. I believe right before COVID.

24 Q. So a couple of years ago?

25 A. Yeah. Yes, sir.

1 Q. So how did you get -- how do you get notified that you were
2 going to attend? Could you talk more about, as you recall that
3 university, I mean, did an e-mail arrive or did a phone call
4 arrive and someone said hey, Captain, you're going to go to this
5 and where was it? Talk in depth.

6 A. So pretty far in advance, you know, trying to get that many
7 captains together is a heavy lift, especially whether it's the
8 winter when we have a lot of dry docks or in the spring, you know,
9 some cities are starting to pick up cruises, so it has to start
10 pretty far in advance for scheduling something like that.

11 We typically, you know, if we're aiming for a March date,
12 that the VP of marine operations or some of the national marine
13 team would be the ones coordinating that effort and they would be
14 the ones leading a class like that, so they would be trying to
15 coordinate with all of the local marine directors to coordinate
16 with their captains, as well, and say hey, you know, can you guys
17 do this day on March or this day on this weekend or, you know, we
18 can all meet in D.C. or Baltimore or New York or whatever it ends
19 up being and sometimes it would get divvied up into several
20 different versions but I think that was a huge piece of learning,
21 how to be a marine director, in my opinion.

22 Q. So do you recall where the last pre-COVID session was held?

23 A. Washington, D.C.

24 Q. And did the company say to you, Captain Nadeau, do you have
25 any things you want to put on the agenda to talk about, did they

1 solicit, you know, what you want to talk about?

2 A. So yeah, I mean, there's plenty of opportunities for open
3 discussion and, of course, there would be -- it's a room bigger
4 than this full of captains from all over, so we talk about various
5 things, you know, it could be, you know, what's the best place to
6 get handheld radios or something as simple as that or, you know,
7 what are we -- what are we looking at for trying to get ticket
8 scanners or it could be, you know, in response to an incident like
9 what we had in Norfolk, what are the first steps and reaching out
10 to address your non-tank vessel response plan.

11 You know, we would go through all of these different plans or
12 the emergency response plan and kind of line by line say all
13 right, in the event of you're taking on fuel and you discharged
14 diesel into the river, what's the next step and/or at least where
15 could you find the next step or if you needed to find it and you
16 weren't sure. So drilling that into us and helping us know, at
17 least, even if you don't know the answer, where to find the answer
18 and what resources we have to get them was pretty important for
19 all of our captains.

20 Q. And I know the date, you know, the year and the date was --
21 you don't have that with precision but it was sometime before
22 COVID. Do you remember if the tragedy aboard the small passenger
23 vessel *Conception* was discussed at that meeting?

24 A. No.

25 Q. As a captain with the organization, did the company ever

1 discuss the tragedy on the *Conception*, the fire and loss of life?

2 A. This is the dive boat --

3 Q. Yeah.

4 A. -- that you're referring to? Yes.

5 Q. How did that go?

6 A. So we have routine marine calls once a month with all of the
7 marine directors on the line and probably the VP of marine
8 operations, if they're available, or some members of the national
9 marine team, and when we have these calls we'll discuss things
10 like what's new and prevalent in the media or in the industry for
11 us, as it pertained to us, you know, take the opportunity to go
12 through your vessels, identify things like power strips or short
13 extension cords or phone chargers that are, you know, improperly
14 installed. And sure enough, subsequently, that was, you know, a
15 big point on any of our inspections from that point forward.

16 Q. Do you recall -- so the *Conception* fire happened in early
17 September of 2019 and then, sometime later, about a year later,
18 I'm not sure on the date, either, but the NTSB came out with a
19 report.

20 A. Um-hum.

21 Q. Their report contained recommendations, conclusions, and
22 analysis. Did they discuss the report with the captains and say
23 these are the recommendations from the report and these particular
24 recommendations apply to us?

25 A. I don't recall exactly how that conversation went, it was a

1 few years ago, but I do recall that there was an emphasis on
2 making sure that all of our electrical items were in order.

3 Q. Do you recall a conversation about developing a safety
4 management system?

5 A. Not particularly.

6 Q. And do you know what a safety management system is?

7 A. I know what it is. That is not something that we use on our
8 vessels. We have various pieces of what that system would
9 encompass that we encompass ourselves, but not that in its
10 entirety. We just have all of the facets of it without actually
11 calling it a safety management system.

12 Q. So before the fire, where would I find written procedures for
13 firefighting on board the *Spirit of Norfolk*?

14 A. On our station bill.

15 Q. How about more elaborate? Now, there's a station bill, as I
16 understand it, and we'll say the names of the crew positions --

17 A. Um-hum.

18 Q. -- and then these are their duties in a fire, these are the
19 duties in an evacuation, but when I'm talking about written
20 procedures, I'm talking about how to use a fire extinguisher, how
21 to use a fire hose, not just that you'll man the fire hose but
22 that, you know, this is how you use a fire hose. I'll give an
23 example. The Passenger Vessel Association publishes a
24 firefighting manual. Is that document incorporated into your
25 written procedures?

1 A. I don't believe so, I'm not sure. I know that when it comes
2 to the proper use of extinguishers or fire hoses we implore the
3 crew to do that with our training. So if we have extinguishers
4 that we're using and getting rid of because VSC determines this
5 extinguisher is bad, you can do whatever with it that you want,
6 we'll use that as a training opportunity to teach the crew how to
7 use fire extinguishers.

8 When we're testing the fire hose and the fire pump system,
9 that's also a good opportunity for us to get the crew out there
10 and run the fire hoses. So I believe in a more hands-on approach
11 when it comes to training and just showing the guys how to use
12 those type of things. If that answers your question.

13 Q. So as the director of marine operations, how do you ensure
14 consistency of operations? You have a number of captains, relief
15 captains, that operate the vessel, how do you ensure that every
16 one of those is doing precisely the same thing? Across the
17 operation of the *Spirit of Norfolk*.

18 A. So I personally run a lot of cruises, so I am also
19 encompassing those drills in my cruises. If there was a
20 discrepancy where somebody were to tell me actually, Captain Bob
21 does it this way, I'm typically going to be the one encompassing
22 those trainings with Captain Bob, as well, so I don't see that to
23 be something that came up, ever, but if it is, it would be
24 something that we could rectify pretty easily.

25 Q. If there's a fire, who in the crew starts the fire pump?

1 A. On the *Spirit of Norfolk*, ideally it would be the captain.

2 Q. And how do you do that?

3 A. From the wheelhouse.

4 Q. Do the crew members know how to start the fire pump in case
5 you're incapacitated?

6 A. Yeah, there is a way to start the pump downstairs at the pump
7 itself in the engine room, and our mates are also familiar with
8 the controls behind the helm and how to start the fire pump, if
9 need be.

10 Q. But there's no written procedure that says who should be
11 capable, trained, and qualified to start the fire pump?

12 A. I believe it's just the captain, typically, yeah.

13 Q. So we were confused in the beginning, at least I was
14 confused, not because anybody confused me but I thought that the
15 role of the general manager was basically involving sales, public
16 relations and so forth, but where do you fit in with the general
17 manager at Norfolk? In terms of your relationship, do you work
18 for her?

19 A. Yes.

20 Q. Okay. And how do you work for her? In other words, like
21 what kind of decisions does she make that you don't make?

22 A. Right, I understand the question. So she is more involved,
23 as well, in the restaurant side of things and the sales side of
24 things and the HR side of things, where she can be a sounding
25 board for me if I have an HR question or a concern about hey, we

1 might have to start pushing back cruises because our dry dock is
2 taking a little bit longer, she's the one who I go to with that
3 information and then she can filter that information to the people
4 that need to know, to contact the groups or to let the restaurant
5 folks know hey, we need to push this back because we're running
6 into an issue.

7 Q. So do you do the hiring for a marine crew?

8 A. I'm involved in the hiring for a marine crew as far as I give
9 my last -- I don't do it exclusively. Recently, this year, we
10 have a new process where we have our human resources department is
11 more involved in the hiring aspect. I think part of that was an
12 initiative to try and take some of the load off of the local
13 directors and they have been bringing in -- and they'll bring a
14 candidate to me and say hey, I did an interview with this
15 individual, what do you think, looking at the resume, he seemed
16 very enthusiastic, customer service oriented or so on and so
17 forth.

18 And then more often than not I will do a follow-up interview
19 with them. Unless they come highly recommended from somebody that
20 I know personally, I'll do a follow-up interview with them and
21 then bring them on board for, you know, pre-employment drug test,
22 background checks and things like that. So yes, I am involved, I
23 am the last remaining ball there, but I don't -- I'm not
24 exclusively part of the hiring process.

25 Q. So Captain Brown, who was aboard on the day of the fire, how

1 did he come to -- like, walk me through how his -- he was
2 identified as a candidate and then how he ultimately ended up
3 being on board that day, from your perspective as director of
4 marine operations.

5 A. So C.J., who is Captain Brown, I spoke with him in 2019.
6 There was a point in time where we were getting relatively busy
7 with cruises. I had him on board one evening, we rode a dinner
8 cruise together and, you know, he rode in the wheelhouse, kind of
9 watched the whole operation, to try and give him an idea of what
10 we do and see if this is something that he would be interested in.
11 He was nearing retirement from the Coast Guard at that point, so
12 he wasn't entirely ready to commit to working for me quite yet,
13 but it was something that down the road it would be an opportunity
14 for him.

15 So then COVID happened and C.J., he retired, he went and --
16 he went and worked for another operation down in Florida for a
17 little while, he came back locally, and when I heard that he was
18 local and he was back around and he was looking for something
19 part-time, I reached back out to him and looked to see if he was
20 interested in working with us.

21 Q. And then what happened?

22 A. So he was interested, so I began the process of getting him
23 hired in our payroll system and set up to where I could begin
24 training with him. And so in order to get him on the schedule, I
25 usually have the guys come in as -- as their first day with me,

1 we'll sit down and we'll go through some of the scheduling facets
2 and give them a uniform and whatnot and then before we start
3 training -- because a lot of times I have to work around someone's
4 schedule when I bring them on for the first time, they're not
5 technically -- they're not usually just ready to go right off the
6 bat. I have a lot of guys that have other full-time commitments
7 and C.J. also had another commitment with another job that he was
8 working at the time, and I think he still does, with Freedom Boat
9 Club.

10 So I brought C.J. down that Tuesday morning to meet me at 10
11 o'clock and when he came down, I asked him, you know, hey, you
12 know, now that I've got you on the schedule and you've got your
13 uniform and such, would you like to ride this cruise, you know, I
14 mean, it was a nice day weather-wise, it was a good opportunity
15 for him to dock and undock the boat, to get a first crack at it,
16 and I could, you know, wrap my head around what I was working with
17 as far as training is concerned, moving forward.

18 Q. So Ms. Nunez was a witness and a member of the crew on the
19 accident day. She had been employed by the company since
20 approximately April this year and were you her supervisor?

21 A. Yes.

22 Q. What would her training have encompassed?

23 A. It would've encompassed initially, when she comes in, to go
24 through all of the general items for -- typically, when a deckhand
25 starts with us, they'll have three days where they're kind of an

1 extra body, where they're not actually part of our COI for crew
2 required manning, they're just kind of an extra person shadowing a
3 deckhand to see what it's like to tie lines, you know, what the
4 process is for cleaning restrooms, what to do in various
5 emergencies, walking through different drills and then doing
6 drills on a regular basis, just like anyone else would.

7 Typically, we push to have our guys do drills on Sundays,
8 they're usually a slower demand day, so a lot of our drills will
9 happen on Sundays on a routine basis.

10 Q. So what written documentation other than purely human
11 resources, like application, drug testing, if she's required to be
12 drug tested, what documentation would she see about vessel
13 operations to help her understand the job? Other than the station
14 bill.

15 A. We also have a day one training before she starts on board.
16 It is a training slide show that one of our admin managers or
17 directors will go through and that's -- that goes across the
18 board, whether it's a deckhand or a restaurant member, they'll go
19 through all that.

20 Q. If I were sitting down and I was a new employee, what would I
21 see in that presentation?

22 A. So I'm not entirely sure, off the top of my head, but they go
23 through various, you know, safety items like, you know, being
24 aware of, you know, trip hazards, regular occupational hazards on
25 the water, you know, using handrails, things like that, as well as

1 a brief touch on security items, you know, to try and get
2 everybody familiar with our security procedures.

3 Q. Where would she learn how to assist with passenger
4 evacuation?

5 A. In our drills.

6 Q. How do you -- you know, you had over a hundred people aboard
7 that day.

8 A. Yes, sir.

9 Q. How are your drills different if your vessel were -- you
10 know, the scenario was you had maximum capacity passengers aboard?

11 A. Typically, we cruise with about less than 400 passengers,
12 that's about our maximum capacity, so whether it be confined to
13 the stair tower, which is -- includes a fire boundary, as well as
14 the third deck, we could easily accommodate all of our passengers
15 between the stair tower and the third deck.

16 Q. And the stair tower is?

17 A. The stairwell going through the middle of the boat.

18 Q. And I'm not looking for precision here, just approximately,
19 when was the last time you carried approximately 400 people?

20 A. I'm not sure.

21 Q. Speaking of, you know, people on board and so forth, when was
22 the last time -- have you ever had a company drill that it was
23 self-initiated? In other words, no -- the Coast Guard didn't ask
24 you to do it or anything else, have you had a drill where you've
25 done a mass evacuation of the vessel, that somebody in the company

1 said hey, let's do this, let's have a drill?

2 A. No, the only one I can think of is one we did a few years ago
3 with Bill Burket where we went out to PMT and did a -- while under
4 way, sitting stationary on the water, disembarked, I want to say
5 it was around a hundred passengers, maybe a hundred and 50, I
6 think he was having a hard time getting volunteers just to be
7 bodies to come and evacuate the boat that day, but that was with
8 all various different firefighting agencies, so it was a lot of
9 smaller boats that we were disembarking passengers onto the -- off
10 the stern onto.

11 Q. And you mentioned PMT.

12 A. Portsmouth Marine Terminals, it's actually -- it's closed
13 now. I'm sorry, it's right across from Lambert's Point by western
14 branch, it was up river.

15 Q. Talk to me about the other captains of the vessel. How many
16 other captains do you have that support *Spirit of Norfolk*
17 operations?

18 A. Right now there are five other captains.

19 Q. You mentioned that, you know, you're aboard sometimes when
20 they do drills and so forth and evaluate. Does anybody from
21 corporate, and by corporate I mean the company, is there an
22 individual that comes down and assesses the quality of your drills
23 from the company?

24 A. We talk about drills pretty regularly. We do have safety
25 calls once a month. It is our safety council and it's an

1 opportunity for one member from every city to -- who represents
2 their city, to talk about are there any incidents that happened
3 recently or best practices moving forward, based on, you know,
4 what's going on, but they -- we do discuss those, that is through
5 our national team that we have those safety drills.

6 But as far as, you know, somebody that actually physically
7 goes through, we do have an e-drill log implemented now, which is
8 a simple system that allows for a third party to see what we're
9 doing. But prior to that, all of our logs were logged locally on
10 the vessel so there wasn't a very good opportunity for anybody to
11 actually see what we were doing, you know, as far as how we logged
12 them.

13 Q. And by now you mean post-fire?

14 A. Yes, sir.

15 Q. So the safety council, how were you made aware of safety
16 council meetings that were coming up?

17 A. I get invites through my e-mail, I'm obviously the member for
18 the Norfolk team. So in my e-mail I get the monthly invite to the
19 call and it's usually Wednesday afternoon at 3:30 somewhere in the
20 month.

21 Q. And who leads the safety council?

22 A. Usually, John Lake is running those meetings. He is a part
23 of the national marine team.

24 Q. So preceding that meeting, do they give like a solicitation
25 from all of you captains and everybody and say hey, do you have

1 any agenda items?

2 A. Yes, sir. You know, just like I -- in any of our calls
3 there's always an opportunity for kind of an open feedback for,
4 you know, hey, is there anything that you guys think that you can
5 contribute and someone might say hey, I found this really cool
6 hatch barrier on Granger that I think is pretty cheap and makes it
7 much easier for our guys to protect any open hatches on board or,
8 you know, a new nonskid or something like that, different paints
9 or something that we could use to make our boats safer.

10 Q. So what I was getting at, though, is do they solicit from
11 you, before the meeting, do you have any agenda, do they publish
12 an agenda, this is how the meeting's going to work and this is
13 what we're going to talk about, or is it a phone call where they
14 get everybody on the phone and go around the room?

15 A. Yes, yes.

16 Q. And you get that before the meeting?

17 A. Yes, sir.

18 Q. Anybody else from corporate on that safety council?

19 A. I'm not sure. I know that from time to time some other folks
20 from corporate will chime in on those calls.

21 Q. Prior to the fire do you recall when the last one happened,
22 you don't have to be precise, but was it a month before, a week
23 before?

24 A. No, I don't recall.

25 Q. Do you remember any of the topics?

1 A. Not in particular, no. No.

2 Q. I'm going to touch on the warranty survey. Mr. Fahlbusch
3 came aboard on --

4 A. Monday.

5 Q. -- just before the fire. And could you talk about the
6 warranty surveyor? I'm not going to go into depth, but I do have
7 a couple questions. Just talk about that process from your
8 vantage point as the director of marine and the captain of the
9 vessel.

10 A. Yeah. So about maybe a month before time -- this is Castle
11 Rock that you're referring to?

12 Q. Correct, yeah.

13 A. About a month before, Jolene and I got an e-mail -- Jolene,
14 the general manager, got an e-mail from Scott Smith that as part
15 of our annual survey through our insurance company, they wanted to
16 cherry pick a few boats and do a survey on them, see what the
17 status is. And typically, I've done one or two of those in the
18 past, they'll have the surveyor go through, they'll assess the
19 condition of the vessel, any circumstances that have changed since
20 the last time the vessel has been surveyed.

21 And I think that their focus is more on what the condition is
22 underneath, you know, our bilges and our steel and things like
23 that, they want to make sure that, I think, that the boat is being
24 taken care of as it should. Or at least the surveyor is going to
25 put down on paper what it looks like.

1 So Jolene and I -- you know, when Scott said that, he had
2 pointed out *Spirit of Norfolk* and I remember the *Cherry Blossom*
3 was another one up in Alexandria and maybe one more boat, and I --
4 sorry, that's kind of weird -- but, you know, he can come down
5 whenever, you know, if he wants to come and take a look at our
6 boat, my door is ready for him.

7 Q. And so, you know, 7 o'clock in the morning-ish, Mr. Fahlbusch
8 arrives, walk me through the process.

9 A. I don't recall that day particularly well, I know that I was
10 not able to walk him through the vessel. I don't remember what I
11 was doing on that particular day, but I remember that I felt bad
12 that I couldn't give him more of my attention than what I thought
13 that, you know, a gentleman like that deserved, but I did
14 coordinate with him and my crew and say all right, you know, if
15 you need anything you've got my number, give me a call, and he was
16 -- you know, he's familiar with the boat and he's been through it
17 before, but he was able to go through the entire vessel.

18 Q. We know that he had done a survey in 2019, do you recall if
19 you had seen him aboard the vessel prior to that?

20 A. No, I believe the last time before 2019, it was a -- there
21 was a different surveyor that I saw that was there.

22 Q. So on the day of -- on Monday Mr. Fahlbusch arrives at -- you
23 have an office ashore?

24 A. No, he -- I believe he just came straight to the boat.

25 Q. And what was your interaction on board?

1 A. I discussed with him a few of the changes that we've made on
2 board, you know, his -- since the last time he was there we've
3 done a lot of changes as far as, you know, the main engines, the
4 newer windows, HVAC. I know he's a surveyor, so I know that
5 anything that we've done work on he would want to know about.

6 Q. The port main engine?

7 A. I don't remember if I talked to him about that, to be honest
8 with you.

9 Q. And when he -- you finished this initial conversation and you
10 said, you know, here's my phone, we know from the interview that
11 Tyler, one of your crew persons, was assigned by you or assigned
12 by somebody to accompany him through the vessel and assist him --

13 A. Um-hum.

14 Q. -- opening doors and hatches and so forth. Did you ever go
15 to the engine room with Mr. Fahlbusch?

16 A. I don't recall.

17 Q. So I want to shift over to maintenance because we now -- you
18 know, we now realize that you're also responsible for the
19 maintenance of the vessel. You know, all captains in some way are
20 responsible for the maintenance, but from a company perspective,
21 you're the guy that interacts and makes decisions involving
22 maintenance, in general, and then you also ask the company for
23 help, you know, in making these decisions, it's not in a vacuum,
24 but how do you supervise maintenance on the vessel?

25 A. So we have our first mate, Bob Enloe, he has been with the

1 *Spirit of Norfolk* 15 years, about a year after I started, and he
2 has taken a role as -- I know, being our chief mate is what we
3 call him and he is very good at meticulously making sure that all
4 of our engines on board are getting the routine maintenance that
5 they need, as well as making sure our engine room is tidy and
6 clean and in order, and he has a long list of items that he goes
7 through on a regular basis on board our vessel.

8 And then when I have the opportunity, you know, I'll go
9 through his lists and kind of make sure that everything is the way
10 it should be and make sure that, you know, in comparison to our
11 preventative maintenance items, that there isn't anything
12 outstanding.

13 Q. Does he have some kind of formal designation for that
14 position? So his position is deckhand, is that correct?

15 A. Yes, sir.

16 Q. Does he have a license or credential?

17 A. I believe he does or I know that he did at one point, when he
18 first started with us. I don't know if that has lapsed since,
19 but --

20 Q. So you mentioned chief mate, so chief mate is -- he's a deck
21 officer.

22 A. Yeah, it's kind of a title that we have designated him to
23 kind of -- he's a very important part of our operation and we gave
24 him that title to distinguish him from the other senior deckhands,
25 if you will, that we have on board.

1 Q. So where does he get his engineering expertise?

2 A. I mean, as far as engineering-wise, the most that I would
3 expect from Bob is engine oil changes. So similar to an engineer
4 on a tugboat that we have putting down the river, they're in
5 charge of checking oil, making sure fluids are correct and that
6 our oil changes are being done on the intervals they need to, as
7 well as various other items, you know, like checking on switching
8 sewage pumps or greasing fittings and things like that.

9 Q. So if there are any crew-initiated repairs, I'm talking about
10 engineering repairs, would this gentleman carry them out or would
11 you carry them out?

12 A. It just depends on the scope of what it is. You know, if
13 we're talking about anything, pretty much anything more than an
14 oil change, I'm calling Bay Diesel. On the engines, that is.
15 When it comes to some plumbing issues, we might try to tackle
16 those ourselves, depending on the extent of it, if it's just, you
17 know, swapping out a coupling or something.

18 If it's more than what I think we are capable of handling or
19 more than what I think we have time to tackle when it comes to
20 other maintenance items or you're calling, you know, various
21 vendors whether it be an electrician or our welder or Bay Diesel
22 to come and repair it.

23 Q. So who do you call in the company? You mentioned Bay Diesel.
24 Do you automatically have the authority to engage Bay Diesel to do
25 work on behalf of the company, in other words --

1 A. Yes.

2 Q. You do. So the main diesel engine, you could pick up the
3 phone, call Bay Diesel, say come over to the boat, rebuild the
4 engine?

5 A. Yes. I mean, if the engine needed to be rebuilt, yes, you
6 know, that's a no-brainer for us. You know, if I out of the blue
7 said hey, Adam, can you come and change our generator for a
8 Cummins, you know, there might be a phone call that Adam makes to
9 Tim, the regional marine director, he says hey, Tim, why is Ryan
10 asking me --

11 Q. Wait, let me just ask you a question. You mentioned Adam,
12 who's Adam?

13 A. Adam Culpepper is a service manager for Bay Diesel, he's kind
14 of my contact. Whenever I have an issue, he's the individual I
15 call.

16 Q. So you mentioned about this chief mate position and, you
17 know, he's a actually a deckhand and a thought came to my mind,
18 are you a salaried employee?

19 A. Yes, sir.

20 Q. Do you receive incentive pay from the company, like a bonus?

21 A. Yes, sir.

22 Q. Why do you get a bonus? Give me a reason that -- you know,
23 why you would get a bonus from the company.

24 A. These days they're few and far between, but at the end of the
25 year, based on our safety record is one of them, also our quality

1 scores from passengers and our bottom line. So in total, if all
2 of those things, the safety record, I believe it's -- there's a
3 certain metric for it, I don't recall off the top of my head, if
4 you meet this threshold, then that's 25 percent. Another 25
5 percent is your quality scores in the city, meaning like when a
6 passenger goes home and they report, like, I give a 10 out of 10
7 or as well as the dollar, so the bottom line. I think that's
8 probably 50 percent of it there.

9 Q. You mentioned the safety metrics.

10 A. Um-hum.

11 Q. Let's talk a little bit about that for a moment.

12 A. Yeah.

13 Q. How is safety tracked in the company, the safety of
14 operations? In other words, we were told yesterday there is
15 IndustrySafe marine metrics system --

16 A. Um-hum.

17 Q. -- that tracks, can you talk about that?

18 A. Yeah, so when I have an incident that happens on board,
19 whether it be a passenger getting a stomachache and they need
20 assistance from one of us or somebody falls down and scrapes their
21 knee, my crew will take down an incident report. In that incident
22 report we fill out as much personal information as we can get from
23 that individual, as well as a brief and yet descriptive
24 description of what happened. So then that incident report, as
25 soon as I can, gets typed up and input into IndustrySafe, the

1 website, and then it will prompt you to either do an investigation
2 or a follow-up and as soon as that incident is input into the
3 system, then that is then relayed to the folks in charge that
4 would say hey, you know, I've noticed that there's been a lot of
5 slip, trips, and falls in the first X stairs on the *Spirit of*
6 *Norfolk*, do we need to look at the stair treads there or, you
7 know, is the galley using the formats like they're supposed to or
8 why aren't people using knife guards when they're cutting up fish,
9 you know, things like that will come up in response to if there's
10 a pattern of incidents that come up.

11 Q. Is there a shoreside office?

12 A. For the *Spirit of Norfolk*?

13 Q. Yes.

14 A. Yes.

15 Q. And is that where you would go and type that information into
16 the system?

17 A. Yeah, typically. I could always input it in the wheelhouse
18 computer on the boat if -- if need be, as well.

19 Q. So that has the similar connectivity?

20 A. Yes, sir.

21 Q. So the May 13th coolant leak and the associated discharge of
22 the fire extinguisher --

23 A. Um-hum.

24 Q. -- was that input into the IndustrySafe system?

25 A. Yes.

1 Q. And did it prompt an investigation?

2 A. Yes.

3 Q. And what was that investigation?

4 A. So what the investigation will entail is on IndustrySafe
5 itself, it will ask follow-up questions regarding, you know, more
6 detailed information, you know, about who was involved, what
7 witnesses were there, and then it's between me and our vendor to
8 decide what was the actual culprit, you know, what caused this
9 incident to happen in that particular instance.

10 Q. And talk about that.

11 A. The incident on May --

12 Q. Well, yeah. Talk about, you know, what caused that to
13 happen.

14 A. So that particular incident, the -- I'll just go through the
15 whole thing. I got a phone call that we might have a fire on the
16 port main engine and they were assessing it at that time, that
17 came directly from Captain Eric Chalney (ph.), he was running that
18 cruise. I said okay, I'm on my way. And as I'm getting ready to
19 head out the door he texts me and says, you know, it's okay, we've
20 got it under control, we're heading back to the dock on one
21 engine, on the starboard main, instead of the port.

22 So while I'm on my way in, I called the Coast Guard to alert
23 them that there was an incident and I told them I'm not sure that
24 it was a fire but there was a possibility that there was a fire on
25 board, it has been put out, whatever it was, it has stopped, but

1 they're heading back to the dock right now and I'm working to have
2 the technicians with Bay Diesel meet me at the dock. So I go in
3 that evening. Adam Culpepper, that I mentioned earlier, the
4 service manager, he actually took it upon himself to meet me there
5 that Sunday evening, probably about 9 o'clock, and then we went
6 through and in looking at that determined -- you know, I didn't
7 see any evidence of fire, there was nothing burnt or smoldering or
8 charred, it really just -- you could tell that there was a water
9 pump housing on the front of the engine and a giant hole in the
10 bottom, well, giant, about the size of a quarter, where the engine
11 essentially dumped out all of the antifreeze, basically pumped it
12 all out itself and relatively quickly started overheating. I
13 wasn't sure that it had overheated before they had shut it down.

14 So our approach at that point was to get the engine cleaned
15 up, there was dry chem extinguisher powder all over the engine.
16 The crew had discharged dry chem in a CO₂ extinguisher. And
17 unfortunately, our coolant that we use for that engine was red, so
18 the crew, when they went down there and they saw this red stuff
19 and smoke, which was probably steam, their initial feeling was
20 there's diesel all over the floor, there's smoke here, this is a
21 problem, we've got a fire, but in reality it was just antifreeze
22 that had dumped out of the engine.

23 Q. Okay, I'm going to hold you there because we'll talk more
24 about the ramifications of that overheating. As part of your
25 investigation, had either you or the general manager been trained

1 by the company to conduct an investigation?

2 A. No.

3 Q. So did the investigation that followed this event where two
4 fire extinguishers were discharged into an engine room that had,
5 like as you described, red mist around the deck plates, probably,
6 and steam, did you, as part of your investigation, talk to the
7 crew and get statements from them? Did --

8 A. Not written statements, but I did talk to all of them that
9 responded to it about what they saw, what they did before
10 discharging the extinguishers and how they handled it.

11 Q. Did you transmit the actions of the crew and maybe best
12 practices of an engine room potential fire to all of the marine
13 employees so that they would understand what happened and what
14 they should do if there is an engine room fire?

15 A. Absolutely.

16 Q. And do you think this prepared you for your response and
17 reactions as a marine crew for the fire aboard the *Spirit of*
18 *Norfolk* on June 7th?

19 A. I think that that crew, and on like, I think you said
20 May 13th, I think that crew was more than prepared on that evening
21 to handle that situation, I think they handled it very well. I
22 think that it was more at the forefront of some of our minds
23 moving forward, but to say it prepared us more, no, I'm not sure.

24 Q. So following that event in May, mid-May, did you have a
25 conversation among the captains and say to the restaurant managers

1 hey, if we have a similar event, this is how we're going to handle
2 evacuation or abandonment of the vessel or safety operations
3 following a fire?

4 A. Yes.

5 Q. And when did that occur?

6 A. Throughout the entire month. I know that we had
7 conversations, Captain Jimmy Krisher (ph.) put himself in several
8 safety meetings or not safety meetings but pre-cruise meetings
9 with the restaurant staff and explained to them, you know, what
10 happened and what's possible and what we need to do in the event
11 that something like that ever comes up again.

12 I, for one, talked about engine room fires as a potential
13 drill pretty frequently that month. In fact, three or four of the
14 crew members that were on with me that Tuesday were with me on
15 Sunday on a brunch cruise and we discussed engine room fires and
16 what to do in the event of one.

17 Q. So we had talked about IndustrySafe is a computer-based
18 marine metrics program for safety of operation, so there used to
19 be Wheelhouse and now shifting, it becomes Vessel Vanguard or
20 Vanguard. Talk to me how you, in particular, used that program to
21 maintain the serviceability of the *Spirit of Norfolk*.

22 A. Yeah, so that program is very good for a lot of the smaller
23 items that we do as far as, you know, greasing fittings or
24 checking W84 door hinges and even all the way up to when an engine
25 overhaul is due. So the folks at Wheelhouse or Vessel Vanguard,

1 they input all of the manufacturer requirements for each
2 particular engine or even an electric motor that runs a potable
3 water pump for routine maintenance and then we implement it as
4 it's described.

5 Q. Would you describe it only dealing with preventative
6 maintenance?

7 A. You can use the site to list one-time maintenance items, as
8 well, so like if, you know, a door hinge breaks, you can input
9 that. Typically, my crew is more prone to just fix it than go
10 through the process of inputting a lot of the one-time maintenance
11 items, but you can also do one-time maintenance items after
12 something breaks.

13 Q. Do you recall if you either put in or directed someone to put
14 in any entries related to the engine rebuild that occurred in May?

15 A. No.

16 Q. Have you always gotten the money you needed to maintain the
17 engineering systems on board the *Spirit of Norfolk*? In other
18 words, have you made a request to do something and the company
19 came back and say we're going to defer that for any reason?

20 A. It depends on if it's an item that I want versus something
21 that I need. So like when it comes to the engine room, you know,
22 if it's an engineering thing that's critical to the operation of
23 the vessel, no, I've never gotten pushback on the financial stuff.
24 If, you know, I decided oh, I just want to go and repaint this
25 whole wall for no reason, then maybe I would get a pushback, you

1 know, but if it's something that's critical to the operation of
2 the vessel, no.

3 Q. So speaking of the engine room, where would I find a policy
4 that would dictate how the space is maintained in terms of
5 cleanliness, orderliness, cleaning the engines to make sure there
6 are no drips, keeping combustibles out of the proximity to
7 flammable sources, is there a procedure that all of your captains
8 follow?

9 A. I don't think that there's a written policy for that. I know
10 that we have, you know, plenty of placards that are in the engine
11 room to keep spaces clean, put tools back when you're done with
12 them, things like that, you know, but not an official policy, I
13 don't think.

14 Q. Do you create a work list? Not only you, but is there a work
15 list, whether it's a clipboard where you say these are the things
16 that need to be done on the vessel in terms of the engineering
17 equipment?

18 A. Yes. So on occasion, if we need to print out a list of what
19 is, you know, populated in Vessel Vanguard and then go through
20 those items on a paper list versus going back and forth to the
21 computer to enter each individual item.

22 Q. So do you recall any outstanding items that you had in
23 Vanguard prior to the fire that related in any way to engineering
24 equipment?

25 A. Yeah, I mean, I'm sure that there were a few in Vanguard. We

1 switched recently from the Wheelhouse software to Vessel Vanguard.
2 Bob Enloe and Captain Jimmy Krisher are the two gentlemen that
3 utilize that system the most, so they both lost access in that
4 transition to Vessel Vanguard, where they could get into
5 Wheelhouse, but they couldn't and we had been going back and forth
6 with IT for a little while.

7 But throughout that process, we had been logging all of our
8 maintenance in the ship's log and through referring to previous
9 months, Bob Enloe already has a handwritten list of everything
10 that needs to get done on a regular basis, anyways. So the
11 maintenance, I knew, was getting done, it was just a matter of
12 coordinating with IT and Captain Jimmy Krisher and Bob Enloe to be
13 able to get them access into it.

14 Q. Would either of those gentlemen have those handwritten notes?

15 A. Bob might, but I believe they would've been on the boat.

16 Q. So now the May 13th coolant leak led to an overheat of the
17 engine which led to a rebuild of the engine, cylinder liners, and
18 so forth. Talk in as much detail as you can about your
19 interaction with the technicians from Bay Diesel.

20 A. Okay. So we had initially replaced just a water pump
21 housing, that was evident that that was the culprit, initially.
22 That grew into the water pump housing and a turbocharger and turbo
23 feed lines. So Bay Diesel, at this point it was Wednesday, I
24 believe, the 17th or 18th, and Bay Diesel had tested everything,
25 replaced the water pump, replaced the turbo, replaced both turbo

1 oil feed lines, and then they said the boat's, you know, ready to
2 go. So I reached back out to the Coast Guard for them to come
3 down and take a look. They sent down Mr. -- I believe it's Owen
4 and Ken Edmundson, they came down that evening, prior to the
5 cruise, they looked over everything and said yeah, you know, it
6 looks good. I knew that when we were going to run that cruise
7 that they had just replaced a turbocharger that had failed, that
8 there was probably going to be some residual smoke that evening,
9 but I also was running a cruise that evening on the *Freedom Elite*.

10 So I came back maybe 20 or 30 minutes before the other
11 captain came back on his cruise and there was a significant amount
12 of smoke coming from the engine and it was white smoke, so it
13 smelled like antifreeze, so then I went down to the engine room, I
14 looked at it, the engine seemed to be running fine, but when I
15 opened the oil fill cap, you could see like a chimney of smoke, so
16 I knew that there must have been some kind of blow-by where the
17 air pressure was getting into the crankcase and it wasn't supposed
18 to.

19 So then I let Adam know that night, hey, probably going to
20 need somebody to come back out tomorrow morning. We had a lunch
21 cruise that day, so this is Wednesday night going into Thursday
22 morning. He said okay, I'll have somebody run out. They started
23 tearing into it, it was Steve, I believe, was the technician that
24 morning, and it wasn't too long before he let me know hey, you've
25 got a problem, there's coolant in your oil, so we're going to

1 borescope the cylinders and see if -- see what we see down there.
2 I said okay, I'll come in, ride the cruise, but we called the
3 Coast Guard, let them know what we were doing, that we were still
4 doing work on that same engine, but I was going to get a tug
5 assist for the cruises so that I could run on one main engine
6 instead of both, and the Coast Guard agreed with that. I rode the
7 cruise just to kind of help out with the other captain, you know,
8 running with the tug is kind of not a normal day of operations for
9 us, so just to kind of help out with that and coordinate with the
10 mechanics, I rode that lunch cruise and then by the end of it, the
11 mechanic told me that several of the cylinders, the sleeves needed
12 to be replaced. So at that point, Thursday evening, we were
13 looking at a full overhaul of the engine.

14 So then we started pressing along to get all the parts
15 ordered to be able to overhaul the engine. We continued cruising
16 throughout the weekend with a tug assist and with Bay Diesel also
17 working on the engine at the same time. And then, you know, they
18 buttoned everything up about Thursday late morning and we were
19 ready for sea trials.

20 Q. And then what happened?

21 A. So as soon as they were ready, I reached out to the Coast
22 Guard and I said hey, we're ready for sea trials on this, would
23 you guys like to participate in the sea trials or come out and
24 take a look at it, and I don't think that they wanted to be on
25 board for the sea trials, but they were able to send somebody down

1 to come and take a look at it after the sea trials. So we did our
2 sea trials. Basically, they wanted to make sure that the
3 technicians felt good about everything before they came out and
4 gave it a once-over. And then we ran 18 cruises before June 7th.

5 Q. So did the Coast Guard put a restriction on the vessel in
6 writing requiring you to have the tug assist?

7 A. No.

8 Q. So what was your -- upon completion of the work, the
9 technicians are, you know, finished and they might've had -- did
10 they have conversations with you during the process of working on
11 the engine?

12 A. Yeah, yeah. I mean, I would come down and take a look at
13 things, you know, typically in the morning or in the afternoon
14 when they were wrapping up for the day and just kind of chat with
15 them to see how things are coming, what timeline are they looking
16 at, you know, what items are outstanding that they're waiting for,
17 so on and so forth. But yeah, I was having conversations with
18 them pretty regularly.

19 Q. So I just want to be clear on something. So the Coast Guard,
20 they didn't put any operations limitations on you that said you
21 needed to have tug assist?

22 A. So no, actually, it was kind of strange, in my opinion, the
23 way all that transpired. I knew that I was doing the right thing
24 in getting a tug assist and I knew that that's what they wanted.
25 There were e-mails that went back and forth, some of them that

1 said, you know, we will allow you to operate with a tug assist
2 through the weekend, but that was not actually what I'm accustomed
3 to, which is an 835 that says, you know, requiring a tug assist
4 for the cruises. I never saw one. So then when I did call, there
5 was a little bit of confusion when I was ready to check everything
6 off, like, you know, what are we checking off exactly on this
7 thing. But, you know, there was records of the conversations I
8 had with everybody and there was e-mails back and forth regarding
9 the tugboat to assist us and there was nothing that, you know, I
10 was trying to hide from anybody, so they did come out and check it
11 out, though.

12 Q. So in your communication, when you were talking about what I
13 would call the 835 or lifting up the restrictions on the vessel,
14 do you recall -- you know, you talked to somebody and they seemed
15 confused or not understanding, you know, the whole chain of
16 events, do you know who that was?

17 A. It was Aaron Wood, I've worked with him quite a bit, he was
18 the lead inspector over at Colonnas. So he calls me and he says
19 Ryan, what's going on down there, man, like I got a call about the
20 *Spirit of Norfolk*, this, that, and the other, and I'm like yeah,
21 you know, I explained it to him and he was like okay, okay, okay,
22 I understand, I understand. And there was also somebody else who
23 I had already spoken to that was going to try and come down, so I
24 told Aaron, I was like I do have somebody coming down to take a
25 look at it and he was like oh, okay, okay, okay, just making sure

1 it's all taken care of, there was just a little bit of confusion
2 on our end.

3 Q. So was that an officer, last name Newkirk, does that ring a
4 bell for you, that ultimately came down to the vessel at the end
5 of the sequence of events?

6 A. A female, brown hair?

7 Q. Yes.

8 A. Yes. I think so.

9 Q. So you also mentioned talking about replacement of the
10 cooling pump and you said "we," are you referring to both you and
11 Bay Diesel, "we" replaced the cooling pump?

12 A. No, I meant -- no, what I meant by that was they replaced the
13 coolant pump.

14 Q. Okay. So in your conversations with the technicians that
15 service the vessel, how long was it from the time they completed
16 the service until they created invoices and paperwork for you to
17 sign?

18 A. It depends. Typically, it's the same day. More often than
19 not, they get my signature before they leave. Sometimes if a
20 couple days had gone by, I might have a few days' worth of
21 paperwork.

22 Q. Do you remember how it went this time, the May time, did they
23 present you each day with a work ticket to sign?

24 A. I remember -- no, I remember when it was time when I needed
25 to -- at the very end of the week, on Thursday, there was probably

1 three or four, some three or four days that had needed to be
2 signed all at once.

3 Q. So there's a work ticket which the technician, it's like a
4 carbon, right, you fill it out and he gives you a copy and he
5 takes one --

6 A. Yes.

7 Q. -- and then there's some other kind of typed-up, professional
8 looking document that Bay Diesel --

9 A. That comes up on the invoice, yeah.

10 Q. How long does that take for it to come up?

11 A. The typed-up version?

12 Q. Yeah, the fancy version.

13 A. Oh, yeah, that -- well, it varies. If I need it quickly,
14 because I would like to send it to the Coast Guard instead of the
15 handwritten one, I can usually get it within the day or the next
16 day, but usually it takes about a week, a week and a half
17 sometimes before I get the -- because that's also part of the
18 invoice, so they have to, you know, calculate all the hours and
19 the parts versus labor and put that all in as one, so that typed-
20 up version I usually get about a week, a week or two after the
21 work is done.

22 Q. How about in this particular case, do you recall -- so you
23 got the handwritten carbons that you signed for and then when you
24 were called, the invoice --

25 A. I know it was after the fire because I remember sitting down,

1 Scott was in the office, Scott Smith, and Scott Smith doesn't
2 visit Norfolk very often, so he was down here with Chris Beirker,
3 another national marine member, and that was the day that it came
4 in and it was mailed to me instead of e-mailed to me, which it
5 usually is. So it was after the fire that the typed-up version
6 came to me.

7 Q. Would you call that highly unusual?

8 A. I don't do very many impromptu overhauls, so I don't know
9 what would be unusual in that circumstance because there's so much
10 to consider in terms of parts and labor and overtime, so I don't
11 know.

12 Q. So I think I'm focusing on pre-fire. When did you become
13 aware, and talk about how you became aware and who told you that
14 there was a recommendation to replace the other turbocharger on
15 the port engine?

16 A. Yeah. So the week, the very day that we borescoped that
17 engine, determined that we had an issue with -- where we needed to
18 overhaul the engine, Adam Culpepper and I were talking on the
19 phone, it might've been that Thursday, it might've been that
20 Friday, but when we were talking on the phone there was a
21 discussion of what extent we're going to go here. So an overhaul
22 can be as limited to, you know, the sleeves and cylinder heads and
23 pistons, connecting rods. We also decided, on the phone, we'll
24 inspect the main bearing and if it needs to be replaced, we will.
25 And the turbocharger came up in that conversation, as well. We've

1 already replaced the outboard turbocharger, so do you think we
2 should go ahead and replace the inboard one, I said yeah, of
3 course. I mean, you know, we're doing everything else, why
4 wouldn't we do one turbocharger. So then moving forward, you
5 know, throughout the week, there's parts coming in constantly and
6 it wasn't until maybe Wednesday or Thursday that it was -- it
7 wasn't in yet, the new turbocharger was not in yet. I don't know
8 if that was not ordered or if it was late, but it wasn't unusual
9 to me because even of the eight connecting rods, we were only able
10 to source four in that window of time to replace. So we -- you
11 know, moving forward, one turbocharger I didn't think was unusual,
12 that we would have to replace at a later date.

13 So then after that, we did discuss, prior to signing off on
14 everything, you know, hey, I saw a little bit of oil at the base
15 of the turbocharger. I wiped it off, it didn't come back and I
16 was like well, you know, we're replacing that anyways, right? He
17 said yeah, yeah, yeah, we just, you know, got to order it and
18 whatever.

19 So then moving forward, I kept an eye on the turbocharger,
20 all of our captains are well aware of, you know, the pre-cruise
21 checklist items, especially after a job such as an overhaul is
22 done, but we were assured that everything was, you know, ready to
23 sail and I was in the process of coordinating with Adam on when we
24 could get that part replaced. We were just trying to find a
25 window of time.

1 Q. So the outboard turbocharger wasn't replaced, why?

2 A. So when they replaced the water pump initially, I believe the
3 mechanic noticed that there was some oil inside the air filter, so
4 we replaced the air filters after they had sprayed all of that
5 fire extinguisher powder everywhere and while doing that, the
6 mechanic noticed that there was some oil in there and we replaced
7 the outboard turbocharger.

8 Q. Did you recommend or direct the technicians or any of the
9 vessel crew to maybe remove insulation blankets to see if there
10 was any oil that might have seeped down into the manifolds and
11 other hot areas of the engine?

12 A. You mean after the overhaul?

13 Q. Well, no. Yeah. I mean, when the decision was made to
14 replace the outboard turbocharger and there was some oil inside
15 the turbocharger, you said --

16 A. Oh, yeah. No, we had checked both turbochargers at that time
17 to see if there was -- well, if this one was a problem, then was
18 the other one a problem, as well, and there was nothing wrong with
19 the inboard turbocharger at that point in time.

20 Q. Right, not the turbocharger. I'm saying that there was oil
21 around the outboard turbocharger, but the -- if there was any
22 insulation blankets on the top of the engine, any lagging,
23 anything like that, during the course of the overhaul, did you say
24 to crew persons or the technicians hey, pull that lagging and
25 insulation off and let's take a good look at the engine?

1 A. Well, the lagging has to come off in the process of an
2 overhaul.

3 Q. So it was --

4 A. Yeah, because they have to take -- they have to unhook the
5 turbos from the manifolds to do an overhaul, so those turbos were
6 both completely removed and all of the lagging around them
7 would've been taken off, as well.

8 Q. Did you observe any oil on the area surrounding the
9 turbochargers?

10 A. No.

11 Q. So you talked about a pre-cruise checklist.

12 A. Yes, sir.

13 Q. Is that a form that people sign off for, for each cruise?

14 A. We do have a list of items to go through, that the captains
15 go through pre-cruise, but it's not a form that's signed every
16 single day. I think it's inherently part of the captain's
17 responsibilities.

18 Q. And was there written instructions to all vessel captains to
19 increase the frequency of examining the inboard turbocharger area
20 until you got it replaced, as a preventative measure?

21 A. Maybe not written, but I had conversations with all of the
22 captains prior to them cruising with this newly rebuilt engine to,
23 you know, be cognizant of any, you know, leaking or smells or
24 checking, you know, fluid levels and things like that on a regular
25 basis because it was just overhauled.

1 Q. And how many qualified deckhands do you have employed on the
2 *Spirit of Norfolk*, like the whole roster, do you have an
3 approximate number?

4 A. Deckhands, I have about 20.

5 Q. And they make rounds of the engine rooms at specified
6 intervals?

7 A. Not all the deckhands, only the senior deckhands that are
8 designated, they will go down and make rounds. So when someone
9 first initially starts with us, they have -- they kind of have a
10 "learn the ropes" quiz that they will do after, you know,
11 learning where all of your fire stations are, all of your fire
12 extinguishers are, where your fuel shut-offs are, where customers
13 can park, where's your handicapped restroom, a lot of items on
14 this three- or four-page quiz.

15 Once they can pass that quiz, they can get like an extra
16 stripe on their epaulettes and it's a bump in pay and then they
17 can, you know, start training with mates on how to do rounds of
18 the engine room.

19 Q. So the senior deckhands make rounds of the engine room.
20 What's the required frequency in terms of how often they make
21 rounds of the engine room?

22 A. Every 30 minutes.

23 Q. And after this engine rebuild, were they instructed to look
24 for signs of coolant leaks, smells --

25 A. Yes, sir.

1 Q. -- oil leaks, anything like that?

2 A. Yes.

3 Q. And was that written?

4 A. No. Like I said, that was conversations that I had with the
5 captains.

6 Q. How would the senior deckhands know to do that?

7 A. Well, they're working with the captains.

8 Q. And then just, I have a final question, we're going to depart
9 from the typical way of doing this, because we have like two
10 categories, we have your role as director of marine operations,
11 which you've gone into, and break down, but I think we'll go
12 around and let everybody ask follow-ups and then we'll take a
13 short break and then we'll go into the incident.

14 A. Can we take a break right now? I have --

15 MR. FAWCETT: You certainly can. Let me just announce that.
16 So the time is 11:30, we're keeping the recorders going, everybody
17 keep that in mind, and we'll take a five-minute break until 11:35.

18 (Off the record at 11:30 a.m.)

19 (On the record at 11:35 a.m.)

20 MR. FAWCETT: The time is 11:35, we've maintained the
21 recording and we're back on the record. Just a housekeeping note
22 for everybody, Captain Chadwick Jamison, the pilot of the *Spar*
23 *Lyra* this afternoon, I have communicated with him and if we need
24 to push it back a half hour or whatever, he is amenable to that.
25 His scheduled time is 14 -- is it 14?

1 LCDR EMMONS: Thirteen hundred.

2 MR. FAWCETT: Thirteen hundred, yeah, so we have some slack
3 there.

4 BY MR. FAWCETT:

5 Q. So I just have a final question, Captain, I appreciate your
6 forbearance. So you said a CO₂ and dry chemical extinguisher were
7 expended? In the May coolant leak.

8 A. Yes.

9 Q. So were those replaced?

10 A. Yes.

11 Q. And did you get those from spare inventory aboard?

12 A. VSE.

13 Q. And VSE is?

14 A. They're our vendor that inspects all of our fire
15 extinguishers and they also have spares on hand, so just drove
16 down there and swapped it out.

17 Q. So you didn't have spares immediately available?

18 A. Correct.

19 Q. And how long did it take you to replace -- what day was the
20 coolant leak, was it a Wednesday, did you say, or a Tuesday?

21 A. The coolant leak was a Sunday.

22 Q. Okay. Were they open Sunday so you could get replacement
23 fire extinguishers?

24 A. No, we didn't cruise again until Wednesday night and I
25 replaced the extinguishers on Wednesday.

1 MR. FAWCETT: Thank you. That's all I have, thank you,
2 Captain.

3 I'll go to Commander Roy and then we'll go to Commander
4 Emmons.

5 BY CDR ROY:

6 Q. Good morning, Captain. Again, I appreciate your time here, I
7 know it's a long one, so I got some follow-on questions, some of
8 these question you kind of touched on already, so I apologize if
9 I'm jumping around a little bit. First question regarding the
10 Vanguard system, I know you mentioned that there were some IT
11 issues with that and the switchover from Wheelhouse, when was that
12 switchover from Wheelhouse, do you remember?

13 A. I believe it was in either November or December.

14 Q. And you said there was IT issues. Can anybody get access in
15 Norfolk to that system or was it -- was it just a few people that
16 had trouble getting access to Vanguard?

17 A. Yeah, it's really a matter of -- a lot of the mates and
18 captains can have access, but as far as, you know, maintaining
19 their passwords and things like that, it's really the core group
20 of guys that we rely on for using that system and in that case,
21 the guys that are there every week on the weekdays while the boat
22 is down and not cruising are, you know, myself, Captain Jimmy and
23 Bob Enloe.

24 Q. So did any of the three of you have access to Vanguard?

25 A. I did.

1 Q. Okay, so you're the only one that had access, the other ones
2 were having trouble?

3 A. Correct.

4 Q. And you stated they are taking, the guys that are having
5 trouble, they are taking, they were doing a lot of stuff via
6 paper, is that correct?

7 A. Yes, sir.

8 Q. And you said that was on the -- all that paperwork was on the
9 vessel?

10 A. Yes, sir. Any of the maintenance that was done, in our log
11 books up until June 1st, we do have carbon copies of that we store
12 off site. So Bob Enloe, every maintenance item he does, he writes
13 on those vessel logs and we do have carbon copies of the
14 maintenance that was done, but it's handwritten on vessel logbook
15 pages.

16 Q. All right, I just want to make sure I'm hearing correct. So
17 everything before June 1st, there's a handwritten off-site but
18 everything after that was probably still on the vessel?

19 A. Correct.

20 Q. Okay. And was there a plan to get that stuff entered into
21 Vanguard at some point or was it just going to be like whenever
22 you guys catch up?

23 A. It wasn't a matter of catching up, I don't think that we were
24 faltering in maintaining the vessel, it was just a matter of
25 inputting it into the system.

1 Q. I'm sorry, that's what I meant. I didn't mean you guys
2 weren't doing the maintenance, I was just -- at some point, were
3 you going to put that information into Vanguard?

4 A. Yes, sir.

5 Q. Okay, all right. That was my Vanguard question, so I'm just
6 double-checking my notes here. Oh, the other thing, we kind of
7 heard a couple different statements from different people at the
8 company and I just want to double-check. So Vanguard was only
9 used for PMS, you guys didn't put all the major overhauls and
10 major repairs in there, correct?

11 A. Yes, we would. If it was a major overhaul or a tune-up or,
12 you know, a 5,000-hour maintenance, that would all be inputted
13 into our Vanguard.

14 Q. So the May casualty, as we call it in the Coast Guard, that
15 was entered into Vanguard, as well?

16 A. No, I don't think it had been entered yet.

17 Q. Okay, but you were planning on entering it as some point?

18 A. Yes, sir.

19 Q. Okay, all right. I was just double-checking because I kind
20 of heard and I just wanted to make it clear on my end what I was
21 hearing, okay. So we talked about -- you talked about
22 firefighting a little bit earlier with Mr. Fawcett and you talked
23 about -- you know, you talked about engine room fires, because of
24 everything else going on around as far as fires in vessels. What
25 was your plan for the *Spirit of Norfolk* to fight an engine room

1 fire? I mean, if you just kind of go over what were your tactics,
2 what were your strategies to fight a fire on that vessel.

3 A. Yeah. So, I mean, of course that depends on what kind of
4 fire we're talking about, but the crew has been trained to, if you
5 do encounter a fire in a space that is enclosed, such as the
6 engine room or the lower-level restrooms or any restroom for that
7 matter, to approach it with a partner if it is safe to do so.

8 In this case, it was not safe to approach the fire. And on
9 the way, they are trained to grab an extinguisher while they're on
10 their way to the fire, as well, as if -- if possible, and they can
11 safely fight the fire, to engage the fire pump and use the fire
12 pump to fight the fire.

13 Q. So in a case of a major engine room fire and you can't get
14 access, what's the plan for the *Spirit of Norfolk* to -- after it?
15 So if the crew can't -- it's a big enough fire, you can't access,
16 it's not safe to go in there, what's the strategies and the
17 tactics to get that engine room fire out?

18 A. Shut down ventilation, shut down fuel, evacuate the
19 passengers, and contact the Coast Guard.

20 Q. Okay. So at that point, what's the plan, though, to actually
21 put the fire out?

22 A. Well, that fire, the fire in the engine room at that point,
23 the safest way was to just contain it to the engine room. Given
24 the fire boundaries that are surrounding that compartment, we
25 would've had an ample amount of time to evacuate passengers. You

1 know, it's my experience that even on the *Spirit of Norfolk*, the
2 fire didn't encroach into the passenger areas until maybe 7
3 o'clock that evening, so we -- there was no way to fight the fire
4 when it got to the point that it did.

5 Q. Expand on that one a little bit, what do you mean by that,
6 like as far as there was no way to fight the fire, as far as the
7 engine room fire goes?

8 A. Yes, sir. When the compartment is completely full of smoke
9 and my crew does not have breathing apparatus, I would rather that
10 they don't go into that compartment.

11 Q. No, I understand. And we talked about -- we talked a little
12 bit about crew training earlier, as well, and you talked about an
13 e-drill log. Do you have a log, do you log every time you do
14 training on the vessel?

15 A. Yes, sir.

16 Q. And when was the last time, do you know the last time your
17 crew that was on that day conducted an engine room fire training
18 drill?

19 A. Three days before I did an engine room fire training with, I
20 believe, three or four of the members of that crew.

21 Q. And what did that consist of, can you just kind of describe
22 that training real briefly? You don't have to go into huge
23 detail, but what was the scenario and what was the -- how did the
24 crew do?

25 A. It was going through what to do in case we have an engine

1 room fire, how we approach it, like I described earlier, as well
2 as what to do with passengers, explicitly. One lesson that we
3 learned that day was discussing how we would accommodate
4 handicapped passengers. In the event that we're moving all of our
5 passengers to the third deck, we would either bring handicapped
6 passengers to the bow, outside, if the fire is more aft on the
7 vessel or to the stern if the fire would be more forward.

8 Obviously, it was a big fire --

9 Q. Yeah, so basically, the majority of your concern is getting
10 -- your primary concern is evacuating the vessel passengers, would
11 that be correct?

12 A. No. I think that that is just a lesson that we learned in
13 that discussion.

14 Q. Okay. Were you ever part of a discussion with anybody from
15 City Cruises or any of your colleagues about like fixed
16 firefighting or detection systems on the *Spirit of Norfolk*?

17 A. No.

18 Q. And you said you were there for how long, again, sir? I'm
19 sorry.

20 A. Sixteen years.

21 Q. Okay. And that was never something you guys discussed?

22 A. No.

23 Q. Okay. And you mentioned earlier with Mr. Fawcett that you
24 run a lot of cruises yourself, as well. What percentage of the
25 cruises do you think you run versus the other captains, do you

1 know that?

2 A. As far as salaried captains, there's myself and Captain
3 Jimmy Krisher. I'm probably, on any given week, anywhere between
4 20 and 30 percent of the cruises and he's probably between 30 and
5 40 percent of the cruises.

6 Q. That's just the full-time captains?

7 A. Yes, sir.

8 Q. Okay. And so the part-time would make up the difference that
9 you guys don't cover?

10 A. Yes, sir.

11 Q. Okay, awesome. You talked earlier a little bit, too, about
12 when you found about the right-bank turbo that needed to be
13 replaced and they had to order one and you discussed a little bit
14 about telling everybody, you know, to do -- to keep an eye on it.
15 Was there any discussion, did you guys ever pull the turbo
16 laggings or anything like that or was it just a visual from the
17 outside?

18 A. It was just a visual from the outside. I don't recall if the
19 turbo lagging was reinstalled after the overhaul. I'm not sure.

20 Q. Yeah, you don't recall if it was -- if it was installed, is
21 that something you would normally do or --

22 A. Yes, yes. But I don't recall if it was -- if it was there or
23 not.

24 Q. Was there any discussion about doing more rounds? I know you
25 said you did every 30 minutes, is that still the standard or was

1 it anything like more rounds more often?

2 A. Yeah, the very first day that we cruised with that engine
3 after the overhaul, it was -- Captain Jimmy had that cruise and he
4 had a mate, Anthony Gonzales, and I had Captain Jimmy make sure
5 that Anthony was making rounds at least every 15 minutes to make
6 sure that everything was running smoothly.

7 Q. All right. Kind of switching gears here to the IndustrySafe
8 investigation process. Who's responsible -- I know we talked to a
9 couple people, who's responsible for doing the corrective action
10 part of that investigation?

11 A. Ultimately, myself.

12 Q. So if you're also the captain on board and the director of
13 marine operations, do you kind of do that yourself or do you kick
14 that to somebody else to do?

15 A. It depends on what it is. You know, if we're talking about
16 what the corrective action would be, you know, putting more floor
17 mats in the galley or something like using cutting gloves when
18 prepping food, I would relay that information to our food and
19 beverage director and then he could relay that to his team. That
20 message comes off better from him than it would from, you know,
21 Captain Ryan marching down to the galley saying you all need to
22 start putting these mats out.

23 Q. Okay. I'm going to switch gears again here real quick. We
24 have a -- we got the -- we were looking at the -- just for the
25 people on the phone, looking at the Knox Marine surveyor report

1 and pictures, one of the pictures, photo 7-8 of that report, are
2 you familiar with that report, sir?

3 A. No.

4 Q. You don't see those from the marine surveyor, Mr. Milner
5 (ph.)?

6 A. No, I was not given that report.

7 Q. Where would that report go to?

8 A. Scott Smith.

9 Q. So in that, in those pictures there is a box underneath the
10 port engine, it's right up underneath it, tied up underneath it.
11 Are you familiar with that box that's underneath the port engine
12 or was underneath the port engine?

13 A. Yes.

14 Q. Okay, can you describe -- do you know what's in that box?

15 A. Yes. There was a spare HVAC pump.

16 Q. Is that where it's stowed normally?

17 A. Normally, those would be stowed -- I mean, that's typically
18 where that has been recently. We typically had those off on that
19 shelf by the port main where there were a few more boxes, but I
20 guess maybe at that particular time there wasn't room to put it on
21 that shelf. So they typically get stowed on the port side, but
22 that might've been, you know, run out of room and they had just
23 set it there or something.

24 Q. And you don't know if that was there on June 7th?

25 A. I'm not sure.

1 Q. Okay. Just to make sure I got the -- we talked a little bit
2 about chain of command with some other people, as well, and you
3 work directly for the general manager, correct?

4 A. Yes.

5 Q. And then who is their direct supervisor?

6 A. The regional vice president, Mary Renaldo.

7 Q. Okay, and she reports to who, do you know?

8 A. The COO.

9 MR. ROY: Okay, all right, great. I think that's all I have
10 right now. Thank you, sir, I appreciate it.

11 CAPT NADEAU: Absolutely.

12 MR. FAWCETT: Commander Emmons.

13 BY LCDR EMMONS:

14 Q. I just have a few. I'll go back to the water pump coolant
15 leak. I know you weren't the captain on board during the initial
16 incident of the coolant loss, but in your conversations with that
17 captain and maybe Adam Culpepper, did you ever -- did anyone ever
18 discuss how long, maybe, possibly the engine could have been
19 running without coolant, based on temperatures or whatever, was
20 that ever discussed about how long that could have been running?

21 A. Yeah. I remember when that happened, we had taken a look at
22 the video footage that was over that port main and there was
23 probably, I want to say, about maybe between five and eight
24 minutes from when you could start to see -- with the camera angle
25 all you could really see was when there was wet on the deck

1 plates, so that's when you could tell, obviously, something's
2 going on. And from that point to when you could see crew down
3 there, it was between five and eight minutes.

4 Q. Thank you. And do you know, talking with the captain, then,
5 you said there are some crew members on that crew that were on the
6 crew on June 7th, of the coolant leak night, do you know who
7 actually extinguished or discharged the fire extinguishers?

8 A. So I don't recall if or if not the crew, the same crew, was
9 on that night that was on June 7th, but I do recall it was Anthony
10 Gonzales and Matthew Bonitez (ph.), two of our mates or senior
11 deckhands, that were the ones who discharged extinguishers. They
12 were the ones who were the two that went downstairs.

13 Q. Thank you. I'm going to go to the -- I'm trying to get the
14 timeline with the communications with the Coast Guard. How did
15 you communicate the need to overhaul the engine with the Coast
16 Guard, was it calls, was it e-mails, was it both?

17 A. It was both, yeah, yeah. So a lot of times when I make a
18 phone call to the inspections line, I usually am waiting for a
19 call back afterwards because I'm talking to somebody who is
20 manning the phone and then they have to run it up the chain and
21 then it comes back and somebody else will call me back or they
22 will call me back, and I typically will follow up with an e-mail
23 of some sort and in this case I was kind of doing both, just to
24 make sure all of my bases were covered, because I didn't see an
25 835 or anything like that, so I did both. I don't remember who it

1 was I spoke with, but I do remember calling pretty frequently that
2 week, back and forth.

3 Q. I know you said you had a reply for the tug assist. Were
4 there any other replies from the Coast Guard about the main diesel
5 -- every time you called or e-mailed, was there a response from
6 them?

7 A. Yeah, I believe there was a response every time. I'm not
8 really sure where the confusion happened, but I also don't
9 remember there being an actual -- like a designated -- you know, a
10 lot of times if I have an incident or a problem like that, you
11 know, I have "this" inspector who's going to respond and if he's
12 not, he's got a number two that he can send out to come take a
13 look at it, but in this case it was kind of a little bit more
14 ambiguous as far as who was monitoring it.

15 Q. Skipping over to, and just a question about the right-bank
16 turbo, you had said that it hadn't come in or they didn't order it
17 at the time that the overhaul was complete. Do you know when that
18 actually came in or when they --

19 A. May 31st.

20 Q. And were there discussions between you and Bay Diesel about
21 when they would come back out to actually put that on the vessel?

22 A. Yes. So it was basically a text message from Adam, hey, your
23 turbo's in, what does your crew schedule look like this week, and
24 I laid out the crew schedule and he said okay, you know, I'll try
25 to figure something out depending on what we can do, don't want to

1 hold up anything, especially if like a stud breaks on the manifold
2 or something like that, but I was waiting for him to have an
3 opportunity to be able to send a mechanic out.

4 Q. And then I just have two more questions. We talked a lot
5 about the deckhands and your crew. What responsibilities do the
6 wait staff or the restaurant staff have in the event of an
7 emergency on board the *Spirit of Norfolk*, or do they?

8 A. So officially, in our station bill, they do not with
9 exception to crowd control in an emergency, but we do have
10 discussions with them from time to time in the event of a real
11 emergency such as what happened on our boat, it's kind of an all
12 hands on deck approach to help with getting passengers safe and
13 that's what we did on that day.

14 Q. And do they ever participate in any of the drills that you do
15 on board or --

16 A. No, we do have discussions with them in like those pre-cruise
17 meetings that I mentioned where we talk about what's possible and
18 what might be asked of them in a real emergency, especially if
19 somebody were injured or something like that, but that's about it.

20 LCDR EMMONS: That's all I have.

21 MR. FAWCETT: Thank you, Commander.

22 BY MR. FAWCETT:

23 Q. This is Keith Fawcett, I have just two follow-up questions.
24 What did you see on the video system on the day of the fire?

25 A. I don't remember.

1 Q. Could you look at the video system in the wheelhouse and see
2 the engine room if you chose to?

3 A. It would've been -- yes, yes.

4 Q. And then we'll probably talk more about that in the fire
5 event, but how long had a video system for monitoring the engine
6 room been installed on that vessel?

7 A. Maybe five or six years.

8 Q. Do you recall if the valuation and condition warranty surveys
9 which list equipment on board the vessel listed a video system to
10 monitor the engine room?

11 A. I'm not sure.

12 Q. And then you mentioned crowd control. In an emergency, do
13 you consider crowd control, from your position as director of
14 operations or as a captain, safety related?

15 A. Yes.

16 MR. FAWCETT: That's all my questions. We'll shift to the
17 ATF for follow-up questions and then through the party-in-
18 interest.

19 BY MR. VAUGHN:

20 Q. How are you doing, Captain? This is Brian Vaughn with ATF.
21 You had said that the maintenance was completed on Thursday, are
22 we talking Thursday, May 19th?

23 A. The 26th.

24 Q. It was the 26th.

25 A. That's when the overhaul was complete.

1 Q. Okay. And you said that you ran 18 cruises from that date to
2 the 7th?

3 A. Yes, sir.

4 Q. How many of those cruises specifically were you on?

5 A. I don't recall, off the top of my head.

6 Q. Was it one or two or 12 or 14?

7 A. It was probably more than one or two.

8 Q. More than one or two. And I want to ask some questions on
9 the turbocharger that hadn't been replaced yet. I believe you
10 said that you saw some oil at the base of the turbocharger at some
11 point?

12 A. No, that was what Bay Diesel had said.

13 Q. When was that?

14 A. On the 8th -- I'm sorry, on the 26th.

15 Q. On the 26th?

16 A. Yeah.

17 Q. That was the one that hadn't been replaced yet?

18 A. Correct. He said that he -- while we were doing the sea
19 trials, he saw some oil at the base of it, he wiped it off and it
20 didn't return and I didn't see oil on the base of the turbocharger
21 from that point forward.

22 Q. So were you checking that consistently after that event?

23 A. Yes, sir.

24 Q. After the 26th? Okay. And going back to like your training
25 and stuff, do you maintain a resume or a CV of all your training

1 that you've been through? Or does your company have a file or do
2 you maintain a file?

3 A. I'm not sure if the company has a file like that.

4 Q. Does the company maintain files on anyone or do they just
5 take it -- take their word that they've been through some sort of
6 training?

7 A. Yes, the company does maintain files on the employees. I,
8 personally, as far as the training on my vessel, I am responsible
9 for.

10 MR. VAUGHN: Okay. All right, I don't know, Brian (sic), do
11 you have any other questions?

12 BY MR. GLEASON:

13 Q. No, sir, not at this time, other than one or two surrounding
14 the detection systems. Can you talk a little bit about what
15 generally -- not that it occurred on that day, but the systems
16 that were installed for early detection to give alerts to the
17 captain of the vessel, you talked about the process that they
18 would shut down ventilation, shut down fuel, et cetera, can you
19 elaborate a little bit more on that?

20 A. Yeah, in our engine room we did not have a fire detection
21 system on board. We did not have one.

22 Q. Right. Captain --

23 (Audio malfunction.)

24 BY MR. GLEASON:

25 Q. -- with the -- what happened to the vessel that day --

1 A. Can you try that again? I'm sorry, you broke up.

2 Q. Yes, sir. So what type of early warning or alert would the
3 captain of the vessel have received or would it have just been
4 simply feeling that the propulsion has been degraded in that
5 regard?

6 A. Yeah, I know that's part of our routine checks that our guys
7 are going down every 30 minutes to inspect everything, and that
8 was probably the only detection way we would have had to assess
9 something like that in the engine room.

10 Q. Understood. Unless you're keeping view of the monitoring
11 equipment, the CCTV, from essentially the helm or the deck?

12 A. Yes, sir.

13 Q. Okay. And is that viewable always to the operating captain
14 or is that something where you have to switch views on the CCTV
15 system or is it just always viewable or is it something where you
16 got to toggle through?

17 A. Yeah. No, it's usually -- it's a 32-inch TV with all of the
18 -- all of the screens all up at once.

19 Q. Got you. And do you know if the system had site storage or
20 off-site server backup with any regard or any means?

21 A. No, sir.

22 Q. Okay. And did it record in the wheelhouse?

23 A. Yeah, there was a local --

24 Q. On a DVR?

25 A. -- a local NVR in the wheelhouse.

1 Q. Okay. The hydraulic system on the *Spirit of Norfolk*, it
2 looked like almost a dual stage, can you talk about that, was that
3 a redundancy or was that a split hydraulic system?

4 A. It's a redundancy. So we have two steering pumps and in the
5 event that you, for some reason, lost one pump, there's a backup
6 that you could switch to or vice versa.

7 Q. Got you. Would you find, say, in a steering-related issue,
8 would you find that if you had to switch to the backup pump, would
9 there be a discernible lag before the second pump kicks in or
10 would it be a seamless switchover?

11 A. No, it's not an automatic switchover.

12 Q. Okay.

13 A. So if you lost steering, an alarm would go off in the
14 wheelhouse and you would have to switch pumps from the wheelhouse
15 but it's as quickly as flipping a switch to the other pump.

16 Q. Understood. What about loss of propulsion? Was it dependent
17 upon -- getting an alarm, is it dependent upon the type of loss,
18 can you elaborate a little bit on that?

19 A. Yeah, so I mean, to actually -- to actually identify whether
20 or not you have propulsion, the only way you're going to do that
21 is by cycling through the throttles from the wheelhouse. You
22 know, there is a transmission gauge in the wheelhouse that would
23 tell you it's in forward or reverse, but in the event that there
24 was something wrong with that, you actually have to engage the
25 engines to be able to determine that you had propulsion or not.

1 Q. Understood. And that would be, essentially, you could toggle
2 between port and starboard, is that correct?

3 A. Yes, sir.

4 MR. GLEASON: Okay. Thank you, sir, I think that's all I
5 have at this time.

6 MR. FAWCETT: Thank you very much. National Transportation
7 Safety Board.

8 BY MR. FLAHERTY:

9 Q. Sir, hi, this is David Flaherty. A few questions. I'll
10 start off with the hydraulic system. It was mentioned both by a
11 surveyor and the captain-in-training that the hydraulic system had
12 been upgraded at some point after 2019. Do you have any
13 information and details about that?

14 A. I wouldn't necessarily say there was an upgrade. I know that
15 -- I believe it was 2019, it might've been 2018, we had Carter-
16 Caterpillar out to work on the cylinders, the hydraulic cylinders
17 in the rudder room, the (indiscernible) compartment. I believe
18 they were either rebuilding a cylinder or completely replacing it,
19 I think they completely replaced it and replaced a pad eye on one
20 of them. And we've also had -- around that same time we had
21 Pertech (ph.) replacing the hydraulic lines that go from the
22 supply to the cylinders in the rudder room, but that was in the
23 rudder room and not in the engine room.

24 Q. And when you say hydraulic lines, could you be a little bit
25 more specific?

1 A. The lines that connect the steering pumps to the cylinders
2 that actuate the rudders.

3 Q. Is it the piping section or the flexible hoses?

4 A. It would be the flexible hoses.

5 Q. Okay. And what is the hydraulic system rated for, do you
6 know?

7 A. I do not know.

8 Q. Do you know if it's a follow-up or a non-follow-up hydraulic
9 system?

10 A. Non-follow-up.

11 Q. Okay. Could you list the different alarms that the hydraulic
12 system has that sound in the bridge?

13 A. I know that initially an alarm went off on our main panel
14 that displays all of the engine deltas as far as oil pressure,
15 water temperature, rpm's, fuel pressure, turbo pressure. That
16 particular panel pinged an alarm and it was beeping, I went over,
17 I looked at the alarm and it said lost connection, I believe, to a
18 port main.

19 Q. Okay. What hydraulic alarms do you have on the bridge?

20 A. So hydraulic-wise, the alarm that I would have in the
21 wheelhouse would be if I lost a steering pump, so if a steering
22 pump went down, the steering panel would go off with an alarm.

23 Q. Okay. So there's no indication on the bridge if an over-
24 pressurization occurred in the hydraulic steering system?

25 A. I'm not sure. I don't think so.

1 Q. Okay. All right. Just going back to the vessel, during the
2 pandemic, from 2002 to say maybe 2022, was the vessel in
3 operation?

4 A. From 2002 to 2022?

5 Q. Two thousand and twenty, I'm sorry. Misspoke. Two thousand
6 and twenty to 2022.

7 A. There was a period during the summer and so initially -- in
8 2020 we had a dry dock where we overhauled or replaced those
9 engines with the -- we replaced our Caterpillars with the Scania
10 propulsion engines.

11 Q. Um-hum.

12 A. That dry dock went until, I believe, February 19th or 20th of
13 that year. We did a handful of cruises before the beginning of
14 March, when we shut down. We started back up again in June or --
15 yeah, in June of 2020 for a few months before we shut down again
16 until the following spring. So from about August of 2020 until
17 March of 2021, that vessel was not cruising.

18 Q. Okay. How are the engines, the new -- or the old engines and
19 the new engines both removed and installed on the vessel?

20 A. So when we went to Colonnas Shipyard in 2020, they basically
21 cut holes in the side of the boat and rigged out the old engines
22 and rigged in the new engines right, just outboard of each of the
23 main engines on either side.

24 Q. So for the port main engine, where was the welding or cutting
25 to remove the hull plating?

1 A. It was just outboard of the engine. I mean, it's kind of
2 hard to describe, but --

3 Q. Was it a -- oh, go ahead.

4 MR. FAWCETT: You got a question?

5 MR. FLAHERTY: Yeah, I'm sorry.

6 BY MR. FLAHERTY:

7 Q. Was it a designated soft hatch that they removed to get
8 the --

9 A. No, it was --

10 Q. -- engines out? No?

11 A. It was not a soft hatch.

12 Q. Okay, all right. I noticed that there were shelves on the
13 outboard side of the port main engine, so I assume that and
14 anything else that was getting in the way were removed --

15 A. Yes.

16 Q. -- during that overhaul and engine removal?

17 A. Yes, sir.

18 Q. Okay. Do you know, by chance, how big that -- or what frames
19 that the hull specifically on the port side was cut in the hull?

20 A. Not off the top of my head.

21 Q. And was it directly parallel or -- to the port engine or was
22 it a little bit forward or aft or how would you describe it?

23 A. I believe it was directly parallel between that bulkhead and
24 the next bulkhead in front of it. It's a pretty small window
25 space anyways, but yeah, it was in that area.

1 Q. Okay. Just getting a little bit into the fire training and
2 response. Did the *Spirit of Norfolk*, did you participate in any
3 drills where you had to evacuate passengers and crew from the
4 vessel while it was under way to another vessel?

5 A. Yes, I spoke about that earlier with a Mr. Bill Burkett,
6 probably about two years ago we did one right off of -- I
7 described it as PMT or western branch, where we had about a
8 hundred passengers to disembark on --

9 Q. Okay, so that was under way, okay. I'm sorry, I had the
10 impression that was at the pier.

11 A. Yeah.

12 Q. All right, so that was under way, okay. And getting back to
13 the hydraulic system just quickly, how did the -- so what type of
14 inspections did you do of the hydraulic system prior to getting
15 under way?

16 A. I mean, it's just a visual, you know, we're going through and
17 checking for any leaks or any visible issues where the pumps are.
18 Those pumps are pretty self-contained. And then while the crew is
19 doing their engine checks, they go over and they check the gauges
20 on the steering pump. Typically, those pumps are running, you
21 know, between a hundred and 60 and a hundred and 80 psi, so they
22 would've taken that down as part of their engine room checklist.

23 Q. Okay. And you never encountered any problems with the
24 hydraulic motor, the pump motors?

25 A. No.

1 Q. So explain the difference between the main helm with the
2 wheel and the port and starboard helm positions.

3 A. You mean the wing stations?

4 Q. Yes.

5 A. Yeah, I mean, they both run off of the same pump, whereas
6 you're required -- if you do not have that steering pump engaged,
7 nothing will work, it's not a manual pump like you'll see in some
8 boats on the wheel, it is all part of the steering pumps, so it's
9 basically when you're turning the wheel, it's the same thing as
10 pushing the joystick from one side to the other.

11 Q. The pistons and the steering gear space for the rudders, are
12 they single-acting or double-acting pistons?

13 A. I believe they're -- you mean how many pistons are there?

14 Q. No, do the pistons take, only take pressure from one side or
15 do they take pressure from two sides?

16 A. I don't know the answer to that.

17 MR. FLAHERTY: Okay. All right, that's all the questions I
18 have, thank you.

19 MR. FAWCETT: Thank you. We'll go to the party-in-interest,
20 we'll start with Bay Diesel, sir.

21 MR. ABEL: Thank you, I have no questions.

22 MR. FAWCETT: Thank you very much. Hornblower, questions,
23 please.

24 MR. DENLEY: Yeah, just a couple.

25 BY MR. DENLEY:

1 Q. You talked about doing sea trials. Can you describe what you
2 did for sea trials, prior to getting under way, after the engines
3 had been repaired and certified for service by Bay Diesel?

4 A. Yeah, so we -- after --

5 Q. Maybe not after but before it was certified.

6 A. So they had been running the engine that morning, topping off
7 fluids and making sure everything was ready to go and when they
8 were ready for sea trials, we got under way. We ran the engines
9 up, both engines, in fact, up in increments of, you know, 20 or 25
10 percent of throttle percentage all the way up until we got to a
11 hundred percent and we sat at a hundred percent throttle for about
12 15 or 20 minutes and by the time we had done all that, we were
13 pretty much at about the end of our cruise route where we turned
14 around at the naval base and came back.

15 Q. You talked about both the pre-underway checks and then the
16 30-minute rounds that the senior deckhands will do while under
17 way. Is there actually a checklist?

18 A. Yes.

19 Q. Okay. And where is that checklist kept?

20 A. Typically, in the engine room on a clipboard right inside the
21 door. We have a blank -- it's like a blank Excel spreadsheet
22 where they'll go through and they mark off each different reading
23 that the engine has for water temperature, fuel pressure,
24 whatever, and then in parentheses off to the side it will kind of
25 tell you like here's a window of what it should be, you know, if

1 you do have a question, you know, this is outside of the
2 parameters of what's normal, so then you call it up.

3 Q. So those parameters are -- which systems have parameters on
4 that checklist that you can remember?

5 A. So like water temperature, for instance, I believe it's less
6 than a hundred and 90 degrees; fuel pressure, you'll want that
7 over, you know, 15 or 20 psi, at least; oil pressure, you'll want
8 that in a certain window. Like I said, the steering gear pressure
9 is one of them. But yeah.

10 Q. And so after they complete the round and they verify that the
11 systems are operating within parameters, then what do they do with
12 the clipboard and then what do they do to sort of log that that's
13 -- that that's occurred?

14 A. So before they go down, they'll call the captain and say hey,
15 going down for an engine check, we have an engine room door alarm
16 on our engine room, so as part of our practice and security and
17 making sure that nobody's down there that shouldn't be, the mate
18 will call and say hey, going down for an engine check, or the
19 senior deckhand, and then the alarm comes off on the panel.

20 So in the case where it's random time and somebody goes down
21 there that shouldn't be, then we know someone's -- someone just
22 opened the engine room door, we need to check it out. More often
23 than not, it means somebody forgot to call and they were going to
24 get a screwdriver or something, but then as soon as they come back
25 out, that alarm will go off, that means that that crew member came

1 out of the engine room. Also, another thing that they do as part
2 of their checks is behind the engines, reaching down and putting
3 their hand on the aft bulkhead above the shaft packing to ensure
4 that your shaft packing isn't overheating, which is also coming in
5 within two, two and a half feet of that inboard turbocharger, as
6 well. So they would've walked past that and gotten pretty close
7 to it right at 11:30 that morning.

8 Q. So do they report back to the wheelhouse after the round?

9 A. Not unless there's something out of the normal. If there's
10 anything going on that's abnormal, then they'll call and say hey,
11 I noticed that there's something weird going on, but otherwise
12 everything's normal.

13 Q. Okay. You were asked some questions, I believe, by Commander
14 Roy about the -- about the incident management system that you
15 have on board or the incident recording system and corrective
16 actions. You said that responsibility for implementing corrective
17 actions may be yours depending on what the corrective action is.
18 Can you talk about who has visibility, though, on the actual
19 incident and the corrective action within the broader company?
20 It's not just -- it's not just you, is it?

21 A. Yeah. No, that's accessible to everybody in the national
22 marine team. I believe even some of that goes to the higher-ups,
23 like the regional vice presidents and things like that, when you
24 have significant incidents in any city.

25 MR. DENLEY: No further questions, thank you.

1 MR. FAWCETT: Thank you. Counsel for Mr. --

2 MR. McLEOD: I have no questions.

3 BY MR. FAWCETT:

4 Q. I have a brief follow-up. Did you think about -- this is
5 Keith Fawcett. Did you think about modifying that engine room
6 checklist to include "examine port turbo" after the engine was
7 rebuilt?

8 A. No.

9 MR. FAWCETT: Thank you. Anybody else? What we're going to
10 do here, this is a matter of housekeeping, is we pushed Captain
11 Chadwick Jamison, the pilot of the *Spar Lyra*, to 2:00 p.m. He's
12 graciously worked with us on that. I recommend that we take a
13 10-minute break, securing recorders, and resuming the incident
14 questions at 12:35. Any --

15 CDR ROY: Hey, Keith, I got follow-up. Do you want to finish
16 this part, though, before we move on? I just got quick follow-ons
17 for the pre-incident stuff.

18 MR. FAWCETT: Go ahead, Commander.

19 BY CDR ROY:

20 Q. All right, thanks. Commander Roy. Just again a couple of
21 quick follow-ups. When they were doing the sea trials, do you
22 recall if the lagging was on or off the turbos?

23 A. No, I don't recall.

24 Q. And then is there any off-site storage for parts for the
25 *Spirit of Norfolk*?

1 A. Yes, we do have a storage unit where we may keep some parts.
2 However, since we've gotten those Scania main engines, we don't
3 have any storage of parts for those off site. Any parts for those
4 main engines would've been in the engine room.

5 Q. Okay. And you discussed the readings, when they make the
6 rounds of the engine room, they do -- they record the readings.
7 Do you have access to all those same readings up in the bridge?

8 A. No.

9 Q. Do you have access to any of those readings in the bridge?

10 A. Yes. So, I mean, the -- the specs on the main engines, we
11 can see what the numbers are as far as rpm and temperature and
12 things like that. There are a few items that we can't see from
13 the wheelhouse.

14 Q. What would those be, sir?

15 A. The generators, what their rpm's or temperatures or things
16 like that are; the hertz level on the generators, the amps, the
17 voltage on the generators, whether or not those stuffing boxes are
18 cool or warm, that's not something we can access. We can access
19 the pneumatic system as far as checking the air pressure from the
20 wheelhouse for our pneumatic throttle that, at that time, was only
21 the bow thruster that it controlled, as well as the steering
22 pressure, we could not monitor from the wheelhouse. That was
23 local, right on the -- not the pump, but the manifold on top of
24 the hydraulic fluid reservoir. And I think that's about it.

25 CDR ROY: All right, thank you. That's all I have, thank

1 you.

2 MR. FAWCETT: Okay. Any follow-ups from anybody on the line
3 before we take a break?

4 (No response.)

5 MR. FAWCETT: Hearing none, we are going to go into a standby
6 mode and resume at 12:40 Eastern time and we will secure the
7 recorders during the interval. Thank you.

8 (Off the record at 12:30 p.m.)

9 (On the record at 12:40 p.m.)

10 MR. FAWCETT: The time is 12:40 Eastern time, we're resuming
11 our interview on the record with the captain of the *Spirit of*
12 *Norfolk* during the fire event.

13 BY MR. FAWCETT:

14 Q. Captain, have you ever experienced an event in your maritime
15 career similar to the fire on board the -- and I don't mean in the
16 intensity of the experience, but have you experienced emergencies
17 on board vessels that you served on?

18 A. Yes, I've had medical emergencies where we've had to dock
19 early for different things or incidents on certain cruises where
20 we've had to have guests removed from cruises, but most of the
21 emergencies that I've ever dealt with were some kind of a medical
22 incident with a passenger or a crew member.

23 Q. And then just briefly, your maritime background and the
24 credential that you hold.

25 A. I hold a hundred ton license, hundred ton master's license,

1 and I -- maritime-wise, I've worked on the *Spirit of Norfolk* since
2 I was 16.

3 Q. Can you work on the *Spirit of Norfolk* when you're 16?

4 A. I could then, then they got rid of it and then they brought
5 it back.

6 Q. So we did discuss the written documentation that allows you
7 to perform your job. Have you seen the Passenger -- this is
8 before the fire, the Passenger Vessel Association manual for
9 personal safety for crew persons?

10 A. Are you referring to the PQS books?

11 Q. It explains how to ensure the safety of the people that work
12 on the vessel, so it's not only just PQS, personal qualification
13 system, but it has like guidelines, documents, like the proper
14 wearing of a personal floatation device and things like that.

15 A. Yeah. I believe that that was something that we went through
16 early on in my career, but it is not a system that we utilize
17 currently or at least that I'm familiar with currently.

18 Q. And how about the Passenger Vessel Association handbook or
19 manual for firefighting?

20 A. I'm not familiar with it.

21 Q. The Coast Guard and other organizations create safety
22 information to be distributed to seafarers. One good example is a
23 safety alert, a safety alert, for example, following the
24 *Conception* fire on the use of charging strips and lithium
25 batteries. Does the company provide those to you and how do they

1 provide those to you?

2 A. Yes. So Mr. John Lake, who has come up in this conversation
3 a few times already, whenever something like that comes about, he
4 will blast that out in an e-mail to all of the relevant parties as
5 far as the marine directors and captains and, you know, have us
6 distribute that information as appropriate.

7 Q. So how do you ensure that the vessel captains that work for
8 you, which include part-time captains, people that are called
9 chief mates, senior deckhands and so forth, how do you ensure
10 that, as marine director, that they not only get it, they see it
11 and understand it?

12 A. Yeah, so leading up to after everything came about after the
13 dive boat fire, we did discuss that leading up to -- prior to
14 cruising with our crew, you know, that whenever we have our
15 pre-cruise meetings, you know, that's part of it, you know, what's
16 going on, what's relevant at that point in time.

17 And then leading up to our next inspection, you know, while
18 we're going through all of our items, as well, you know, just to
19 hammer it home again, hey, guys, this is a big item that needs to
20 be addressed and if we see anything that, you know, daisy-chained
21 extension cords or something like that, which honestly, we don't
22 have any of that in Norfolk, but that was a topic discussed with
23 all of the crew as far as, you know, making sure it's taken care
24 of.

25 Q. In any of these safety council meetings that you talked

1 about, did anybody suggest to the company that a safety management
2 system should be developed for the fleet?

3 A. I don't recall.

4 Q. Did anybody in the safety council meeting recommend or make,
5 you know, a request, hey, do you think we could put a fire
6 detection system in the engine rooms?

7 A. Not that I recall.

8 Q. How about fire suppression system?

9 A. Not that I recall.

10 Q. We talked about on board there are fire doors. How are the
11 crew trained and let's talk first about the -- I'll call them the
12 hotel crew, the wait staff and stuff, how are they trained to use
13 fire doors on board the vessel should there be an emergency?

14 A. So all of our captains are well aware of what doors are fire
15 doors and what need to be remained closed during any -- you know,
16 unless they're transiting through it, of course, and if one of the
17 captains or the mates see one that's propped open and it shouldn't
18 be, that is relayed to the captain and then it's taken care of
19 right then. So the door is shut.

20 Q. But what about, you know, the people who work on the vessel
21 other than the marine crew, are they given training or
22 instructions should they -- say the galley breaks into flames from
23 an electrical malfunction or something like that, do they know to
24 close the fire doors?

25 A. So our doors are closed always, they're only open when

1 someone's going through them. It's not a fire door like what I've
2 seen on some boats where they do have an actual contraption to
3 shut down a compartment. What we have on our boat is a stair
4 tower that all of the doors on the stair tower should be shut and
5 if there is an emergency and they're evacuating, the stair tower
6 is an A60 boundary within and of itself, so if there was a fire in
7 the galley coming up through the stair tower, if you're outside of
8 the stair tower on the first deck or second deck, you should be
9 protected.

10 Q. So there is nothing, horizontal doors as described in some
11 interview, that close down, like two devices that close to secure
12 the boundary between -- not a boundary, but the space between the
13 galley and the main deck?

14 A. No, sir.

15 Q. The engine controls, those are electronic, correct?

16 A. Yes, sir.

17 Q. We talked about the video. The video is displayed on a
18 32-inch TV screen and I'm assuming that there are multiple cameras
19 installed on the vessel. Can you just basically go over where
20 those were installed?

21 A. Yeah, so we have them typically on our boats -- well, we have
22 them on the -- any of the passenger areas where there are bars,
23 pointed towards the bars. We have them on the dance floors,
24 stairwells, where someone might slip or fall or something like
25 that. We have them on the exterior decks, for the first deck

1 stern, the stairwell back there, as well as the second deck stern,
2 outside; one in the galley pointed aft towards the engine room
3 door, and then four cameras in the engine room.

4 Q. Is it possible with the display, is there like a series of
5 buttons along the bottom where you can say okay, I want to see an
6 engine room camera number 1?

7 A. Yeah, so it's basically a wireless keyboard and a wireless
8 mouse that are sitting in front of that television, basically, and
9 those are communicating to the DVR down beneath the countertop, so
10 you could grab the mouse and double-click and then it would blow
11 up whatever screen you're trying to look at.

12 Q. So you had mentioned, during the fire event, during the
13 overheating event, you were able to see people in the engine room
14 on the monitor system. Why did you turn your attention to the --
15 closer to the TV camera in that case?

16 A. It was after the fact and it was after the boat was back at
17 the dock. I believe that evening Bay Diesel had already left and
18 there was nothing pressing at that time at 9:30 at night on a
19 Sunday, so I went to the DVR and started looking at the cameras to
20 see what exactly happened to kind of get a better idea of how the
21 crew responded and what time frame we were looking at, for how
22 long that engine had been running without coolant.

23 Q. So where does that display sit in relation -- do you sit at a
24 chair?

25 A. Um-hum.

1 Q. So if I'm sitting in the pilot's chair, you've got the wheel
2 ahead of you and you're looking down the center line forward of
3 the vessel, where would I find that display? How far from you?

4 A. Maybe 10 or 11 feet off to the port side by the port wing
5 station.

6 Q. And do you have direct line of sight to it?

7 A. Yeah. It's not very easy to see from the pilot's chair with
8 all of the cameras lined up in the -- you know, six by six or
9 whatever pattern it was, but you can see a little bit of it from
10 the pilot's chair.

11 Q. So when the event occurred, there was some -- I think we've
12 had this clarified, somebody said there was a smoke alarm, there
13 is no smoke alarm, correct?

14 A. Yes, there actually -- there was an independent smoke alarm
15 that was on the main deck that's part of our regular alarm system,
16 like our security alarm for the doors and, you know, motion
17 sensors and things like that, but that alarm didn't go off until,
18 I think, somewhere between 1:30 and 2:30 that afternoon.

19 Q. So long after the insipid stage of the fire developing?

20 A. Um-hum.

21 Q. And did you hear it?

22 A. I wasn't on the boat at the time.

23 Q. Okay.

24 A. But I did get a phone call from the alarm company to tell me
25 that there was a fire on the boat.

1 UNIDENTIFIED SPEAKER: Where were you when you got the call?

2 CAPT NADEAU: Pier 4 at NOB.

3 BY MR. FAWCETT:

4 Q. So during the fire, so just to shorten the tale, you lost --
5 you got an indication of lost communication with the port main
6 engine --

7 A. Um-hum.

8 Q. -- a fault of some kind and then in that subsequent chain of
9 events, smoke was detected coming out of the vent, you began to
10 initiate all your response actions. Did you lose, physically lose
11 steering? I know that Captain Brown was up there with you, also.

12 A. Yeah.

13 Q. Did you lose steering?

14 A. I don't think so. It's hard to tell when you don't have
15 propulsion whether or not you have steering because we weren't
16 actively steering the vessel at that time, you know, we were just
17 drifting at that point. If you don't have prop wash pushing
18 across the rudders, there's no point in changing the steering.
19 And we were -- it was pretty quickly that we managed to get a line
20 on the bow from the tugboat, so we weren't testing the steering at
21 that point or using the steering, so I can't answer that question
22 for sure.

23 Q. Did you lose the starboard main engine?

24 A. I don't know if I lost either of the engines as far as
25 whether or not they were running, I lost control of them, though.

1 Because I know that initially, when that port main went blank and
2 the starboard was still there on the display, maybe -- I would say
3 it could be a couple seconds or it could be 15 seconds later it
4 came back up, the port main did, and it was still running and it
5 was -- all the numbers looked normal. So something was already
6 going on but the engine was still running at that point in time
7 before they both went out and the screen went completely blank.

8 Q. And they both went out, you're referring to loss of
9 communication to the displays and did you try to operate the
10 engine?

11 A. Yes, yes.

12 Q. And what happened?

13 A. Throughout this whole process we were trying to jog the
14 throttles back and forth. Usually, you can kind of feel them
15 lunge in one direction or the other and they were not responding.
16 Or you would -- you know, even if when we had just the starboard,
17 you'd be able to see it throttle up when you started to push the
18 throttle down, but we weren't seeing any response.

19 And that was around when I switched to the other wing station
20 to try that. Because that had a dedicated connection to the
21 computers downstairs, the port wing station is kind of our backup
22 line, so starboard and center are one line to the engine room and
23 the port wing station is a separate line, and that didn't work,
24 either, so I knew that it wasn't a connection between Point A and
25 Point B, but it was something happening in the engine room that

1 was not allowing me to control it.

2 Q. So you never felt it kick, like the transmission biting in
3 and screw turning and anything like that?

4 A. No.

5 Q. How about the electrical power, I'm not talking about battery
6 power, I mean, ship service power, did you lose that?

7 A. No, not until after they had secured fuel. So I instructed
8 the crew to secure fuel to the entire engine room and those valves
9 are located on the main deck. They shut off the fuel and I'm not
10 sure how long, but shortly after that the generator went out and
11 all of our emergency lights kicked on.

12 Q. I thought you gave a good explanation of how you fight a fire
13 on a boat such as the *Spirit of Norfolk* considering this type of
14 fire. Did at any time did you start the emergency -- not the
15 emergency fire pump, did you start the fire pump from the bridge
16 console?

17 A. Yes.

18 Q. And what happened?

19 A. So all that I know of from the bridge is I hit start and an
20 indicator light came on to tell me that the fire pump is running.
21 That was before the generators had shut down, though.

22 Q. And the fire pump is electric?

23 A. Yes, sir.

24 Q. So when you got the indicator light to come on, did -- at any
25 time did the thought cross your mind that I will direct a crew

1 person to man a fire hose and cool a boundary just in case that
2 action could help retard the spread, the radiant heat going
3 through the boundary and maybe defeating the A60 protection of the
4 fire boundaries?

5 A. Yeah. So what I had done, this was as we were disembarking
6 passengers, I went downstairs at one point where Captain C.J. was
7 manning the radios to talk to the Coast Guard and I went
8 downstairs and by the time I had -- the way the *Victory Rover* was
9 lined up next to us, my concern was the intake vent with the fire
10 coming out and the fire possibly encroaching to the *Victory Rover*.

11 So I went back there and grabbed the fire hose off of the
12 first deck stern and by the time I had gotten it lined up to point
13 towards that vent from the port quarter, the generator had already
14 died and there was no way to use that fire hose to kind of quell
15 that flame.

16 Now, I had originally requested that the tugboats start
17 dumping water into those ventilation ducts, that was one of the
18 first things that I did before the *Victory Rover* even came
19 alongside and they started, but somewhere in that process a tug
20 had to leave from that port quarter, so that's why I was trying to
21 put some water on that vent housing.

22 Q. And who was going to help -- this is an inch and a half hose
23 or --

24 A. Yes, sir.

25 Q. And who was going to help you man that hose?

1 A. I had a crew member down there with me, I believe Bryan
2 Bracey was with me, but I -- we use inch and a half hoses to wash
3 our boat down every day, so I wasn't -- I wasn't worried about
4 whether or not I could spray the vent from the port quarter.

5 Q. So is that a navy all-purpose style nozzle where you have fog
6 or straight stream?

7 A. It's like a brass -- yeah, it doesn't have the lever like you
8 described but a screw that you turn.

9 Q. Understand.

10 A. It goes from fog to --

11 Q. Similar to a garden hose, a big garden hose nozzle that where
12 you rotate --

13 A. I mean, any fire hose is similar to a garden hose.

14 Q. I know, but the nozzle is -- you rotate the nozzle to change
15 the pattern, is what I'm saying.

16 A. Yes, sir.

17 Q. Cell phone. We subpoenaed your cell phone record as a normal
18 part of our investigation, that doesn't imply anything, but from
19 the time you got under way until the time you got off the vessel,
20 did you use your cell phone?

21 A. Yes, I believe I did.

22 Q. How did you use it?

23 A. I might have sent a text or two. I don't believe it was
24 using it for anything other than that.

25 Q. To who?

1 A. I know that I texted my wife at one point and that afternoon
2 we had a scheduled cruise for the *Freedom Elite* to go to Hampton
3 and do a remote dock pick up and drop off. Those are always
4 difficult to gauge with the weather, the *Freedom Elite* is a
5 90-foot boat that doesn't do well in rough water, so I sent a
6 picture to my boss that the water looked good out past Norfolk
7 Naval Base to let her know hey, this looks good.

8 Q. And that was before the fire event?

9 A. Yes.

10 Q. And after the fire event, after you knew about the fire, did
11 you make any phone calls or text anybody or take any cell phone
12 pictures or video?

13 A. Yes. I took a picture of the boat when I got off. I think
14 two pictures after I got off the boat.

15 Q. So the tugboats come over, they respond almost immediately to
16 your situation. You did mention, and that story is fairly well
17 documented, one of the vessels put a line on your vessel and began
18 to exert control of maneuverability to help change the wind angle
19 to clear smoke and also, then, ultimately to move you over to Pier
20 4. One of the vessels peeled off, departed from the port side, do
21 you know why?

22 A. Initially, I thought that it was to hold the *Victory Rover* in
23 tight against the *Spirit of Norfolk*, so while we were transmitting
24 passengers from one vessel to the other, the boats weren't coming
25 apart and coming back together, so that he could get a good

1 contact on our vessel to make it safer, of course. And that was
2 just what I assumed that they were doing.

3 Q. At the time?

4 A. Yeah.

5 Q. Later on did you learn the reason why they departed your
6 vessel's locality?

7 A. No.

8 Q. Do you have radio communication directly between the boat and
9 the shoreside office?

10 A. Yes.

11 Q. And is that --

12 A. Shoreside office --

13 Q. Your office.

14 A. No.

15 Q. How did you notify them of the vessel emergency?

16 A. So once I got to NOB Pier 4, my -- so by the time I had
17 gotten onto the crew boat off of the *Spirit of Norfolk*, there was
18 another vessel nearby, TowBoatU.S., I recognized the individual
19 driving it, he used to be a *Spirit of Norfolk* captain, I worked
20 with him when I was a lot younger and I asked him to put me on
21 that boat. And he called Jolene for me to tell her that I was
22 safe and that, you know, he was taking me over to NOB at that
23 point in time.

24 Q. So the passengers are evacuating, you make a personal walk
25 through the vessel, and your crew also checks bathrooms and

1 confined and close spaces to make sure and then you determine that
2 everybody was safely off and you and Captain Brown then stepped
3 onto another vessel, is that correct?

4 A. Yes, sir.

5 Q. And now you get to the -- you get to the dock.

6 A. Um-hum.

7 Q. You watch the activities, they eventually bring the *Spirit of*
8 *Norfolk* in to Pier 4, there's numerous firefighting apparatus,
9 people on the dock, you provided assistance to them to help them
10 engage in firefighting operations. What I want to focus on in
11 particular is the decision that occurred in the mid-afternoon when
12 a decision was made to go aboard the vessel, it was a two-part
13 job, one is to go aboard and do a reconnaissance mission to locate
14 a means to fight the fire, the second one is to bring a foam hose
15 over to the vessel and physically apply foam.

16 Did they talk to you about the location of the emergency
17 escape hatch to the engine room so that you could provide guidance
18 on how close it is to the dock, where it is, how to open it?

19 A. Yes. So prior to the moment that I got off of the *Spirit of*
20 *Norfolk* onto the crew boat, I went to the first deck stern where
21 we have our fire and safety plan rolled up in a PVC tube and I
22 took that and I set it outside on the second deck stern so that
23 you could see it from the outside. Then immediately when I got
24 onto the dock, Bill Burkett directed me to some command post truck
25 where it's hard to distinguish who was a Navy chief or a Norfolk

1 fire chief, they all wear pretty much the same stuff, but it was
2 definitely a Navy truck that I was behind and that's when I told
3 them, you know, the fire plan is right there, you can see it, if
4 one of you guys can grab it, I can show you exactly where
5 everything is and I then walked over with a Norfolk firefighter to
6 show them all right, this aft-most window on the port side, break
7 that window and you'll see the hatch right there, there's a
8 placard right there but the hatch is right underneath it. Break
9 this window. And he was like are you sure, I'm like the tugboats
10 have already broken windows, man, just break the window, that's
11 fine.

12 And that was pretty quickly in the process, probably earlier
13 on, in the 1 to 2 o'clock hour and then that came up again when I
14 spoke with some of the chiefs, I don't remember who, but again, I
15 reiterated break that window, the hatch is right there, you can
16 access the engine room from the top right there. And they said
17 something about being able to get equipment in there or whatever
18 and that it was too narrow and I just said why would you need to
19 go down there, you know, but they -- whenever the decision was
20 made for them to put people on, I was not included in the
21 discussion other than, you know, what I had said before, which was
22 go through that hatch.

23 Q. And when you said port side, I'm --

24 A. I meant starboard, I'm sorry.

25 Q. Yeah, I --

1 A. I'm sorry.

2 Q. That's all right. Just out of curiosity, why didn't you
3 bring the fire plan with you when you got off the vessel?

4 A. I don't know. I don't know. I wanted it to stay with the
5 vessel. There were a lot of things going through my head at that
6 point in time, maybe perhaps -- maybe perhaps I thought that for
7 some reason I wouldn't be able to get in to NOB. I don't know, I
8 don't know how all of that works, so I wanted it to be somewhere
9 that people could get it if they needed it.

10 Q. So you directed their attention to the tube which held the
11 plans, the critical plans.

12 A. Yes.

13 Q. You told shoreside firefighters, somebody, unidentified, you
14 know, break that window, straight down below there is the labeled
15 emergency escape hatch which will take you to the top of the
16 engine room.

17 A. Um-hum.

18 Q. And that's around 1 or 2 -- you know, say 2 o'clock, I'm not
19 sure of the time, but now decisions are being made, were you there
20 when personnel began to be mobilized --

21 A. I was --

22 Q. -- to go aboard?

23 A. Yeah. I saw when they had put a ladder truck over to the
24 vessel and I believe the crew might have even come on through the
25 second deck stern and gone down. But yes, I saw them crawling

1 across the ladder truck and going down onto the stern of the boat.

2 Q. Would I be correct in saying that was four firefighters?

3 A. I'm not sure. At least. I feel like it was more, but I'm
4 not sure.

5 Q. And they all -- they were all wearing bunker gear and
6 anything. Did you see them like mobilize, like walk past you and
7 did you happen to notice like, you know, it's confusing, Norfolk
8 Navy, Norfolk civil fire, did you see any markings on who those
9 people were?

10 A. I'm not sure. I know that there were trucks from the City of
11 Chesapeake, City of Norfolk. There was the maritime response
12 guys, Bill Burkett's guys, their trucks. There was the Navy
13 trucks. It was hard to distinguish who was with what entity at
14 that point in time and who actually boarded the vessel.

15 Q. So you weren't in the command post. You said that you
16 weren't there or you weren't knowledgeable about the decisions
17 made?

18 A. Yeah, throughout this entire process Investigator Gagne was
19 pulling me away to talk to me about what happened. So every time
20 somebody pulled me aside to ask me a question and he was like hey,
21 Ryan, come over here, you know, and then he pulls me to the side
22 and then he's asking me questions about what happened, so I was
23 being pulled in every direction at that point.

24 Q. So by that you mean an authority figure, the United States
25 Coast Guard was asking you questions about the accident?

1 A. That's correct.

2 Q. So you physically saw the people go across the brow, that's
3 what Bill Burkett talked to, but it's not a brow, the fire hose,
4 horizontal ladder.

5 A. Um-hum.

6 Q. But they come across. Are they dragging a hose at this time,
7 do you remember?

8 A. I don't know.

9 Q. There was a second attempt where they actually brought a fire
10 hose, did you see that?

11 A. I don't recall.

12 Q. Do you recall shortly thereafter at some point, and you might
13 not have heard this, but there was a Mayday by the firefighters.
14 What did you see -- you might not have heard that, but there was
15 an event that maybe occurred when they opened the watertight door.
16 What did you see on the dock, on the vessel?

17 A. I didn't see anything of note other than all of the -- the
18 firefighters were frantically moving around and they were kind of
19 all staging things to get ready for something and all of them were
20 blasting their horns on the dock all at once, all of the trucks
21 were. So I didn't really know what happened at that moment until,
22 you know, much later, but from my perspective, I wasn't really
23 sure what to think.

24 Q. Did you notice the *Spirit of Norfolk* take on a sudden list to
25 port? Synonymous with that event.

1 A. So the *Spirit of Norfolk* has a little bit of a list to port
2 even before, so I didn't notice anything different, I just assumed
3 that while you're -- you have water in the engine room and you're
4 filling up that compartment, it might exacerbate itself a little
5 bit, but it didn't seem any more than -- I don't know.

6 Q. So why would the *Spirit of Norfolk* have a list of port before
7 the fire event?

8 A. I'm not sure, it just kind of always had that -- that look
9 of, you know -- I'm not really sure.

10 Q. Is there a clinometer in the wheelhouse that shows angle of
11 heel?

12 A. No.

13 Q. Anywhere else on the vessel that would be able to indicate
14 how much list is traditional on the vessel?

15 A. No.

16 Q. So it's somewhere around 3:00 p.m. on June 7th, you've gone
17 through this event, you see this Mayday call. How long did you
18 remain on the dock and how much -- what did you do?

19 A. I was there until about 11:30 that night. I sat in on a
20 conversation with the captain of the port around 8 o'clock that
21 night in that control bus thing that the maritime response guys
22 have. That was right around 8 o'clock and I remember right before
23 that meeting was when they started to say all right, the fire is
24 starting to move into the passenger areas at the first deck. But
25 by the time we got out of that meeting, that was around like 9:30,

1 it had rolled through pretty significantly into the rest of the
2 boat.

3 Q. So did any of the salvage people or Coast Guard people or
4 firefighters, anybody that was responding, did they -- did anybody
5 seek your advice, as the captain of the vessel, to manage the
6 firefighting efforts?

7 A. Yeah, so the salvage guys, I had conversations with them, as
8 well, about where that hatch was and how to access it so they were
9 aware of the closest route to the engine room. My big concern
10 with that was just this is the shortest run to get to the engine
11 room. From that stern deck door you're talking about 20 feet,
12 whereas if you go through the galley, you're talking about a
13 hundred and 50 feet from the closest point of egress to where the
14 fire is. So common sense told me this hatch right here was the
15 closest point to get guys in and out. Or to at least assess the
16 situation further.

17 Q. In any of the meetings with -- others describe it as the
18 response group, did anybody explain how the decision was made
19 after the fact to go to the watertight door in the engine room?

20 A. No.

21 Q. And did they -- I might have missed this and I apologize, did
22 the firefighter break the window above the emergency escape as you
23 suggested?

24 A. That window is the only window that's still intact on the
25 *Spirit of Norfolk* right now.

1 MR. FAWCETT: That's all the questions I have. I'll go to
2 Commander Roy and then over to Commander Emmons.

3 BY CDR ROY:

4 Q. Good afternoon, Captain. Thank you for your time here, I
5 know this is long. The video system, is that color or is it black
6 and white?

7 A. It was black and white for the engine room, but color for the
8 rest of the vessel.

9 Q. And I know you mentioned that it was, you know, some distance
10 away from you and said what, 10 or 12 feet or something like that.
11 What blocks or what cameras can you see the best from your
12 position on the helm?

13 A. They're all the same size, so it's divvied up in equal -- an
14 equal grid all the way across.

15 Q. Okay. After listening to the radio calls, when you first
16 contact the Coast Guard, you can hear alarms going off, I think it
17 sounded to me like there were maybe a couple alarms. Do you
18 recall that those alarms were going off when you made that initial
19 call?

20 A. Yeah, so the alarms initially were the throttle display and
21 the -- what I believe to be the throttle heads themselves when
22 they were blinking red and green like I described. Aside from
23 that, I'm not sure what other alarms were going off. There were
24 at least two or three alarms going off, maybe more, but I -- some
25 of them I've never heard before.

1 Q. Okay. All right. Do you recall on the 7th when the last
2 round was completed into the engine room?

3 A. Eleven thirty. It was Jeremiah and George Ely or by
4 Jeremiah, I mean Orenthal Perry, they were doing training that
5 day, so it was a longer engine check than typical, so it would've
6 been, you know, they probably didn't exit the engine room until at
7 least 11:40.

8 Q. You mentioned earlier about a security alarm on like part of
9 the main deck areas and it's also -- it's a security alarm but it
10 also has smoke capability, is that correct?

11 A. Yes.

12 Q. Okay. How many alarms are those around the ship, do you
13 know?

14 A. So that alarm system is independent of the ship's alarms and
15 I have door sensors on all of the doors, probably half a dozen
16 motion detectors, a water bug in every bilge compartment on that
17 boat to indicate if -- and then either one or two smoke detectors
18 on the main, the passenger decks, and so those are more for if
19 something happens while I'm not around or the vessel is not
20 manned, that it can be called out to first responders and myself.

21 Q. Do you know when that system was put on the vessel?

22 A. I had that system implemented probably 2018, 2019.

23 Q. Okay. As part of the emergency procedures on the vessel, are
24 you required or is there any procedures that you guys have on the
25 *Spirit of Norfolk* to remove documents, logs, DVLs or anything like

1 that?

2 A. No. In that moment, I did not grab the logbook.

3 Q. And last question, sir, the hatch, the emergency hatch, you
4 know, I've seen pictures, how big is that hatch?

5 A. I believe it's either an 18- or a 24-inch diameter circle.

6 CDR ROY: Eighteen or 24. All right, that's all I have.

7 Thank you, sir.

8 MR. FAWCETT: Thank you. Commander Emmons.

9 BY LCDR EMMONS:

10 Q. I just have a few questions on the evacuation part with the
11 passengers. How were the passengers during the -- after the fire
12 was detected, how were they being managed?

13 A. So the crew was able to have all the passengers walk through
14 the decks, tell the passengers and the staff we need to start
15 moving everybody up to third deck. In that moment, I felt that
16 was the best way to transmit that message to two elementary
17 schools and they were able to escort everybody up to the third
18 deck and had them begin putting on lifejackets up there.

19 And then, as soon as we were prepared for evacuating them off
20 the boat, we were able to bring them through the stair tower
21 downstairs to the large mid-ship door on the port side and that
22 was -- you know, that stair tower, like I said, is also another
23 fire boundary, so it was the safest way to get them downstairs and
24 away from the smoke.

25 Q. Did the handling of the passengers, would that have been

1 different if they were all, say, adults or you said because there
2 are elementary children, is that --

3 A. Yeah, yeah. I think with adults it might be a little bit
4 different.

5 Q. And how would that have been different?

6 A. I'm not sure.

7 Q. Just a quick question about -- the crew boat you departed on
8 before you got to the TowBoatU.S. boat, do you know like who that
9 belonged to or what kind of a boat that was?

10 A. Yes. It was a red crew boat. I saw it recently and my other
11 captain, Captain Jimmy, said oh, that's the -- I can't remember,
12 it's Huskaginee (ph.) or one of those weird river names, I can't
13 remember what it was. I think it's a Great Lakes boat, but I see
14 it all the time transiting through downtown Norfolk towards the
15 eastern branch. But I will write it down next time.

16 LCDR EMMONS: Thank you, that's all I have.

17 BY MR. FAWCETT:

18 Q. So if I said was it the *Ohio River*, would that be the name of
19 the crew boat?

20 A. I don't think so.

21 Q. Because we know there's a vessel floating around, the *Ohio*
22 *River*. I just have a follow-up to the evacuation system. So
23 you're in the wheelhouse, who is directing? If you had to pick a
24 vessel crewperson that was directing the movement of vessels, the
25 people throughout the vessel, leading up to their evacuation,

1 stepping off onto the *Victory Rover*, who would that person have
2 been?

3 A. Bob Enloe. He would've been the most senior person to be
4 able to assist with directing passengers. If not, I had
5 Orenthal Perry, who is also a senior deckhand, that could have
6 assisted with that, as well.

7 Q. But not could have. Did Bob Enloe direct the movement of
8 passengers from the upper decks down through the vessel to the
9 evacuation point or did somebody else do that?

10 A. So I'm not sure. In that particular situation, when it comes
11 to communicating with the crew, when I would relay out a message,
12 instead of spending more time than necessary to target a
13 particular person, if they can't hear me because there's something
14 going on, I can say all right, now I need somebody to do this and
15 then somebody would acknowledge and say all right, I got that.
16 And then if nobody heard me, I'll try it again, I need somebody to
17 help me with this. And then, in that moment that was the fastest
18 way for me to go through the evolution of getting everything taken
19 care of.

20 Q. Would I be correct in saying that Ms. Ginn (ph.) played a
21 significant role in directing the movement of the passengers and
22 making announcements to the passengers and recommending
23 announcements made by the DJ during that fire event?

24 A. That is possible, yes.

25 MR. FAWCETT: So I don't believe -- Coast Guard, any more

1 questions?

2 (No response.)

3 MR. FAWCETT: National Transportation Safety Board, please.

4 BY MR. KARR:

5 Q. This is Mike Karr. Captain, following up on, you know,
6 everything taken care of, can you describe your response to the
7 fire including your interaction with the crew, the wait staff,
8 passengers, and other vessels? And I'm looking for a
9 chronological description of the things you did from the time you
10 -- the fire was suspected to when you left the vessel.

11 A. Okay. So initially, when it was determined that there was
12 smoke coming from the port side, when I looked out my port wing
13 station window, I addressed the crew to go and investigate. At
14 that point, very shortly after the crew had gone down there, they
15 had confirmed what I thought was a fire and that it was too big
16 for them to try and fight.

17 From my perspective in the wheelhouse, I could see that it
18 was overtaking the intake ventilation fan and in fact, blowing out
19 instead of in. So I shut down the ventilation system, I did the
20 ventilation shutdown from the wheelhouse. I fired up the fire
21 pump. I called and requested for a tugboat to assist in
22 controlling my vessel. I called the Coast Guard and reported a
23 possible fire in my engine room and recited the number of
24 passengers on board. After that, I had my crew shut off fuel to
25 the engine room and send the passengers up to third deck and to

1 don lifejackets. After that, the tug *Rosemary McAllister* tied to
2 our bow, I requested a crew member to assist them with getting a
3 line on the bow. After that I requested the tugboats to begin
4 attempts at firefighting on the exhaust vent and intake fan on
5 both sides of the vessel.

6 The *Victory Rover* then offered to help evacuate passengers, I
7 took their offer, they pulled up alongside the mid-ship door. A
8 hundred and six passengers were then brought down from the third
9 deck through the stair tower to the mid-ship door across the
10 *Spirit of Norfolk* to the *Victory Rover* and then shortly after
11 doing a full sweep of the vessel, Chris Brown and myself left onto
12 a crew boat that was red.

13 Q. You said you sent passengers to the third deck, how did you
14 do that?

15 A. I told the crew members to begin moving passengers up to the
16 third deck.

17 Q. Did anyone respond in reply to that message?

18 A. Yes.

19 Q. And who was that and what did they say?

20 A. I do not recall.

21 Q. All right, give me a second to look down at my list, my
22 notes. Was there any reason -- oh, in the SOP for evacuating a
23 ship or ordering people to the third deck, well, let me ask you
24 this, is there a standard operating procedure for what to do when
25 you want people to go to the third deck during an emergency?

1 A. Yes. I mean, it all depends on what the emergency is. I
2 believe we had this discussion last time, but if there is a fire
3 on the third deck, I may bring people downstairs from the third
4 deck or if there's a fire on the stern, they may need to go to the
5 bow, it also depends on the passenger count that I have on the
6 boat. But given an engine room fire, and as I discussed even with
7 my crew three days before with our fire drill, the third deck is
8 the safest place to put passengers for an engine room fire.

9 Q. Right. I call it an SOP, so I don't know if it's written or
10 if it's, you know, an unwritten standard operating procedure that
11 you always follow, but what about making an announcement over the
12 PA system? Is that part of the SOP?

13 A. I'm not sure, but like I mentioned earlier, I felt that that
14 message being relayed through my crew was a better option in that
15 moment.

16 Q. All right. When you did your sweep, can you recall if you
17 intentionally were looking at the fire doors?

18 A. What fire doors?

19 Q. Any fire doors. In particular, fire doors to the galley.

20 A. So there is the engine room door, I did look at that door in
21 my sweep. It was closed. I cracked it open, I couldn't see
22 through two inches and then shut the door, and that was -- then I
23 came upstairs, checked the restrooms downstairs for any remaining
24 passengers, then I walked through second deck, did a sweep of that
25 deck. There are no fire doors, if you will, in our galley, but

1 there is vertical doors around the stair tower, just like regular
2 doors that remain shut, typically.

3 Q. So the engine room door you were talking about, that's the
4 watertight door in the --

5 A. Yes, sir.

6 Q. -- engine room bulkhead?

7 A. Yeah. Yes, sir.

8 Q. All right. And the doors that you were just describing that
9 lead to the galley, are those the doors where people have access
10 from the main deck into the stairwell leading down to the galley?

11 A. Yes. That would be one of them and then there's two more on
12 the back side, a little bit more outboard of that door on the main
13 deck.

14 Q. Right. Can you tell me if you noticed that those doors were
15 closed when you left the vessel?

16 A. I do not recall.

17 Q. How is the dumbwaiter access from the main deck?

18 A. In that wait station, those doors, they remain shut or they
19 are -- or the dumbwaiter is inoperable, so those doors are always
20 shut unless they're moving something out of it or they're being
21 serviced.

22 Q. Can you recall if they were shut when you left, I mean,
23 recall, you know, did you put your eyes on them?

24 A. I don't recall. I know that with the fire being in the
25 engine room, my focus was making sure that it was staying in that

1 compartment.

2 Q. All right, can you describe the progression of the fire and
3 the smoke that you observed from the time that you arrived at the
4 pier until you departed the pier? You know, tell me what you
5 personally observed. I'm looking for a snapshot of the fire and
6 the smoke progression on that first day.

7 A. Yeah, so for the most part, all the way up until the sun
8 began to set, it was just -- the smoke was only coming from those
9 vent trunks. So there was smoke coming from the port side and the
10 starboard side, they were trying to put water on it or foam on it
11 as much as they could, but it wasn't until late that night that it
12 started to encroach further forward and at that point, I was not
13 -- they had roped off the area just beside the boat, so I couldn't
14 get any closer than a few hundred feet behind the boat. So I
15 couldn't really see how the fire progressed outside of the engine
16 room, but ultimately, it just ended up completely engulfed before
17 I left.

18 Q. In your contact with the firefighters or with Mr. Burkett,
19 was there any discussion of how they were -- of what they were
20 going to do to attack the fire?

21 A. I don't recall them telling me what their plan was other than
22 initially Mr. Burkett telling me listen, I'm sorry, but it's
23 looking like we might just have to fill up the engine room, you
24 know, this is -- and at that point in time it was very
25 disheartening just to hear that, you know, because I still had the

1 rest of the boat sitting there, but the plan initially was yeah, I
2 think we'll just fill it up and that was the only time they really
3 included me in on their plan of attack other than asking me where
4 the hatches were to access the engine room, in which case they
5 weren't really looking to relay information as much as taking
6 information.

7 Q. Who was the City Cruise's representative to the incident
8 command when you got on the pier?

9 A. So you mean who was in charge from my side? There was myself
10 and my general manager was there. I had reached out to John Lake
11 to begin the process of reaching out to the salvors and the
12 pollution response guys probably around 1 o'clock and he started
13 that process. But on the pier, up until later that night, I was
14 really the only one there that was a representative that
15 understood the boat.

16 Q. Did anyone invite you into the incident command, did anyone
17 indicate they wanted you, you know, to be there, I mean, did
18 anyone explain to you your role?

19 A. Yes. Well, a member of the Coast Guard, I can't remember her
20 name, she did pull me to the side to tell me what time that was.
21 She did not discuss my role in all of that. But at that point,
22 when we did have that meeting, there were other members of the
23 national marine team that had already driven down to Norfolk to
24 help out with everything.

25 Q. All right, but in the -- when you got to the pier, nothing I

1 described took place until you were first approached and that was
2 later on in the evening?

3 A. It was probably around 5 or 6 o'clock.

4 Q. All right. Did you hear any talk about possibly letting --
5 you know, containing the fire in the engine room and letting it
6 cool down --

7 A. Yeah.

8 Q. -- rather than attack it?

9 A. Yeah. That was my initial conversation with Bill Burkett,
10 which was basically, you know, we can just -- the engine room's a
11 watertight compartment, we can just fill it up with water and
12 smother it.

13 Q. When did you and Bill have that conversation?

14 A. Somewhere between 1 and 2 o'clock. It was shortly after I
15 got to the pier.

16 Q. Anyone else in that conversation?

17 A. Perhaps C.J. Burkett, C.J. Brown, Captain Brown, he was with
18 me for the first couple hours before he left to go take his drug
19 test.

20 Q. Do you know if that discussion or that idea made its way to
21 the incident commanders?

22 A. Yeah, I mean, there was a conversation that I had with
23 several chiefs that I mentioned earlier where they were discussing
24 with the -- I believe they had the salvage guys already there and
25 we discussed where that escape hatch is, what it looks like, how

1 you physically open the hatch, like what motion you make to open
2 it and pull it out, and that there was a placard on that bulkhead,
3 on that wall, and again we discussed, you know, breaking that
4 window.

5 MR. McLEOD: I need to interject here. Based upon the
6 scheduling, I booked a flight back to New Orleans, so we're going
7 to have to stop this probably by 2:00. If we need to come back
8 and reconvene --

9 MR. FAWCETT: Okay.

10 MR. McLEOD: -- some more questions, I'm fine, but we're
11 going on four hours, you know.

12 MR. FAWCETT: I understand and I appreciate --

13 MR. McLEOD: I'm happy to bring him back and do it again, I
14 just can't miss that flight because I checked, just for the
15 record, I checked and the next flight doesn't get me back until
16 tomorrow morning, so I apologize for the scheduling. It's my
17 fault for doing it on a Friday.

18 MR. FAWCETT: That's understandable.

19 MR. McLEOD: Yeah.

20 MR. FAWCETT: And just so we don't miss the point --

21 MR. McLEOD: Yeah.

22 MR. FAWCETT: -- the captain has referred to notes and we'd
23 like a full copy of those notes --

24 CAPT NADEAU: Okay.

25 MR. FAWCETT: -- for the record.

1 CAPT NADEAU: Sure.

2 MR. FAWCETT: So Commander Waddington, sir, I suppose we can
3 run this for about 10 more minutes and then do a subsequent
4 interview with your permission at a later date. I know the ATF is
5 on the phone, we have the party-in-interest and so forth, a
6 telephonic interview, so I'll wait to see what your response is
7 and then we'll continue.

8 CDR WADDINGTON: Well, it might be smart to kind of gauge how
9 much more time we need, so I mean, you know, start with ATF and
10 work around and see kind of if we can -- if that 10 minutes is
11 going to do us any good or I imagine we're getting close to
12 wrapping it up, but I'd defer.

13 UNIDENTIFIED SPEAKER: About an hour here.

14 MR. FAWCETT: So Mr. Karr, how much more do you have, sir?

15 MR. KARR: I've got three more minutes.

16 MR. FAWCETT: Okay. And how about you, Mr. Flaherty?

17 MR. FLAHERTY: I could do it quick, I only have three primary
18 questions.

19 MR. FAWCETT: ATF?

20 UNIDENTIFIED SPEAKER: I believe they dropped off.

21 MR. FAWCETT: Okay. And how about Mr. Abel from Bay Diesel?

22 MR. ABEL: Yeah, I don't know that I'm likely to have any
23 questions, to be honest, because we are running long. I've got
24 another deposition that I have to start taking at 2 o'clock so I'm
25 going to disappear in about 5 or 10 minutes, anyway.

1 MR. FAWCETT: Commander Waddington, your call, sir.

2 CDR WADDINGTON: How about Mr. Denley?

3 MR. DENLEY: I just have one question.

4 CDR WADDINGTON: All right, so let's go 10, no more than 10
5 minutes, wrap it up. I suspect we'll get through it.

6 MR. FAWCETT: All right.

7 MR. McLEOD: Great. Thanks, everybody.

8 MR. FAWCETT: Thank you. Go ahead, Mr. Karr.

9 BY MR. KARR:

10 Q. All right, Captain Nadeau, the conversation I was wondering
11 about whether it made its way to the incident commanders was
12 specifically about the strategy to let the fire remain in the
13 engine room without attacking it.

14 A. Yeah, I --

15 Q. My question would be -- go ahead.

16 A. All I know in that respect is that I spoke to Mr. Burkett
17 about that and I spoke to the marine salvage guys about that, but
18 I can't remember whether or not that was before or after they had
19 already gone into the engine room with the salvage guys.

20 Q. Okay. How about with Burkett, though, that was before they
21 went in the engine room?

22 A. That was well before, yeah.

23 Q. All right. And my last question is, in any of those
24 discussions that you had with the incident commanders or with the
25 firefighters, was there any sense of urgency that the boat had to

1 leave the Navy pier?

2 A. No.

3 MR. KARR: All right, that's all I have.

4 MR. FAWCETT: Thank you, sir.

5 Mr. Flaherty.

6 MR. KARR: I cede my time to Mr. Flaherty.

7 BY MR. FLAHERTY:

8 Q. All right. Okay, a few questions. One, were you surprised
9 after you shut off the fuel that the fire was still burning with
10 intensity?

11 A. I don't know. Yeah, I don't know the answer to that
12 question. It was an unprecedented situation.

13 Q. Okay. So you were unable to put anything across the vents
14 that went into the engine room after you shut off the air supply?

15 A. Yes.

16 Q. Okay, my last question. From your perspective, knowing the
17 vessel and everything else, what do you think happened?

18 A. I don't know.

19 MR. FLAHERTY: All right, thank you.

20 MR. FAWCETT: Thank you, sir.

21 Mr. Denley.

22 BY MR. DENLEY:

23 Q. Yeah, just one question. You commented that, in your
24 judgment, the best way to pass information to the guests and to
25 move them to the third deck was through messages through your

1 ship's crew. Was the *Spirit of Norfolk* equipped with a PA address
2 system?

3 A. Yes.

4 Q. And how did the PA address system work?

5 A. A microphone right by the wheel and flipping a switch.

6 Q. And would that message had gone out throughout the ship?

7 A. Yes.

8 Q. And would that message have, you know, superseded or
9 overridden the DJ?

10 A. Yes.

11 MR. DENLEY: Okay, thanks.

12 BY MR. FAWCETT:

13 Q. Just to follow up, are you aware that the DJ made an
14 announcement for the passengers to move to the upper deck?

15 A. Yes, I'm aware now of that.

16 Q. But at the time, you weren't aware of that?

17 A. I was aware that my crew was taking care of moving the
18 passengers and relaying the message.

19 Q. Did Ms. Ginn come up to you and make suggestions about the
20 movement of passengers or announcements on the PA system?

21 A. I do not recall.

22 MR. FAWCETT: That's all I have. Any follow-ups?

23 Mr. McLeod?

24 MR. McLEOD: I have no question of the witness.

25 MR. FAWCETT: Hearing none --

1 (Crosstalk)

2 MR. McLEOD: Is there a reason that ATF dropped off before we
3 talked about firefighting?

4 MR. FAWCETT: I have no idea.

5 MR. McLEOD: Okay. Just curious. Was that a strategy on the
6 part of the Coast Guard investigation or not?

7 MR. FAWCETT: No. As an administrative procedure, the ATF
8 asked to be part of this interview and their participation is at
9 their will.

10 MR. McLEOD: Okay.

11 MR. FAWCETT: So thank you very much, in particular, Captain,
12 for being here. I know this is the third time we talked to you.
13 The time is 1:51 p.m. We've completed the interview with Captain
14 Ryan Nadeau. Thank you, sir.

15 (Whereupon, at 1:51 p.m., the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

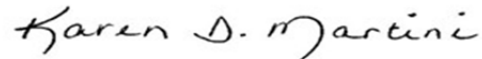
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Ryan Nadeau

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, VA

DATE: August 12, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: GLORIA MARIE LABOY NUNEZ
Spirit of Norfolk

Norfolk, Virginia

Tuesday
August 9, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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I N T E R V I E W

(8:33 a.m.)

MR. FAWCETT: You just have to say yes.

MS. NUNEZ: Okay, yes.

MR. FAWCETT: Thank you. So, this is joint U.S. Coast Guard, NTSB investigation. We are the lead agency for the investigation, the Coast Guard, we're doing this under the regulations of the United States Coast Guard.

So, today is August 9th, it is Tuesday. The time is 8:33 Eastern Time. We're doing an interview with Ms. Gloria Marie Nunez and we're in the federal building located downtown in Norfolk conducting this interview. And what we're going to do is we're going to go around the room and we're going to have everybody introduce themselves to you, and they're going to state who they are and who they represent.

And we'll start with you. If you could say your name and then spell your last name, please. We're all going to do the same thing.

MS. NUNEZ: And spell my last name, okay.

MR. FAWCETT: Yes.

MS. NUNEZ: Hi, my name is Gloria Marie, L-a-b-o-y, N-u-n-e-z.

MR. FAWCETT: Sorry, and you were one of the deckhands on the *Spirit of Norfolk*?

MS. NUNEZ: Yes, correct.

1 MR. FAWCETT: My name is Keith Fawcett. I'm with the United
2 States Coast Guard D5 Investigation Team. My last name is spelled
3 F-a-w-c-e-t-t.

4 LT. COMMANDER EMMONS: Lt. Commander Nicole Emmons, I'm with
5 the District 5 Formal Investigation Team. That's E-m-m-o-n-s.

6 MR. DENLEY: I'm Eric Denley, D-e-n-l-e-y. I'm with City
7 Cruises, the *Spirit of Norfolk*.

8 MR. FAWCETT: And NTSB on the line, please.

9 MR. FLAHERTY: Hi, this is David Flaherty with the National
10 Transportation Safety Board. Last name's spelled F-l-a-h-e-r-t-y.

11 MR. KARR: And Michael Karr, K-a-r-r, with the NTSB.

12 MR. FAWCETT: Coast Guard?

13 COMMANDER WADDINGTON: Commander Randy Waddington.
14 Waddington's spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5
15 Formal Investigation Team lead.

16 MR. FAWCETT: Counsel for Bay Diesel, please.

17 MR. STILLMAN: Good morning, Dan Stillman, S-t-i-l-l-m-a-n
18 with the law firm of Willcox & Savage here on behalf of Bay
19 Diesel.

20 MR. FAWCETT: And for Captain Nadeau?

21 MS. GALITOU: Magdalini Galitou with Phelps Dunbar for
22 Captain Nadeau.

23 MR. FAWCETT: All right.

24 UNIDENTIFIED SPEAKER: I think someone else.

25 MR. FAWCETT: Yes. So, who else is on for Hornblower,

1 please?

2 MR. WEIGEL: Yes, this is Alan Weigel from Blank Rome. It's
3 spelled W-e-i-g-e-l.

4 MR. FAWCETT: Okay, anyone else?

5 So, I want to explain to you that you may, you know, memory
6 is a perishable thing. So, if you think of things that we talk
7 about here today or in your previous interviews that you want to
8 change or modify or add to, if you can let Mr. Denley know and
9 he'll let us know. We are going to produce a transcript that he
10 will have access to of this, all the facts that you talked about,
11 so forth. So, you have an opportunity and Mr. Denley to look at
12 that and make modifications or changes.

13 We will produce a report of investigation and if you see it
14 and you look at it and say, wait, I have something to add or
15 change, new information that you need to have, once again you
16 could go to Mr. Denley or contact Lt. Commander Emmons. We would
17 still let Mr. Denley know. But you can appeal the results of this
18 investigation if you choose to.

19 And then there's a book about three inches thick, which is
20 what governs how we do business called the Marine Safety Manual.
21 And if you Google it, Coast Guard Marine Safety Manual, Volume 5,
22 it talks about why you're here and, you know, all those other
23 things, what we're trying to accomplish here today.

24 MS. NUNEZ: Okay.

25 MR. FAWCETT: So, without any further ado, Commander Emmons.

1 INTERVIEW OF GLORIA MARIE LABOY NUNEZ

2 BY LT. COMMANDER EMMONS:

3 Q. Okay. First of all, thank you again for taking the time to
4 come down here and speak with us again. We really appreciate it.

5 We'll just go first through -- can you kind of give us a
6 background in your maritime industry prior to your employment on
7 the *Spirit of Norfolk*, kind of give us your background.

8 A. So, I was in the Navy. I was an engineer. I did that for
9 about two years; I just got out in March.

10 Q. When were you hired to work aboard the *Spirit of Norfolk*?

11 A. April 12th of this year.

12 Q. Okay. And did you start working immediately on April 12th or
13 --

14 A. No. So, I had an interview and I kind of got the job on the
15 same day. So, I had to do, like, the onboarding classes,
16 orientation and training and stuff like that before I was actually
17 on the ship. So, it was about maybe two weeks before I got on the
18 actual ship.

19 Q. Okay. And can you kind of talk about that orientation. Like
20 what does that entail prior to you getting on board the ship?

21 A. It was just, like, uniform, then safety measures like, you
22 know, like passenger safety, what to do and, like -- what's it
23 called -- like if someone gets like crazy or something like that.
24 Stuff like that. Yes, they did the sexual harassment. That's
25 what I could remember.

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1 Q. Okay. And that was just for about two weeks?

2 A. No, so it was a day, but I didn't -- like between that time
3 and then going on the ship, it was about two weeks.

4 Q. And when was your first actual trip on board the vessel? Do
5 you remember?

6 A. Let's see. I had it -- we had a cruise, I think I had the
7 morning shift; I set up for the morning shift. So, they were
8 teaching me. I was with Jeremiah (ph.) and he was teaching me how
9 to do the job, such as like cleaning the heads, what they expect
10 me to do, and then basically I followed him throughout the whole
11 day since -- I think it's about -- yes -- three days that he would
12 train with somebody like constantly so that you can, you know, get
13 a hang of your own job on your own.

14 So, he just taught me what to do when passengers are
15 boarding, you know, like how to stand my watch or whatever, how
16 the rotations go, which is about every 30 minutes we switch decks,
17 depending on how many people are on board and how many decks we
18 have open. There's two decks that have tables and, you know, for
19 them -- for the guests to eat and stuff like that. So, he was
20 just showing me how to do all the things that day for three days.

21 Q. So, is it fair to say you had the indoc training and then you
22 had like three days of on the job training. And then what happens
23 after that?

24 A. After that -- so I kind of still wasn't sort of getting the
25 hang of things, so I kind of stayed -- so they had extra, I guess,

1 staff on board so I was always with somebody when, you know,
2 everything went down, the fire. I was always with somebody; I was
3 never by myself. So, yes, I was kind of in training for three
4 days but not really. It was kind of longer, because, you know, we
5 always had overstaff and usually I think it was two staff that are
6 on the boat with the captain from the (indiscernible) minus the
7 mate, so three. So, yes, so we had like four people on board so I
8 was always with somebody.

9 Q. Okay. So, they paired you with a chief mate? Is that how --

10 A. No, another deckhand, but they were, like, senior deckhands.

11 Q. Okay.

12 A. Yes.

13 Q. Okay. Did you go through any firefighting training? Was
14 that part of your indoc training or the in-person on the job
15 training with Jeremiah?

16 A. Yes, in-person, on the job training. We had about maybe
17 three trainings for like fire, man overboard training, and stuff
18 like that. I remember there was about three of them.

19 Q. Okay. And can you kind of go through that and, like, what
20 they entailed and what that training looked like?

21 A. Yes, so we needed to know where all the fire stations were,
22 the extinguishers and the hoses. So, they sat us down in a room
23 and they kind of went through it. And while I was training I'm
24 supposed to learn where those spaces are in case anything happens.
25 I was there for so little that I really didn't get to know where

1 everything was. So, yes, they went over that and they told us
2 we're not firefighters -- obviously we're not -- but yes, they
3 told us basically how to manage any minor type of fires and stuff
4 like that. Anything for other than that, they told us we're not
5 firefighters, so we can't handle anything massive, I guess. But,
6 yes.

7 Q. And when they taught you how to handle minor fires, what was
8 that?

9 A. It was to find a fire extinguisher and, you know, like not to
10 be too close to it but not be too far away from it, and just like
11 extinguish it from like the top to the bottom.

12 Q. Was there any training to use hoses or fire pumps or anything
13 like that, or was it just through the fire extinguishers?

14 A. I don't recall any training on hoses and stuff. They
15 mentioned that, like, what to use and where it was, but I don't
16 remember them saying, like, how to use them, how to turn it on,
17 anything like that.

18 Q. We'll have probably follow-up questions after and I know you
19 recalled this in your previous interview but can you kind of go
20 through for us, for our district formal team, and just kind of
21 retell the whole day, the story again. Just try to be as detailed
22 as you can, what you smelled, what you saw, what you did, but also
23 what you heard as a witness. That's important, just your witness
24 account of the events that day. So, if you could just go through
25 for us and just kind of start from the time you showed up to work

1 and then just kind of go through your day until you were done with
2 the day on June 7th, please.

3 A. I'll try my best; it's kind of foggy. So, I came in to work.
4 I would come in like 20 minutes before work starts. We were
5 cleaning the heads, I was with my other co-worker. His name is
6 Brian (ph.). He was showing me how to clean the heads, because
7 there was like an extra step that I didn't know how to do. So, he
8 was showing me how to do that, and so I was partnered with him
9 throughout the whole entire day. There was also my other co-
10 workers, Jeremiah and George (ph.) were there, Bob (ph.) was
11 there, Captain Ryan was there, and (indiscernible). Okay.

12 So, we were just cleaning off, we cleaned the heads, then
13 vacuumed the carpet and swept whatever mess was there on the deck
14 and we swabbed the deck. After that, we kind of just hung out in
15 the pilot house and we changed because it was time for us to get
16 the gangway. We set up the gangway and the guests started showing
17 up probably like 30 minutes later. Yes, everyone comes on board
18 and Brian -- once it was time to pick up the gangway, me and Brian
19 went to pick up the lines from the stern and then there was
20 someone up front -- I don't remember.

21 So, once the lines were off, we went up to third deck to
22 stand watch. Our watches are typically 30 minutes, as I stated
23 before. So, we were just upper watching, making sure nothing
24 happens, someone goes overboard or anything like that. So, we
25 switch after 30 minutes. George and Jeremiah were taking our

1 spot. They had initially come up before me. We -- someone always
2 had to be on third deck to watch, to make sure nothing happened.
3 We go back to first deck. I think we were having -- we had kids
4 on board that day.

5 So, we were standing watch on first deck and it was about an
6 hour in at that point, and that's usually about the time when we
7 start turning back to go back to the pier. And we were going back
8 to switch to go back up to third deck, but they called for crew
9 lunch, so we go down to the galley. And as we're making our plate
10 to eat, the captain said something on the radio. I didn't hear
11 what he said, but Brian did.

12 So, he went immediately to the engine room and then he called
13 me over and I go, and he says there's smoke in there. And I was
14 like there's smoke in there? And he opened the door and there's
15 white smoke coming out. It was a lot, but you can see into the
16 engine room. And he closes the hatch, he tells me to grab the
17 fire extinguisher, I come back. By that time, Bob was downstairs
18 already and he said there's smoke in there. And then he said if
19 there's smoke -- and he opens the door again, just slightly edges,
20 a bunch of black smoke comes out at that point. It was burning
21 his eyes (indiscernible).

22 UNIDENTIFIED SPEAKER: I'm sorry, how many of you guys
23 (indiscernible) who is in the office, if we need to.

24 MR. FAWCETT: We'll probably not be done until about 9:30.

25 UNIDENTIFIED SPEAKER: Okay.

1 MR. FAWCETT: At least.

2 UNIDENTIFIED SPEAKER: Thanks.

3 MR. FAWCETT: No problem.

4 UNIDENTIFIED SPEAKER: Thank you.

5 A. Okay, so, yes there was a bunch of, like, black smoke and it
6 was burning his eyes and he closed the door immediately. Brian
7 said there was a flame when Bob came down and asked if the --
8 there was a bunch of smoke and did he think there was a fire. He
9 goes, yes, there's a fire, I saw it. I think he opened the door a
10 third time to check. I'm not -- I can't really remember that
11 well.

12 So, after that we go upstairs to the first deck and we make
13 sure that all the passengers are up to third deck, because there
14 was smoke coming out and, you know, our priority was to get them
15 away from the smoke. By the time we went up, George had already
16 escorted them up to the third deck. So, after that, Jeremiah was
17 closing the fuel valve. He was closing them off because the
18 captain ordered him to close it. I heard it on the radio. He was
19 saying shut the fuel valve.

20 So, the smoke started coming out from -- I don't know if it
21 was a vent or something -- but it was getting really bad and it
22 was going up to the third deck. So, the captain decided to
23 evacuate the ship. And so they were all -- the passengers were
24 all lining up from third deck to second deck on the ladder wells.
25 It was very organized, I don't know. Nobody was panicking or

1 anything. There was a couple of kids that were crying and stuff,
2 but everyone's pretty organized. And while they were lined up,
3 they were passing the life jackets and I was making sure that
4 everybody had them strapped on properly and that the kids had the
5 right size, none of the kids wore the adult ones and that they
6 need to get the kid life jacket.

7 The Rover came by. She was like right on the edge of the
8 boat and they started transferring the passengers from our boat to
9 the Rover. And everyone got off pretty quickly, nobody was
10 struggling to get off. Thankfully, we didn't have anybody that
11 disabled on board too bad they couldn't get off or anything, but
12 everyone got off pretty quickly.

13 And after all the passengers got off, we were waiting for
14 captain's orders to see if we were going to evacuate the ship as
15 well, and he decided that we should evacuate. And so, I had my
16 stuff -- all of a sudden I decided to just run up there and get my
17 stuff with George. So, we went upstairs, got out stuff, came back
18 down and then we evacuated the ship.

19 Q. And then you evacuated onto the *Victory Rover*?

20 A. Yes, correct.

21 Q. And then kind of talk about your transit on the *Victory Rover*
22 to where you -- how did that go down, like, the transit and where
23 you got off?

24 A. I got off on the ship, which is -- we did the same thing the
25 passengers did. We just climbed over the railing and it was super

1 close, there was no gap in between. I mean, the seas were not
2 even rough either, so it was, like, perfect. Yes, we just climbed
3 over, we got everybody on. Captain Ryan and Captain CJ stayed to,
4 I guess, maneuver the ship as they needed it, and we just sailed
5 back to port. It was pretty, you know, it was another boat, so
6 it's -- yes.

7 Q. And so you went back to where you --

8 A. The *Victory Rover* went to back to where the *Spirit* came from,
9 though it wasn't exactly the same spot. It was on the pier, but
10 they have like a different spot, I guess. I don't know how to
11 call it, but, yes, we went where they usually leave port from.

12 Q. Yes. And what happened after that? Did you get off and then
13 did you --

14 A. So, we didn't get off immediately. The passengers on the
15 Rover that were there originally, they got off first. The
16 passengers from our ship, from the *Spirit of Norfolk*, stayed on a
17 little bit longer, probably about, like, five minutes before they
18 were allowed to leave. You guys were -- the Coast Guard was there
19 and handing out paperwork or something, and there was news
20 reporters there, and we had to stay in -- we stayed for, like,
21 about 15 minutes afterwards and then requested all the life
22 jackets from our boat. And we took them in something, like some
23 cart or something. Then we were told to come to the office and do
24 a drug test, so that's what they did.

25 Q. Okay. And then you left after the drug test?

1 A. Yes, correct.

2 Q. So, I'm just going to ask a few follow-up questions to what
3 you just said and thank you again for recounting that for us. And
4 then we'll go around the room and ask some follow-up questions.
5 But I know you talked about you were shadowing Brian that day or
6 working with him.

7 A. Yes.

8 Q. Did you have any specific job, like assignments for that day
9 on board? Like, did you do anything other than just, like, go to
10 watch? Like, did you have any other assignments?

11 A. No, so pretty much when we -- so it depends when you come in.
12 It's nothing major. It's just, oh, who's going to do the heads
13 today or who's going to handle these lines or this line, you know.
14 Other than that, anything else is not my job. It's the mate's
15 job, so, yes.

16 Q. So, you weren't that (indiscernible) in the lines and the
17 watches?

18 A. Yes, correct.

19 Q. And when you stand watch -- I know you said you started up on
20 the pilot house, correct, or the third deck?

21 A. The third deck, yes.

22 Q. And then what time -- so was that when the ship left?

23 A. Yes. So, as it was pulling out, we were up there already and
24 we were there for 30 minutes before we switched and went to first
25 deck.

1 Q. And about what time did you switch and go to first deck?

2 A. I can't remember what time the cruise left day. I know we
3 pulled (indiscernible), I cannot remember the time.

4 Q. But they're all half an hour?

5 A. Yes, so a half an hour long, yes.

6 Q. And in your own watch, did you both have any instructions on
7 watch? Like, what do you -- can you kind of bring us through what
8 you do on watch or what you're supposed to be looking for on
9 watch?

10 A. Yes, so as we're pulling out, we're making sure that there's
11 no (indiscernible), you know, in front of the boat or anything,
12 because from where the captain is in the pilot house, he can't see
13 entirely along the back of the boat. So, we're on the radios --
14 well, so Brian was on the radio telling him, captain, there's a
15 small vessel coming, you know, inbound, whatever.

16 So, after leaving we were pulling out, and then as soon as
17 the captain is good to go and he's going forward, he says, you
18 know, stand watchers good to go and that's when we stop looking at
19 the back of the boat and we start looking like towards the shore
20 side of the boat and making sure that everything is in order,
21 nobody's running. There was a bunch of kids so want to make sure
22 they weren't running, making sure they weren't jumping or going on
23 tables or anything like that, possibly falling over and that's
24 what we did a couple of times that we were up there.

25 Q. And so the second watch when you went down to the first deck,

1 what were you -- what were your assignments on that watch? So,
2 what did you do on that watch?

3 A. So, since I'm looking up, I have to make sure that the female
4 head is good. So, we go down there and we check the heads real
5 quick and then we go back up, and then we just stand somewhere
6 where we have a clear view of the whole deck. And just make sure,
7 like I said, nobody's running, nobody's barefoot, nobody's
8 fighting and, you know, basically like hazards to people, like
9 trip hazards and stuff like that. Making sure everything is
10 clean, yes.

11 Q. So, does your watch ever entail going to or near the engine
12 room or just for passengers and for the waterway?

13 A. No, my job, specifically, is just to watch the passengers and
14 making sure that they're okay, yes.

15 Q. Does somebody else then have an engine room round watch or
16 something?

17 A. Yes, the mate.

18 Q. So, that was Brian?

19 A. No, so Brian was the deckhand, so he was with me. The mate
20 was George and he was shadowing Jeremiah.

21 Q. Okay, understood. Okay, we're going to talk about the events
22 that you witnessed and (indiscernible). Can you kind of bring us
23 through again the first opening. So how was that, again, relate
24 to you guys that there was smoke or did someone see it and radio
25 announce to you or did you -- your team witnessed that up front?

1 Like how did that -- can you kind of explain that first sign of
2 smoke again and, like, exactly what happened when you opened the
3 door?

4 A. Yes. So, like I said, I was making my plate and Brian was
5 the first one to go because like I said there something on the --
6 someone was saying something on the radio but I couldn't hear what
7 it was, but he did. And he said I'm already down here and he goes
8 straight to the engine room. He drops his plate, goes there. And
9 I'm not sure, but I'm guessing he opened the door, because he said
10 there's smoke in there. How do you know there's smoke in there if
11 you don't open the door? So, I'm like there's smoke in there, and
12 he tells me grab the fire extinguisher. I'm looking and he opens
13 it and there's literally like a -- it almost looked like fog, I
14 guess. I mean, it was just white. It was just coming up -- as
15 soon as you opened the door it just goes up, like, it goes on the
16 top of the ceiling or whatever overhead. And he closes it and he
17 tells me grab the fire extinguisher, so I go and I get it and I
18 come back. Bob is already there. I don't know where Bob came --
19 but he's there.

20 And so he says there's smoke in there and he's like are you
21 sure it's smoke. And he opens the door -- the hatch again and
22 then black -- it's just thick, black smoke and it smells like burn
23 -- burning, I guess, like something was burning. And he says we
24 can't go in there and he just closes it again. And then he says
25 there was a fire in there. I didn't see the fire myself. There

1 was something orange, I can't say if it was a fire or not. It
2 could have been, you know, some light coming up, an alarm or
3 something. But, yes, the smoke was just thick and it just smelt
4 like a barbeque, I guess like what you would smell like at a
5 barbeque, like burning smoke, dark smoke.

6 Q. How much time elapsed between that first opening and when Bob
7 opened it a second time?

8 A. It wasn't -- it was Brian that opened it.

9 Q. The second time, yes.

10 A. Bob was downstairs -- he was just standing there, so Brian
11 opened it to show, I guess, like the smoke. It was not even like
12 a minute. It was so fast. Like he closed it, opened it -- it
13 wasn't even like a minute, it was just like a couple of seconds
14 for like the smoke to completely change, yes.

15 Q. And when you went to get the fire extinguisher, were there
16 any other instructions given to you other than just go get the
17 fire extinguisher?

18 A. No, so he was there. He had a fire extinguisher on his side
19 so he was already there. And then when I went to get the fire
20 extinguisher, I was just standing there with it ready and he just
21 -- he couldn't go in there because at that point it was just too
22 much smoke.

23 Q. And then someone relayed back to let the captain know?

24 A. So, everybody had a radio. I'm not sure who exactly was the
25 one that told him. Yes, I'm not sure exactly who, like, someone

1 had told him.

2 Q. And then you said possibly it was opened a third time?

3 A. Maybe it was. I'm not too sure if it was opened a third
4 time. I can't really remember.

5 Q. Okay. But after that second time, everyone just had their
6 fire extinguisher and decided not to go in because of the smoke
7 and the fire. And then what happened immediately after that?

8 A. So it was Bob that told us to go make sure to go get the
9 guests to go to the third deck, because of the smoke.

10 Q. Okay. And can you clarify, too, what you had mentioned that
11 the passengers were kind of already lined up --

12 A. Yes.

13 Q. -- and it was very -- it was organized. Do you know how that
14 came about? Was there an announcement, like, how -- can you kind
15 of bring us through how the passengers got lined up on the third
16 deck?

17 A. I'm not sure how, but I'm pretty -- there was kitchen staff
18 that were working and when we went up, they were already out. So,
19 I can't really say who had got them so organized, but my guess is
20 there was other staff on board as well that day. It wasn't just
21 us, because George was upstairs with the passengers on the third
22 deck. Me, Brian and Jeremiah were on first deck, trying to get
23 the life jackets out of the bins and pass them out to the
24 passengers and stuff. So, I'm not exactly sure who it was that
25 organized the passengers, but they were just already ready to go.

1 Q. And was there any instruction given to you and your team as
2 to what to do with the passengers?

3 A. Yes. So, Brian was telling me to keep them calm and make
4 sure that they had them on properly, because most of them were
5 just putting them on and they didn't put the little strap behind.
6 That was what I was told.

7 Q. So, you're actually assisting with putting the life jackets
8 on and --

9 A. So, I was handing them out and then I was explaining to them
10 if they didn't have them on right, you know, to put their strap on
11 in the back.

12 Q. And who -- how did you get the passengers from the third deck
13 to the deck that they boarded the *Victory Rover* on? Like how did
14 that go about? Were there instructions given for that?

15 A. Yes. So, I mean, like I said they were already lined up, so
16 we kind of just trickled them in. There was a staff from the
17 *Rover*, you know, going -- they would stand out to reach out for
18 the guests so they could climb over, because there was a railing
19 about 2 feet long or something, so those kids that, you know,
20 couldn't climb over it. So, the parents would pass them over to
21 them and then they would go from there. But it took -- kind of,
22 like, trickled along. It was very organized. I mean, it was very
23 good.

24 Q. Okay. Who were the crew members with you during the whole
25 evacuation part and the handing of the life jackets, and that like

1 who -- was it the same team you were with or --

2 A. Yes. So, I'm not sure who the kitchen staff were, because I
3 don't really know them like that. But there was a couple of them
4 there and then like I said it was Bob, Jeremiah, George, Captain
5 Ryan and me.

6 Q. And they were all staying with the passengers?

7 A. Yes. So, Captain Ryan was in the pilot house. I'm not sure
8 what was going on in there, but he was there. He did come down to
9 check on everything, to make sure that everything was okay at one
10 point. I don't really remember where he was, because I was just
11 too (indiscernible).

12 But Brian was next to me, Jeremiah was getting life jackets.
13 When we ran out of life jackets, (indiscernible) second deck to
14 get some more. But, yes, it was just us and them.

15 Q. I'm going to go back and ask you because there was an event
16 on board where there was a previous smoke on board the engine room
17 that happened around May 15th of this year. Were you part of the
18 crew on that day?

19 A. No, I was not.

20 Q. Okay.

21 LT. COMMANDER EMMONS: Mr. Fawcett?

22 MR. FAWCETT: Thank you.

23 BY MR. FAWCETT:

24 Q. So, I have some follow-ups. So, you talked a little bit more
25 about your Navy time. So were you a machinery technician?

1 A. Machinist mate.

2 Q. Machinist mate. So, what kind of training did the give you
3 for firefighting?

4 A. We had a lot. We have, like, different positions, like, we
5 had the fire team, we had the hose men, you know, people handle
6 the hoses, people put on the SPVAs and the breathing devices, and
7 there's other people that, you know, do the -- what do you call it
8 -- I can't remember (indiscernible) everything -- so the line
9 thingy -- I don't -- like a curtain, a small curtain.

10 Q. Okay.

11 A. Yes, they did a bunch of training all the time. But, yes,
12 there was a lot.

13 Q. By the way, this is Mr. Fawcett. So, inside to, you know,
14 take a job to work for Hornblower and City Cruises, who did your
15 initial training? Like you walked into the office, you filled out
16 an application and then you had the orientation. So, who did
17 that?

18 A. It was Shirley (ph.).

19 Q. And that is who?

20 A. I'm not sure her position. She just was there -- I think she
21 was like the receptionist. She did the orientation there in the
22 office.

23 Q. Did they hand you, like, some books or booklets or any kind
24 of paperwork for you to read through? And if they did, could you
25 talk about it a little bit?

1 A. Yes, so they gave me a folder with, you know, like the pay
2 schedules, the -- like, how to log in and put your hours, and like
3 the events that they're having, stuff like that. That's what I
4 can remember. I have the folder at home. I can go back and look
5 at it.

6 Q. So, at any time -- so you started working and you were
7 working from April obviously until June and you're still working
8 now. But until the fire occurred, did they give you any kind of,
9 like, personal safety handbook? Did they give you like a basic
10 firefighting handbook or any kind of, like, documents to show how
11 to do not only your job but some of the safety jobs on board the
12 vessel?

13 A. No, they did not.

14 Q. Did they explain that, like, they were going to get you one?
15 Like we have this paperwork, but we don't have it available at the
16 moment, we're going to get it to you.

17 A. So, they do have like a kind of test paperwork that they
18 have, because my roommate also works for the boats, and she has
19 like a -- I don't know -- probably like a four-page booklet -- not
20 a booklet, but it was like a -- it was stapled. I'm not sure what
21 was on it, because I didn't look at it personally, but it's
22 supposed to go through -- so that way you know where the fire
23 hydrants are, the hoses and stuff like that. I'm not exactly sure
24 what was on it, because I just got to the boat and I wasn't -- I
25 don't know -- I wasn't looking for that, I guess. Like she was

1 kind of advanced and I just got there and I was just trying to
2 learn little by little what I had to do.

3 Q. So, when you got on the boat, did they, like, point out,
4 like, hey when you get a chance, there's a loose leaf binder there
5 that has some documents, you should read through those?

6 A. So, nobody told me about that. My roommate did, though. She
7 told me hey, if you want to advance, you should get the paperwork
8 and fill it out as you go, so that way you can advance, basically.

9 Q. So, when you worked, you mentioned when you were talking
10 about the drills that were carried about -- you know, carried out
11 on board the vessel, and you mentioned man overboard and fire
12 drills and stuff, explain it so I would understand what a typical
13 fire drill would be like that you experienced when you were
14 aboard, you know. Give me as much detail as you can.

15 A. About the training that they give?

16 Q. Well, about the drills themselves and the firefighting
17 training that they gave you aboard the vessel.

18 A. So, it was -- like I said, we were like up in the pilot house
19 and they kind of, you know, got us together like we are now, and
20 they kind of just went through, like, the drills, like, it wasn't
21 just firefighting training that we had. It was also other drills
22 like what to do if someone (indiscernible) or what to do if
23 someone falls overboard. So, it wasn't just strictly like a fire
24 drill. So, if you're asking me to explain exactly what they told
25 me during the training that they had, I can't really because I

1 can't really remember what it was.

2 But I know that they mentioned that it was important to know
3 where the hoses were, where the fire extinguishers were, how to
4 evacuate the passengers on board if we needed to and that's all I
5 can really remember.

6 Q. Did they ask you to sign a sheet, you know, to document the
7 training? Like sign and date, like your (indiscernible) go ahead
8 and sign and date this?

9 A. Not that I remember, no.

10 Q. Based on the training and the drills that you had, who did
11 you understand as part of the vessel's crew would have been the
12 person that would turn on the fire pumps?

13 A. I'm not sure.

14 Q. So, you mentioned that the people -- the service people, the
15 wait staff that take care of the passengers, you know, serving
16 drinks and beverages and stuff like that. So what was your
17 uniform that you wore?

18 A. It was a white undershirt with the dress shirt that they
19 provided me, and a black dress pant slacks and black non-slick
20 shoes.

21 Q. And I'm going through the order to (indiscernible), that's
22 why these questions jump around a little bit. So, when you talk
23 about the crew position, you have two people, George and Jeremiah,
24 that were stationed at the beginning of the cruise on the third
25 deck. At any time, did they tell you that they saw smoke or fire

1 when they were on the third deck?

2 A. So, we -- me and Brian started on the third deck; they were
3 on first deck. When they -- when we -- when the whole fire smoke
4 thing happened and what not, they mentioned that they saw smoke
5 coming from, I guess, one of the vents and that's all I remember
6 is that they were saying we saw smoke coming out in, like, the
7 back of the ship from the side. And that's all I remember them
8 saying.

9 Q. But it was after the fire was going, right?

10 A. Yes.

11 Q. They didn't tell you, like, as you swapped positions that we
12 saw smoke up --

13 A. Oh, no, it was after then.

14 Q. So, one of the things that's required on the vessel would be
15 a safety briefing for the passengers.

16 A. Yes.

17 Q. Can you talk about how on that day you remember the safety
18 briefing?

19 A. Yes. So, they have -- they do basically a safety briefing.
20 It's like an automatic message, I guess. They, I guess, press a
21 button or something and it plays it. The DJ that day was telling
22 the passengers -- because there were a bunch of kids -- the kids
23 don't want to listen to that stuff; they just want to hear music.
24 So, he said hey, guys, I know you're having fun but I have a very
25 important message to tell you. And then the safety briefing came

1 on and I don't remember exactly what the briefing said, but, you
2 know, it tells you what to do in case of emergencies and stuff
3 like that.

4 Q. So, that would be a pre-recorded message?

5 A. Yes, correct.

6 Q. And then did somebody stand up there, like on an airplane,
7 and they go, you know, they hold -- does anybody hold up a life
8 jacket or show how to put it on?

9 A. No.

10 Q. No. And how about, does anybody put their hands up and point
11 to exits, you know, like on an airplane they do the same thing,
12 they point to the airplane exits?

13 A. I'm not sure about that.

14 Q. There is some -- you said everybody has radios. Are those
15 like the ones you buy -- the small ones like you buy at Walmart
16 for, like, intercom or are they like a marine radio?

17 A. I'm not sure between them. All I know is it's a little cheap
18 radio, yes.

19 Q. It's just for you all to talk to each other?

20 A. Yes, correct.

21 Q. And do any of you wear headsets?

22 A. So, there -- they -- it depends. Some of them have connected
23 to, like, an earpiece and then some of them have, like, you know,
24 the black swirly things and you can just kind of put it on your
25 chest and listen to it that way.

1 Q. And in some of the information that we've had and we've been
2 able to process, and that's why you're here to ask questions, but
3 there was talk about a smoke alarm.

4 A. Yes.

5 Q. What is that?

6 A. The smoke alarm?

7 Q. No, I mean, in terms of the *Spirit of Norfolk*. Were you
8 aware of there being a smoke alarm, some kind of, you know, thing
9 in the ceiling or some kind of electronic device that would be
10 able to tell you that you had a smoke threat?

11 A. So, I'm not sure if we could be -- any -- I was not paying --
12 I didn't know anything was going on. But I'm not really sure if
13 there's, like, you know, like the (indiscernible) like that on
14 board that will go off and everyone could see. But I know that
15 the captain got an alarm up in the pilot house, because he was the
16 one that -- when Brian said there's smoke alarms going off, can
17 someone check, you know. I guess inside the engine room there was
18 like a sensor and he was able to see the alarm from the pilot
19 house.

20 Q. But it could be something else, some other type of alarm,
21 right?

22 A. Yes, it could be.

23 Q. But it's like when they familiarized you with the vessel when
24 you did your orientation, you know, you started shadowing people,
25 did they walk around and point to all of the safety features?

1 Like, did they give you a tour of the wheelhouse?

2 A. Yes.

3 Q. Did they show you anything like a fire alarm panel or smoke
4 alarm panel (indiscernible)?

5 A. So, they were showing me, but I was there for so little that
6 I didn't -- I couldn't remember everything yet. But, yes, they
7 were telling me, one thing, where everything was; another thing
8 hey, you got to remember this and stuff like that. So, I was
9 there for so little, I couldn't remember it.

10 Q. How about the engine room? Did they walk you through it?

11 A. So, I didn't really get to look at the engine room, but when
12 I got on the sort of the first time on my first cruise, I just
13 kind of -- like this and just came back out. It's not my job to
14 go in the engine room, so I didn't have to go in there, but I just
15 looked at it, like, real quick.

16 Q. So, you talked about, like, the period of time you were on
17 the vessel. So, how many trips do you think you made? Just
18 approximate's good.

19 A. Maybe like five or six, yes.

20 Q. Did anybody -- do you remember anybody showing you on the
21 main deck in the after part of the cabin where the -- I believe
22 you can see an escape hatch was for the engine room? It would be
23 in the deck -- it would be on your deck scuttle?

24 A. I think I saw it myself when I was walking around, because
25 there was, like, carpet and then there's like a lining, like, you

1 know, like of the scuttle. I'm pretty sure I saw it myself, but I
2 don't recall anybody saying hey, this is, you know, emergency exit
3 for the engine room or something like that.

4 Q. Did you work for any other captains other than Captain Nadeau
5 when you were on board?

6 A. Yes, I worked with Captain Jimmy (ph.) a couple of times, and
7 I can't remember who else it was, but there was one other captain
8 that I worked with.

9 Q. So, did they operate the vessel in a similar fashion or would
10 I notice something different if one captain was on versus, say,
11 Captain Nadeau?

12 A. No, it was exactly the same. Every captain has the same
13 expectation.

14 Q. So, the -- when you mentioned George and Jeremiah and you
15 mentioned that George had been shadowing Jeremiah and the vessel
16 carried extra crew?

17 A. Yes, correct.

18 Q. So, how many new people breaking in, so to speak, would have
19 been aboard the vessel in the marine department?

20 A. Just me and George.

21 Q. And how long had George been on?

22 A. I can't say, I don't know.

23 Q. Longer than you?

24 A. No, less time than me, yes.

25 Q. So, if you'll just take a minute and think about this, do you

1 remember if when the engine room watertight door was opened the
2 second time or the third time, you know, -- the door? You know,
3 what we learned in the service that, you know, in the Coast Guard
4 and the Navy is, you know, you see if a door is hot before you
5 open it. Did they do anything like that or did they just pull the
6 door open?

7 A. So, the first time that he opened it, he just opened it,
8 because it was just white smoke. So, he just kind of opened it
9 like that. I don't remember if he did the whole, you know, like
10 backhand to check if the door was hot or anything. He just -- I
11 think he just opened the door again, yes.

12 Q. So, for the transcription is she's simulating the back of her
13 hand, touching a door to see if it was hot, and she -- you learned
14 in the Navy, is that correct?

15 A. Yes, correct.

16 Q. So, where'd you get your fire extinguisher from? I know that
17 Mr. Brasie (ph.) -- Brian -- had one.

18 A. Yes.

19 Q. Do you know where he got it from?

20 A. It was right -- it was to the left of the engine room door.
21 It was like on the -- what is it called, a pillar? It was right
22 there, like right by the entrance of it. Mine was a little bit
23 further back. It was by the staircase that goes down into the
24 galley.

25 Q. And they -- were they about the same size, do you recall?

1 A. Yes.

2 Q. And neither of them were discharged?

3 A. No.

4 Q. My final question before we shift over, is there was a new
5 captain, a break-in captain, Captain Brown (ph.) aboard. I think
6 his name was Brown.

7 A. Um-hum, yes.

8 Q. Yes. So, what was his function that day? Could you -- did
9 you get introduced to him and then he's saying who he was and what
10 he was going to do?

11 A. Yes. So, I didn't know who he was when he -- he just kind of
12 came in randomly and asking for Captain Ryan. And he introduced
13 himself, hi I'm CJ, I'm a new captain. I didn't know if he was
14 the captain of the *Avel* (ph.) or the *Freedom Elite*. So, I just
15 went oh, hi, I'm Gloria Marie and nice to meet you and that's it.
16 I didn't see him anymore after that. He was with Captain Ryan the
17 whole time.

18 Q. Okay. He stayed aboard the vessel when you all got off?

19 A. Yes, correct.

20 Q. Thanks. That's all I have, thank you.

21 A. Welcome.

22 MR. FAWCETT: NTSB?

23 MR. KARR: Yes, this is Michael Karr with the NTSB.

24 BY MR. KARR:

25 Q. I have a few follow-up questions for you.

1 A. Okay.

2 Q. When you were on the *Victory Rover*, did you play any role,
3 did you help account for passengers? Can you describe what you
4 did when you were on the *Victory Rover*?

5 A. So, I just kind of came in and I stayed towards the forward
6 end of the ship. All the passengers were sitting down between the
7 two decks that they had. I didn't account for anybody because I
8 believe that was Bob that went, and the (indiscernible) was on and
9 make sure that everyone was off. Yes, but I just stayed towards
10 the front end of the ship. Since I was kind of newer, they kind
11 of did everything else.

12 Q. All right. Were you with any other crew members from the
13 *Spirit of Norfolk* when you were on the *Victory Rover*?

14 A. Yes, so I was with George, Jeremiah, Brian and Bob was there
15 as well.

16 Q. When you were on board the *Victory Rover*, did you talk about
17 what you had observed? Can you remember anything that you or
18 anyone else mentioned about the fire or anything?

19 A. No, so we just kind of chilled there. We were kind of coming
20 down from the adrenaline, I guess, so we were all kind of, like,
21 in shock about the events. So, we just kind of stood there and
22 just chilled out, I guess.

23 Q. All right. When you were on board and people were lining up
24 -- well, you know, when you were on board after the fire and the
25 people on the third deck and then they made their way down, did

1 passengers ask you questions?

2 A. No. So, nobody really asked anything. They were kind of
3 just trying to get off. Yes, that's pretty much it.

4 Q. Did anyone ask you what was going on?

5 A. There was a couple of kids, I guess, that they were kind of
6 freaking out and they were, like, what's going on, like, what's
7 happening, I'm never going to go on a boat again. And -- but
8 nobody was really asking what was happening. They kind of
9 figured, oh there's a fire, something like that, because nobody
10 was asking any questions. They were just trying to get off of the
11 boat.

12 Q. When you were going to have your meal, was the plan for you
13 to eat your meal in the galley below deck?

14 A. So, we can eat our meal in the galley or we can go up to the
15 MOB, the man overboard room, and eat it there or we can choose to
16 just save it for later and eat it after the cruise.

17 Q. To help me get an idea of how much time -- to help me get an
18 idea of time, tell me what you did from when you walked below to
19 enter the galley and to where you started to prepare your plate,
20 and then you heard that there was a fire?

21 A. It was probably not even five minutes. We literally went
22 down there. There was a line to get food, because the kitchen
23 staff was down there and they got their food first. But by the
24 time I was -- it was probably like three people in front of me.
25 They got -- made their plate really quickly, I would say not even

1 five minutes and Brian was already running towards the engine
2 room.

3 Q. So, to summarize, you walked down into the galley, you got in
4 line and you were waiting for your food when you saw Brian come
5 down into the galley space?

6 A. So, Brian was with me in the galley. We were both fixing up
7 our food. Because the way the galley's set up, it's like a stand
8 or something where the food is and he was on the other side. So,
9 he was fixing his plate and I was on the other side fixing my
10 plate, and it was probably not even five minutes that we were down
11 there when he started heading towards back.

12 Q. All right. And when you were in the galley, did you hear
13 anything unusual from the engine room?

14 A. I heard nothing, absolutely nothing.

15 Q. Could you hear the engines running when you were in the
16 galley?

17 A. No.

18 Q. You talked about firefighting drills. Was there any -- was
19 there ever any time when you were on the *Spirit of Norfolk* that
20 there was actually a practice, you know, where they simulated a
21 fire somewhere and you participated?

22 A. Not when I was on board, no.

23 Q. And if -- and please tell me if you can recall, describe how
24 wide the engine room door was opened the first time and then how
25 wide it was opened the second time.

1 A. So, the first time it was probably open halfway, and then the
2 second time was a little bit less than that, just because when he
3 opened it the smoke just instantly started coming out, and he just
4 closed it almost immediately after he opened it.

5 Q. All right, thank you. I have no more questions.

6 A. No problem.

7 MR. FAWCETT: Mr. Flaherty.

8 MR. FLAHERTY: I have no additional questions.

9 MR. FAWCETT: Counsel for Bay Diesel?

10 MR. STILLMAN: No questions. Thank you very much for your
11 time.

12 MR. FAWCETT: Counsel for Captain Nadeau?

13 MS. GALITOU: No questions here either. Thank you, ma'am.

14 MR. FAWCETT: Mr. Denley.

15 BY MR. DENLEY:

16 Q. Yes, I do. I just have a couple of follow-up questions.
17 Just to be clear that at the time on June the 7th when the fire
18 happened, you would consider yourself to be a trainee on board?

19 A. Yes, correct.

20 Q. So, you were not qualified?

21 A. No.

22 Q. Okay. And you've obviously still in the company then. So,
23 the process to qualify, can you maybe describe the process that
24 you go through to continue sort of on the qualification process to
25 where you can stand the watch by yourself?

1 A. I mean, it was just familiarizing myself with, like, the
2 different -- because there's like different points -- I don't know
3 how to really explain it. But when you're, like, standing the
4 watch, there's different points where you have to look out. You
5 have to know the names of each point and you have to know if the
6 ship is -- or the vessel is going inward and -- whatever --
7 outboard. Yes, so that's why I wasn't really, like, by myself.

8 Q. You would have gained experience line handling?

9 A. Yes.

10 Q. You would have gained experience as a lookout?

11 A. Yes, correct.

12 Q. You would have gained experience knowing where different
13 safety systems were on board for the vessel?

14 A. Yes.

15 Q. You would gain experience knowing where different fire
16 extinguishers were throughout the vessel?

17 A. Yes.

18 Q. You would conduct additional training?

19 A. What do you mean by that?

20 Q. Training.

21 A. Like with the captain?

22 Q. I don't know, I'm asking you.

23 A. Yes.

24 Q. Thank you. So, when you were involved in the evacuation of
25 the guests, I mean, passing out life jackets, can you talk about

1 -- was there anybody -- did you guys discuss making sure that all
2 the guests and all the crew were off the vessel? Were you
3 involved in that at all?

4 A. I mean, I didn't discuss anything. I was just kind of told,
5 like, hey stand here, make sure everyone has a life jacket, make
6 sure they get off and make sure that they got off first. There
7 was a bunch of kids. We had to make sure they got off before
8 anything. So, yes, that's basically it. We just knew it was our
9 priority to get all the guests off.

10 Q. And where were you standing when the guests were going from
11 the *Spirit of Norfolk* over to the *Victory Rover*?

12 A. I was right by the -- I guess where the passengers entered
13 from or enter from. I was right in front of the ladder well. So,
14 there's a, like, a little room type thing and there's a door to
15 enter the first deck to, you know, sit down and go when I
16 (indiscernible) that main door where all the passengers come in,
17 from where we attach the gangway and then there's a ladder well to
18 go up to second and third and the pilot house. So, I was right in
19 front of the ladder well.

20 Q. So, you got to see the guests kind of stepping off the --

21 A. Yes.

22 Q. -- *Spirit* onto the *Victory Rover*?

23 A. Yes, correct.

24 Q. And were there any crew members from the *Spirit* assisting?

25 A. Yes, so the -- like I said, the -- I was the only one

1 standing, like, right there, making sure that they have their life
2 jackets on. But Jeremiah, George, Brian were -- I don't know
3 where George was. I think he was up on third deck, because that's
4 where he was last. But Jeremiah and Brian were wanting to get
5 life jackets so that I can pass it to the passengers.

6 Q. And did you see anybody get hurt when they went from the
7 *Spirit of Norfolk* over to the *Victory Rover*?

8 A. No, everyone got off (indiscernible).

9 Q. And you saw pretty much everybody get off?

10 A. Yes, I saw everybody get off.

11 Q. All the guests?

12 A. Yes.

13 Q. And then the crew? The crew got off?

14 A. Yes, correct.

15 Q. I don't have any other questions, thanks.

16 MR. FAWCETT: This is Keith Fawcett.

17 BY MR. FAWCETT:

18 Q. Just a couple of follow-ups. So, when the door -- the
19 watertight door was opened the second time and smoke billowed out,
20 were there kitchen staff, people down in the kitchen area?

21 A. Yes, there were, so they immediately left and we were, like,
22 oh no and they just got out.

23 Q. Okay. So, they just went out the stairwell?

24 A. Yes. I'm not sure where they went, but they left.

25 Q. And then you had been asked by Mr. Denley about your break-in

1 status. You mentioned your friends taking a test.

2 A. Yes.

3 Q. Was that part of the training that would be required of you?

4 In other words, after this at some point you were going to stop
5 shadowing people --

6 A. Yes.

7 Q. -- and stop breaking in. Were you told that you had to be
8 part of a training plan and you were going to have to take a test?

9 A. No. So, the test is more for advancement, so I guess it
10 depends on whether you still want to advance to the next rank,
11 whatever they have. She wanted to do it quick, so she really got
12 involved and she was like how to I rank up? And she -- and they,
13 you know, gave her the packet. She didn't finish it, because
14 she's about to leave anyway, but, yes, I guess it depends on you
15 how fast you want to rank up and what not.

16 I'm not -- like I said, I'm not sure exactly what is on the
17 test, but I know that she was telling me, hey, familiarize
18 yourself with the boat because that way you can let me know and
19 then we can both take the test and advance.

20 Q. So, you might have said this and I just want to make sure I
21 get this right. So, when you start to board the vessel on the
22 morning of June 7th, you know, arrived early to work and ready to
23 go, how close did you feel to being truly qualified to do your job
24 as a deckhand?

25 A. Not close enough, honestly.

1 Q. So, that's all the questions I have.

2 BY MR. DENLEY:

3 Q. Yes, so just a quick follow-up. So, again, kind of going
4 back to when you were helping the guests with life jackets and
5 making sure that they were fit properly. So, inside you were down
6 on the first deck. Correct?

7 A. Yes, correct.

8 Q. So, at that point in time inside the vessel, was there a lot
9 of smoke?

10 A. Yes, so at that point, the first deck was almost -- I
11 wouldn't say full of smoke, but there was a lot that if you, like,
12 walked through there, it would kind of like burned your eyes. But
13 the ladder wells as well had some smoke in it, too, because there
14 were guests coughing and covering their mouths and stuff.

15 Q. And did you at any time see any fire up on the first deck?

16 A. No.

17 Q. Did you feel any heat from the fire on the first deck?

18 A. No.

19 Q. I don't have any further questions. Thank you.

20 MR. FAWCETT: Just as a follow-up, anybody on the line have a
21 follow-up questions. This is Keith Fawcett.

22 MR. KARR: Yes, this is Mike Karr. I have a follow-up
23 question.

24 BY MR. KARR:

25 Q. Can you recall how the smoke entered the first deck that you

1 just described?

2 A. I'm not too sure how it entered the first deck. I'm not
3 sure.

4 Q. Second question for you. Is -- can you recall or did you
5 participate or can you remember if anyone swept the vessel looking
6 for passengers to make sure everyone was lined up and that you did
7 not have any stragglers?

8 A. Yes. So, I personally went down into the heads and made sure
9 that there was nobody in there. And I know that the other staff
10 as well was doing the same thing with the other decks.

11 Q. And do you remember when that was done?

12 A. It was right after the final guest got off and transferred
13 over into the *Victory Rover*. We just went and made sure that
14 there was nobody else on board.

15 Q. All right, thank you.

16 A. No problem.

17 MR. FAWCETT: This is Mr. Fawcett. Anybody else? Okay.
18 Just a little bit of housekeeping. You had mentioned the copy of
19 a prerecorded safety briefing announcement and, Mr. Denley, if a
20 copy of that exists or one that is closely similar to the *Spirit*
21 *of Norfolk*, we'd like to get a copy of that.

22 MR. DENLEY: Sure.

23 MR. FAWCETT: Anybody else? Ms. Emmons?

24 LT. COMMANDER EMMONS: No.

25 MR. FAWCETT: So, the time is 9:36 Eastern standard time.

1 And we thank you very much and this concludes the interview.

2 We're turning off the recorders.

3 (Whereupon, at 9:36 a.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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Gloria Marie Laboy Nunez

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, Virginia

DATE: August 9, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: SCOTT SMITH, Senior Vice President
Hornblower Group

via Microsoft Teams

Thursday
August 11, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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I N T E R V I E W

(8:31 a.m.)

1
2
3 MR. FAWCETT: A couple of ground rules. If you're the active
4 person conducting questions for the witness or the witness, leave
5 your cameras on. Otherwise, please turn them off to conserve
6 bandwidth. And before we get going, does anybody have any
7 questions? All right, hearing none.

8 Mr. Smith, we are recording this interview. We will produce
9 a transcript, which you will have access to so that you can verify
10 the accuracy of the information that you gave in this testimony.
11 Would you just acknowledge by saying yes that you realize that we
12 are recording this interview? Okay, you're muted, sir.

13 MR. SMITH: Yes, I understand you're recording.

14 MR. FAWCETT: Thank you. So, this is a joint U.S. Coast
15 Guard/NTSB investigation. The Coast Guard is the lead federal
16 agency in this investigation, and we're conducting this
17 investigation under the rules of the United States Coast Guard for
18 this type of investigation. We're conducting an interview on
19 August 11, Thursday, 2022 with Mr. Scott Smith, the Senior Vice
20 President for the Hornblower Group. We're doing this via Teams
21 and the time is 8:31 a.m. Eastern standard time.

22 Mr. Smith, we are conducting an interview to examine the
23 events surrounding the fire and subsequent loss of the *Spirit of*
24 *Norfolk*, which occurred in Norfolk Harbor on June 7th, 2022.

25 What we're going to do now is starting with you, we're going

1 to go around the room and we're going to introduce some people on
2 the call, and if you would, state your full name and spell your
3 last name, and then whatever your affiliation is with the company
4 you represent. And then after you, I'll go and we'll go around
5 the room. So go ahead, sir.

6 MR. SMITH: Good morning, everybody. My name is Scott Smith,
7 common spelling, S-m-i-t-h. I'm the Senior Vice President of
8 marine operations for the Hornblower Group.

9 MR. FAWCETT: Thank you. My name is Keith Fawcett, F-a-w-c-
10 e-t-t. I'm with the Fifth District Formal Investigation Team for
11 the *Spirit of Norfolk* fire. Commander.

12 COMMANDER WADDINGTON: Good morning, everybody. Commander
13 Randy Waddington. Waddington is spelled W-a-d-d-i-n-g-t-o-n. I'm
14 the District 5 Formal Team Lead.

15 MR. FAWCETT: Thank you. Ms. Emmons, please, for the Coast
16 Guard.

17 LT. COMMANDER EMMONS: Good morning. I'm Lt. Commander
18 Nicole Emmons, last name is spelled E-m-m-o-n-s and I'm with the
19 District 5 Formal Investigation Team.

20 MR. FAWCETT: Thank you. Commander Roy.

21 COMMANDER ROY: Commander Eric Roy, R-o-y. I'm also a member
22 of the D5 Formal Investigation Team.

23 MR. FAWCETT: Thank you. On behalf of the National
24 Transportation Safety Board.

25 MR. KARR: Michael Karr, K-a-r-r, investigator in charge for

1 the National Transportation Safety Board.

2 MR. FLAHERTY: David Flaherty, F-l-a-h-e-r-t-y, National
3 Transportation Safety Board.

4 MR. FAWCETT: Thank you. Counsel for Bay Diesel.

5 MR. STILLMAN: Good morning, everyone. This is Dan Stillman,
6 S-t-i-l-l-m-a-n from the law firm of Willcox Savage, here on
7 behalf of party-in-interest, Bay Diesel.

8 MR. FAWCETT: Hornblower.

9 MR. DENLEY: Good morning. This is Eric Denler, D-e-n-l-e-y.
10 I'm with Hornblower/City Cruises.

11 MR. BENNETT: Good morning, everyone. My name is William
12 Bennett from the firm of Blank Rome representing Hornblower/City
13 Cruises.

14 MR. FAWCETT: Thank you. And just to make sure, Captain
15 Nadeau, I don't believe counsel is present.

16 (No audible response)

17 MR. FAWCETT: Okay, thank you.

18 So, Mr. Smith, also we're doing this via video just for the
19 efficiency of the investigation; however, only the audio will be
20 made part of the record and a transcript will be produced. As I
21 said earlier, you know, memory's a perishable thing. If you
22 remember events differently or want to add something or change or
23 modify a statement that you made in this interview, just let Mr.
24 Denley know. He's the point of contact for Hornblower and he'll
25 let the Coast Guard know, and we will update your testimony and

1 add it to the record.

2 Same thing, when you see the report come out, you know, on
3 behalf of Hornblower or yourself personally, if you have new
4 information or information contained within the final report that
5 you feel is inaccurate, if once again you'll let Mr. Denley know.
6 He'll contact us and we'll consider modifying the report of
7 investigation as appropriate. And, finally, the Coast Guard has a
8 very thick manual, which is called the Marine Safety Manual,
9 Volume 5, which you can Google and that manual explains how we do
10 business, how we conduct the investigation, the reasons behind it
11 and so forth. So, that's available to you online.

12 MR. SMITH: Thank you very much.

13 MR. FAWCETT: Certainly. So, we'll begin the interview. I
14 just want to be clear on the lines of business. So, you represent
15 Hornblower Group and I'll ask you -- if I misspeak about the
16 company structure, just clarify it for me, okay. And then all of
17 my questions relate to the period up to and including the loss of
18 the vessel, which occurred at some point after the fire, where it
19 went from a damaged vessel to a lost vessel. If otherwise, or if
20 you're going to give an answer about something that occurred after
21 the fire, please specify that.

22 MR. SMITH: Will do.

23 MR. FAWCETT: So, thank you.

24 INTERVIEW OF SCOTT SMITH

25 BY MR. FAWCETT:

1 Q. So, just talk about the background that you have as it
2 relates to your duties as senior vice president. You don't have
3 to go into great detail, but background and training, generally
4 the job you do.

5 A. So, I am a retired Coast Guard officer, captain, 28 years in
6 the Coast Guard, mostly operational and program management.
7 Graduated from the Coast Guard Academy in 1990 with a degree in
8 electrical engineering. I have had 13 and a half years afloat,
9 including eight of those years in command. I was program manager
10 up in headquarters for cutter forces. I have been a trained
11 officer -- a float training group both in -- back northwest up in
12 Washington state as well as Hawaii.

13 I am a certified master training specialist within -- for the
14 U.S. Navy. I retired out of the office of 5PW, their
15 headquarters, which is Waterways. And when I retired in '17, I
16 was employed by Entertainment Cruises, another -- had 37 vessels
17 in eight cities at that time. Hornblower and City Cruises came
18 together about two and a half years ago. Up until last November,
19 I was the vice-president of marine for Hornblower and cruising
20 events. And then last November, I became the senior vice
21 president of marine for all of Hornblower.

22 Q. So, what is the Hornblower Group? Like give me the story as
23 it stood, you know, on June 7th, what that entity was?

24 A. So, Hornblower Group is a global experience in transportation
25 leader. We have roughly a little over 300 vessels in four

1 countries, Australia, U.K., Canada and the U.S. We provide
2 overnight, dining, charter, transportation services across the
3 U.S., if you just want to focus on the U.S. side. We have
4 (indiscernible) of H-boats, T-boats, fawner (ph.), Subchapter H,
5 Subchapter T, Subchapter K, as well as a couple of foreign flag
6 vessels. And we also have a lot of shoreside excursions in 125
7 different countries, about 5,000 excursions and (indiscernible).

8 Q. So, could you talk about your role as senior vice president?

9 A. Sure. My role as senior vice president of marine is to
10 establish a standard platform from which is operated on the marine
11 side, and that's from maintenance, training, crewing, as well as
12 safety.

13 Q. So, in -- we have an organization chart, which is Coast Guard
14 Exhibit 8, Tab 1, which has been updated to include your position.
15 And thanks, Mr. Denley, for that. It's available to the party-in-
16 interest. But who do you report to?

17 A. So, I report to the company's CFO, chief financial officer,
18 and I have a dotted line relationship with all of the vice
19 president of marines for each one of our business units.

20 Q. So, who is the CFO?

21 A. Adam Peakes (ph.).

22 Q. And that -- could you describe dotted line relationship?

23 A. So, I have a relationship with all of the senior vice
24 presidents of marine for all of our business units, which means
25 that they do not work directly for me, but policy and procedures

1 that come from the Hornblower Group to them and they report up to
2 me from a prospect of meeting requirements and meeting --
3 requesting meetings up the chain from that relationship.

4 Q. Is there somebody within the organization that looks towards
5 standardizing the safety of operations within the entire fleet?

6 A. That's me. That's myself and the team.

7 Q. So, that would be worldwide?

8 A. Yes.

9 Q. And then this -- who owns Hornblower? Or, you know, when I
10 say Hornblower, I'm talking about the total organization.

11 MR. DENLEY: I don't know if we really need to -- I guess I'm
12 asking why that is relevant for the Coast Guard's marine casualty
13 investigation, getting into (indiscernible) ownership issues.

14 MR. FAWCETT: Well, I'm trying to understand the structure of
15 the company.

16 Q. And all I have, you know, Mr. Smith, is an organization chart
17 that stops at City Cruises with you. So, I'm just trying to
18 understand whether it's foreign-owned or owned by an American
19 company.

20 A. Yes, it's an American company.

21 Q. Does the company that owns Hornblower have other marine
22 interests other than Hornblower?

23 A. Not to my knowledge. It's a private equity owned business.

24 Q. And what I was going to lead on to was if they had another
25 marine aspect to their company, the people that own Hornblower,

1 how do they standardize between those marine operations? That's
2 where I was going.

3 A. Yes, the organization is really the platform of which how we
4 track and measure our performance. Obviously, we're meeting four
5 different regulatory requirements between AMSA (ph.), Transport
6 Canada MCA in the U.K. and the U.S. Coast Guard. So, each one of
7 our operations is required to meet their requisite requirements
8 from their regulatory scheme.

9 Q. So, where do you work from?

10 A. So, I work from the airport most of the time, but my house is
11 in Michigan, my office is in Chicago, but I'm on the road a good
12 measure of the time. It's either working from home here in
13 Michigan or on the road.

14 Q. So, focusing on a vessel similar to the *Spirit of Norfolk* in
15 the organization chart that was provided for U.S. cruises -- or
16 City Cruises -- pardon me -- how many vessels under that umbrella
17 of that organization?

18 A. So, there's 123 vessels at the moment under City Cruises.

19 Q. In the United States?

20 A. In the U.S., yes. So, City Cruises U.S., there's 123 vessels
21 under that organization.

22 Q. Offhand, would you know how many vessels are like old T,
23 meaning prior to the upgraded regulations, versus the newer
24 vessels that have different requirements?

25 A. Yes, so there are 27 T-boats in the -- TLs, we call them TLs

1 -- in the U.S. underneath -- between City Cruises U.S. and our
2 other U.S. entities within the company, 24 within City Cruises
3 U.S.

4 Q. So, when was the last time you aboard the *Spirit of Norfolk*
5 before the fire?

6 A. Last time I was aboard the *Spirit of Norfolk*, it would -- I
7 mean, just probably a year ago, maybe a little before, in my
8 previous role as vice president of marine for City Cruises.

9 Q. So, now looking down below you -- within your organizational
10 structure, just take your time and describe how many support the
11 operations of the *Spirit of Norfolk*. So, you know, kind of
12 trickle down though and explain if you would what those people do
13 to help support those operations?

14 A. Absolutely. So, City Cruises U.S. has its own national
15 marine structure ran by Gary Frammel (ph.). He is the vice
16 president of marine for City Cruises. He has a staff of currently
17 three people working for him. It -- that group entails John Leake
18 (ph.), Tom Blakely (ph.) and Chip Lee (ph.). Chip Lee is a
19 national director of maintenance projects. John Leake is the
20 national director of regulatory safety and security, and Tom
21 Blakeley is the administrative manager for City Cruises marine.
22 They support the local units, local organization through answering
23 questions, providing assistance, technical support, developing,
24 capturing data from incidents, as well as engineering,
25 maintenance. They oversee our maintenance management system for

1 that portion of our fleet. So, they provide -- they support from
2 that side of the house.

3 Q. So, would you be able to describe the duties of, like, for
4 Norfolk, the general manager so I can understand those duties?

5 A. General manager is responsible for all day to day operations,
6 sales, and marketing for that individual business unit. So, for
7 Norfolk, it would be for the Norfolk boats.

8 Q. So, they would -- that person would handle public relations,
9 media --

10 A. Public relations, media. They're responsible for the budget,
11 finances, the execution of that budget for the safety -- they're
12 responsible for everything that goes on at that particular
13 operation.

14 Q. So, would that include -- when you say budget, would it
15 include, like, preventative maintenance, funds, repair costs, cost
16 estimates?

17 A. Yes, so those are developed through a process that we do on
18 an annual basis (indiscernible), not a casualty. But those are
19 developed through a budgetary process that includes the director
20 of marine operations, that includes the national team, including
21 vice president of marine for City Cruises. And we lay out a long-
22 range maintenance plan for each one of our assets, each one of our
23 vessels, which includes any maintenance items, any capital
24 improvement items, any renovations, write-off items as well.

25 So, that's a five-year plan that is developed with the

1 cities. We execute a budget -- develop a budget based off of that
2 and based off the current needs of our assets, and that is sent up
3 through the company for approval. When you're looking at
4 developing the cost that's done by -- for marine, that's done by
5 the marine director with assistance from the national team.

6 Q. So, would the general manager in Norfolk make any decisions
7 related to maintenance or preventative maintenance in terms of
8 approval?

9 A. They would be in a loop for understanding what's going on,
10 but not necessarily -- they would have ultimate decision on
11 whether it gets done, but it's a collective effort between them
12 and the marine side of the house, whether it be national or at the
13 local level.

14 Q. So speaking directly to Captain Nadeau, could you describe --
15 other than the obvious duties of being a captain of the vessel --
16 could you describe other duties and expectations you have of him
17 in the corporate structure in terms of director of marine
18 operations for Norfolk?

19 A. So, he's the director of marine operations for Norfolk. As a
20 director of marine operations, he is responsible for training,
21 safety, preventative maintenance, corrective maintenance on the
22 vessel, ensuring that it operates within Coast Guard standards,
23 and any other Coast Guard standards that apply to this vessel --
24 or both vessels that they have, and ensuring that the crew is
25 properly trained in accordance with Coast Guard standards.

1 Q. So, the *Spirit of Norfolk* is essentially a small ship. It's
2 180-plus feet. How does Captain Nadeau, from your perspective,
3 understand the engineering considerations of a vessel like that?

4 A. So, I think he has a good grasp of the engineering
5 requirements of a vessel like that. We rely heavily on third-
6 party entities for everything that would be above his comfort
7 level and skill sets. And that's how a lot of our operations are
8 run that have smaller bases like Norfolk.

9 Q. So, how does Captain Nadeau validate the work that's been
10 done by a third-party entity? For example -- I'll give you an
11 example. So if someone comes aboard to repair or adjust or do
12 maintenance on a steering system, how would Captain Nadeau be able
13 to validate that that work was done correctly?

14 A. Using the drawings that we would have approved by MSC. He
15 also has a regional marine director that has 30-plus years of
16 experience that is between the national team and Mr. Nadeau. It's
17 Mr. Tim Redman (ph.) that would normally come and validate a major
18 upgrade like you're speaking of.

19 Q. So, is Mr. Redman on the org chart that was provided by Mr.
20 Denley? Do -- are you --

21 A. He is.

22 Q. -- aware of that?

23 A. He is. I'm almost positive he is.

24 Q. So, looking at that org chart provided by Mr. Denley, I will
25 assume that it was the org chart that was in effect at the time of

1 the accident. There were two vacancies for the national
2 leadership. There was the national director of engineering and
3 training and development. Were those positions vacant at the
4 time?

5 A. Those positions were vacant at the time and the only reason
6 those were vacant is because I brought those two individuals up to
7 the global team, but they were accessible and available to City
8 Cruises at any time. My director of engineering, who's Mr. Chris
9 Bierker (ph.) plays a major role in assisting our business units
10 in carrying out major engineering changes, and currently working
11 on something on the west coast. So, he is available for
12 consultation for any of our marine units, as well as my national
13 director of -- our director of training and development.

14 Q. So, did any of the other directors at the national level pick
15 up any of the slack of the duties where these people were pulled
16 up to a higher level within the corporation?

17 A. Yes, so we work as a team and if support is needed, any one
18 of us will make sure that the proper resources are brought to bear
19 whether that be engineering or training or otherwise, or safety.
20 So, we work as a team between the global team and the national
21 team.

22 Q. Have those positions been filled at this time?

23 A. They have not been filled at this time.

24 Q. So, shifting a little focus here, is Hornblower part of the
25 Passenger Vessel Association?

1 A. We are part of PVA.

2 Q. And what does that bring to you as an organization?

3 A. PVA brings to us the collective understanding of the
4 passenger vessel industry, provides us support, both to the Coast
5 Guard and to Congress. It brings us the ability to share best
6 practices across the industry. So, that's what PVA brings to us.

7 Q. So, do you incorporate any of the guidance that has been
8 developed by the Passenger Vessel Association into your
9 operations?

10 A. We do. So, we've incorporated the PVA alternative security
11 plan into our operations. We also participate right now in some
12 of their training portfolio as well. I can't say that we adopt
13 everything that PVA puts forward, but we do use them quite a bit.

14 Q. So, the PVA publishes some manuals. One of them is a
15 personal safety manual and another is a basic firefighting manual
16 that have been in existence for some time. Have you incorporated
17 that guidance prior to the fire into your operations for the
18 *Spirit of Norfolk* or similar vessels?

19 A. So, the basic firefighting training is available on our
20 marine learning system, and we leveraged PVA's information on that
21 marine learning system. So, yes.

22 Q. Talk about -- like we interviewed one of your newer hires,
23 Ms. Nunez, and we also talked to Captain Brown in the interviews.
24 Talk more about that learning system and how a new employee is
25 expected to access that system, use that system and be certified

1 as having completed training?

2 A. Yes, not everyone of our Cities are using or leveraging that
3 MLS, so it's required. It's up to the City to ensure that that
4 information is being passed and the crew member is getting
5 adequately trained, and then recording the completion of that
6 training.

7 So, a new member would go through day 1 training, which is
8 basically basic shipboard safety and from -- anything from slips,
9 trips or falls to how do you report an incident. And then they
10 would go through firefighting if they are a crew member that is in
11 a safety sensitive position. They would go through basic
12 firefighting training taught by the folks there at the local
13 level, and that training would be recorded at the local level.

14 Q. And Norfolk?

15 A. In Norfolk.

16 Q. No, I'm saying and Norfolk has access and uses this learning
17 system?

18 A. I don't believe they've been using the learning system but
19 they have access to it.

20 Q. What else would I find in there? I mean, like, for example
21 the PVA firefighting manual, which we intend (indiscernible);
22 we're just not there yet.

23 A. Sure.

24 Q. It talks about how to prevent engine room fires, it talks
25 about how to use fire extinguishers, things like that. Is that a

1 manual in its entirety incorporated into this learning management
2 system, to your knowledge?

3 A. Yes. So, we -- the learning management system that we make
4 available does incorporate an entire PVA suite of training
5 documents.

6 Q. So, Captain Nadeau and the other personnel that operate the
7 vessel, the Coast Guard and other entities disseminate critical
8 safety information such as safety alerts that are relevant to that
9 type of vessel operation, like the flaws in life jacket design or,
10 you know, fires or sources of ignition. How do you disseminate
11 that information to vessel crews?

12 A. So, if a safety alert is published, we would normally send it
13 out in an email to all of our marine directors, and then the
14 marine directors will be required to disseminate that to the crews
15 either through an all-hands meeting or through the pre-cruise
16 meetings that they have.

17 Q. So, do you have -- like *Spirit of Norfolk* first -- do you
18 have standard operating procedures for the vessel in terms of the
19 full range of vessel operations written?

20 A. Each one of the operators is required to have -- I don't know
21 if we have any standard operating procedure fully for -- written
22 for the *Spirit of Norfolk*.

23 Q. Are there other Hornblower vessels of a similar type and
24 construction that would have one that you could give an example
25 of?

1 A. Yes, each one of them have operating procedures, each one of
2 them have procedures on how to operate the vessel from a safety
3 standpoint. I'm not sure if the *Spirit of Norfolk* specifically
4 has that -- what the -- their procedures look like.

5 Q. And what about, like, emergency procedures? Are there a
6 written set -- or is it a requirement of Hornblower to have a
7 written set of emergency procedures for the vessel?

8 A. So, we have an emergency response plan that covers the
9 entirety of City Cruises and what they're supposed to do in any
10 given event -- in an emergency situation.

11 Q. And the *Spirit of Norfolk* would have had that?

12 A. Yes, they have a -- they're supposed to have a copy of the
13 emergency response plan on board.

14 (Crosstalk)

15 Q. And you said exercise?

16 A. And exercise it, correct.

17 Q. And how about similar to a loss control program that would
18 explain, for example, accident reporting procedures and that type
19 of thing.

20 A. Yes, that's contained within the emergency response plan, as
21 far as notification and accident reporting, absolutely.

22 Q. And a written -- is there a written safety handbook for the
23 *Spirit of Norfolk*?

24 A. I don't believe we have a specific one for the *Spirit of*
25 *Norfolk*. It's --

1 Q. And then I know there are federal guidelines for drug and
2 alcohol testing and --

3 (Crosstalk)

4 Q. Is there a written program for the *Spirit of Norfolk*?

5 A. There's a written program for City Cruises, which the *Spirit*
6 *of Norfolk* falls under.

7 Q. So, in early September of 2019, there was the tragic fire
8 aboard the *Conception*, a small passenger vessel off the coast of
9 California. After that accident, did the company examine the
10 final report of the National Transportation Safety Board to
11 determine how they could improve their operations from a safety
12 standpoint?

13 A. Absolutely we reviewed that report and we looked at we could
14 do as far as best practices concerning some of the recommendations
15 that came out of that report, absolutely.

16 Q. And can you elaborate on that? Could you elaborate on -- so
17 you examined the report. Was it done at the corporate level?

18 A. It was done at the corporate level. It was done at my level
19 and at the national team level at the time. I was national
20 director for -- or VP and marine ops for City Cruises at the time.
21 I looked at the recommendations that were contained within the
22 report. A lot of that pertained to overnight vessels and -- which
23 we have very minimal of in the fleet. We don't really use that
24 for overnight -- on the small (indiscernible) aspect.

25 But we looked at the recommendations there, we looked

1 specifically towards the recommendations surrounding plugging in,
2 putting in batteries, you know, from the electrical side, those
3 types of things that were contained in the report and focused
4 mostly on that.

5 Q. Did you discuss fire detection?

6 A. We did not. We meet all Coast Guard regulations and felt
7 that we met the regulations that were required by us by Coast
8 Guard on all of our vessels.

9 Q. How about fire suppression?

10 A. Same there. We meet all regulations that are currently
11 required by us on all of our vessels.

12 Q. Is there anything that would prevent you from updating the
13 vessel to exceed regulations in these two critical areas of fire
14 detection and fire suppression?

15 A. Is there anything to prevent us?

16 Q. Yes.

17 A. I mean, we're meeting requirements. I mean, that's what we
18 do.

19 Q. Are those requirements adequate?

20 A. Well, we meet all Coast Guard regulation requirements. Is
21 the Coast Guard moving towards changing those requirements?

22 Q. Well, I'm saying that from the perspective of the great
23 effectiveness of fire suppression and fire detection in preventing
24 a tragedy, is there anything that prevents you from updating your
25 vessels and upgrading them so that they install fire detection or

1 fire suppression systems?

2 A. So, is there anything preventing us from doing that?

3 Q. Yes, sir.

4 A. If there's a cost associated with it, there's a vessel
5 (indiscernible) associated with it, but we, you know, our goal is
6 to meet the current applicable requirements and regulations of
7 those vessels. I mean, do -- and from -- so.

8 Q. Well, after you examined the Conception fire, did you do some
9 cost analysis, what it would cost to retrofit your vessels with a
10 fire detection or a fire suppression system to understand the
11 economic impact on the fleet versus the risk management benefits
12 of having those systems installed?

13 A. Yes, I absolutely know what the cost would be.

14 Q. And what would that be?

15 A. For a K-boat it's about \$150,000 to install a fire
16 suppression system, whether it be a CO2 or not, like a 1320 -- I
17 know like a 1320 or the Heaton (ph.) smoke detector, as well as
18 the applicable ventilation dampers that are required for that
19 system, as well as a CTP system on board in the engine room.

20 Q. So, another of the recommendations from the NTSB were that
21 companies that operate these types of vessels -- and I'm not
22 talking about just overnight, small passenger vessels, but --
23 develop and incorporate a safety management system.

24 A. Um-hum.

25 Q. Did you evaluate the development of a safety management

1 system as a result of the Conception fire?

2 A. Yes. So, we -- throughout the company, we do have entities
3 that have a safety management system. We're currently in the
4 process of developing and adopting a safety management system
5 across the board. We do do about 85% of what a safety management
6 system would require across the company right now, across City
7 Cruises. And we are looking into implementing a safety management
8 system across the board in the very near future.

9 Q. So, we've asked Hornblower, you know, responded with a sheaf
10 of documents related to this investigation. If there's a document
11 or set of documents similar to a safety management system that you
12 can talk to Mr. Denley about, we would -- I think it's generally
13 described in the subpoena process -- but if we could have a copy
14 of that.

15 A. Absolutely.

16 Q. Yes, but directly related to the *Spirit of Norfolk*.

17 A. Okay. Yes, I know Mr. Denley's pulling that information
18 together.

19 Q. So, have you conducted -- I know that the Coast Guard has a
20 role in this quality oversight program externally -- but has
21 Hornblower conducted an audit of their safety operations, either
22 using a third party or do you have somebody in the corporate
23 structure that goes to the vessels and say okay, I'm going to
24 evaluate the quality of your emergency drills and training?

25 A. Where we have an SMS or SMP in place, we do have third

1 parties come on board. If they're City Cruises, that is done by
2 the national team when we do visits to the unit. We're not
3 necessarily looking at drills every single time. So, it's not a
4 formal audit process.

5 Q. So, can you give me an example, just off the top of your head
6 -- and I understand if you can't -- but if one of the vessels in
7 your fleet that has third-party auditing of operations and a
8 robust safety management system, just one vessel in the fleet.

9 A. In the City Cruises fleet or within Hornblower?

10 Q. City Cruises.

11 A. Yes, City Cruises, none of our vessels currently have an SMS
12 in place.

13 Q. And how about in the national?

14 A. In the global team, (indiscernible) statute, there are
15 Alcatraz, we have an SMS in place in all those locations.

16 Q. So, is there a way, if I was Captain Nadeau or I was a
17 captain on one of your vessels, is there a way for me to get
18 professional training and get the company to support that by
19 paying for that training?

20 A. Absolutely.

21 Q. And talk about that, if you will.

22 A. So, we have a professional reimbursement program within the
23 company. If they were to submit a request to go to training
24 that's pertinent to their job set that we reviewed and approved
25 and --

1 Q. So, Norfolk has this -- we've interviewed the director that
2 has the MIRT team, the Marine Incident Response Team, Mr. Burket,
3 who offers maritime firefighting training in the local area that's
4 attended by, you know, an international cadre and Navy personnel,
5 Coast Guard, everybody. Would that training be available if
6 somebody in the company, let's say, one of your captains said I'd
7 like to request to go to that training?

8 A. Yes, that request would be reviewed. I'm trying to
9 understand and knowing and having been through those courses, you
10 know, from a personal perspective I think that would be valuable
11 for professional growth of our personnel. I'm trying to see how
12 that's applicable here since most of that firefighting is done
13 with cutter backs and equipment that is above and beyond what's
14 required and what's carried aboard team K-boats. So, I'm just
15 trying to understand what that -- why that's a pertinent question
16 here.

17 Q. Well, Ms. Nunez, who is one of your new crew members who was
18 aboard during the fire, she had two years of Navy experience and
19 had a pretty robust military firefighting experience. And she
20 described how to use the fire extinguisher to fight a fire. And
21 she was standing -- you know, she's a brand new employee almost in
22 April of 2022, and she's standing by Mr. Braisie (ph.), the
23 deckhand, prepared to engage in firefighting operations in the
24 engine room.

25 So, what I'm alluding to is there are marine firefighting

1 necessities for unlicensed personnel to enter an engine room,
2 understand the fire, select a fire extinguisher and potentially
3 attack a fire. So, how do they learn how to do that if they don't
4 go to some kind of training or have basic firefighting
5 instructions?

6 A. So, that makes the firefighting instruction is required to be
7 done by the local marine director or one of the captains.

8 Q. And for the -- is there a sign-off or check-off sheet that
9 would indicate Ms. Nunez has completed that training?

10 A. Right now, it would have to be local records that -- where
11 that's kept.

12 Q. And they could have also perished in the fire, correct?

13 A. Yes.

14 Q. So, how do you expect crew persons aboard the *Spirit of*
15 *Norfolk* to fight a fire on board? In other words, if they could
16 have accessed the engine room, what were your expectations of what
17 you expected them to do?

18 A. So, my expectations of what they would have done is would be
19 to access the space if they can, as long as it's not fully
20 engulfed. They had a hose broken out, they had a fire
21 extinguisher in place and they should have tried to -- my
22 expectation is that they would try to extinguish the fire if
23 possible. If that wasn't possible, set a boundary, cool that
24 boundary until adequate firefighting assistance can be brought to
25 bear.

1 Q. So, you mentioned in your interview here about safety
2 sensitive positions?

3 A. Yes.

4 Q. What's your understanding of the crew persons aboard the
5 *Spirit of Norfolk* that were in safety sensitive positions?

6 A. So, I believe from that cruise we had five people that were
7 billeted for safety sensitive. I think they were carrying seven
8 -- some training people that were training for those billets. I
9 think we had five people on board that were in safety sensitive
10 positions, which included the captain and deckhands and the senior
11 deckhand on board. And then you have the rest of the crew that
12 was on board as well, but those aren't in safety sensitive
13 positions.

14 Q. So, Ms. Gehn (ph.), we interviewed her and she, in essence,
15 directed the movement of passengers, at one point telling the DJ
16 to make an announcement to not -- calmly, you know, tell the
17 people to go to the third deck and move people from the after
18 portion of the third deck to the forward portion. And then move
19 in a calm and systematic -- would you describe that as safety
20 sensitive?

21 A. No, so I would not consider that a safety sensitive role on
22 board the ship with regard to the COIM. We do require our other
23 personnel that we have employed on board to take a role in crowd
24 management and the safe evacuation, if it's required of our
25 personnel, but I would not consider that safety sensitive per the

1 regulations.

2 Q. So, I'm going to shift gears a little bit and we're going to
3 talk a little bit about -- you mentioned the casualty -- we're
4 talking about the engine casualty here.

5 A. Yes.

6 (Crosstalk)

7 A. You're talking about -- which -- the previous --

8 (Crosstalk)

9 Q. Yes, the May coolant leak.

10 A. Yes.

11 Q. So, how were you notified or are you notified that one of
12 your vessels has had a -- well, we call it in the Coast Guard a
13 casualty. And what I mean by that is a report or instance where a
14 steering propulsion, seaworthiness or something affects the
15 vessel. How are you in your position notified of that?

16 A. So, I am notified of that casualty normally through -- in my
17 current position normally through the vice-president of marine for
18 that business unit. So, I was notified of that casualty by Gary
19 Frammel. So, there is a written chain of communication within the
20 emergency response plan on who is supposed to notify who within
21 City Cruises.

22 Q. Is that -- does that classify as an emergency response plan
23 category, meaning, a coolant leak on an engine?

24 A. That would be -- it would be required notified up through the
25 vice-president of marine and obviously it has to be notified to

1 the Coast Guard as a propulsion issue. So, you know, there is a
2 duality of reporting both to the regulatory agency, as well as
3 internal communications.

4 Q. So, when did you learn about that coolant leak? I mean, did
5 -- and I'm not looking for a specific date --

6 A. Yes.

7 (Crosstalk)

8 A. I don't think -- I can't specifically say if I learned it the
9 day -- the night it happened, sometime within the very near
10 future, if not within the next day or two I was notified of it.

11 Q. So, one of the aspects of the coolant leak, which is
12 completely understandable, is the engine space is full of steam
13 and the crew goes in, they open the watertight door, they go into
14 the engine room space, they advanced and discharged the fire
15 extinguisher onto the engine thinking, proactively, that it might
16 be a fire. Is there some corporate requirement to after action
17 investigate the actions of the crew and see if what they did was
18 appropriate and acceptable in this situation?

19 A. So, within the incident process, there should have been a
20 recourse analysis. There's an incident report, recourse analysis
21 and if there are any corrective actions that should have been
22 taken.

23 Q. Can you recall if there was one done for the *Spirit of*
24 *Norfolk* for that incident?

25 A. I can't recall at this time if it was done or not.

1 Q. So, were you involved in any of the decisions after, you
2 know, it was identified that it was a coolant leak and it might
3 have caused overheat damage to the engine. Were you involved in
4 any decisions related to the decision to rebuild that engine?

5 A. I was not. That would have been done at the City Cruises
6 level, not the global level.

7 Q. Did you ever see the -- and I'm talking about before the June
8 7th day -- did you ever see any of the Bay Diesel reports or
9 invoices for that work?

10 A. I did not.

11 Q. Did anybody convey to your that there was a recommendation to
12 replace one of the turbochargers, the affected engine and that a
13 turbocharger was available at Bay Diesel to put on the engine?

14 A. Not until after the fire happened, so I was not aware of that
15 prior to.

16 Q. So, now I want to shift a little focus and I want to move
17 away from the pre-fire period. And what I'd like you to do is sit
18 there and take a moment to reflect on the event. And I'd like --
19 in as complete detail as possible -- it's June 7th, I'm assuming
20 at some point you're notified and if you weren't, you know, walk
21 us through everything you can think of, of your experience and
22 your observations up until the time you departed Norfolk and your
23 mission was complete in relation -- because I know that you were
24 part of the unified command and you were the responsible party.
25 So, if you'll just tell us your story.

1 A. So, I got alerted. I was in Chicago at the time on company
2 business. I got alerted I want to say sometime around noon that
3 there was a fire on board the *Spirit of Norfolk*, that guests were
4 being evacuated or had been evacuated at that time, and they were
5 bringing the vessel to the Navy base. My understanding at the
6 time was that the fire was contained within the engine room, that
7 all passengers and guests -- or all crew and guests were off --
8 the initial notification, with the exception of the captain and
9 Mr. Brown -- Captain Brown, so Captain Brown. And then we were
10 shortly notified after that they had also gotten off the vessel on
11 a different ship.

12 We immediately sent two of our folks, one from the national
13 team and then the regional marine director, to the scene. My
14 understanding was that the GM for Norfolk was on scene, as well as
15 Captain Nadeau was on scene there at the Navy base. There were
16 multiple agencies fighting the fire, a couple of times putting
17 water into the engine room. It's not quite there, they put foam
18 in the engine room as well. They decided to tie the vessel up to
19 the Navy base there. I was listening on an app on the phone to
20 the scanner -- to the emergency scanner from Norfolk, so I was
21 able to follow along somewhat on the actions that took place
22 during the firefighting efforts up until about 4:00 or so and a
23 little after.

24 It seemed to me that the -- our team didn't show up until a
25 little after 3:00, I believe. The external -- other than the

1 *Spirit of Norfolk* folks -- our external help did not show up until
2 about 3:00 or a little after. We notified both the Asborough
3 (ph.), as well as our salvage company, Donjon, in accordance with
4 our tank vessel response plan. They were on scene shortly after,
5 I think, 4:00 that the first folks got on scene. I did listen
6 into the firefighting efforts as the vessel was originally or
7 initially tied up. There was very little smoke coming out of the
8 engine room. They had -- I think there was a couple of brief
9 flashes or sparks. I don't really know the brief flash if there
10 wasn't the (indiscernible) sparks.

11 At some point somewhere around 3:00, there was a decision by
12 somebody to enter the engine room -- at this point, everything was
13 contained in the engine room -- to enter the engine room through
14 the door leading into the galley. At that point, I heard on the
15 radio mayday, mayday, mayday, which meant an extreme situation for
16 the firefighters on scene. My understanding is that members of
17 Norfolk Engine 12 opened that door -- I'm not sure whose direction
18 they opened that door. Once they opened that door, the water that
19 was being placed in the engine room, I can only imagine that it
20 had to have been multiple feet of firefighting water, as well as
21 anything that was on fire on top of that water, knocked them down,
22 rushed into the galley area. And then they were unable to close
23 that door back up. They did not close the fire doors going from
24 the galley up to the main deck. And from there, the fire spread
25 through the galley and then up through the remainder of the

1 vessel.

2 I arrived on scene the next day, early the next day to get a
3 flight on the 8th to arrive on scene. And by the time I got on
4 scene, the fire had already consumed a majority of the vessel. It
5 was still an active fire, there was smoldering in the engine room
6 and the galley and very little was left up on the main deck and
7 above. I think it had burnt out any fuel that the fire, you know,
8 that was remaining up in that area. And the vessel was exhibiting
9 a significant list by the port and by the stern. At that time I
10 feel like it was getting worse. They were actively cooling the
11 vessel, but not actively fight -- fighting the fire.

12 The decision was made the first night not to go back on the
13 vessel due to stability concerns and not actively fight the fire
14 that evening. We, through our salvage company, got fracking tanks
15 to bring firefighting water -- get the firefighting water off the
16 vessel. We also got a barge, which showed up at midnight of the
17 second day, and then they had to restart pumping from the vessel
18 to the barge at about 3:00 in the morning, 3:30 in the morning
19 that second night onto the barge because the vessel -- and I'm not
20 sure exactly the ingress source of that could be multiple things.
21 But very quickly it started going down by the stern to the point
22 where it was fairly close to the windows on the port side that had
23 already broken out. And the folks who were on scene managed to
24 pump enough water out of there, you know, bring the vessel up so
25 that -- to not sink in place.

1 I got on scene, became part of the unified command and helped
2 and direct the efforts of our on scene salvage personnel, as well
3 as our on scene onboard personnel. Fire in the galley and engine
4 room continued until that next day. We got the -- once the water
5 was pumped out, we sent teams on board and do overhaul. They went
6 in and did their overhaul, that was part of our salvage company.
7 And once they overhauled the vessel, we made a plan to move the
8 vessel from the Navy pier over to Kawana (ph.) shipyard in Norfolk
9 to ensure it had a safe place for a continued investigation, as
10 well as making sure that the vessel was safe for personnel -- for
11 the investigation and looking further actions post-investigation
12 of the vessel.

13 Q. Thank you. So, I got to be honest. I'm amazed about using
14 the app to listen in to the firefighting operations. That was
15 very crafty of you.

16 A. All I know it's Bob Lange (ph.), who's my director of
17 training and development, for his millennial prowess in that. I
18 won't take credit for that, but he was with me in Chicago.

19 Q. Did you record that?

20 A. We did not record it. We did do -- Bob took notes verbatim,
21 so he hand-recorded it and -- but that should be available through
22 a FOIA request from that emergency.

23 Q. Right.

24 MR. FAWCETT: So, Mr. Denley, we will be asking for that --
25 those notes, please.

1 MR. DENLEY: Understood.

2 Q. So, when you arrived physically on the scene, how would you
3 describe the response efforts from your perspective, you know,
4 you've had a lot of maritime training, you've been involved with
5 this type of activity before. What was your assessment from your
6 responsible party role?

7 A. So, first of all, you know, I do want to get on record. I
8 want to thank both the Coast Guard and the Navy and the other --
9 both private vessels and a cache of vessels and other firefighting
10 units that responded to this. I think it was an amazing team
11 effort.

12 But at that point when I arrived, it was really an effort to
13 understand where the vessel was from a stability standpoint. It
14 was very focused on not allowing pollution in the water, so making
15 sure the vessel didn't sink, because at that point, the vast
16 majority of the vessel had already burnt the night before. And
17 so, you know, at that point it was -- I think the commanding
18 control had progressed to where, you know, direct relations with
19 the salvage team and the firefighting team as well, and the
20 unified command was in place and operating.

21 Q. But when you were listening in on the app, did you hear at
22 any time, before you departed and flew down to Norfolk, somebody
23 describe who is in charge of the firefighting?

24 A. It was hard to tell on just listening to that who was in
25 charge. Obviously, since the boat was tied up at the Navy pier

1 that the Navy firefighting chief would have been responsible or
2 had the authority and responsibility of the vessel at that point.
3 Along with -- once our salvage team got there as the responsible
4 party to participate in that effort.

5 Q. Did you overhear on that application when they made the
6 initial -- it's been described as two events on the afternoon of
7 June 7th, a recon party followed up by a foam hose attack team.
8 Did you hear any of those communications about -- I'm just giving
9 you an example, like the attack team leader is Norfolk fire or
10 Navy or any kind of conversation like who is in charge of those
11 operations from what you might have heard on the scanner channel?

12 A. I knew, from what I heard, that it was the Norfolk team that
13 was down below, because they identified themselves as that. And
14 then I did hear the original recon team that went on board that
15 had some issues getting firefighting water so they actually pulled
16 back. The team was down below, but I did not clearly hear anybody
17 stating that they were in charge or called themselves the leader
18 or whether, you know, identify themselves as the leader. I did
19 not hear on there permission to enter the space, what I would
20 normally expect in a -- you know, in a Coast Guard situation where
21 you're dealing with the rappel walker and getting permission to
22 enter the space or any shipboard firefighting, I did not hear that
23 over the radio to the best of my recollection.

24 Q. The original plan was to access the fire through the engine
25 room escape hatch on --

1 A. Yes.

2 Q. -- the main deck in the after part of the vessel.

3 A. Yes.

4 Q. Somehow, they ended up going down a flight of stairs or a
5 ladder and approaching the engine room through the galley door.
6 Did you hear anywhere in that conversation that you can recall
7 where someone said anything about departing from the initial plan
8 to crack the escape hatch in the deck and dump foam down there?

9 A. I did not understand where the difference -- where the change
10 came from, because I knew the original plan, in listening to the
11 original plan -- I'm trying to separate what I thought about
12 afterwards and what I actually heard -- that was all within maybe
13 10 minutes. And listening to the conversation on this app, they
14 very quickly transitioned from the escape hatch plan to entering
15 the door between -- the engine room door. And I don't recall
16 hearing any conversation on the radio about that transition.

17 Q. So, you mentioned Donjon-SMIT. Are they on like an evergreen
18 contract for you to respond to any incident?

19 A. They are.

20 (Crosstalk)

21 Q. Where does Mr. Edgar of Marine Response Consultants come into
22 play here? He's been described as the first guy that shows up on
23 the pier in the afternoon or early evening. I think it's been
24 described as 1800-ish or --

25 (Crosstalk)

1 A. It was around 5:00, I think.

2 Q. Yes. So, how does that work? Where is that -- how does that
3 organization work from your perspective?

4 A. So, that organization -- so Tim Williamson (ph.) was the lead
5 for Donjon-SMIT. He has contractors that he brings to bear any
6 incident. Mr. Edgar was one of those contractors. He was -- he's
7 -- he really did the stability as well as firefighting. He's one
8 of their experts in that field, so he's part of that team.

9 Q. So, Mr. Williamson, did he arrive on scene on the day of the
10 fire?

11 A. He did, a little after Mr. Edgar arrived on scene.

12 Q. So, from your perspective, would Mr. Edgar arrive on scene
13 and just give a verbal plan of action or would he deliver, like,
14 okay, here's a written plan, for example, on how we're going to do
15 this?

16 A. Well, in my background, when you're dealing with an active
17 fire, developing a written plan that needs to get approved up the
18 chain is not a timely or effective means to fight that onboard
19 fire. What should have happened or what I hoped would have
20 happened was that the experts, both from Donjon-SMIT and the fire
21 team that was in charge, would have developed a plan, briefed the
22 plan, got approval of the plan verbally and executed it. Having a
23 written plan in place for every single different scenario would
24 just -- it's just not effective.

25 Q. So, do you know if either Donjon or Mr. Edgar maintained a

1 listing of draft readings throughout the event?

2 A. Yes, I know as soon as Mr. Edgar got there, they started
3 writing down the draft readings, so yes, they did.

4 Q. Unified command.

5 A. Yes.

6 Q. For this event, talk about your impression of how it
7 functioned in terms of efficiency. I know that, you know, initial
8 efforts are one thing, you know. It's chaos and then things
9 settle down. Based on your arrival -- well, my first question is,
10 did you get any briefings from the unified command before you
11 actually arrived in Norfolk?

12 A. I attended a phone call, the initial meeting that night -- I
13 think it was 8:00 that evening via phone -- of the unified
14 command. I was still trying to gather the full picture of what
15 was going on at that point. I did have representation there from
16 Hornblower that was physically at the meeting for the unified
17 command. So, I mean, that was the extent of the brief that I
18 received was when I was at, you know, on the phone at the first
19 initial meeting and then I was there the next morning for the
20 follow-on unified command meetings.

21 Q. Was the representation at the meeting the Donjon salvage team
22 or was it somebody actually from Hornblower?

23 A. Actual Hornblower, so Chip Lee and Tim Redman were at the
24 meeting. They had showed up on scene sometime between 3:00 and
25 4:00 on scene. They both live in the Virginia -- they live in

1 Maryland and work in the Virginia, D.C. areas, so they were
2 dispatched to the scene fairly quickly.

3 Q. Did they call you at any time on the 7th and express concerns
4 about how the operations in general were going on?

5 A. They did not express any specific concerns on how the
6 operations were going on. They might have said it was chaos, so I
7 think -- let me re-address that -- they said it was a little
8 chaotic initially and I would have expected that given the number
9 and the amount of different fire teams that were on the scene.
10 And I would have hoped one would have taken charge of the initial
11 action, and to me it sounded like it was the Navy fire chief that
12 took that until Donjon and our team got on scene, and that was a
13 collaborative effort.

14 Q. So, that 8:00 call -- approximately 8:00 call that you --

15 A. Yes.

16 Q. -- sat in on, in the introductions, you know, that preceded
17 the meeting of roles, did someone say they were the incident
18 commander?

19 A. Yes, the incident commander was the Coast Guard at that time.

20 Q. And then in the subsequent meetings, did that shift from the
21 Coast Guard to any other entity?

22 A. No, the Coast Guard maintained incident commander throughout
23 the operation.

24 Q. So, my final question -- and I may have follow-ups later but
25 I'll ask Commander Roy if he has any follow-ups -- but my final

1 question is looking at this event that took place, I know it had a
2 severe impact on your operations. Do you have any suggestions?
3 One of the things that the Coast Guard does in our reports of
4 investigation, we have a part of the report called actions taken
5 since the incident where we highlight proactive measures that --
6 not only the Coast Guard, but other entities. But I'd like to
7 offer you the opportunity if you have any suggestions for helping
8 to prevent a similar accident such as this.

9 A. Yes, I firmly believe that this accident -- this
10 (indiscernible) accident could have been limited to the engine
11 room if it were not for some firefighting decisions that were made
12 once the vessel got to a place where we had civilian firefighters
13 on board the vessel. That, you know, I would implore that any
14 civilian firefighting company that even thinks that they're going
15 to (indiscernible) respond to a shipboard fire understand the
16 nuances of a shipboard fire with firefighting water. Whether
17 that's the amount of firefighting water that gets used within the
18 response and the stability of the vessel or that is opening
19 hatches or doors in the pursuit of maintaining or fighting the
20 fire.

21 I think that's critical, I think that's one of the things
22 that could have lessened the severity of this incident. I am very
23 thankful that nobody got injured in the firefighting efforts. You
24 know, when I heard mayday, mayday, mayday over the radio, my heart
25 sunk a bit, understanding the confines and, you know, having been

1 through that firefighting training that you talked about several,
2 several, several times. And, you know, having been a part of a
3 Coast Guard crew that battled a (indiscernible) barrels of
4 unleaded fuel on fire for two days, that is dangerous work, and
5 the nuances of shipboard firefighting need to be understood by any
6 fire department that is anywhere local or have any indication that
7 they might have to go on board a vessel to fight.

8 That's the, you know -- and then the other thing I would say
9 is there are times when planning and written plans are
10 appropriate. I'm not sure that is appropriate during the act of
11 fighting of a fire. So, I think that needs to be looked at. So,
12 that's it.

13 Q. So, one of our goals is also to propose changes to existing
14 regulations. Do you -- can you think of any regulations that need
15 to be changed or upgraded relating to fire safety or safety of
16 operations on small passenger vessels?

17 A. You know, I think the NTSB and the Coast Guard do a good job
18 at identifying those issues that need to be addressed. I know
19 that the issues you've talked about here today are a couple of
20 those things that the Coast Guard and the NTSB I know have been
21 pushing for a long time. And, again, we will and are looking at
22 upgrading our fire safety. We try to meet all regulations, but we
23 are looking at upgrading our vessels to meet a higher standard.

24 Q. Thank you, sir.

25 MR. FAWCETT: Commander Roy.

1 COMMANDER ROY: Yes, thank you.

2 BY COMMANDER ROY:

3 Q. I've just a couple of questions for you, sir. Just I want to
4 go back a little bit and talk about the firefighting, how the
5 *Spirit of Norfolk* -- what gear they have, what training they have.
6 Can we talk a little briefly about, you know, the engine room fire
7 and what kind of the procedures were. Do you know if the crew is
8 trained on, like, what size fire they can fight and what size fire
9 that they should just secure and back away?

10 A. Yes, so in their training, they should have been -- you know,
11 that discussion should have taken place. You don't want to get
12 casualty upon casualty. If you can go into the space and not be
13 overcome with smoke and fight the fire, then you should try to do
14 it while it's still small. If it's engulfed or there's black
15 burning smoke like they saw on their second entry and
16 appropriately backed out, that's what they should do.

17 You know, there's, you know, safety of our crew and
18 passengers is paramount and there's fire protections on board that
19 vessel that allow them to be -- that can be maintained to back out
20 of the space and keep everybody safe at that point. But their
21 training should have included that as well.

22 Q. So, they're not trained -- you mentioned, kind of an element
23 -- so there's -- and you said -- I guess, I think you said at some
24 point that they don't -- Norfolk doesn't use that but they have
25 access to it. So --

1 A. Yes.

2 Q. -- what is the training program? Are you aware of the
3 training program? Is it a virtual training for firefighting? Is
4 it a hands-on and what does that look like? Do you know?

5 A. Yes, so they should be conducting hands-on drills, they
6 should be doing knowledge-based training on how to use the fire
7 extinguishers and what fire extinguishers are appropriate for what
8 type of fire, you know. Going through the entire firefighting
9 training of West, Navajo, Bravo, Charlie, you know, kill fire,
10 what's the appropriate extinguisher to be used and how to use the
11 extinguisher, how to -- the types of extinguishers that we have on
12 board. When you're breaking out the firefighting hose, proper use
13 of that. So, fire training entails all of that information and
14 knowledge passed to those safety sensitive positions from deckhand
15 on up.

16 Q. Okay. I just want to verify, too. So, there was no other
17 firefighting gear besides hoses and fire extinguishers? They
18 don't have the air packs, they don't have firefighting gears? How
19 much of that stuff --

20 A. No, they do not.

21 Q. So, you stated that as far as a major -- obviously, there was
22 a major engine room fire. In the plan, I think you stated
23 something like if it was too big, they were to secure the engine
24 room and cool boundaries; is that correct?

25 A. Yes.

1 Q. Okay. So --

2 (Crosstalk)

3 Q. Back out. So, here's my question, after that process -- so
4 what's the plan or is there a plan to -- after they back out, you
5 want to pucker-up (ph.) the engine room, what's the next step is --
6 to combat a fire in the *Spirit of Norfolk*? And the reason I'm
7 asking is -- so the *Spirit of Norfolk* didn't have a fire detection
8 or fire suppression or the ability to secure (indiscernible); is
9 that correct?

10 A. Correct.

11 Q. Okay. So, here's my question. How was -- what's the next
12 step into fighting that fire? Was there a plan that the *Spirit of*
13 *Norfolk* had or City Cruises had to combat a fire after that
14 lockdown step?

15 A. So, the steps that were taken on scene with the assistance
16 bringing resources to bear outside of the vessel both from
17 fireboats, as well as the tugboats with fire nozzles, would be the
18 next step, bringing a fire team on board that is equipped to fight
19 that. Obviously, before that process, you want to evacuate the
20 passengers and crew and fight that fire with folks that were
21 equipped more properly to fight a full engine room fire, or you
22 put enough firefighting water in that space to extinguish or
23 manage that fire within that space. And you have the structural
24 fire protection hold and act the way it's supposed to, protecting
25 that space.

1 Q. And I know you mentioned -- towards the end there, you kind
2 of gave the apt direction about firefighting operations, you
3 mentioned that real quickly. And, you know, you kind of mentioned
4 about, you know, some regulations. Do you believe if that vessel
5 had a firefighting system on board, the type of that system, it
6 might have helped suppress that fire?

7 A. Yes, I think it would have helped suppress that fire.

8 Q. We're just going to shift to the maintenance piece real
9 quickly, just to follow-up on that. Who makes the final decision
10 whether a piece of equipment is replaced and that vessel is safe
11 to sail?

12 A. Depending on the nature, that's our marine directors in
13 consultation with both the regional marine director and the
14 national -- or the VP of marine, depending on the nature of the
15 maintenance. Get that notice (indiscernible), usually it'll be
16 the regional marine director and above in consultation with the
17 Coast Guard, if it's something that requires notification to them,
18 which most of our casualties do. So, I guess a joint effort. But
19 we put forth the vessel to be as -- and once the casualty's been
20 corrected, we notify the Coast Guard and often they'll, you know,
21 they verify and give us authority to get back underway if there
22 was an 835 or deficiency provided.

23 Q. Okay. So, Mr. Fawcett mentioned -- you mentioned about the
24 turbo that Bay Diesel had recommended to be --

25 A. Yes.

1 Q. -- replaced. Are you aware of that, sir?

2 A. So, I'm now aware of that. I'm also aware that both Bay
3 Diesel and the Coast Guard and our folks said that the system was
4 safe to sail as was. They just recommended watching it.

5 Q. Do you know when Bay Diesel gave their tech reports to
6 Hornblower?

7 A. I'm not exactly sure, but they -- I know it was -- last time
8 I was there, they had -- they're not sure when the physical tech
9 report was provided. I know they should have done an out brief,
10 which on this certainly was done.

11 Q. Okay. And what does the out brief -- when you say out
12 brief --

13 (Crosstalk)

14 A. They would have talked to Captain Nadeau on what they did and
15 get that into recommendations. We have a very good relationship
16 with Bay Diesel and have worked with Bay Diesel for decades.

17 Q. And then one last question. You mentioned about the ICUC.
18 You said Coast Guard was the ICS. I want to make sure we're all
19 using the same verbiage here. Was there any unified command set-
20 up or was it an incident command set-up?

21 A. No, it was a unified command set-up.

22 Q. Okay. So, who was the unified command when they stood up the
23 unified command?

24 A. So, the unified command was Hornblower is the responsible
25 party, the Navy base CO was on the unified command, Sector

1 Virginia was on the unified command represented by Captain
2 Stockwell and then the team over there from Sector Virginia, and
3 then the DEQ was also a member of the unified command.

4 Q. All right. So, it -- so the Coast Guard wasn't -- it was a
5 representative on the unified command. They weren't the --

6 A. Correct.

7 Q. -- incident command. They were part of the unified command?

8 A. Correct.

9 Q. Okay. All right, sir. That's all I have for now. Thank
10 you, sir.

11 A. Okay.

12 MR. FAWCETT: So, Mr. Smith, we've been going for about an
13 hour and 30 minutes. I don't know that we'll go that long, but
14 are you okay to continue?

15 MR. SMITH: Yes, I'm good for now. If we need to -- if I
16 need a break I'll raise my hand, but we're good for now.

17 MR. FAWCETT: Thank you, sir. So, for the National
18 Transportation Safety Board, Mr. Karr.

19 BY MR. KARR:

20 Q. Hello, Captain Smith, Mike Karr with the National
21 Transportation Safety Board. A couple of follow-up questions.
22 When you were listening to the app --

23 A. Yes.

24 Q. -- can you describe exactly what you heard with regard to
25 that plan to open the hatch? Was that actually discussed?

1 A. No, not on the radio. It was not -- I heard that they were
2 making re-entry in the vessel, that this was a change and the next
3 thing I heard was they were opening up the engine room door and
4 then I heard the mayday call. And then Engine 12 evacuating the
5 fantail, they were all kind of (indiscernible) and then they
6 required everybody to get off the vessel ASAP, and that was right
7 around 3:00.

8 Q. So, you did hear them talk about opening the door?

9 A. Yes, they were accessing the door.

10 Q. All right. But before that, was there any discussion about
11 how they were going to access the engine room? You know, were
12 they specific to the hatch?

13 A. I did not hear that on the radio.

14 Q. What was the indication that something had changed?

15 A. In -- my understanding was that -- I could be remembering the
16 conversations --

17 Q. Yes.

18 A. -- versus what I heard on the actual thing. But in my head,
19 the safest way, the proper way to access the space to the fire,
20 that space, would have been through cooling the overhead and
21 access it through the emergency escape hatch especially with the
22 firefighting water on board. They had tried to make entry -- at
23 some point within that conversation, I know that they were talking
24 about entering through the escape hatch. The next thing I heard
25 was that door was opened and the team called mayday.

1 Q. So, you did say that -- you did hear a discussion about
2 trying to make entry through the escape hatch?

3 A. Yes.

4 Q. All right.

5 A. Drop a firefighting -- fire extinguishing agent through the
6 hatch.

7 Q. Okay. Yes, my questions were about, you know, what you heard
8 that afternoon on the app.

9 A. Yes --

10 Q. But, you know --

11 A. -- yes, so there was conversations about dropping a fire
12 extinguishing agent through that hatch, to access it through the
13 hatch. And then the next thing I knew was mayday, mayday and they
14 had opened up the door. I don't remember any of the specific
15 conversation and who had and about changing the approach. Next
16 thing I knew was that the approach had been changed and they
17 opened up that door. And I don't know if they were directed to or
18 on their own.

19 Q. Your team members, did you have any -- or what role did City
20 Cruise people play in the incident command structure at that time
21 in the afternoon when those discussions were going on?

22 A. Not a lot. The -- I had two people there and Mr. Nadeau was
23 there -- Captain Nadeau was there, Tim Redman was there and Chip
24 Lee was there, but I don't know if they showed up -- I know
25 Captain Nadeau was there during the time that they gained access

1 to the space. I don't believe Mr. Redman or Mr. Lee were there at
2 that time. I think they were still in transit. I know the
3 salvage and firefighting team from Donjon did not get there until
4 after the engine room was accessed. So I do know that Captain
5 Nadeau was talking to the fire chief of the fire teams about where
6 that escape hatch was. I don't know if he had discussions about
7 going through that door with them or not.

8 Q. Did you talk -- any more detail, discussion -- any comments
9 from Captain Nadeau about why there may have been a change in
10 plans?

11 A. No, other than -- I heard -- so nothing specific. I heard
12 that they may have had trouble finding that hatch, what I
13 understand is the scuttle, which I don't understand why. It was
14 right there in the open. But that was just in passing. I don't
15 even remember who I heard that from.

16 Q. All right. My last question is, what are the -- what
17 boundaries were open or not secured that allowed the fire to
18 escape the galley?

19 A. So, at the galley, we do have fire doors leading up through
20 the stairwell that should -- could have been closed, and at least
21 that would have given them more time. None of those are fully
22 100% effective, but it would have reduced the amount of oxygen and
23 (indiscernible) the fire in the galley. But that and then the
24 engine room door itself that was opened allowed that fire to move
25 and press forward and up.

1 Q. All right. How about -- so the doors -- the galley doors
2 you're talking about, are those fire doors on the main deck?

3 A. Yes, they're on the main deck. They close horizontally --

4 Q. All right. And --

5 A. -- in line with the main deck.

6 Q. How about any thoughts about the dumbwaiter?

7 A. The dumbwaiter has a door. I don't know if that was -- I'm
8 assuming that was open and that actually has a chimney, I would
9 expect, moving that fire up there. There is a door there that
10 should be able to be closed, to close that off. I don't know if
11 that was open or not.

12 Q. All right, thank you. That's all the questions I have.

13 MR. FAWCETT: Thank you. Mr. Flaherty.

14 MR. FLAHERTY: Yes.

15 BY MR. FLAHERTY:

16 Q. Hey, Mr. Smith, how are you doing?

17 A. I'm good, Mr. Flaherty. How are you?

18 Q. Okay. I just want to clarify a few things. Was -- after the
19 vessel was docked at the Navy pier --

20 A. Yes.

21 Q. -- how many personnel from your company were there to work
22 with the fire department and -- or the different fire departments
23 and the Coast Guard?

24 A. Initially, that would have been Captain Nadeau and Jolene --
25 our GM, Jolene.

1 Q. Okay.

2 (Crosstalk)

3 A. Go ahead.

4 Q. No, please.

5 A. And then once Tim Redman and Chip Lee got on scene, they
6 would have been working with them as well. And then I think they
7 arrived right before Donjon-SMIT's team arrived, but that would
8 have been the progression of our personnel on scene.

9 Q. The first group that showed up with Donjon, do you actually
10 what time they showed up?

11 A. I want to say it was sometime right after 4:00 or right very
12 close to 5:00.

13 Q. Okay. Or are you aware of personnel being consulted by any
14 of the fire departments or the Coast Guard on -- for the
15 firefighting and dewatering efforts?

16 A. Yes, my understanding is that the Donjon personnel were --
17 once on scene were coordinating with the on scene fire team, had
18 developed a plan to use a cellular foam nozzle inside of -- above
19 the engine room and the -- basically down that hatch that could
20 have put a blanket of foam into those spaces prior to fire moving
21 up above the main deck. So, but I heard that after the fact from
22 our personnel --

23 Q. Okay.

24 A. -- Donjon, salvage personnel.

25 Q. So, your personnel were involved in the plan to try to

1 smother the fire?

2 A. Yes.

3 Q. Okay. So, from your perspective, with the crew response and
4 the captain's response, what are some of the lessons learned that
5 your company is developing from this incident?

6 A. Yes, we're obviously going to improve -- we're looking at a
7 lot of things, you know -- and we were working on it before the
8 fire -- how to improve our training system, how to better
9 document, how to get the (indiscernible) off the bulk. So, you
10 know, we have access to that post-incident (indiscernible) never
11 an incident again. But we're going to try to improve our
12 methodology and standardize our methodology across our fleet. And
13 so those are some of the things that we're looking at. We're
14 looking at the firefighting safety systems aboard all our vessels
15 and how we can improve those moving forward. So, we're actively
16 looking at all those things.

17 Q. Do you think the location of the vent was -- the two vents on
18 the port and starboard side for the engine room -- do you think
19 that made fighting the fire or smothering the fire much more
20 challenging?

21 A. They're almost difficult to reach from on board because
22 you're -- the best way to reach it is probably above that and once
23 -- obviously, you're sitting in smoke and heat. So, that is a
24 challenging -- off-vessel firefighting water was -- obviously was
25 able to be put into the space from the tugs or the fireboats. And

1 given the proximity of this vessel to -- and its route, there
2 should be access to those types of fire systems -- off-vessel fire
3 systems.

4 Q. Okay. That's all the questions that I have, thank you.

5 A. All right, thank you.

6 MR. FAWCETT: Thank you, sir. The representative from Bay
7 Diesel?

8 MR. STILLMAN: Thank you, Captain Smith. No questions from
9 Bay Diesel.

10 MR. SMITH: Thank you, sir.

11 MR. FAWCETT: Thank you. Just to double-check, nobody from
12 Captain Nadeau's counsel has joined. Correct? All right, hearing
13 none. Hornblower, please.

14 MR. DENLEY: Yes, thank you. No questions, appreciate it.

15 BY MR. FAWCETT:

16 Q. So, Captain Smith, I have a couple of follow-ups.

17 A. Sure.

18 Q. So, the notes that your colleague took during the --
19 listening to the app --

20 A. Yes.

21 Q. -- that was listening to the Norfolk fire and the
22 firefighting operation, do you recall if you noted down times in
23 that --

24 A. We did.

25 Q. You did note times?

1 A. Yes.

2 Q. Shifting gears a little bit, you spoke about the fire doors
3 between the galley, the horizontal doors in the main deck.

4 A. Yes.

5 Q. Do you -- are you able to describe how they function?

6 A. They are doors that just come down manually and block that
7 space off, but basically it's a -- yes, they're manually put into
8 place that blocks the stairwell from being opened.

9 Q. Are they held in an open position with, like, a mechanical
10 latch or magnets or anything like --

11 A. I think it's a mechanical latch on that vessel. I'd have to
12 check, but I think on that vessel we use a mechanical latch.

13 Q. Is there any kind of training protocol that you're aware of
14 that the vessel and crew is required to close those doors?

15 A. That should be part of the protocol of fighting the shipboard
16 fires is to close those doors.

17 Q. Do you recall if anybody either -- since the accident has
18 told you that the vessel crew closed those doors as part of the
19 response?

20 A. I am not aware of anybody or nobody's told me whether the
21 crew closed those doors or not.

22 Q. Did you hear anything on the app, the fire communication app,
23 talking about those doors?

24 A. No.

25 Q. And then my final question -- and we'll go around one more

1 time when we're done -- but who declares the *Spirit of Norfolk* a
2 total constructive loss?

3 A. So, that would be our hull machinery (indiscernible).

4 Q. And has it been --

5 A. To my knowledge they have not specifically declared that yet.

6 Q. Okay. Thank you very much.

7 MR. FAWCETT: Anybody else on the line that have follow-up
8 questions for Mr. Smith?

9 COMMANDER ROY: Yes, Commander Roy.

10 BY COMMANDER ROY:

11 Q. I got one little follow-up question here. Sir, were you
12 aware of any discussions after the -- when firefighters went on
13 board and the mayday was called and they evacuated the vessel, are
14 you aware of any discussions that were had to put firefighters
15 back on board that vessel?

16 A. Yes, I was made aware afterwards that Donjon and the local
17 fire chief -- I'm assuming they were talking about the Navy fire
18 chief -- had a plan together to put people back on the vessel and
19 engage in firefighting, specifically, that cellular foam nozzle.
20 And that was not allowed by the Coast Guard because there was not
21 a written plan and they were also concerned about the stability of
22 the vessel at that point, since there was frequent communication
23 between the engine room and the galley. To my knowledge, the only
24 water that was being taken on board at that time was firefighting
25 water. So, there was that concern. It was the stability concern

1 and not having a written plan that did not allow that effort to be
2 undertaken.

3 Q. Do you know who briefed that plan verbally to the Coast
4 Guard?

5 A. My understanding -- and Mr. Redman would probably have a
6 better knowledge of this -- would be Captain Edgar -- or Mr. Edgar
7 and the fire chief there from the Navy base.

8 Q. So, your understanding is they both briefed the Coast Guard?

9 A. That's my understanding, but I'm -- that was third party.

10 Q. All right. Thanks, sir. That's all I have.

11 A. Yes.

12 BY MR. FAWCETT:

13 Q. Mr. Smith, just one clarification. Did you mention that one
14 of the vessels was delivering foam?

15 A. There was foam put on the vessel. I don't know -- I don't
16 think it was from one of the initial response. I think it was
17 from shoreside once the vessel got to -- but I could be wrong. I
18 think one of the smaller fireboats that responded had foam. I
19 want to say it was Newport News and I think they might have put it
20 -- but I don't have first-hand knowledge of them putting -- who
21 actually put the foam in, but I know there was foam in the space.

22 Q. And this was before the attempts to go aboard in the
23 afternoon around 3:00?

24 A. Correct. And that would have been done through the vents on
25 the vessel -- engine room vents.

1 MR. FAWCETT: So, any final questions for Mr. Smith before
2 we complete the interview? Follow-ups?

3 Well, Mr. Smith, thank you for taking the time for -- to come
4 to this interview. The time is 10:08 a.m. Eastern standard time
5 and we've completed our interview with Mr. Smith. Thank you very
6 much.

7 (Whereupon, at 10:08 a.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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Scott Smith

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 11, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022

Accident No.: DCA22FM022

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Interview of: LARRY SULLIVAN, Captain
McAllister Towing

via Microsoft Teams

Wednesday,
August 10, 2022

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Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

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United States Coast Guard

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United States Coast Guard

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United States Coast Guard

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ALAN WEIGEL, Counsel
Blank Rome

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1 I N T E R V I E W

2 MR. FAWCETT: The Coast Guard is the lead agency for this
3 investigation. And we are following Coast Guard rules on the
4 conduct of this investigation in terms of the policies and
5 procedures.

6 We're here today on Wednesday, August 10th, 2022, to conduct
7 an interview with Captain Larry Sullivan via Teams. And we are
8 conducting this interview to find out the circumstances
9 surrounding the fire and subsequent loss of the commercial vessel
10 *Spirit of Norfolk* which occurred on June 7th, 2022, in Norfolk
11 Harbor.

12 So the first thing we'd like to do, Captain, is just go
13 around the room and introduce the people on the call. If you
14 would state your first name, spell your last name, and say it, and
15 then describe your position with McAllister.

16 MR. SULLIVAN: First name is Larry. Last name is Sullivan,
17 S-u-l-l-i-v-a-n. And I'm an active captain working for McAllister
18 Towing of Virginia.

19 MR. FAWCETT: Thank you, sir. My name is Keith Fawcett. I'm
20 a -- F-a-w-c-e-t-t. I'm an investigator for the 5th District
21 Coast Guard formal investigation into the fire aboard the *Spirit*
22 *of Norfolk*. And with me here in the room.

23 MR. WADDINGTON: Good afternoon. Commander Randy Waddington.
24 Waddington is spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5
25 formal team lead.

1 MR. FAWCETT: Thank you, sir. Ms. Emmons?

2 MS. EMMONS: Good afternoon. Lieutenant Commander Nicole
3 Emmons, E-m-m-o-n-s. And I am part of the District 5 formal
4 investigation team.

5 MR. FAWCETT: For the National Transportation Safety Board.

6 MR. KARR: I'm Michael Karr, K-a-r-r, with the NTSB.

7 MR. FLAHERTY: I'm David Flaherty, F-l-a-h-e-r-t-y, with
8 National Transportation Safety Board.

9 MR. FAWCETT: And with you, Captain, would Mr. Ventker,
10 please introduce yourself.

11 MR. VENTKER: I'm David Ventker, V-e-n-t-k-e-r. I'm counsel
12 for McAllister Towing.

13 MR. FAWCETT: Thank you, sir. And for Bay Diesel with you
14 there.

15 MR. STILLMAN: Dan Stillman, S-t-i-l-l-m-a-n. Willcox and
16 Savage counsel for Bay Diesel.

17 MR. FAWCETT: For Hornblower?

18 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y. I'm with City
19 Cruises, *Spirit of Norfolk*.

20 MR. WEIGEL: And this is Alan Weigel from Blank Rome.
21 Spelled W-e-i-g-e-l for Hornblower and City Cruises.

22 MR. FAWCETT: Thank you, sir, both of you. For Captain
23 Nadeau, I don't see anybody on the call. I'll wait just a second.

24 So Captain Sullivan, you may things a little different or
25 want to add something to this interview. And if you'd like to do

1 that, you're welcome to do that by contacting your attorney, Mr.
2 Ventker. If you see the report of investigation, which will come
3 out in a while, if you see anything that's significantly -- that
4 you'd like to add or errors in the report, once again, please let
5 Mr. Ventker know. We will produce a transcript of this interview
6 which Mr. Ventker will be able to access. And if you want to look
7 through it and say it's accurate or not, or make corrections, once
8 again, if you'll let Mr. Ventker know that.

9 MR. SULLIVAN: Okay.

10 MR. FAWCETT: Then the Coast Guard conducts these
11 investigations -- we have a manual called the *Marine Safety Manual*
12 which is available by looking on Google or one of the search
13 engines. And Volume 5 explains all of the how the Coast Guard
14 conducts investigations of this type. So Mr. Ventker can show you
15 where that is if you'd like to see it and all of our procedures
16 and policies are in there.

17 So without any other concerns, we'll go ahead and start the
18 interview. And Ms. Emmons, thank you, ma'am.

19 INTERVIEW OF LARRY SULLIVAN

20 BY MS. EMMONS:

21 Q. Thank you. Captain Sullivan, thank you again for your time
22 speaking with us today. We really appreciate it. We'll just
23 start with -- can you kind of give us your background in the
24 maritime industry and the history of working with (indiscernible)?

25 A. Starting from the beginning? Okay. 1979, I joined the U.S.

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1 Navy as a quartermaster coming out of A School in Orlando
2 (indiscernible) San Diego to my first ship. And then I retired in
3 2003 as unlimited charter docking pilot out of Key West, Florida.
4 Went to the West Coast, took a year off. Then went to school and
5 did my (indiscernible) and everything else and got my 1600 ocean
6 masters towing, oceans. Then came back to the East Coast to work
7 for McAllister. I've been here since September of 2004. And plan
8 on retiring in about six years.

9 Q. Thank you. How long have you worked for -- you said you've
10 been here since 2004. Is that how long you worked for McAllister
11 Towing?

12 A. Yes. September of 2004.

13 Q. And how long have you been (indiscernible) same time period
14 you've been on board the Rosemary McAllister?

15 A. The day after it arrived here brand new in June of 2018.

16 Q. Do you work on other McAllister Towing vessels or is that
17 like your vessel (indiscernible)?

18 A. Occasionally, you fill in. Yes. Because I'm one of the old
19 salts that can drive a single screw and twin screw. Not just a
20 tractor tow.

21 Q. In all your experience in the maritime industry, have you
22 ever dealt with -- have you been involved with an event such as
23 the one on June 7th?

24 A. So we had a lot of drills for R&A or rescue and assistance.
25 But that was the first actual civilian casualty that I responded

1 to.

2 Q. Can you kind of go into your training since you mentioned it
3 with mass evacuation training and anything like that?

4 A. As far as that goes, when I was down in Key West, one of my
5 collateral duties was also in charge of spill response. So I was
6 also qualified (indiscernible) on-scene commander for any
7 situations down there in Key West (indiscernible) one that -- the
8 lead civilians for public works down there was also. So if he
9 left the island, I couldn't, and vice versa. But as far as rapid
10 response, you never know what's going to happen. You just be
11 ready. (Indiscernible).

12 Q. Thank you. Can you kind of give us a background as I'm sure
13 you have lot, too, being in the Navy -- but with your firefighting
14 training, can you just kind of go into your background with --
15 experience with firefighting.

16 A. Every duty day, every underway, you'd always have -- when
17 you're new to the Navy, you go right (indiscernible) from plugman
18 right to number one nozzle. And you go through the repair
19 lockers. You go through all aspects of that training. And
20 there's PQS or personal qualification standards that you have to
21 go through to get that.

22 And then also, prior to getting into the pilot program, I was
23 on tugboats up in Groton, Connecticut, at the submarine base. And
24 I was in charge of all the drills that we do. And there was a lot
25 of main space fires, rescue and assistance, things like that.

1 That was for about three years. And then I got picked up into a
2 pilot program. Basically, I was (indiscernible) for the last
3 eight years of my career. I was just bringing them in and
4 (indiscernible).

5 Q. Have you had any -- do you conduct any firefighting drills on
6 board the Rosemary McAllister??

7 A. Regularly.

8 Q. And how often would you say you do that? Regularly, is that
9 quarterly or monthly?

10 A. Monthly. It's either a fire, flooding, collision, grounding.
11 It varies. But the (indiscernible) and the hoses, they get pulled
12 out at least monthly.

13 Q. And do part of those drills, are they for firefighting
14 directed towards other vessels or just firefighting on board your
15 vessel?

16 A. Mainly for crew training for our own vessel.

17 MR. VENTKER: I don't think that's the question. Are you
18 teaching the crew to fight fires on the tug or are you teaching
19 the crew to fight fires on other vessels?

20 MR. SULLIVAN: Well, we normally don't have other vessels
21 available to train with as far as -- we don't do that. But
22 they're readily -- I mean, they shoot the water over the side with
23 the inch-and-a-half hoses. And we do operate the big -- they call
24 them the cannons, the fire monitors, regularly also.

25 Matter of fact, we had just tested them and then *Spirit of*

1 Norfolk popped up that Tuesday. And then, that Friday, we had to
2 do Harborfest. So we -- each one of those cannons will throw
3 7,000 gallons a minute. We practice with them.

4 BY MS. EMMONS:

5 Q. Thank you. Do you have any type of stability training that
6 you've taken, as well? Stability on board vessels.

7 A. Yes. That was part of my Coast Guard exam. KG and KM,
8 stability and (indiscernible). But we do not -- for the record,
9 we did not -- all we did was shoot water over for cooling. We
10 didn't take the nozzles into the vent fans or any (indiscernible)
11 straight stream because there were too many people around. It
12 would have done some damage. And I don't know if you saw the
13 video but the starboard fire monitor, that was just at idle. All
14 we did was (indiscernible) and that was at idle. We didn't even
15 run it up. And we were still shooting over the boat.

16 Q. Okay. Yeah, we'll go in -- I'll let you actually -- we'll
17 start with June 7th and you can just kind of describe and tell
18 your story. If you can just recall for us the events of that day
19 starting from the time before you -- right before you got the call
20 to the dock. Can you kind of give us with as much detail what you
21 did, what you witnessed, what your crew did, what you saw, things
22 of that nature?

23 A. Okay. I was up in the wheelhouse or I had just got up to the
24 wheelhouse. The chief engineer was up there and spotted the
25 *Spirit of Norfolk* just past us, just to the north, of where we

1 were. And I keep pier 3 on the western bulkhead. And said,
2 that's not regular smoke. And it was starting to billow even
3 worse.

4 So I told him to fire up -- fire the fire monitors because it
5 takes a little while for them to warm up, too. And I immediately
6 got in the chair, called dispatch or McAllister or dispatch and
7 requested emergency underway to assist the harbor tour boat,
8 *Spirit of Norfolk*. They were on fire. And we knew -- both me and
9 the chief engineer -- chief engineer is prior Navy also. That's
10 -- there was a situation.

11 Since I left the pier, I did a general alarm, woke everyone
12 up. They were literally the fastest I've ever seen them get out
13 of their racks. So anyway, we were on scene. Literally, we were
14 off the pier headed for them when the skipper of the *Spirit of*
15 *Norfolk* hailed for assistance from any tugboats in the area. We
16 were already headed there. I talked to him right after the
17 security call on 13; told him I was headed to him.

18 Then we got a lineup up on the vessel's bow because it was
19 the only fairly big t-bit up there that would have held the line.
20 And we put out steps assuming we can get some people off. And I
21 look over my shoulder and then the *Victory Rover* was right there,
22 perfect timing, asking if he could assist. Said get in there.
23 And from the gunnel on the *Spirit of Norfolk* and the height of the
24 passenger vessel was perfect. It was literally deck to deck.

25 So They got in there and we raised our cannon a little bit

1 because we were getting them -- it was like a rainstorm for him.
2 But he cross decked (ph.) everyone at the same time. And
3 Intercoastal Marine Towing tug, a white and yellow one, he caught
4 -- I think it was the Challenger caught the starboard port with
5 the line and he started -- when he piped up -- it was good that he
6 was over there because we literally had to pull the vessel toward
7 the green side out of the middle of the channel because when I
8 looked to the South, the ship was like right in the middle of the
9 channel coming toward us.

10 And MERT showed up, emergency response -- Marine Emergency
11 Response Team. And they didn't have respirators so they couldn't
12 actually engage the fire because of the smoke. So as soon as they
13 backed off, the Navy had rolled a whole bunch of equipment down on
14 pier 4. And I heard them on channel -- we (indiscernible) channel
15 13 and 14 because the Navy was on 14 also for VHF. And they were
16 breaking the security barrier to make room so I assumed I had
17 permission but I asked beforehand, before I pulled it in there.

18 And the MERT team wasn't going to engage the fire and the
19 *Condor* and both the Navy tugs took off for the ship in distress.
20 He lost power and he was headed further up near the base. That's
21 when I requested permission to go to pier 4. And the piermaster
22 for the Navy was on the pier. And permission was granted so I
23 basically told the vessel in between piers 2 and 4 and then
24 slingshotted in. Had to -- tug GM assisted me for a minute just
25 by shoving the port quarter to get it to spin. And then I had the

1 Navy S-12, I think it was -- S-2 or S-12 standby mid-ships. So as
2 soon as we got to the pier, I pulled the bow off. It landed on
3 the (indiscernible) and he pinned it.

4 Two of my guys, the training mate, and the mate, both went
5 over onto the *Spirit of Norfolk's* bow to throw lines to the pier.
6 And they got a head line and a breast line but they couldn't get a
7 line towards the stern. Then after that, the NOB, the Norfolk
8 Operational Base chief fire commander, I relinquished I think it
9 was like 1320 if I remember -- because we were back to pier by
10 1330. Relinquished control of the vessel because they were about
11 to attack it. All the civilian tugs were released at that point.
12 And the Navy took over. I think that's about it.

13 Q. Thank you very much. I'll just ask a few follow-up questions
14 and then we'll go around to everyone to ask follow-up questions.
15 The communication out there, who would you say it was directing
16 the tugs and the *Victory Rover* and all the (indiscernible)
17 vessels? Was there any one person directing them or -- how did
18 the communications out there work?

19 A. It was pretty much me.

20 Q. Were you just communicating with McAllister tugs or were you
21 communicating with the Moran tugs and the other tugs?

22 A. Well, I put out to everyone assisting with the *Spirit of*
23 *Norfolk* to monitor 13 and 14 so that I can coordinate with --
24 because I couldn't see who was on the other side until the
25 *Challenger*, the Intercoastal Marine tug rogered up and said, yeah,

1 I got a line up. I got the water (indiscernible) vent. Okay.

2 And then the GM was standing by behind them and I had the
3 *Condor* on the port quarter but his (indiscernible) he was just
4 putting cooling water on it also. But he got out of the way when
5 the *Victory Rover* and the little crew boat showed up, the Ohio
6 River. Literally pinned the *Victory Rover* to the *Spirit of*
7 *Norfolk* so they can cross deck, stay together.

8 And that's when I realized, hey, we're getting towards the
9 middle of the -- so I had the Challenger push and I pulled and we
10 went to the green side to offset what the push boat, the Ohio
11 River was doing, pushing against everything. It worked out pretty
12 good. But yeah, overall, I'd say I had the response team
13 commander role. I believe the skipper of the *Spirit of Norfolk*
14 got on one of the MERT boats. One of them. But he was on the
15 radio. They were monitoring 13 and 14 also.

16 So he's still there but he's not on the vessel. No one was
17 on the vessel. That's why we had to put our two guys over there
18 to get the lines up.

19 Q. Did you see the captain from the *Spirit of Norfolk* get off
20 the *Spirit of Norfolk* onto one of the (indiscernible) vessels?
21 Did you witness that?

22 A. I did not. I did not. He came up to the bow once -- and
23 that was it. A lot of them were transiting right off that port
24 side. I'm not sure if he cross-decked -- which boat he cross-
25 decked to. But I'm pretty sure he said he was on one of the

1 (indiscernible) the MERT team boats, fire boat.

2 Q. Thank you. Did you see -- I know you had mentioned there was
3 another tug conducting firefighting efforts. Can you kind of
4 describe the scene? I know you briefly described the *Condor*, what
5 they were doing. Can you kind of just described the firefighting
6 efforts, who was doing what, where the streams were going, that
7 you were aware of out there?

8 A. The only thing -- the Challenger, the Intercoastal Marine
9 tug, said he had a hose going on the starboard side. I couldn't
10 see that. I knew that the condo was right next to me. He was
11 cooling and I was literally from the bow putting the curtain
12 straight up over and just raining on it. The main stream was
13 going past the stern of the boat. So it was mainly just a cooling
14 curtain for personnel.

15 Q. So you were both on the side where the passengers were --

16 A. Yes. *Condor* and the *Rosemary* were both on the *Spirit of*
17 *Norfolk's* port side.

18 Q. Thank you. When you said that -- we'll kind of go back to
19 the notification part and the departure. When you said you called
20 dispatch, did you have like a prior authorization to --if there
21 was ever an emergency, to go and assist and fight fires? Did You
22 have to get permission from someone at dispatch or did you just
23 kind of call them and let them know that that's what you were
24 doing?

25 A. Well, normally, you would call and dispatch understands if

1 there's someone else talking -- McAllister Towing of Virginia
2 monitors channel 10 VHF. And if you have priority traffic, that
3 is it. And then there was no one talking at the time. And I
4 requested emergency underway for the tour boat, and dispatch said
5 go ahead.

6 Q. Did you communicate with the *Condor*, as well, or did they
7 kind of just follow you? How did you and the communication
8 between you and the other McAllister tugs work (indiscernible)
9 McAllister?

10 A. They showed up on channel 13 with me. I mean, everyone
11 monitors channel 13 (indiscernible) 13 and 10 and 16 as an
12 alternate. But where do you want me; that's what they asked.

13 Q. Do you have any kind of manuals or plans that deal with a
14 mass evacuation or firefighting? Do you follow any plans or have
15 anything on your vessel or for your company, as well?

16 A. It's part of our safety management system.

17 Q. Thank you. Did you have communications with shoreside
18 firefighting, as well, or was it just on the waterway
19 communications?

20 A. I've had the Navy piermaster come up on the radio. But I
21 believe between the MERT team and NOB, they had private radio
22 frequency, different type of radios.

23 Q. And you had mentioned that you just -- you requested
24 permission to go to pier 4. The decision to bring the vessel to
25 pier 4, was that your decision or was that someone else is

1 decision to tell you to bring it there?

2 A. Well, I was right in front of pier 4 and they opened the
3 gate. It's like opening the door for you and they had all the
4 equipment to put the fire out. And MERT team wasn't engaging. So
5 it's like who wants this (indiscernible). Here you go. I got a
6 line on it and I want -- I don't want to be here all day. So
7 yeah, as soon as like I requested permission (indiscernible) pier
8 4, they said, come on in. And basically, it was self-explanatory
9 at that point.

10 Q. At that point, has -- were you -- I think I know you said you
11 didn't see them but you heard. At that point, had the captain
12 departed the *Spirit of Norfolk*, Captain Nadeau? Had he departed
13 at that point when you had to put your -- before you had to put
14 your crew members on the bow, had he -- by the time the decision
15 was made to go to pier 4, had Captain Nadeau departed? Are you
16 aware --

17 A. Yes, he was on another vessel at that point. There was -- I
18 was told three times that there was zero personnel on board, left
19 on board the vessel, before we actually entered.

20 Q. Thank you. Can you talk a little bit about the propulsion
21 casualty with the *Spar Lyra* that was (indiscernible)? Did you
22 witness that vessel coming through prior to or after losing
23 propulsion?

24 A. I was looking south occasionally for traffic, you know,
25 knowing your surroundings. And he was in the middle of the

1 channel so it was like make room and thank God we did pull while
2 we were disembarking the passengers. We pulled it over toward the
3 green side because he started drifting to starboard, toward the
4 green side. And he passed us, I want to say, 200, 250 foot off.
5 Just an estimate.

6 Q. Did you direct any -- were you directing vessels to go assist
7 with that or was someone else directing that?

8 A. I directed *Condor* break off and go catch that vessels port
9 rumble (indiscernible). Because he was going to hit the pier. I
10 mean, he had at least a 15, 20-degree angle going out of the
11 channel, headed toward -- I don't know what pier it would have
12 been, the supply pier.

13 Q. Thank you. Was there any damage to your vessel as a result
14 of the events that occurred that day?

15 A. To my vessel?

16 Q. Um-hum. To your vessel.

17 A. We had to get the Windex out for all the saltwater on the
18 windows. But no, there was no damage to the *Rosemary*.

19 Q. Thank you. And can you just kind of go back again -- I know
20 you said once you brought the vessel to pier 4 -- was it Norfolk
21 Fire Department that released you or did you kind of release
22 yourself? How did that -- departing (indiscernible) occur?

23 A. It was the fire chief on the pier next to the piermaster who
24 I relinquished control for on-scene commander to the fire chief.
25 And he relayed back, roger that.

1 Q. And do you know which department -- when you say fire chief,
2 who that was?

3 A. Whoever the fire chief is at NOB. I'm not sure how they're
4 -- because they had -- I believe they had Norfolk fire, NOB fire,
5 and Virginia Beach -- there were three different departments
6 there. But since you're putting it on Navy property, I do believe
7 it was NOB fire chief that would be on-scene commander.

8 Q. Thank you. When you -- we'll go back a little to the
9 evacuation. When you arrived on scene, were you prepared to take
10 passengers off as need be?

11 A. Yes. We had one of those three-step plastic things that go
12 up on the bow for transferring the pilot sometime. We were ready
13 to take them. I did not know that there were kindergartners
14 though. That would have been a lot of different.

15 Q. And how would that have been different if you had to get
16 children off on your vessel if you had taken them?

17 A. Well, we would have had to scoot them all to the inside of
18 the vessel somewhere and -- there isn't a lot of room compared to
19 -- like the *Victory Rover* for people. And we've got a 10-men life
20 raft. We've got plenty of work vests but those work vests
21 wouldn't fit on those kindergartners, you know. So it worked out
22 well that we did not have to take children.

23 Q. Can you kind of go into your opinion -- off your opinion for
24 the effectiveness of the response? Was there anything that you
25 could recommend that could have been done better or was it good

1 the way it is? Can you kind of give us your recommendations of
2 how the entire response (indiscernible) for the assist vessels in
3 the waterway went?

4 A. If the MERT team had respirators or at least portable Scott
5 Air-Paks, they might have been able to assist a little better in
6 that response. But other than that, I think it went rather well
7 for as far as the timing for disembarking all those passengers
8 that quick. It was also surprising to find out that there wasn't
9 a fire suppression system in the engine room.

10 Q. If the MERT team had the firefighting and equipment that they
11 needed, can you kind of go into a little more -- how would that
12 have helped the situation in your opinion?

13 A. Their small boats had to disengage because of the smoke.
14 They didn't have respirators or had CPAs on the small boats. I
15 think they're correcting that though.

16 Q. And were they doing anything as far as firefighting efforts
17 prior to that? What was their role on scene?

18 A. I'm not sure. They attempted to it with one of the boats
19 that I saw on my starboard side, start to shoot water. But then
20 they stopped.

21 Q. Thank you. I think that's all I have. Mr. Fawcett, I'll
22 turn it over to you. Thank you, Captain. I appreciate it.

23 A. You're welcome.

24 BY MR. FAWCETT:

25 Q. Hey, Captain. Keith Fawcett with the Coast Guard. Just a

1 few follow-ups. So you mention your familiarity with single
2 screw, twin screw, and tractor tug designs. What's the propulsion
3 system for your vessel?

4 A. We're considered an ASD which is a tractor tug.

5 Q. Is that similar to a Z-Drive?

6 A. Yes.

7 Q. Meaning a rotatable --

8 (Crosstalk)

9 A. -- Z-Drives, tractor tugs, ASDs. It's basically saying that
10 the driving units are at the stern.

11 Q. Understand. You also mentioned rescue and assistance. Do
12 you work for the Navy -- not you personally but the tugs, do they
13 have a Navy contract?

14 A. The Moran tugs -- Moran Has a contract with the Navy base.
15 Yes, they have tugs stationed there.

16 Q. But not the McAllister tugs?

17 A. The McAllister tugs do not.

18 Q. So you mentioned rescue and assistance -- I think it was R&A.
19 Is that correct?

20 A. Yeah, that's the acronym for rescue and assistance.

21 Q. The last time you were involved with something like that
22 before this fire would have been approximately when?

23 A. You're talking about in training or the actual last rescue
24 and assistance?

25 Q. Well, in actual training -- the point I'm getting to, so you

1 know, is they had a massive ship fire in San Diego with the
2 Bonhomme Richard being destroyed by fire, ultimately scrapped.
3 And what I was trying to get to is if any of the lessons learned
4 from that evac were incorporated into this rescue assistance
5 drills or training, or was it before that where that Bonhomme
6 Richard fire hadn't occurred?

7 A. Yeah. I was following that while it burnt right there at
8 North Island, San Diego.

9 MR. VENTKER: But you weren't a firefighter.

10 MR. SULLIVAN: Yeah. I was retired fire back in 2003.
11 Lesson learned out of -- for the *Spirit of Norfolk* fire for R&A?
12 Is that what you're looking for?

13 BY MR. FAWCETT:

14 Q. No, no. I'm just asking if before the *Spirit of Norfolk*,
15 were you aware of any lessons learned that came out of the
16 Bonhomme Richard fire that you were aware of. That's all.

17 A. I did find out that they did not have an active fire tree
18 throughout the vessel coming from land that was active and that
19 none of their Bay doors were operational so they couldn't isolate
20 the fire.

21 Q. And by fire tree, you mean the supply of firefighting water
22 to distribute throughout the entire vessel. Correct?

23 A. Correct.

24 Q. So you talked about the fire monitor, you talked about the
25 7,000 gallon per minute flow rate; that there are two monitors.

1 One of the monitors was just in a standby mode just -- I think I
2 saw video dribbling water out. Are those monitors remote
3 controlled for the pilothouse with also having local control at
4 the monitors?

5 A. Yes.

6 Q. And these --

7 A. The one you see dribbling out on the port side, we did not
8 open the second gate, the valve, the gate valve. So it was just
9 -- It was running at idle literally. If you see toward the water
10 line of the vessel, the discharge, there was a lot more pressure
11 coming out there than there would be coming out the nozzle. Soon
12 as you opened up the upper gate, that's what's happened to the
13 starboard side when that was at idle going over the boat.

14 Q. The crew was operating those monitors locally or were you
15 operating them from the wheelhouse?

16 A. We have a remote-control box that we plugged in and the chief
17 engineer was operating it right there on the starboard side of the
18 wheelhouse where he had a view of everything.

19 Q. Is that control box -- is it like on a wire, like a pendant
20 wire so that the operator can move around for -- to see better and
21 so forth, or is it actually fixed permanently, like you plug it
22 into the vessel and there it sits?

23 A. Yeah. You plug it in and it's got about a 20-foot cord so
24 you can move around. But it's literally a box of joysticks and
25 buttons for going solid stream or putting the clamshell down so

1 you can go fog. But you can also control it from the console
2 while it's plugged in.

3 Q. So speaking about the MERT, have you done drills with --
4 actually on board a vessel with the MERT in your time that you've
5 been there with McAllister in Norfolk?

6 A. No. We've had them on board for like Harborfest. We haven't
7 actually had a fire drill with the MERT team.

8 Q. So how do you know about the -- I am not questioning that.
9 But I mean, how do you know about the capabilities of the MERT
10 team?

11 A. Well, I know the commander, Bill Burket. He gave me an
12 earful that Friday. Tuesday was the fire, Friday was Harborfest.
13 And He explained to me that he did not have the equipment on
14 board, the respirators, on his boats.

15 Q. And anything else he -- go ahead, sir. I'm sorry.

16 A. He went into a lot of detail as far as -- after we left the
17 scene and access to the vessel and stability (indiscernible). How
18 a few of the firefighters almost got hurt and they didn't get the
19 watertight door closed. But this is just what I got from Bill.
20 Maybe you probably interviewed him. He can go into the details of
21 what happened after I left.

22 Q. Did he mentioned anything during that Friday discussion that
23 you had about the firefighters going aboard the vessel and opening
24 the watertight door versus the emergency escape hatch from the
25 engine room?

1 A. Not into detail. They said as soon as they opened the door,
2 the flood waters got them, and they almost lost a firefighter. So
3 they evacuated the vessel.

4 Q. So my final question is, at Norfolk there is no vessel
5 traffic service like there are at other ports but does the Navy
6 operate, to your knowledge, a harbor control or some kind of
7 vessel traffic system for the port that you're aware of.

8 A. Yes. It's similar to a VTS, the vessel traffic service.
9 It's called Jayhawk Tower. It's joint operational between the
10 Navy and civilian traffic.

11 Q. Would the *Spar Lyra* have to check in or make some departure
12 point? You know, for example, when they were ready to get
13 underway shortly after 12, last line off, would they have to check
14 in with Jayhawk?

15 A. They would have checked in with Jayhawk on channel -- VHF
16 channel 12 prior to sailing.

17 Q. Have you ever been a guest at Jayhawk (indiscernible) tower?

18 A. I have never been up to Jayhawk.

19 Q. Is that the tower that I see when I drive past the Navy base?
20 There's -- sort of near the IMT terminal, there's a big air
21 traffic control looking tower.

22 A. Yes.

23 Q. Have they ever called you on channel 13?

24 A. Jayhawk?

25 Q. Yeah, ever.

1 A. Yeah. I've talked to them, too, when I've gone to -- I went
2 to (indiscernible) picked up the Alicia McAllister. And when I
3 was -- I check in with Jayhawk prior to coming into the harbor at
4 Cape Henry. Or if you're towing a barge from point A to point B
5 or say we did stick a ship up the James River or (indiscernible)
6 cornhusker or (indiscernible). Prior to getting underway and when
7 you arrive, you check in and check out with Jayhawk Tower.

8 Q. And do you -- have they ever called you or have you ever
9 talked to them where it might have been that they saw you on
10 closed-circuit TV? I'm trying to get to the point of whether they
11 might have that capability like other VPSs that the Coast Guard
12 has.

13 A. I'm not sure their capabilities of who they track but I'm
14 pretty sure they do.

15 MR. FAWCETT: That's all the questions I have for you,
16 Captain. Thanks very much. I'll turn it over to the National
17 Transportation Safety Board. Thank you.

18 MR. SULLIVAN: Okay, thank you.

19 BY MR. KARR:

20 Q. Hi, Captain. A few follow-up questions. When you were a
21 pilot with the Navy, when you served as a pilot, where you on
22 board the ship or were you on board the tugs that worked the ship?

23 A. I was on board the ship.

24 Q. And when -- back to June 7th, when you were in the river
25 assisting the *Spirit of Norfolk*, did you have any conversations

1 with anyone from the Norfolk Fire Department?

2 A. They were on channel 13, some of their boats. But they had
3 they're different VHF channels that you have to be programmed to
4 get. So I wasn't listening to (indiscernible) but every now and
5 then a conversation.

6 Q. Can you recall what --

7 A. They did say that they had to disengage because of the smoke.

8 Q. In any of those conversations, do you recall if they
9 acknowledged that they were in charge of the firefighting
10 response, you know, they were the incident commander?

11 A. I did not hear that on channel 13 or 14.

12 Q. When you brought the *Spirit of Norfolk* into the pier, can you
13 describe whether -- can you describe where the fire was? Did you
14 see any fire on the vessel?

15 A. You could see a lot of smoke coming from the stern but the
16 actual flames you could not see.

17 Q. You described what -- you described a cooling curtain. Could
18 You give me more information about that? Is that a firefighting
19 strategy you learned in your firefighting training?

20 A. Yeah. It's -- You are a primary bulkheads around the fire,
21 you try to cool the bulkheads on the outside So what we were doing
22 was a water pattern spray up to literally just rain on the vessel
23 itself the entire -- from like mid-ship out. So that even the
24 personnel wouldn't be harmed.

25 Q. Well, that's -- when I heard you talk about a cooling curtain

1 for personnel, what's the benefit of the cooling curtain? I think
2 I know but I'd like to hear you tell me what it is so I can get
3 educated.

4 A. Well, if you are clothes are wet, chances are they won't
5 catch fire. The heat from the flames or just coming from the
6 engine room into the spaces, any sort of a water cooling toward
7 the exterior or around that is a lot safer.

8 And chances are, it could be heat stretch, heat stroke, what
9 have you. When you are in that type of environment, it's super
10 hot, and then it's getting smoky and they can't see, people panic
11 a lot. But as soon as you are getting wet, you know damn well
12 you're not going to catch fire either.

13 Q. And with regard to the MERT vessels that were out there,
14 what's your understanding as their capability? And here's where I
15 was -- here's what came into my mind. When you talked about the
16 respirators, that made me think that they might have been sent out
17 there to go on board and assist with the firefighting efforts on
18 the *Spirit of Norfolk* or were I mistaken about that? Would they
19 have the capability to put people on board to fight the fire?

20 A. I believe it was the MERT team but I personally seen Norfolk
21 Fire Department hold drills on the *Spirit of Norfolk* but it was
22 downtown, you know, it was pier side. I'm not sure of the
23 capabilities of the MERT team. Whether they were going to
24 actually get on the boat because they didn't have the turnout
25 gear. I'm not sure.

1 MR. KARR: Thank you. I have no further questions.

2 MR. FLAHERTY: I don't have any questions. Thank you,
3 Captain.

4 MR. FAWCETT: Thank you. For Bay Diesel, Mr. Stillman?

5 MR. STILLMAN: No questions. Thank you.

6 MR. FAWCETT: Thank you. For Hornblower?

7 BY MR. WEIGEL:

8 Q. Yeah, thank you, Mr. Fawcett. This is Mr. Weigel. I have
9 just a couple questions. Captain, you mentioned that there was no
10 damage to your vessel other than cleaning the salt off with
11 Windex. How about injuries to your crew? You had some crewmen go
12 aboard the *Spirit of Norfolk*. Any injuries on them or anyone
13 else?

14 A. No. Zero.

15 Q. When you -- at any time, was there smoke from the *Spirit of*
16 *Norfolk* engulfing your tug?

17 A. No, sir. We -- I tried keeping the *Spirit of Norfolk's* bow
18 pointing south because the winds were coming from the south so it
19 was blowing it -- all the smoke toward the stern.

20 Q. Does your vessel, your tug, have a fixed fire suppression
21 system?

22 A. Do we? Yes, we do.

23 Q. Do you know why it is that the *Spirit of Norfolk* did not have
24 one?

25 A. It probably had something to do with age; when it was

1 originally built and designed. That's what -- normally, if it
2 hasn't been upgraded -- normally, if you are upgrading to -- I
3 don't know. You'd have to have an engineering degree for that but
4 if you're changing out your main engines, you are changing out --
5 you are upgrading your firefighting capabilities and remote
6 controls for starting and stopping equipment. So it would go back
7 to the age of the vessel, I'm sure.

8 MR. WEIGEL: Yeah, thank you. I have no further questions.

9 MR. FAWCETT: Thank you very much. One last round for
10 anybody. The time is 2:41 p.m. Eastern Standard Time. We are
11 completing an interview with Captain Sullivan. Thank you very
12 much, Captain. Safe travels.

13 MR. SULLIVAN: Thank you.

14 (Whereupon, at 2:41 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Larry Sullivan

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: August 10, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *
*
FIRE ONBOARD *SPIRIT OF NORFOLK* *
NEAR NORFOLK NAVAL STATION, *
VIRGINIA ON JUNE 7, 2022 *
*

Accident No.: DCA22FM022

* * * * *

Interview of: KEN EDMUNDSON, Master Inspector
United States Coast Guard, Sector Virginia

Norfolk Federal Building
200 Granby Street, #700
Norfolk, VA 23510

Tuesday,
July 12, 2022

APPEARANCES:

MICHAEL KARR, Investigator in Charge
National Transportation Safety Board

KEITH FAWCETT, Investigator
United States Coast Guard

TRAVIS TAYLOR, Traveling Marine Inspector
United States Coast Guard

LT TOM WHALEN, Investigator
United States Coast Guard

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United States Coast Guard

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United States Coast Guard
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Phelps Dunbar
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I N D E X

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I N T E R V I E W

(11:33 a.m.)

1
2
3 MR. FAWCETT: -- Mr. Taylor, at the end of the table. We
4 have Commander Lee, Commander Emmons here. We have on the phone,
5 we have the party -- party-of-interest counsel and we have
6 Mr. Stillman here, who is one of the party-of-interest counsel.
7 We're going to record this interview and we'll start in just a
8 minute, but let's try to steer as clear as possible from acronyms.

9 MR. EDMUNDSON: Okay.

10 MR. FAWCETT: We have a million of them and your attorney may
11 help you, like if you start talking in acronyms, to help explain
12 what they are --

13 MR. EDMUNDSON: Okay.

14 MR. FAWCETT: -- because the public, this is for the public.

15 MR. EDMUNDSON: Yeah.

16 MR. FAWCETT: It will be part of the public record, so it
17 would be very helpful -- any of us might ask for clarification, so
18 -- so now we begin the interview, and if you would acknowledge
19 that we are recording the interview and we're going to provide
20 transcripts for the party of interest and for the investigation.

21 MR. EDMUNDSON: Yes, I acknowledge that it's being
22 recorded --

23 MR. FAWCETT: Okay.

24 MR. EDMUNDSON: -- for transcripts.

25 MR. FAWCETT: So this is a joint U.S. Coast Guard/NTSB

1 investigation. Mr. Karr is here representing the NTSB, the Coast
2 Guard is the lead Agency here and we're operating under the rules
3 for the United States Coast Guard. Today is Tuesday, July 12th at
4 2022. We commence the interview, the formal interview, at 11:33
5 and we're interviewing Mr. Ken Edmundson here at the seventh floor
6 conference room at the federal building in downtown Norfolk.

7 We're conducting this interview to determine the events
8 leading up to and the subsequent total constructive loss of the
9 *Spirit of Norfolk*, which occurred on June 7th, 2022.

10 And if you would, ma'am, acknowledge that you're the legal
11 representative and state and spell your name.

12 MS. DANIEL: Yes. I'm the legal representative for the Coast
13 Guard, I am Lieutenant Helena Daniel, D-a-n-i-e-l.

14 MR. FAWCETT: Okay, thank you. So we'll go around the room
15 and we'll ask each person present and also on the phone to
16 identify themselves by first and last name and spell their last
17 name because we need it for the transcript. And when we talk to
18 you during the interview, we ask that anybody identify who they
19 are for the record, so we'll start with you, sir.

20 LT WHALEN: Yes, I'm Lieutenant Tom Whalen, W-h-a-l-e-n, and
21 I'm with the D-5 formal investigation team.

22 MR. KARR: Michael Karr with the NTSB, K-a-r-r.

23 MR. TAYLOR: Travis Taylor, I'm with the Traveling Inspection
24 Staff out of D.C., T-a-y-l-o-r.

25 MR. STILLMAN: Dan Stillman with Wilcox & Savage here

1 representing party-in-interest, Bay Diesel. Last name,
2 S-t-i-l-l-m-a-n.

3 MR. FAWCETT: Keith Fawcett, F-a-w-c-e-t-t, a member of the
4 D-5 formal investigation team. And we have two officers sitting
5 on the edge of the circle, would you please identify yourselves?

6 LCDR EMMONS: My name is Nicole Emmons, E-m-m-o-n-s, and I am
7 with the D-5 formal investigation team.

8 LCDR LEE: Lieutenant Commander Karen Lee, L-e-e, and I'm a
9 legal advisor for the District 5 formal investigation team.

10 MR. FAWCETT: So on the recorded line, if you would,
11 Captain Nadeau's representative, please.

12 MS. GALITOU: Magdalini Galitou G-a-l-i-t as in Thomas-o-u.

13 MR. FAWCETT: Thank you very much. For Hornblower, please.

14 MR. DENLEY: Yeah, this is Eric Denley, D-e-n-l-e-y, for City
15 Cruises.

16 MR. FAWCETT: Okay. Thank you, sir. So this interview is
17 dynamic and if you remember anything differently after the
18 interview or you want to clarify points, modify, change or add, if
19 you'll contact us, I gave you our card right here with contact
20 information, and through your counsel, and then we'll make sure
21 that that information is shared with the members of the
22 investigation that should have access to that. And then how we
23 conduct formal investigations is contained in the Marine Safety
24 Manual, Volume V, which you have access to, and if you want to
25 find out how we do business, everything's in there. And just a

1 reminder, steer clear of acronyms and anybody that's phones are
2 on, if you would, flip them to the silent mode.

3 And with that, I'll turn the questions over to Lieutenant
4 Whalen. Thank you, sir.

5 INTERVIEW OF KEN EDMUNDSON

6 BY LT WHALEN:

7 Q. Good morning, sir, thank you for --

8 A. Good morning.

9 Q. -- coming. To start, can you please summarize your duties
10 here at Sector Virginia?

11 A. Yes, sir. My duties are -- I'm the third-party oversight
12 coordinator. That job includes looking at any of the alternative
13 type inspection programs that the Coast Guard has, such as
14 Alternate Compliance Program, Maritime Security Program, and
15 towing vessel safety management programs.

16 Q. And how long have you been doing that job here at sector?

17 A. So this particular position was just established last year,
18 so May was when I've had that position. Prior to that, I was just
19 a marine inspector doing those duties as collaterals.

20 Q. Okay. And just to amplify on that, can you tell me more
21 about your background, your Coast Guard background from when you
22 joined to now?

23 A. Okay, yeah. I joined in 1979, went through Cape May, became
24 -- I went to Yorktown and became a machinery technician for the
25 Coast Guard, made it up to the ranks of the chief machinery

1 technician, the last job in that position was the Coast Guard
2 Cutter *Kennebec* as a chief engineer on board that. From there, I
3 made warrant in 1996 and came over to the Marine Safety Inspection
4 Program where I became an inspector down -- and started off down
5 in New Orleans. Then I came up to Sector Hampton Roads in 1998 as
6 a marine inspector, senior marine inspector position, to where I
7 stayed there until 2004.

8 Then I became an instructor at the marine safety school in
9 Yorktown, Virginia, as a W-4 Warrant Officer. Then I came back
10 here as a senior marine inspector in 2009 as a W-4 Warrant
11 Officer. Retired to take a senior marine inspector GS-13 position
12 here, which I have held up until -- up until last year, I made --
13 I was promoted to -- before that, a few years ago, I was a --
14 became a master inspector. That's where I am currently now,
15 master inspector.

16 Q. Okay. So with being a master, can you tell me what
17 qualifications does a master have to hold? What separates a
18 senior inspector from a master inspector?

19 A. Well, the master inspector, I believe, if you've been a
20 senior marine inspector for -- and I can't quite remember the
21 number of years now, I think it was 15 years, I think, and so you
22 become a master inspector. But me, as a master inspector, I have
23 all the qualifications with the exception of a mobile officer on
24 drilling units, which is one of the quals that I chose not to get.
25 But I have all of the quals that comes with marine safety

1 inspectors.

2 Q. And in that role, your roles here, while you've been here at
3 Sector Virginia, where did you -- where did you fit with regards
4 to the qualification process for a younger, more junior, marine
5 inspector?

6 A. Okay, my role here was one of the verifying officers here, in
7 that role, and whatever qualification that the junior inspectors
8 are seeking, my role would be to provide on-the-job training as
9 well as sit on qualification boards and pre-boards and check ride,
10 tech things in that with respect such as support the marine -- I'm
11 trying not to use --

12 Q. Yeah, you're doing a great job.

13 A. The marine inspector training officer, which is Mr. Chris
14 O'Neal at the moment, to support him in training. This is a
15 feeder port, which is a training port, so I have to help him in
16 developing our young inspectors to go out and do good things.

17 Q. Roughly, how many marine inspectors are attached to Sector
18 Virginia?

19 A. Currently, we're right in the middle of transfer season now,
20 so we -- let's see. And they are at various levels, so is there a
21 level of inspector that you're asking about?

22 Q. Not necessarily. Not necessarily, no. So, I mean, as they
23 commence -- so when you have marine inspectors come in and they
24 don't have qualification, so it's a feeder port, so they come in
25 as either ensigns or JGs or lieutenants or even lieutenant

1 commanders without having qualifications --

2 A. RW, chief warrant officer.

3 Q. Yeah, or warrant officers, and they're looking to gain those
4 qualifications.

5 A. Yes.

6 Q. So I guess I could rephrase the question. How many
7 unqualified or members working towards qualifications do you
8 normally have at a time and how many qualified do you normally
9 have set within the build structure?

10 A. You know, probably the training officer is probably in a
11 better position --

12 Q. Okay.

13 A. -- to answer that question because he monitors that. I can
14 estimate what we currently have now, we have -- with major quals,
15 we have six with the major quals.

16 Q. Um-hum.

17 A. Meaning the whole machinery quals.

18 Q. Yeah.

19 A. And I don't know the count of them, number that we have with
20 small passenger vessel quals and large vessel.

21 Q. Okay. Do you feel that, with the amount of personnel that
22 are attached to the Sector Virginia, the Inspections Division is
23 able to maintain the activity and able to keep up with inspection
24 activities that are needed to maintain the fleet?

25 A. Yes.

1 Q. Okay. So you said that you're a verifying officer.

2 A. Correct.

3 Q. You're part of the VO. How many other VOs are here at the
4 unit?

5 A. Currently, we have -- I don't know the answer to that because
6 we do have VOs in various levels.

7 Q. Um-hum.

8 A. You know, we may have some folks that are only a verifying
9 officer for small passenger vessels quals, then we have the senior
10 folks who are verifying officers for most of all the quals that we
11 have here.

12 Q. Um-hum.

13 A. So in that realm it's about six of us.

14 Q. Okay. So just with regards to, obviously, Sector Virginia,
15 if somebody transfers in with a qualification and they come in to
16 -- they come to Sector Virginia, is there a requalification
17 process or how does that process work?

18 A. It's not necessarily a requalification more than, you know, a
19 recertification type of situation where they have the qual, they
20 attain the qual through the normal process of doing their qual,
21 but we have to actually have them -- we have to check on whether
22 -- basically, how well they have that qual down and the way they
23 do it here at Sector Hampton Roads and that's the training
24 officer's responsibility.

25 Q. Okay. How often do you go out on inspections?

1 A. Now that I'm on the -- that I'm the chief --

2 UNIDENTIFIED SPEAKER: Third-party --

3 (Crosstalk)

4 MR. EDMUNDSON: Third-party oversight guy, I go out on
5 inspections probably about three times a month or so.

6 BY LT. WHALEN:

7 Q. Do you ever go out on small passenger vessel inspections?

8 A. I have not gone -- I do, I do. I don't routinely, but I'm
9 sort of the break glass if we run into issues where we have -- we
10 get -- start to be overwhelmed by the number of small passenger
11 vessels that we need to take a look at or inspect.

12 Q. Um-hum.

13 A. Then I will step in (indiscernible).

14 Q. Okay. And how would you be -- how does someone or -- how
15 does someone come to request your assistance to come and do an
16 inspection or just to check or annual or whatnot, how does that
17 process work? Internally to Sector Virginia.

18 A. Okay, so we have a -- we have a scheduler in the office. The
19 initial call will come in to the scheduler, the scheduler will
20 look at the list of qualified folks to see who will be -- who may
21 be available to accommodate an inspection and then they would --
22 she would assign someone. And you know, if she don't have anyone
23 and it's something that has to be done, can't be rescheduled, then
24 she will send me an e-mail and ask me if I would do it.

25 Q. And is that a permanent position, the scheduler, or does it

1 rotate, is it civilian or --

2 A. The position is permanent, but it's not filled by -- it's not
3 a civilian position.

4 Q. Okay.

5 A. So it would be a junior officer here, whoever the command
6 decides will take that job.

7 Q. Is it -- I'm sorry, is it like a duty rotation or is that
8 somebody -- is that person stuck with the job? Not stuck, the
9 person --

10 MR. FAWCETT: Lucky to have a job.

11 BY LT WHALEN:

12 Q. For the amount of time they have it.

13 A. It's not a set duty rotation. It's the command will look
14 around and see who is in a better position or best position to
15 fill the position at the time and usually -- usually, it ends up
16 being one of the first tour folks that's working on
17 qualifications --

18 Q. Okay.

19 A. -- but still monitoring the calls that are coming in.

20 Q. Do they also monitor the e-mail? So I believe that there's a
21 domestics --

22 A. Yes.

23 Q. And can you clarify for me, for the record, what domestic is,
24 like a domestic file, domestic vessel would be?

25 A. A domestic vessel would be a vessel that is certificated to

1 (indiscernible) only in the United States.

2 Q. And so with this domestic inbox for e-mails, that's monitored
3 by this person?

4 A. Yes, by the scheduler.

5 Q. Is that the only mode of correspondence that gets sent in and
6 out from industry? So let me rephrase the question for you. So
7 you go and you go to a vessel and you're conducting a COI and you
8 issue a deficiency to that vessel --

9 A. Right.

10 Q. -- and to clear the deficiency, you require a technical
11 report and/or verification that the deficiency is rectified.

12 A. Um-hum.

13 Q. Is that the only way Sector Virginia inspectors do that or is
14 there other ways that they can send that as personal emails or is
15 it just through the Sector Virginia e-mail?

16 A. Personal e-mails. Once a team or an inspector has been
17 assigned --

18 Q. Okay.

19 A. -- to a vessel for inspection needs, then the customer can
20 correspond directly with the inspector, so they would have their
21 work e-mails --

22 Q. Um-hum.

23 A. -- would be the way. Sometimes those calls also come in to
24 the duty phone, which if the person that is on duty don't have --
25 is not involved in that, they give a message to the inspector

1 that's responsible.

2 Q. Okay. So is there a -- is there a policy or procedures
3 within maybe an MMS or like (indiscernible) mission management
4 system process for that, for the scheduler?

5 A. No, that's in -- that's in progress.

6 Q. That's in progress?

7 A. Yes.

8 Q. Do you guys have any other internal to domestic, to domestic
9 division or domestic branch, any other internal policies or
10 procedures?

11 A. Yes, we have CID notes, which is chief inspection division
12 notes, that have been developed over the years of procedural ways
13 of carrying things out. We are in the process of turning those
14 into the mission management system.

15 Q. Can you give me a few examples of what those would be with
16 regards to domestic vessel, say inspections or routing, COIs --

17 A. Yes.

18 Q. -- is that all part of that?

19 A. Yes.

20 Q. Okay, speaking of COIs and routing, if I were to go and do a
21 -- what's the process, if you're preparing for a COI? So let's
22 say you have an annual on Thursday --

23 A. Um-hum.

24 Q. -- and you're leading a team to go and do an annual and
25 you're the VO, what would the process be preparing and leading up

1 to and going through that inspection?

2 A. I guess if I'm the VO, the first thing that I would find out
3 would be what trainees or break-ins has been assigned to this
4 particular job with me so that I would contact the break-ins and
5 start discussing with them the information and things that we need
6 to gather before we go out to the vessel, that would be to go into
7 our vessel system, we call it MISLE, I would go in there and pull
8 up at least the last two or three inspections that were done on
9 the vessel, look for any outstanding deficiencies that was on the
10 vessel, any special notes that's in our system pertaining to the
11 vessel.

12 So I would have the trainee gather all of that information
13 and then we would meet, I would meet with the trainee and we would
14 go over all of that information and then we will -- if the trainee
15 is comfortable, if it's not their first time or whatever and
16 they're comfortable with contacting the vessel owner or operators,
17 to kind of give them a brief of -- basically confirming with them
18 that this is the date and time that we're showing up and this is
19 how we intend to conduct the inspection and here are the things
20 that we're going to need for you to provide, like prepare for the
21 two-hour arrival, the vessel has to be crewed-up, if it's a small
22 passenger vessel, you got to have at least a minimum crew that's
23 required on the certificate of inspection and those type of
24 things. So as a team, we would get together and we would discuss
25 those things to make sure everyone's on the same page with it and

1 then make sure that the customer that we're coming out to see
2 knows what to expect, when to expect us there, and ask if they
3 have any questions for us. So that's kind of the preparation.

4 If there are some concerns that we saw in the system, some
5 outstanding deficiencies, that would be the time that we would ask
6 the operator about the conditions or if he or she was aware that
7 we still have these outstanding deficiencies on the record and if
8 so, what have you done to rectify, have they rectified it.

9 Q. Okay. So now going through the inspection, if you're the
10 only -- as the VO and you're going through the inspection, how
11 would you -- would you be there for all aspects of it? Do you
12 guys break up, do you -- how does the inspection work when you're
13 leading with some break-ins on board?

14 A. Okay, so if it's a -- if it's a deep draft vessel, then
15 there's going to be a qualified hull inspector and a qualified
16 machinery inspector and there will be break-ins on the machinery
17 side and break-ins for the hull side. Overall, the lead would be
18 the hull inspector.

19 Q. Just let me cut you off real quick and I apologize. The
20 purpose of this question, for a small passenger vessel.

21 A. Okay, small passenger. Okay.

22 Q. Sorry about that, I should have --

23 A. Okay. All right, so a small passenger vessel, typically it
24 would be one qualified inspector and two or three, maybe one,
25 trainee. So the standard -- and I can only speak to the way that

1 I carry out my inspections. So my inspection would be I'm
2 involved in everything, if the trainee is -- I try to empower the
3 trainee to the point where they are competent in the particular
4 portion of the inspection that they are doing, but I'm watching
5 and evaluating whether they're doing it the way that I believe
6 that it should be done because I know that at the end, I'm the one
7 that's kind of signing for this inspection and I'm responsible for
8 that inspection.

9 So now, at any point that we would break up would be in areas
10 where we need two people to do a job such as checking bilge
11 alarms, all right, someone's got to be out there to hear the
12 alarm, somebody's got to be down there to see what the operator is
13 doing to actually make the bilge alarm go off and those type of
14 things, but -- and the bilge pump. But for the most part, because
15 we want the trainee to get the full benefit of that inspection, we
16 want the trainee involved in -- all the trainees involved in every
17 aspect of the inspection.

18 Q. Now if, say, you were to issue an 830 -- sorry, Coast Guard
19 deficiency report, an 835, you were to issue an 835 and -- and how
20 would you determine the length of time in which you would give to
21 that company to rectify the situation and how -- and the mode of
22 that rectification?

23 A. Okay, yeah. So on the form itself, it depends on the
24 severity of the -- and the nature of the deficiency. If we
25 determine, by our judgment, the lead inspector determines by their

1 judgment that this is something that has to be done prior to the
2 vessel carrying passengers, then it would be assigned one of three
3 codes, either a Code 17, which would mean it must be rectified
4 prior to the vessel leaving the zone but it can leave the pier,
5 all right, or it would be a Code 60 where it has to be rectified
6 before the vessel even leaves the pier, and then there's other
7 codes like 701 or 702, private carrier and passengers and things
8 of that of nature. So we will make that determination.

9 Now, our procedure here is if the lead inspector runs across
10 an issue where it's going to be a -- we used to call it a "no-
11 sail" 835, but the Coast Guard kind of wants us to get away from
12 that term, but now it's one of those codes where we're putting
13 restrictions on the vessel, we are to call back to the chief of
14 Inspections Division, who is currently Dr. Zohorsky, or the chief
15 of domestics, which is currently Lieutenant Commander Matt Harley
16 (ph.), and inform them of the situation that we have. And
17 typically, they say okay, very well, cool.

18 And then that's just to inform them that this is what we see,
19 this is what we're thinking on this, and it's going to cause this
20 vessel not to be -- to carry passengers or get under way until
21 this is rectified. If it's something that's not of that nature,
22 that the vessel can safely operate, then it would be either a --
23 the code for a 14-day, you got 14 days to clear this up or 30 days
24 to clear this up. So that is the lead inspector's judgment at
25 that point to -- whether -- well, what category that restriction

1 would be required for the vessel.

2 Q. And then to clear that deficiency, say it's a day or two
3 later and you receive a notification of a deficiency is -- is able
4 to -- it's been rectified and you're being called out. If you're
5 unavailable for -- if there's somebody else in the area who's over
6 there, is it common practice to have somebody else clear a
7 deficiency that another inspector has issued?

8 A. Yes, that's standard operation but it depends on the
9 circumstances. So if it's a -- if it's a deficiency that we can
10 give them time to clear, like 14 days or 30 days, okay, that
11 deficiency is no longer connected to my activity or to my case, I
12 can go and do -- finish up my case or activity and actually close
13 that activity and then when that -- when they're ready for their
14 deficiency to be cleared, they have to call in to the scheduler
15 and then the scheduler will check the list and see what inspector
16 that's available, that has that particular qualification, and then
17 any inspector who has a qualification can go out and clear the
18 deficiency.

19 However, if the deficiency is one of a "no sail" type of
20 situation, then my inspection is not complete at that point
21 because I'm not going to endorse or either issue a COI if I issue
22 a deficiency that is of a no sail/no operate nature. So then the
23 inspector who's most familiar with the situation ideally would be
24 the one that goes back out to clear the deficiency and then
25 endorse the COI or issue the COI, because the other inspector --

1 if another inspector goes out to clear that deficiency, they
2 cannot endorse the COI because they weren't even part of the
3 inspection, they weren't -- it wasn't their inspection. So that's
4 standard, pretty standard procedure.

5 Q. Okay. With regards to the new, newer, I guess, 2020, the
6 new risk-based inspection program, how does that, being a Tier 1,
7 2 or Tier 3 vessel, how does that affect the training of newer
8 marine inspectors? With regards to their availability to get on
9 board, you know, so annuals, renewals, and COIs, initials.

10 A. Yeah.

11 Q. Is there extra steps that come into the inspection process
12 when you have a Tier 1 vessel?

13 A. Yeah, I mean, if a Tier 1 vessel, if we're following the
14 procedures and we try to follow that to the best of our ability to
15 our -- at least to our capacity, anyway, that we have, if we have
16 to send the same marine inspector out there, we make sure that one
17 of the inspectors -- that one or more of the inspectors that are
18 not senior marine inspectors are there for training purposes.

19 So we don't -- we don't lessen -- we don't say okay, well,
20 we're just going to send a senior marine inspector out there, hey,
21 other inspectors, you guys don't have to go because it's a Tier 1,
22 I mean, that's where you're going to learn the best, anyway, so --

23 Q. Now, do you send out senior marine inspectors or advanced
24 journeymen to Tier 1 vessels for deficiency checks, as well, or is
25 it just specific to annuals, renewals, and COIs?

1 A. That I don't know. I can't answer that because I'm not --
2 it's not my -- that's not my (indiscernible) --

3 Q. Um-hum.

4 A. -- for who goes out to clear deficiencies.

5 Q. You just go where they tell you.

6 A. Yeah, I mean if I go, you know --

7 Q. Yeah, of course.

8 A. Yeah.

9 Q. Okay. All right, just to finish up here. So is there a
10 mechanism or a way for a marine inspector in training or a master
11 marine inspector like yourself to make a regulatory recommendation
12 to headquarters if you were to see or if there was a deficit in a
13 regulation that you identified or you feel that needs to be
14 changed, is there a way for yourself or any other marine inspector
15 to do that?

16 A. Yeah. The way that we do it here is that we go through the
17 chain of command, so we will -- at my level, if I saw a
18 recommendation that needed to be made, and I've made plenty of
19 recommendations, then I take it to the CID, the chief of the
20 Inspections Division, from there and then he will either
21 correspond with the department head, commander, up here and
22 probably, depending on the nature of the issue, maybe through the
23 captains, send the commanders over there and then from there up to
24 headquarters.

25 LT WHALEN: Thank you, I appreciate it.

1 MR. EDMUNDSON: Okay.

2 BY MR. TAYLOR:

3 Q. So let's kind of, Mr. Edmundson, roll into the *Spirit of*
4 *Norfolk*.

5 A. Um-hum.

6 Q. And so were you on the vessel this year prior to the annual
7 inspection, prior to?

8 A. No.

9 Q. So can you kind of take us, then, from when you got called
10 out by the -- who's the person?

11 A. Scheduler.

12 Q. The scheduler, so the scheduler, go through from when you got
13 notified, who notified you, and then take us through the events of
14 you going out to the *Spirit of Norfolk* and why.

15 A. Okay, yeah, sure. So the notification on that, the *Spirit of*
16 *Norfolk* had a deficiency that needed to be clear, didn't come from
17 the scheduler to me. The way that it transpired was around about
18 on May 18th, around about 1600, somewhere between 1530, 1600, I
19 was sitting in my office and I heard outside my door, Lieutenant
20 Mims speaking with Mr. Al Morris (ph.) about a technical report
21 that he had in hand from this Bay Diesel for the *Spirit of Norfolk*
22 about a water leak that they had previously had and they had an
23 outstanding leak (indiscernible) and that Dr. Zohorsky had
24 authorized that it had to be cleared through the technical report
25 and as they were reading through the technical report, which is

1 not -- it's not unusual when you have a reputable company like Bay
2 Diesel, if you have a technical report from them, it's not unusual
3 to clear an 835 based on the technical report as long as the
4 technical report indicates that whatever the problem was has been
5 corrected and tested.

6 So the technical report, as I was listening to them, did
7 indicate that the water leak issue for the *Spirit of Norfolk* had
8 been corrected and tested by Bay Diesel, but also there were some
9 things that caught my ear in that technical report that talked
10 about a recommendation to repair a leaking oil line next to a
11 turbocharger, a supply line and return line from the turbocharger,
12 a minor oil leak.

13 So that's what perked my ear up and I came out of my office
14 and said hey, did that report say anything about that oil leak
15 being fixed or did it just say it was recommended? And so we
16 looked at the report and it just said recommended, so that's when
17 I told Lieutenant Mims you can't go down there and clear that, I
18 mean, you can't clear this deficiency and allow this vessel to get
19 under way based on this report because they got that recommended
20 stuff on there so we need to make sure that that has actually been
21 corrected. So what I told Lieutenant Mims to do was call
22 Dr. Zohorsky back because he's probably not aware that this vessel
23 had these recommendations about an oil leak near a turbo and I was
24 explaining to Lieutenant Mims, who's a third -- he has a third
25 engineering license and he's got small vessel qualifications for

1 T-boats and ITVs, so he's a pretty competent person and I probably
2 didn't need to tell him this, but I told him that, you know, a
3 turbocharger and exhaust manifold are the hottest external
4 portions of that engine, so any kind of oil leak near any of those
5 things, we're going to have to make sure they get it fixed.

6 So he called Dr. Zohorsky back and Dr. Zohorsky agreed that
7 we can't clear it without verifying. So at that point, at that
8 point there's only two people left in the office that have the K
9 qual or K-boat qual, small vessel or K-boat qual, and the *Spirit*
10 of *Norfolk* is a TL, which is a small passenger vessel, large/K,
11 you know, which is a small passenger vessel that carries over 150
12 passengers.

13 So at that point, rightly so, as confident as Lieutenant Mims
14 was, he said well, I can't go down there and clear this because I
15 don't have the K qual, so I'm going to need someone to come with
16 me. And I said well, I'll go with you. So that's when I first
17 got involved with the *Spirit of Norfolk*. After the
18 (indiscernible) we did go down. We met Captain Ryan near the bar
19 (ph.), Captain Ryan showed us the updated report, I guess it's a
20 report, it was a technical report, it was the invoice that Bay
21 Diesel did -- they did authorize Bay Diesel to make those repairs,
22 Bay Diesel had changed out the leaking lines that was on the --
23 that was on the turbocharger and the port engine.

24 Q. I'm going to stop you for just a minute, I know I'm not
25 supposed to, but --

1 A. Yeah.

2 Q. -- take a look at that. Is that the initial Bay Diesel
3 report? That you flagged.

4 A. Yeah, yeah. This is the initial one that I -- they were
5 reading when I was in the office, this was the initial one that
6 said recommend replace left main turbo.

7 Q. Okay. And you said there's a subsequent report?

8 A. There was another report --

9 Q. Okay.

10 A. -- on board --

11 Q. Okay.

12 A. -- the vessel when we got out there with Captain --

13 UNIDENTIFIED SPEAKER: For the record, if you could give the
14 date of that.

15 MR. TAYLOR: This is 17 May 2022.

16 UNIDENTIFIED SPEAKER: Thank you.

17 MR. EDMUNDSON: Yes.

18 BY MR. TAYLOR:

19 Q. Sorry. Please.

20 A. Yes.

21 Q. Please.

22 A. So we looked at -- we looked at that report, but then we went
23 down actually to the engine to actually take a look at the repairs
24 and we did see that they had replaced both the return line and the
25 supply line to the turbocharger on the port engine.

1 Q. Which bank?

2 A. I think it was the inboard bank, I believe it was. The one
3 that's more inner, so right bank place on the engine. So we went
4 -- we also went over to the starboard engine, they had not done
5 any repairs, there was no evidence of leaking, there was not a
6 recommendation there, so the starboard engine still had, I think,
7 flex hose in that area. So we were satisfied that okay, now we
8 verified that those repairs that were recommended in the earlier
9 report has been tested, satisfactorily tested by Bay Diesel.

10 Q. So when you observed the engine, you looked around, were the
11 insulation blankets on the turbocharger or had that been removed?

12 A. I think the -- I think the blankets were not back in place
13 yet. I don't know for sure.

14 Q. Okay.

15 A. But I think they have pictures of it.

16 Q. Okay. So now you've looked at both engines, so kind of keep
17 going with that.

18 A. Okay, looked at both engines, came back up. Captain Ryan was
19 telling us how the -- he was talking about how the -- the first
20 casualty that happened and how they felt that that was fine, how
21 well the crew responded to the water leak, which was not a fire,
22 it was steam, and they went down to fight it and how well the
23 crew, his crew, performed in that respect, that they went down,
24 they discovered, they thought it was a fire, it was nothing more
25 than steam and they put it off, they sprayed a PKP and all that

1 kind of stuff on there, so that they responded well to the fire is
2 what the captain was talking about and which he commended them on
3 yeah, this was just great, it's always good to make sure that you
4 get on top of these things so they don't turn into a real long
5 issue.

6 So we came back up, he didn't have the 830 -- the written 835
7 there for us to sign off, but -- but the vessel at that point was
8 clear to operate both engines, operate on both engines. So we
9 left, we left, came back to the office, and then that was about
10 it.

11 MR. TAYLOR: Okay.

12 UNIDENTIFIED SPEAKER: It was on the 18th?

13 MR. EDMUNDSON: That was on the 18th. That was the afternoon
14 of the 18th. Then I had do more dealing with the vessel after
15 that. The last thing, the last thing I heard about the *Spirit of*
16 *Norfolk* was on the news --

17 MR. TAYLOR: Okay.

18 MR. EDMUNDSON: -- and that she was on fire.

19 MR. TAYLOR: I don't have anything else.

20 BY LT WHALEN:

21 Q. So as per MISLE, on the 19th, the vessel got back underway
22 and then had another smaller cooling pump leak.

23 A. Um-hum, I read that in the MISLE.

24 Q. Okay. And you didn't have anything to do with that or --

25 A. No.

1 Q. Okay.

2 A. I wasn't aware of anything beyond the 18th until the vessel
3 had the fire and when I came back into the office, I checked the
4 MISLE and I saw the other entries in there. So I don't know
5 anything about anything that happened after that.

6 Q. Okay. If a company were to do like a major engine overhaul,
7 would -- like a -- would that company make note in your -- in your
8 experience, would that company make notification to a marine
9 inspector? Or as a marine inspector, should that company make
10 notification?

11 A. If the company is in -- if the vessel is in service at the
12 time and they are doing a major overhaul, it would be expected
13 that the vessel would -- that the company or the vessel master
14 would notify the Coast Guard. It's not a casualty reporting
15 thing, but you would want to know that hey, we got an engine down
16 for maintenance or we got an engine down for overhaul or something
17 like that.

18 MR. TAYLOR: So Mr. Edmundson, is that a regulatory
19 requirement or is that a courtesy on the port?

20 MR. EDMUNDSON: It's a requirement for any -- for repairs and
21 alterations to be -- those where I'd be notified.

22 MR. STILLMAN: May I?

23 MR. EDMUNDSON: Yes.

24 MR. STILLMAN: Stillman speaking now. Can we clarify, when
25 you say owner or when you say operator, you are referring to, in

1 this instance, when you described what should or should not
2 happen, the vessel owner and operator should provide notification,
3 is that what we're describing?

4 LT WHALEN: That was my intention.

5 MR. STILLMAN: Okay, thanks. Just wanted to make sure --

6 MR. EDMUNDSON: Oh, yeah.

7 MR. STILLMAN: -- we had the terms corrected.

8 LT WHALEN: Yeah.

9 MR. STILLMAN: Yeah, perfect.

10 MR. EDMUNDSON: Yeah, we consider the owner/operator,
11 whoever's on the COI --

12 (Crosstalk)

13 MR. STILLMAN: Okay, perfect.

14 MR. EDMUNDSON: -- and the operator.

15 MR. TAYLOR: No, I just wanted to make sure we had that term.

16 MR. EDMUNDSON: Obviously, most of our contact would be with
17 the local master or someone who is over this, doing the day-to-day
18 operations of the vessel.

19 MR. FAWCETT: Are you all set, Mr. Karr?

20 BY MR. KARR:

21 Q. Mike Karr, NTSB. When you went into the engine room and you
22 examined the repairs that were made, do you recall anything -- did
23 anything -- did you recall or make note of anything unusual?

24 A. No, sir. You know, that's a good question because my
25 inspector eye, any time that I go down to anywhere, I look around

1 because I'm there for a particular reason, but if I see something
2 out of the ordinary, then I'm going to address it. The only thing
3 that I saw that -- that appeared -- I wouldn't say out of the
4 ordinary, but it was different than what I would expect to see,
5 there was still a lot of residue of what appeared to be PKP fire
6 extinguisher, the captain did explain that they had discharged PKP
7 fire extinguisher for what they originally thought was a fire
8 during the first incident that caused them to get a deficiency
9 issued to them to start off with. So I didn't see anything out of
10 place when I went down there and I did go to the other side of the
11 engine room to take a look at that other engine, as well, but I
12 didn't see anything out of place.

13 MR. KARR: All right, thank you.

14 MR. FAWCETT: Anything else, sir?

15 MR. KARR: Nothing else.

16 MR. FAWCETT: At this time, we'll move to the party of
17 interest and find out if they have any questions. Mr. Stillman?

18 MR. STILLMAN: I don't have any questions. Thank you very
19 much for your time.

20 MR. FAWCETT: Thank you. Captain Nadeau, Phelps Dunbar?

21 MS. GALITOU: No questions here. I do want to know, will we
22 get access to all those documents that are being referred to
23 during these interviews? I don't think we have access to them
24 yet.

25 MR. FAWCETT: Right, so the evidence is going to be gathered

1 and then it will be reviewed by Commander Waddington and our legal
2 and then we'll be pushing that evidence out that's been
3 identified, not perhaps all of it, but the relevant information
4 that we discuss here.

5 MS. GALITOU: And will that happen at the completion of the
6 investigation?

7 MR. FAWCETT: No, it will be ongoing, ma'am. You'll get
8 notifications, the firm will get notifications to the designated
9 PII counsel through Homeport.

10 MS. GALITOU: I appreciate it. Thank you, sir.

11 MR. FAWCETT: Mr. Denley?

12 BY MR. DENLEY:

13 Q. Yeah, I do have just one question. Hi, Mr. Edmundson, I
14 appreciate the opportunity to chat with you. You indicated that
15 you've been an inspector kind of on and off in Hampton Roads since
16 2004?

17 A. Yes, I've been a -- I've been a marine --

18 Q. Is that correct?

19 A. Yes, I've been a marine inspector since 1996.

20 Q. Okay.

21 A. But I did two tours in Hampton Roads.

22 Q. So how many times have you been on board the *Spirit of*
23 *Norfolk*? Can you just estimate how many times you inspected it?

24 A. Estimate? *Spirit of Norfolk*, in the period of time that I've
25 been here, I would say about -- and I'd have to check all the way

1 back through the MISLE to be accurate on that, but I'm
2 recalling --

3 Q. Sure.

4 A. -- about five, I've done at least three to five annual
5 inspections on the *Spirit of Norfolk*.

6 Q. Okay. And you never made any -- you never made any
7 suggestions or recommendations kind of up the chain of command, I
8 think, I think one of the officers asked if you have made any
9 suggestions or changes based on those inspections?

10 A. No, I have not. None that I recall.

11 MR. DENLEY: Okay, thanks. That's all I have.

12 MR. FAWCETT: Thank you very much, sir. Any follow-ups for
13 the Coast Guard? Ms. Emmons?

14 MR. FAWCETT: One thing that you discussed, you discussed
15 photographs that you took on the 18th of May.

16 MR. EDMUNDSON: Mr. Mims, Lieutenant Mims, took those
17 photographs.

18 MR. FAWCETT: So we'd like to get those for the
19 investigation.

20 MR. TAYLOR: Also a copy of the subsequent report that you
21 observed on that date that we don't have, or I don't have.

22 MR. EDMUNDSON: Right. So we don't have a copy of it, so
23 unless Captain Ryan has a copy of it, but the Coast Guard don't
24 have a copy of that subsequent report.

25 MR. TAYLOR: Okay.

1 MR. FAWCETT: Okay, so we'll follow up on that.

2 MR. EDMUNDSON: At least as far as I know. We didn't get a
3 copy on May the 18th, so what has happened after then, I
4 understand that there was a visit, from looking at the narrative,
5 there was a visit after that, so -- but we didn't get a copy of
6 that report on the 18th.

7 MR. FAWCETT: And the narrative would be the contents of the
8 MISLE database inspection report --

9 MR. EDMUNDSON: Yes.

10 MR. FAWCETT: -- is that correct? Okay. Anything else?

11 (No audible response.)

12 MR. FAWCETT: The time is 12:24, we've completed the
13 interview with Mr. Edmundson, thank you very much. At this time,
14 we're disconnecting from the conference call and securing the
15 recorder.

16 (Whereupon, at 12:24 p.m., the interview concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

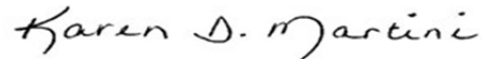
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Ken Edmundson

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, Virginia

DATE: July 12, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

FIRE ONBOARD *SPIRIT OF NORFOLK* *
NEAR NORFOLK NAVAL STATION, *
VIRGINIA ON JUNE 7, 2022 *

Accident No.: DCA22FM022

* * * * *

Interview of: KEN EDMUNDSON, Master Inspector
United States Coast Guard, Sector Virginia

Norfolk Federal Building
200 Granby Street, #700
Norfolk, VA 23510

Tuesday,
July 12, 2022

APPEARANCES:

MICHAEL KARR, Investigator in Charge
National Transportation Safety Board

KEITH FAWCETT, Investigator
United States Coast Guard

TRAVIS TAYLOR, Traveling Marine Inspector
United States Coast Guard

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United States Coast Guard

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Phelps Dunbar
Attorney for Ryan Nadeau

I N D E X

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1 I N T E R V I E W

2 (2:31 p.m.)

3 UNIDENTIFIED SPEAKER: Mr. Edmundson, thank you for coming
4 back. We just have a few follow-up subsequent questions --

5 MR. EDMUNDSON: Sure.

6 UNIDENTIFIED SPEAKER: -- to our -- to our last meeting. The
7 date is the 12th of July 2022, the time is 2:31 p.m. Can you
8 please acknowledge again for the record that the recorder is on?

9 RECORDED VOICE: This meeting is being recorded.

10 MR. EDMUNDSON: This meeting is being recorded.

11 UNIDENTIFIED SPEAKER: Okay. And again, I believe we have --
12 we've done introductions before, but we have the same
13 representatives, the PIIs and the NTSB and the Coast Guard, so if
14 you would like to begin with the follow-up questions.

15 INTERVIEW OF KEN EDMUNDSON

16 BY LT WHALEN:

17 Q. Yes. Again, Lieutenant Tom Whalen, thanks for coming back.
18 So I just want to go back to the -- which was, I believe, the 18th
19 of May --

20 A. Yes, sir.

21 Q. -- when you attended the *Spirit of Norfolk*.

22 A. Um-hum.

23 Q. I want to kind of go back to when you -- you were overhearing
24 a conversation outside of your office --

25 A. Right.

1 Q. -- with regards to the tech report that was being read and
2 received by Lieutenant -- do you remember his name?

3 A. Mims.

4 Q. Mims.

5 A. M-i-m-s, yeah.

6 Q. So as he was reading that, what was brought to your
7 attention? What made you perk up and listen to that conversation?

8 A. That report that was dated on the 17th, it spoke of the
9 repairs to the cooling system being complete --

10 Q. Um-hum.

11 A. -- but also in the recommendation column, it said that we
12 recommend -- that they found a small oil leak on the supply line
13 for the turbocharger on the port engine and it recommended
14 replacement.

15 Q. Okay.

16 A. So that's what perked my --

17 Q. Okay.

18 A. Knowing that that would be a possible fire hazard.

19 Q. Okay, so then with that, so -- and I'm paraphrasing, you went
20 out and you were talking with Lieutenant Mims about it --

21 A. Yes.

22 Q. -- and you basically stated that we need to go out and take a
23 -- somebody should go out and look at that port engine, look at
24 the turbocharger.

25 A. Right. To verify and then -- to verify that these

1 recommendations had been completed.

2 Q. Okay. The 17th was the recommendation.

3 A. Yes.

4 Q. And then this was on the 18th, they had already corrected
5 that recommendation deficiency, correct?

6 A. They had.

7 Q. Okay. Now, why didn't Lieutenant -- why didn't Lieutenant
8 Mims go out by himself? Or herself, I don't --

9 A. Him.

10 Q. Him.

11 A. It's a him. Well, because he's not -- he don't have the K-
12 boat qualifications.

13 Q. Now, would the *Spirit of Norfolk* be inspected as a subchapter
14 K or would it be a T?

15 A. It would be a TL/K.

16 Q. Okay. And to what inspection level shall it be met by the
17 sector?

18 A. Someone that has a K qual.

19 Q. K qual, okay. Okay.

20 A. Can I add?

21 Q. Absolutely, sorry. I didn't mean to cut you off.

22 A. Since we've broke, I was able to tell Lieutenant Mims, who's
23 very efficient and he had taken -- copied pictures of the May 19th
24 -- the May 18th report that indicated that the repairs had been
25 done and tested --

1 Q. Um-hum.

2 A. -- which I have a copy of right now and I also have -- I have
3 an electronic copy of those that I can send to -- along with those
4 pictures that I mentioned earlier of the turbocharger, the new
5 line that was installed.

6 Q. Um-hum.

7 A. So I can send that stuff to wherever it needs to go, but I
8 have copies, hard paper copies of those, of that report.

9 MR. TAYLOR: You got multiple copies?

10 LT WHALEN: Yeah. Okay, that's fantastic, thank you.

11 BY LT WHALEN:

12 Q. With that, so now --

13 A. I think I made enough for everybody.

14 Q. Now, in MISLE --

15 A. Um-hum.

16 Q. -- that deficiency was never rectified?

17 A. That deficiency did not yet --

18 Q. Okay, okay.

19 A. Not at that time.

20 Q. Okay. And then on the 19th is when they got under way and
21 had another leak for the same system?

22 A. That I don't know anything about.

23 Q. Okay.

24 A. Yeah.

25 Q. They did. So on the 19th, there was another -- within the

1 same MISLE activity --

2 A. Yes.

3 Q. -- there was another leak identified. Okay, I just wanted to
4 -- it verbally was cleared, the 835, but it was never
5 administratively cleared in the MISLE.

6 A. That's right. The vessel was -- the vessel was cleared to --
7 based on this report, May 18, and our conversation with Captain
8 Ryan and us going down to actually visually observing that the
9 repairs that were made --

10 Q. Okay.

11 A. -- the vessel was clear to proceed in service.

12 Q. Okay.

13 A. On the 18th. I have no --

14 Q. Kind of all the pieces come together with that.

15 A. Yeah. I have no firsthand knowledge of anything that
16 happened after the 18th.

17 LT WHALEN:: Okay. Mr. Taylor?

18 BY MR. TAYLOR:

19 Q. I don't think this has anything -- I was going to ask
20 anything related to this, so the turbocharger, it looks like, got
21 replaced.

22 A. The turbocharger lines, I think, the supply line got replaced
23 during the --

24 Q. So this says removed old turbocharger, exhaust piping.

25 A. Um-hum.

1 Q. Belts -- let's see. Bolts broke off, replaced with new
2 cleared mating surface, installed new turbo with gaskets.

3 A. Oh, okay.

4 Q. That could've been a rebuilt turbo, so it could've looked --

5 A. Yeah.

6 Q. I'm not sure. So this indicates the left bank turbocharger
7 was replaced.

8 A. Oh, okay.

9 Q. And when you witnessed the engine -- this is Travis Taylor.
10 When you witnessed the engine room, Mr. Edmundson, or when you
11 witnessed, when you inspected the engine, did you see the engine
12 running?

13 A. No.

14 Q. Okay.

15 A. No, we didn't see -- we didn't -- we didn't have them start
16 it up. That was based on the report from, you know, Bay Diesel.

17 Q. Yeah.

18 A. They said that they had already tested and everything was
19 good to go.

20 Q. Just a second.

21 A. And I wasn't -- we weren't there when any testing was done, I
22 think, according to this report, that Tim Rysler (ph.) was -- and
23 I think the captain also said that he -- he witnessed the
24 operation of the engine and everything was -- no leaks, everything
25 was good.

1 BY LT WHALEN:

2 Q. Throughout your years here at Sector Virginia, and I know you
3 had said -- and I don't remember the exact number you said you
4 did, but four to five annuals, possibly, on the *Spirit of Norfolk*?

5 A. Possibly.

6 Q. Have you heard or has there ever been any notification made
7 within the office of multiple casualties to the turbochargers over
8 the years?

9 A. No. The times that I've inspected the *Spirit of Norfolk* they
10 had Caterpillar engines on them for propulsion, they didn't have
11 these (indiscernible), no major issues, mechanically, with the
12 *Spirit of Norfolk* that I can recall.

13 Q. Do you remember when the re-haul or the -- they went from the
14 Caterpillars to the Scania's?

15 A. Yeah, I think it had Scania engines.

16 Q. So do you know when they went and they transferred or they
17 went from the CATs to the Scania's, are you aware, offhand, do you
18 know?

19 A. No, I do not.

20 LT WHALEN: Thank you.

21 UNIDENTIFIED SPEAKER: Mr. Taylor (indiscernible).

22 MR. TAYLOR: I don't have anything else for Mr. Edmundson.

23 MR. EDMUNDSON: I believe it happened when they were -- in
24 2020, here in the yard or --

25 LT WHALEN: Okay.

1 MR. EDMUNDSON: I'm not fully aware of it.

2 LT WHALEN: I appreciate that.

3 UNIDENTIFIED SPEAKER: Mr. Stillman, do you have any follow-
4 up questions?

5 MR. STILLMAN: Just briefly, because I wasn't here earlier.

6 BY MR. STILLMAN:

7 Q. So just to recap, you've been recalled now to clarify a few
8 things that you testified about previously, is that correct?

9 A. Yes.

10 Q. Okay. And you had a phone conversation with Lieutenant Mims
11 after we broke during the last session?

12 A. Not a phone conversation. No, (indiscernible) --

13 Q. No? Okay, okay, great. And I'm just trying to clarify so
14 that I understand what's going on --

15 A. Yeah.

16 Q. -- and we got it on the record so that I'm --

17 A. Yes, sir.

18 Q. -- I'm aware of it. And so you guys spoke about what
19 happened and you spoke about your prior testimony or your
20 statement, I should I say?

21 A. No, what I -- we didn't -- we didn't talk about my testimony
22 or statement.

23 Q. Yeah.

24 A. I asked him if he had -- if he had pictures --

25 Q. Sure.

1 A. -- and if he had a -- did he get a copy of the report when we
2 were on board and he said I took a picture of it.

3 Q. Perfect, great.

4 A. So yeah. We didn't discuss --

5 Q. No, that's great, and even if you had, that would be fine, I
6 just wanted to make sure --

7 A. Yeah.

8 Q. -- I was up to speed and I knew what was going on.

9 A. Yes, sir.

10 Q. And you provided all those and you'll provide the photos to
11 the Coast Guard as well, so that we can put that on Homeport?

12 A. Yes.

13 Q. Is that --

14 A. Yeah, I can provide them to --

15 Q. Perfect.

16 A. -- whoever wants them.

17 MR. STILLMAN: Fantastic. Thank you very much. That's all
18 for me.

19 UNIDENTIFIED SPEAKER: On the line, do we have the counsel
20 for Mr. -- Captain Ryan Nadeau, do you have any follow-up
21 questions?

22 MS. GALITOU: No, thank you.

23 UNIDENTIFIED SPEAKER: And then Mr. Denley for Hornblower, do
24 you have any follow-up questions, sir?

25 MR. DENLEY: No, thank you.

1 UNIDENTIFIED SPEAKER: All right. That concludes the follow-
2 up questions and thank you for coming back --

3 MR. EDMUNDSON: Okay.

4 UNIDENTIFIED SPEAKER: -- and I'm going to stop the recorder.
5 (Whereupon, at 2:42 p.m., the interview concluded.)

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CERTIFICATE

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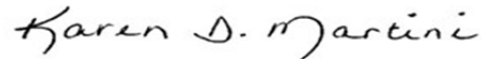
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Ken Edmundson

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, Virginia

DATE: July 12, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: ERICA ELFGUINN, Commander
United States Coast Guard

Norfolk, Virginia

Thursday,
July 14, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
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I N T E R V I E W

(1:03 p.m. EST)

MS. EMMONS: Just for the record, Commander, can you just acknowledge for the record that the tape recorder is on and it's being recorded?

MS. ELFGUINN: Yes. The tape recorder is on and this interview is being recorded.

MS. EMMONS: Commander, this is a joint Coast Guard and National Transportation Safety Bureau Investigation and the Coast Guard is the lead agency conducting the interview under the applicable Coast Guard regulations.

Today is the 14th of July. And the time is 12 -- excuse me, 1303 p.m. We are in the Norfolk Federal Building, the 7th Floor in the prevention conference room. And we're going to be beginning the interview with Commander Erica Elfguinn.

We are conducting this interview to examine the events surrounding the fire and subsequent loss of an (indiscernible) vessel of the *Spirit of Norfolk* that occurred on June 7th, 2022.

We're going to go around the room and kind of give you -- I know we mentioned the NTSB and we also have parties in interest in here, as well, and on the phone, as well. So we'll start with going -- and start with you, Commander. If you could just state your name and your title and your affiliation. And please spell your last name for the record. Then we'll go around the room and introduce ourselves.

1 MS. ELFGUINN: Perfect. My name is Erica Elfguinn. Last
2 name is spelled E-l-f-g-u-i-n-n. I am with the U.S. Coast Guard.
3 I'm the response department head for sector Virginia.

4 MS. DANIEL: Lieutenant Helena Daniel. D-a-n-i-e-l. Counsel
5 for Coast Guard.

6 MS. LEE: Lieutenant Commander Karen Lee. L-e-e. Legal
7 advisor for the District 5 Formal Investigation Team.

8 MR. KARR: Michael Karr. K-a-r-r. With the NTSB.

9 MR. ROY: Commander Eric Roy. R-o-y. And I'm part of the
10 Formal Investigation Team.

11 MR. STILLMAN: Afternoon. Dan Stillman. S-t-i-l-l-m-a-n.
12 Here on behalf of party in interest Bay Diesel. I'm with the law
13 firm Wilcox and Savage.

14 MS. EMMONS: Lieutenant Commander Nicole Emmons. E-m-m-o-n-
15 s. And I am part of the D-5 Formal Investigation Team. We can go
16 to the online -- the parties in interest.

17 MS. GALITOU: Montgomery Galitou. G-a-l-i-t-o-u.
18 (Indiscernible) of the designated party in interest.

19 MR. DENLEY: Eric Denley. D-e-n-l-e-y. (Indiscernible) --
20 I'm sorry, *Spirit of Norfolk*, party in interest.

21 MR. FAWCETT: And in the background, Mr. Keith Fawcett. F-a-
22 w-c-e-t-t. Operating the Teams meeting. And I'm here with
23 Commander Brandy Waddington, W-a-d-d-i-n-g-t-o-n.

24 MS. EMMONS: Commander, just to let you know, that you may
25 modify, change, retract anything that you state in the interview

1 today. And if you think of something later or would like to
2 present something later, if you could just go through Lieutenant
3 Daniel and just let her know that and she'll let the team know.

4 MS. ELFGUINN: Yes, ma'am. Thank you.

5 MS. EMMONS: You may also appeal what will be created as a
6 report of investigation. And you may appeal any of the final
7 results that result out of this interview if you so choose.

8 For information about the Coast Guard Marine Casualty
9 Investigations in the Marine Safety Manual Volume 5 kind of spells
10 out the investigation process if you would like to just know where
11 that is and look it up and see how this process goes.

12 And just a few ground rules. We use a lot of acronyms so
13 please try to keep the acronyms to a minimum. And if you have to
14 say it, please spell it out, what it means for the record.

15 MS. ELFGUINN: Okay.

16 MS. EMMONS: And if everyone could just make sure their
17 phones are on silent, please. And how it will kind of work is the
18 Coast Guard asks questions first. Then we'll go to the NTSB.
19 Then we'll go to the parties in interest and kind of go that way.

20 INTERVIEW OF ERICA ELFGUINN

21 BY MS. EMMONS:

22 Q. Commander, if you could kind of just start with your Coast
23 Guard history from the beginning and just let us know your
24 background.

25 A. Sure. I'm an OCS Officer Candidate School graduate in 2006.

1 Not -- I went straight into Officer Candidate School as a college
2 graduate and a civilian. And my first two assignments were in the
3 float community. I went to the Coast Guard Cutter Thetis out of
4 Key West, Florida. And then was assigned as a Navy Exchange
5 officer for the Coast Guard onboard the U.S.S. Hawes. That was at
6 a time -- reported here in Norfolk.

7 After those tours of float, moved into the responsive shore
8 community (ph.) and was stationed at the Exercise Support Team.
9 At that time was in Portsmouth, Virginia. Left there. Went to
10 Sector Maryland as a part of the contingency planning force
11 (indiscernible) and did command duty officer roles, as well with
12 that unit.

13 From Sector Maryland, I transferred to the LANT (ph.) area
14 command center as the CDO and the senior watch officer. For us,
15 kind of indicative of the command center chief role or command
16 center sup role for that unit.

17 Then I transferred to Sector Virginia. I'm on my second tour
18 at Sector Virginia as a fleet-up (ph.). I was there as the chief
19 of Incident Management Division for two years. Then in April, I
20 moved up to the Response Department head or the chief of Response.

21 Q. Thank you, Commander. What was your role and position on the
22 date of the *Spirit of Norfolk* fire on June 7th?

23 A. I was the Response Department head. I was actually in
24 (indiscernible) getting ready to give a crisis comms communication
25 rules. I was not the search and rescue mission coordinator

1 assigned to that. And then, I came to -- after the initial call
2 and incident, came to the field, and was supporting the Incident
3 Command to start building what would be the unified command.

4 Q. Were any of the personnel in your Response Department on
5 scene during the incident on June 7th?

6 A. Yes, the Pollution Response Team dispatched shortly after the
7 initial call based on the potential that was onboard. So we did
8 have several pollution responders, as well as a federal on-scene
9 coordinator representative on the initial date of the incident.
10 Then throughout, we had federal on-scene coordinator
11 representatives.

12 Q. You started that you -- you started the startup of the INT
13 and do you know what -- about what time and -- that that occurred,
14 the standup between the switch over from the command center to the
15 standup?

16 A. It was the -- that kind of evening into the next day of
17 really bringing other personnel on scene to have it. But the
18 incident -- the unified command started to formalize within -- I
19 don't have an exact time -- probably several hours of the
20 incident.

21 Q. And you stated you were coming from your town.

22 A. Um-hum.

23 Q. Were you on scene, as well, at some point during that day
24 or --

25 A. Yes, ma'am. After I received the call -- well, myself and

1 Captain Stevens -- were in Yorktown for a training. We left and
2 immediately departed that training and came back and started
3 helping the sector Virginia team with kind of crisis
4 communications and making notifications from the car. We reported
5 actually to Town Point as our initial support to the team because
6 we understood that might be a family grouping for the children
7 that were involved and things like that.

8 That was our initial ask was to support the team who had
9 responded to the field; was to go assist over at Town Point Park.
10 So Captain Stevens and I went over to Town Point Park and we took
11 immediate review. And then from there, we went to Naval Station
12 Norfolk to check on the pollution response team and the FOSCRs
13 there. And we took (indiscernible) there.

14 Q. Do you know what time you went from Two point to the scene?

15 A. I don't have an exact time. But it was early afternoon.

16 Q. And you said Captain Stevens, just to clarify, took the role
17 of the incident commander.

18 A. It was him and then turned over then to Captain Stockwell.
19 Captain Stockwell was on scene first.

20 Q. Do you know what time they kind of did there switch over?

21 A. I guess I should retract that, as well. I don't believe they
22 like formally switched over. I think she kept with it, as well.

23 Q. So she was the incident commander?

24 A. Um-hum.

25 MS. EMMONS: Just wanted to clarify that. Commander Roy?

1 BY MR. ROY:

2 Q. Good afternoon. I just --

3 A. Hi there.

4 Q. Just a couple follow-up questions from the incident commander
5 piece. So I'm just trying to make it clear. So Captain Stevens
6 didn't take over or Captain Stockwell was -- and when you say
7 incident commander, I want to make sure we differentiate by doing
8 incident commander and part of the unified command.

9 A. I'm sorry. Could you --

10 Q. I'm trying to --

11 A. -- clarify that?

12 Q. Yeah. Was Captain Stockwell the IC or was she part of the
13 unified command that was set up? Because we --

14 A. Part of the unified command.

15 Q. Do you know who else was part of the unified, was part of the
16 UC?

17 A. We did have -- as things progressed, then it was the Naval
18 Station Norfolk fire representatives, as well as the commercial
19 representatives which initially we had representatives from City
20 Service and then that was later Hornblower so we had to
21 (indiscernible) that transgress or continued.

22 Q. I want to go back a little bit and then we might come back to
23 that. What was your role -- do you have a role as part of the
24 Incident Command structure?

25 A. I did not have a formal role. I was on scene the first day

1 and then the second day. Then I departed because we had
2 Harborfest and I was the incident commander for Harborfest. So to
3 deconflict and manage multiple events, I took over that event for
4 the command. So I was not formally in the -- what ended up being
5 the Incident Management Team for *Spirit of Norfolk*.

6 Q. How long were on scene for? Do you remember?

7 A. A couple hours the first night. Then I came back the second
8 day really helping get the planning section chief and the media
9 response and start getting the initial UC IC objectives and kind
10 of coaching Ms. West through some of those roles. And also then
11 assisting with what, you know, the MER side of the house for
12 sector Virginia. And the marine environmental responsive.

13 Calling the National Strike Force Coordination Center because
14 we brought in, at that point, the Atlantic Strike Team to assist
15 and supplement our role. So making sure they had enough people to
16 continue on knowing that I was going to leave -- do the Harborfest
17 event.

18 Q. So how long do you think you were there the second day?

19 A. It was probably about eight hours.

20 Q. Did you have any sort of documentation? Do you keep any
21 notes, a chronologic sheet or anything like that while you're
22 doing your work?

23 A. I did not. I did not keep notes. I had a lot of text
24 (indiscernible).

25 Q. When you were on scene -- I know you were with Captain

1 Stevens a lot.

2 A. Um-hum.

3 Q. Were you also with Captain Stockwell off and on throughout
4 that day, as well?

5 A. On the second day. The first day I was with Captain Stevens.
6 I saw Captain Stockwell. She was already there with Captain
7 Stevens. And I departed with Captain Stevens then.

8 Q. Was there any discussion or was there somebody who was
9 appointed like overall in charge of firefighting operations during
10 that time when you were there?

11 A. I was not privy to those conversations. I do know that -- I
12 wasn't physically involved in that conversation. I did see a
13 distinct point where the Naval Station Norfolk fire chief was in
14 there and discussing with Captain Stockwell.

15 Q. But you weren't part of that discussion?

16 A. (No audible response.)

17 Q. Were you involved at all with the SAR before the search and
18 rescue piece or -- at all?

19 A. No. Lieutenant Commander Poulin was the search and rescue
20 chief leader.

21 Q. And we already talked about firefighting. You weren't privy
22 to firefighting discussions or tactics or anything like that
23 during your time on scene?

24 A. No. I was not -- I guess I wasn't a key component to the
25 discussions. When I came on scene, at that point, they were

1 already doing then the passing cooling external to the hull of the
2 *Spirit of Norfolk*.

3 Q. So not meetings or (indiscernible) that you heard discussions
4 about firefighting, chain of command, or tactics, or -- you know,
5 that -- those things?

6 A. On day two, yes, sir. I did hear that as they were doing
7 kind of the command and general staff. And some of those
8 conversations definitely went into kind of a tactical discussion
9 of timeline of events that would be -- how do we tackle it to
10 safely get onboard. So it was like a dewatering discussion. Like
11 what would be the steps to do it. So that got into a very
12 tactical discussion. But I didn't -- I did not have -- offer
13 tactical --

14 Q. Do you remember any of those discussions at all about like
15 what the conversation was about and who was discussing that?

16 A. Sure. It -- the conversations were really centered on
17 getting a dewatering and salvage plan to provide up to the unified
18 command for approval. And then -- but I did not see that follow-
19 on process of what that plan looked like. So I was there very
20 initial for communications of what that may look like.

21 Q. I'm going to switch gears. Let's talk about the pollution
22 piece because I know you mentioned that a few times.

23 A. Um-hum.

24 Q. What was the Incident Management Division -- the pollution
25 responders -- what did they do? What was their role? I know

1 you've talked about that. Can you take me through like what you
2 remember about the pollution response piece kind of --

3 A. Sure.

4 Q. -- leading through from the initial time to where you kind of
5 disengaged and you had to go do the other?

6 A. Sure. So we had the pollution response team respond to the
7 scene of Naval Station Norfolk. And we had a federal on-scene
8 coordinator representative there. Their role was to work through
9 -- their role was to work through -- they were supporting kind of
10 operations from a pollution response perspective. They did -- you
11 know, were working with the qualified individual and the vessel
12 response plans.

13 And then monitoring from a pollution potential perspective
14 for Captain Stevens and the command of Captain Stockwell over
15 that. They were also working through the ESA consultation process
16 and then working, as well, through the portion of the federalized
17 case. Because we did open the oil spill out of the trust fund to
18 be able to activate the Atlantic strike team.

19 UNIDENTIFIED SPEAKER: Could you clarify something, what ESA
20 is?

21 MS. ELFGUINN: Sure. Endangered Species Act consultation for
22 the National Contingency Plan. So we were utilizing that process
23 from our area contingency plan and from our regional contingency
24 plan. And we utilized the forms for that. And it -- you know, I
25 was consulting with -- that the response is actions for

1 (indiscernible).

2 BY MR. ROY:

3 Q. Was that -- was the strike doing that or was the sector doing
4 that? Do you know?

5 A. The sector did that within IND. Incident Management
6 Division.

7 Q. Do you know if there was an NRC report opened on the case?

8 A. I can go back and check later on.

9 Q. And what was -- you said you called in strike team. What was
10 strike team's function when it came to push and what was their
11 role?

12 A. Sure. We asked for contractor oversight and ops section type
13 II qualifications.

14 Q. And you said op section chief. What was it?

15 A. And I'm sorry. As well as safety.

16 Q. Operation section chief quals and safety quals?

17 A. Um-hum.

18 Q. You guys also call in the IMAT? Do you know?

19 A. Yes, sir. (Indiscernible).

20 Q. Basic (indiscernible) Coast Guard's Incident Management
21 Augmentation Team or Assist Team?

22 A. Yes, sir. We did. We did call in the Incident Management
23 Assist Team. We called them in the day of the incident requesting
24 their assistance on the day if my memory is correct. And we asked
25 for Incident Command System coaches specifically in the planning

1 section roles Situation Unit. And we also initially asked for
2 safety until the strike team could get there.

3 Q. Safety -- what other coaches did (indiscernible)?

4 A. Planning section chief and a situation unit later.

5 Q. Situation unit.

6 A. Or SITL.

7 Q. And they provided those?

8 A. Yes, sir.

9 Q. Cool. Was there any pollution or any (indiscernible) or
10 anything on -- that was visible from all the firefighting
11 activities going on?

12 A. None observed.

13 Q. Any other debris or any other things in the water that you
14 guys observed or that was reported that you know of?

15 A. Not that I'm aware of, sir.

16 Q. And you said that they would activate their vessel response
17 plan. They had (indiscernible) OSRO on scene, as well?

18 A. Yes, sir.

19 Q. Can you spell who the OSRO -- what an OSRO is for us?

20 A. Oil Spill Response Organization was activated by the
21 commercial entity.

22 Q. Do you know who that was, who that company was by chance?

23 A. I'd have to look through my -- the (indiscernible). I
24 believe it was Clean Harbors.

25 Q. Clean Harbors. That's -- was there -- who was leading the

1 pollution effort on scene for the Coast Guard?

2 A. The federal on-scene coordinator representatives?

3 Q. Who was that that day? Do you know?

4 A. Sure. We had Petty Officer MST2, Marine Science Technician 2
5 Justin Harris. And two other FOSCRs, as well. Their names are
6 MST1 Larry Lawrence Schmidt (ph.) and MST1 James Langford (ph.).

7 Q. What was the role for -- who was IMD? Who was the IMD chief?

8 A. We had an acting IMD chief and he remained on scene for the
9 duration of the event, as well, that came into kind of supplement
10 that role. His name is Lieutenant Steven Pope (ph.). He goes by
11 -- first name -- goes by Kyle.

12 Q. So he was running the Incident Management portion of that?

13 A. He was assisting under the operation section to facilitate
14 the pollution response aspect of it.

15 Q. Who was the operations section chief? Do you know?

16 A. I don't have that information. For -- I was not there for
17 when IMT was (indiscernible).

18 MR. ROY: That's all I have for now. Thank you.

19 MS. ELFGUINN: Yeah.

20 MS. EMMONS: Mr. Karr?

21 BY MR. KARR:

22 Q. So I'm Mike Karr with the NTSB. On that first day, what time
23 did you leave approximately?

24 A. It was very late, sir. It was between 2300 and midnight.

25 Q. And about what time did you get there?

1 A. It was late afternoon.

2 Q. And if you can, tell me what you observed of -- onboard the
3 ship when you were there?

4 A. I didn't observe anything onboard the ship. All the efforts
5 were -- when I reported on scene, all the efforts were external to
6 the ship. So I did see two tugs applying firefighting wire to the
7 external of the ship. And I -- the firefighting efforts from the
8 shore side, as well. Then -- and when I was there, the ship was
9 -- had begun listing to port; was listing to port.

10 Q. Did you see any flames when you were there?

11 A. We -- what I observed was -- yes, I did see flames throughout
12 the time that I was there (indiscernible).

13 Q. Can you tell me where the flames were located?

14 A. I don't know the specific compartment. I did hear that they
15 were coming from the engine room from --

16 Q. Well, I was -- I'd like you just to give me what you saw.

17 A. They were coming from like the superstructure, middle of the
18 vessel.

19 Q. Do you recall that external firefighting -- where -- do you
20 recall where they were directing the water?

21 A. Yes. They were directing the water to the outside hull of
22 the vessel.

23 Q. What part? Forward aft, the entire hull or --

24 A. It appeared to me they were trying to pull like the -- from
25 the center, around the center of the vessel, in the

1 (indiscernible).

2 Q. And was there -- did you overhear any conversations of the
3 ongoing efforts that were going?

4 A. I overheard conversations that they were targeting cooling
5 like hot spots and trying to assess where the vessel -- to target
6 the water of -- to cool the vessel enough for safe entry.

7 Q. And last question, follow-up. You talked about the Incident
8 Management Assist Team --

9 A. Yes.

10 Q. -- was requested. What time did they -- when do you recall
11 that they actually showed up?

12 A. They came the following day.

13 Q. The --

14 A. The second day.

15 Q. And is that --

16 A. Is my memory.

17 Q. Just so we didn't -- I didn't step on you. When did they
18 show up?

19 A. On the 8th of June. They came on day two of the incident.

20 Q. Are -- is that team -- where does that team come from?

21 A. Sure. They come out of here from Norfolk, Virginia. Their
22 home base and their unit is located in Norfolk, Virginia.

23 Q. Well, that is -- is that a separate unit?

24 A. It is a separate unit and they are deployable. It's a
25 deployable specialized force. They just happen to be located in

1 our area.

2 MR. KARR: That's it. Thank you.

3 MS. ELFGUINN: Yes, sir.

4 MS. EMMONS: We'll move to the parties in interest and start
5 with Mr. Stillman.

6 MR. STILLMAN: Thank you, Commander.

7 MS. ELFGUINN: Thank you.

8 MR. STILLMAN: I don't have any questions for you. Thank you
9 very much for your time.

10 MS. ELFGUINN: Okay. Thank you.

11 MS. EMMONS: On the line, the parties in interest with
12 (indiscernible).

13 UNIDENTIFIED SPEAKER: No questions here either. Thank you.

14 MS. EMMONS: Then we'll go to the other parties in interest
15 then. Hornblower with Mr. Denley.

16 MR. DENLEY: Yes, thank you. I do have a couple questions.

17 BY MR. DENLEY:

18 Q. You indicated that you and Captain Stevens went to Town Point
19 Park. Can you -- like what was the significance of Town Point
20 Park and why did you go there?

21 A. Yes. I can expand on that. The -- since we were not here at
22 the unit when we -- when the incident happened, we were calling
23 back saying where we can help or can we best plug in. And we
24 understood that the search and rescue efforts were taking people
25 on board to Town Point Park for children. We didn't know at what

1 point -- when we were in route, we didn't know family relocation
2 or how the schools were doing that.

3 So we were going to go there to assist. By the time we were
4 there, that had concluded. We also were told and what was
5 coordinated on the command's behalf was a media -- onsite media
6 interview there. And we did meet the chaplain who was there, as
7 well, for the children to kind of sync with him. So then Captain
8 Stevens did a media interview there at Town Point Park.

9 Q. What was the name of the chaplain? Was it a Coast Guard
10 chaplain or lady chaplain?

11 A. It's -- yes, yes. It's -- he's a Coast Guard chaplain. His
12 last name -- I can look at my phone and I can get that spelling
13 for you. Gilliam. I always butcher the name of it. But it's
14 Lieutenant Commander Gilliam. If I need that spelling, just let
15 me know.

16 Q. So you spoke with Lieutenant Commander Gilliam when you got
17 on scene?

18 A. Yes, sir. I did.

19 Q. And what did he do (indiscernible)? What was his role and
20 what did he say, I guess, about the event after --

21 A. We -- I did not -- I wasn't in the conversation for him to go
22 to Town Point Park but I understand his role really was to be able
23 to receive maybe the children and see was there, you know,
24 additional crisis comms that needed to happen and things -- and
25 what he relayed to me was that the children who came off the

1 platform and came off the *Spirit of Norfolk* were in good spirits.

2 Q. But so he did -- but he did -- he was able to speak with, I
3 guess, guests and children? Is that correct? Or -- I mean --

4 A. I --

5 Q. -- get a sense of what he did when he was there?

6 A. I don't know if those were observations or he talked --
7 that's just what he relayed to me.

8 Q. I see.

9 A. All that had been concluded by the time I got there.

10 Q. When you say concluded, what do you mean by that?

11 A. There was no passengers from the *Spirit of Norfolk* at Town
12 Point Park anymore. They had -- everyone had departed. So I did
13 not observe that.

14 Q. Got it, got it. And I may have misunderstood but did you say
15 that you did participate in a media event while you were there at
16 Town Point Park?

17 A. Captain Stevens did. I did not participate in it. I
18 observed it.

19 Q. You -- I think I heard you say that you weren't sure when you
20 arrived at the Navy base the afternoon of the incident -- do you
21 -- I mean, do you have any idea like when you got there in the
22 afternoon?

23 A. I -- approximately 15 to 1600. Actually, I -- now I -- we
24 held a conference call, I believe, at 1600. And I took that
25 conference call from Naval Station Norfolk. And I believe I just

1 arrived shortly before that.

2 Q. And I think you described the scene, the vessel, there was
3 actual firefighting, I guess, the vessel and shore. And the
4 vessel was listing to port. Is that correct?

5 A. Yes, sir.

6 Q. Lieutenant Commander Poulin -- when she provided comments
7 (indiscernible) she relayed, I guess, at a point in time in the
8 firefighting efforts were, you know, apparently a firefighter had
9 opened a door onboard. There was a reflash and at that point, the
10 vessel began to list. Do you have a sense of that? Were you
11 there when that happened? Did you hear people talk about that?
12 Is that something that was discussed as a part of the unified
13 command or Incident Command?

14 A. I was not there when it happened. I was relayed that that
15 had happened. And then that the unified command was then
16 discussing what would be an appropriate plan to get personnel back
17 onboard. So that had occurred -- I was not on the pier when that
18 happened.

19 Q. So that was before you had arrived on scene?

20 A. That's my understanding. Um-hum.

21 Q. Then like what was relayed to you about what happened?

22 A. It -- very similar to what Captain Poulin described is that a
23 firefighting team went in and opened a hatch to the vessel and
24 that there was -- they were met with a force whether it be fire
25 (indiscernible). And the person -- and the individual had like

1 fallen down. I don't know -- and then they were evacuated by the
2 team. That's the extent of my knowledge on it.

3 Q. When you arrived on scene, can you maybe describe who was in
4 -- if you know -- who was in charge of the firefighting efforts
5 or, I guess, who would you describe as being sort of in command of
6 the incident when you arrived on scene?

7 A. Sure. We had -- when I was -- when I first did arrive, we
8 did have Naval Station Norfolk's firefighting, as well as the city
9 of Norfolk's fire. And they later departed. So they had two fire
10 departments kind of working, as well, on it. And then we had
11 Captain Stockwell coordinating with those entities.

12 Q. The -- at the time that you arrived, has the unified command
13 -- or had the Incident Command sort of been -- was there Incident
14 Command structure or was there an incident commander that had been
15 designated?

16 A. We had Captain Stockwell in there working as part of like the
17 unified command. And they were -- I -- as far as like formalizing
18 it on Incident Command system paperwork, no. That had not
19 occurred yet.

20 Q. And you commented that there as no pollution in the water and
21 no -- I guess no observed pollution while on scene?

22 A. That's -- I did not observe any pollution and I can check my
23 team's notes. I don't recall there being pollution observed
24 throughout the incident in the waterway.

25 Q. You also stated that you were part of the, I guess, ESA

1 consultation process.

2 A. Yes, sir. The division was.

3 Q. When were you part of the ESA -- I'm sorry?

4 A. I'm -- I did not do the ESA consultation process. I had
5 already departed for Harborfest but working -- ensuring the
6 incident response department head was -- ensuring that that did
7 occur. Lieutenant Pope with Alicia Cooke (ph.) from the DRAT
8 worked together to make sure that the ESA consultations were
9 submitted.

10 I was there when we did an informal ESA consultation of
11 calling like the -- Frank Sulac (ph.), John Nelson who is the
12 department of interior and kind of discussing with them what has
13 occurred and getting trajectories and items like that. But the
14 formal ESA consultation process, I was not part of the Incident
15 Management team. Lieutenant Pope.

16 Q. What were they helping on?

17 A. It's a consultation under the National Contingency Plan with
18 the services to ensure that response efforts don't impact
19 endangered species. And it will give back best management
20 practices for that efforts.

21 Q. I guess it was -- I guess it -- and so was there boom in the
22 water? Was there -- I thought you said there was no pollution or
23 anything in the water and nothing was observed.

24 A. Correct, sir. We would do that even with the potential for
25 the response over it. I was not there when there was boom in the

1 water. I do understand that boom was later deployed when it was
2 safe to do so.

3 MR. DENLEY: Thanks so much for your time. I appreciate it.

4 MS. ELFGUINN: Yes, sir.

5 MR. DENLEY: I don't have any other questions.

6 MS. ELFGUINN: Yes, sir.

7 BY MR. KARR:

8 Q. This is Mike Karr with the NTSB. With regard to the park,
9 I'm asking you as a response chief if you can tell me what you
10 heard was how the passengers were -- was someone responsible for
11 coordinating the arrival of the passengers and accountability?
12 Was somebody in charge of that site?

13 A. I did not observe any of that. The Coast Guard's rule too
14 for the search and rescue -- Lieutenant Commander Poulin was the
15 search and rescue mission coordinator and did work with the
16 partners and dispatch resources and the good Samaritan platforms
17 that came across. But I did not observe like a family reunion or
18 the teacher reunion.

19 Q. Well, I'll ask you this. Did you hear who was in charge of
20 that site?

21 A. I did not.

22 Q. That's fine.

23 A. I was (indiscernible). Yeah.

24 Q. Then next question I'm going to ask you about is can you
25 describe the scene when you arrived there about 1600 on that first

1 day? You know, we talked about -- we asked you who was in charge.
2 I mean, where were their headquarters? Where were they standing?
3 How did they interact? I mean, did they have a trailer or were
4 they --

5 A. The fire chief Incident Command were -- they had SUVs right
6 there on the pier and we were bringing in the Port of Virginia's
7 marine -- we call it Marine Incident Response Team. Their mobile
8 command post came in. I don't recall the time that that -- the
9 command post arrived. But that turned into the space for the
10 unified command and the Incident Management Team.

11 Q. Did that arrive while you were there on your first day?

12 A. Yes, it was there the first day. I don't recall what time it
13 arrived.

14 MR. KARR: That's it.

15 MS. EMMONS: Commander?

16 BY MR. ROY:

17 Q. Do you have any documentation or have you seen any
18 documentation that says who was in each of the Incident Management
19 Team positions?

20 A. I have not. And I don't have that since I departed on it. I
21 do not have that.

22 Q. But you haven't seen anything or you -- haven't come across
23 your desk or anything that you've heard of that has -- who was in
24 what position, their names, and what their positions were?

25 A. No. None of that was routed through me. Um-hum.

1 Q. Have you seen any notes or any other documentation for the
2 Pollution Response other than what's in missile or what's in the
3 other (indiscernible) traffic that's in --

4 A. So the FOSCRs would have notes that inform the Pollution
5 Response -- the pollution report. So documentation for them is
6 the missile case. The pollution report. And they will have the
7 IRAT which -- incident -- oh, goodness. I'll have to get you that
8 acronym. I'm sorry. It's a funny acronym. But -- and they have
9 not completed that documentation yet.

10 Q. And who is doing that documentation? Is that the strike team
11 or is that the sector?

12 A. It'll be the sector under the Incident Management Division.

13 Q. Did Captain Stevens -- are you aware of Captain Stevens ever
14 taking over as part of the UC or as -- you know, was it always
15 Captain Stockwell?

16 A. As far as I know, it was Captain Stockwell.

17 MR. ROY: That's all I got.

18 MS. EMMONS: Any other follow-up questions for anyone?

19 MR. KARR: Yeah, I'll ask --

20 MS. EMMONS: Yes, sir, Mr. Karr.

21 MR. KARR: The incident went on for -- how long was Captain
22 Stockwell the incident commander? I mean, did she ever go home or
23 is she still the incident commander even if she goes home?

24 MS. ELFGUINN: So I do know that -- I don't know what her
25 schedule was when I left in the two days. I -- Captain Stevens, I

1 know, was taking calls as the -- as the captain of the port and in
2 the overnight, as well. But I don't know what her schedule was
3 when I departed for Harborfest.

4 MR. KARR: Thanks.

5 MS. EMMONS: Anyone else on the line? Any questions? Okay.

6 MR. DENLEY: I don't have any questions. I don't have any
7 questions for the Commander. But I didn't know if there would be
8 an opportunity to discuss our request of (indiscernible) before
9 the next interview? And we can do that offline or --

10 UNIDENTIFIED SPEAKER: Yeah, that's fine.

11 MS. EMMONS: Okay. We'll do that offline. We'll go ahead
12 and conclude the interview. It's 1:46 p.m.

13 Thank you, Commander for your attendance.

14 I'll stop the recording.

15 (Whereupon, at 1:46 p.m. EST, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 8, 2022
Interview of Erica Elfguinn

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, Virginia

DATE: July 14, 2022

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.



Katie Leach
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: CHRISTIAN MARTIN, Passenger
Spirit of Norfolk

via Microsoft Teams videoconference

Thursday,
July 14, 2022

APPEARANCES:

KEITH FAWCETT, Investigator
United States Coast Guard
District 5

RANDY WADDINGTON, Commander
United States Coast Guard
District 5

KAREN LEE, Lieutenant Commander
Legal Advisor
District 5

MICHAEL KARR, Investigator
National Transportation Safety Board

CHRISTOPHER ABEL, Attorney
Wilcox Savage Law Firm
Bay Diesel

MAGDALINE GALITOU
Attorney for Captain Neto
Phelps Dunbar

ERIC DENLEY
Spirit of Norfolk

ALAN M. WEIGEL
City Cruise and Hornblower Group

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I N T E R V I E W

(4:13 p.m. EST)

MR. FAWCETT: Which is a public facing site. Eventually, usually it takes three or four weeks to get transcripts produced. So if you would for the record acknowledge that we are taping this interview.

MR. MARTIN: Okay. Just say like I recognize that we're taping it?

MR. FAWCETT: Yeah, that's great.

MR. MARTIN: Okay. Okay.

MR. FAWCETT: And just for -- since your wife is with you, would you acknowledge that we're taping this interview, ma'am?

MRS. MARTIN: Yes, you're taping the interview.

MR. FAWCETT: Okay. Great. So we're going to introduce who's on the phone call, and I'd like everybody to state their name and their affiliation, and then spell their last name, and I'll start with myself.

I'll start with myself, and then I'll go through the people on the call, and then we'll go with you, Mr. and Mrs. Martin, so my name is Keith Fawcett from the United States Coast Guard. That's F-a-w-c-e-t-t, and I'm a member of the District 5 Coast Guard formal investigation team. Mr. Karr?

MR. KARR: I'm Michael Karr, K-a-r-r, with the National Transportation Safety Board.

MR. FAWCETT: Mr. Denley?

1 MR. DENLEY: Yes, this is Eric Denley. It's D-e-n-l-e-y, and
2 I'm with City Cruises and *Spirit of Norfolk*.

3 MR. FAWCETT: Mr. Abel?

4 MR. ABLE: Yes, this is Christopher Abel, A-b-e-l, of the
5 Wilcox, Savage Law Firm representing Bay Diesel.

6 MR. FAWCETT: Counsel for Captain Neto (ph.).

7 MS. GALITOU: Magdalini Galitou, G-a-l-i-t-o-u, with
8 Phelps Dunbar.

9 MR. FAWCETT: Mr. Weigel? We have Mr. Weigel with us,
10 W-e-i-g-e-l, and in the room with me are Commander Randy
11 Waddington,
12 W-a-d-d-i-n-g-t-o-n. He is not participating in the interview,
13 and we have Mr. Travis Taylor, T-a-y-l-o-r, a member of the
14 Coast Guard investigation team.

15 And, Mr. and Mrs. Martin, would you please state and spell
16 your name for the record?

17 MR. MARTIN: Yeah, my name is Christian Martin. Do you need
18 the spelling of the first name or just last?

19 MR. FAWCETT: Just last name, please.

20 MR. MARTIN: Okay. M-a-r-t-i-n.

21 MRS. MARTIN: Katlyn Martin, M-a-r-t-i-n.

22 MR. FAWCETT: Thank you all. Did I omit anybody?

23 MS. LEE: This is Lieutenant Commander Karen Lee, legal
24 advisor for the formal investigation board also on the phone.

25 MR. FAWCETT: Thank you, ma'am. So today is July 14, 2022.

1 The time is 4:13 p.m. Eastern Time. We're conducting an interview
2 with Mr. Christian Martin who was a passenger aboard the *Spirit of*
3 *Norfolk* on June 7, and the location is a telephonically by Teams
4 Meeting.

5 We are conducting this interview to determine the events
6 surrounding the fire and subsequent total constructive loss of
7 the excursion vessel, *Spirit of Norfolk*, which occurred on
8 June 7, 2022 in the Norfolk Harbor.

9 Just so you know what happens here, Mr. and Mrs. Martin,
10 interviews are kind of fluid, and things can change over time, so
11 if you know any changes for your testimony of if you want to
12 modify or retract anything, if you'll let the investigation know
13 through an email address which I'll say at the end, we'll make
14 sure that everybody on this phone call that gets a record of any
15 changes, or additions or modifications.

16 And then eventually we're going to publish a report of
17 investigation and if you see that report, and you say, wait, I
18 have new information, or something is substantially different than
19 it appear in the report, you can also notify us and we'll make a
20 determination whether or not to update or change the report. And,
21 finally, there's an extensive book called the Marine Safety
22 Manual. It's a Coast Guard publication and it's Volume 5, and it
23 explain in great detail how we conduct these investigations, and
24 why we conduct them, so I'd be happy at some other point to give
25 you more information or a link to that.

1 So if everybody would make sure their cellphone's off, we'll
2 commence the interview.

3 INTERVIEW OF CHRISTIAN MARTIN

4 BY MR. FAWCETT:

5 Q. So, Mr. Martin, you have a very important story to tell as a
6 passenger aboard the *Spirit of Norfolk*, and the information that
7 you provide could be critical in understanding what happened on
8 that day which is a very complex day, and I know it was a -- had a
9 big impact in your life. So what I'd like you to do is take a few
10 minutes to sit there quietly and without us interrupting you, our
11 plan is to have you from the -- you know, just imagine you're --
12 it's that day, you're slowing walking up to the vessel with your
13 wife, and you're about to get aboard, and just tell us the entire
14 story in as much detail which will help us recreate that event so
15 that we can figure other aspects of the investigation out. So
16 just take a moment, and when you're ready, just go ahead and
17 begin.

18 A. Okay. So I just want to preface with my memory is not so
19 great at times. And specifically regarding like going up to the
20 vessel, you know, I wasn't really I would say paying attention,
21 you know, because nothing was off to me. So I guess in that
22 regard I didn't see anything that was off.

23 You know, so when we got on the vessel, there was a couple of
24 staff members taking our picture. We went in and we were greeted
25 to sit at a table. You know there was just some waitresses or

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1 waiters I guess giving us drinks. We sat down at tables. You
2 know, everything was pretty normal then. I don't think we had
3 moved -- yeah, well, we didn't move at that point.

4 I can't recall if we went to get food before we left. Did we
5 -- yeah, okay. So I guess we just kind of sat there, waited for a
6 couple people to arrive, and then once we set sail, you know, we
7 were still getting drinks, water and things like that, and then
8 the staff came around, let, you know, a couple tables at a time go
9 get some food. There was a DJ playing some music. Some of the
10 kids would be dancing. There was a lot of kids on this ship, so
11 some of the kids were just dancing around on the little stage in
12 the middle.

13 And then at -- a little bit later, most of us were done
14 eating. My kids wanted to go up -- well, my kids and most of the
15 other kids, wanted to go up on the upper deck, the open deck, so
16 we made our way up there, and, you know, the kids were all just
17 playing the games. There was a foosball table, and a giant Jenga
18 table. My kids were playing with those.

19 We stayed up there for quite some time. Some of the staff
20 was coming around just mostly trying to see if we were wanting to
21 buy our original pictures that we took at the beginning. I saw a
22 couple staff walking around just making sure people were okay, I
23 guess, but -- and then my youngest son was getting bored. He's
24 four. Four at the time. So we went downstairs into -- down to
25 the main deck. Now we never went on the middle deck just to

1 clarify that, so we went down there looking for his mother, my
2 wife who's here with me.

3 We sat down at our original table, waited for her to come
4 back from the restroom and essentially that's when the DJ made the
5 announcement that he needed everyone to go to the upper deck.
6 That was all he said. Yeah, well, yeah, go to the upper deck
7 immediately. He didn't really say what it was. I honestly just
8 assumed that it was some sort of kid thing that, you know, they
9 were trying to surprise the kids with.

10 So I waited a little bit because I knew my wife was coming
11 out of the bathroom, so we were just going to all walk up
12 together. We went -- ended up walking up to the top deck through
13 the side stairwell and as we started walking up, me -- my wife had
14 already noticed a smell, but me and a bunch of the kids -- well, I
15 started noticing a smell, and I heard some kids talking about it
16 smells like popcorn, so as we were walking up the steps, the smell
17 of basically burnt rubber, maybe burnt plastic, that kind of
18 smell, something along those lines, started getting stronger.

19 And then we came out to the upper deck, everyone was standing
20 up there. There was several -- well, I guess -- in the process of
21 us going up, there were several staff members telling us, you
22 know, where to go to the top deck. And so once we got up there,
23 everyone was crowded under the awning where the bar was
24 essentially because there was a lot of black smoke covering the
25 top deck.

1 So I guess we were facing -- the side with the fire was
2 facing towards the wind, so the wind was basically carrying the
3 smoke up the -- up and over the ship onto the deck, so it was
4 quite in our faces, you know, put it that way.

5 But at this point nobody really said what was happening, you
6 know. I assumed it was just some sort of exhaust or something
7 like that. Then I heard someone -- or, no, I didn't, I didn't
8 hear anyone. I saw a couple people leaning over the side looking
9 down to where the fire ended up being, and so I just went over to
10 investigate because, you know, I knew my wife and my kids were
11 safe, so I thought, you know, I'll go check out and see what's
12 happening because at this point no one has told us what's
13 happening. You know, we were all just on the deck.

14 Actually now that I don't think there was a formal
15 announcement that there was a fire. We were just told to go up to
16 the top deck and basically it spread that there was a fire, you
17 know, because there was like 100 people on this top deck.

18 So I went and looked over the edge, saw that there was flames
19 just coming out of a room, flames with black smoke. I believe at
20 this point there was a tug boat. It was either coming in or it
21 was spraying water already, not directly towards the fire, but
22 like parallel to the boat so the wind was carrying droplets of
23 water into the fire. And then I saw one of the staff member
24 talking to a fellow father that I sat with at the table, so I went
25 over there to talk to them and the father had just talked to the

1 employee and the employee told him that the fire was in one of the
2 engine rooms, so they were trying to fight it off, but I never got
3 any discussion from any of the crew. It was just from the other
4 father who had talked to the crew.

5 So do we continue to when we got onto the other ship?

6 Q. Yes, sir, please, just continue your story through the whole
7 process where you just left off, just keep going.

8 A. Okay. Just making sure. Okay. So at this time some of the
9 staff had realized that there was too much smoke, people were
10 breathing in smoke, so they went to investigate if the middle
11 deck, the one that we hadn't gone yet was safe and clear of smoke
12 and clear of fire. At some point someone said that it was so we
13 started evacuating, going down the steps, and the steps towards
14 the main lobby again. But instead of going to the second deck,
15 they kind of just chauffeured us down to the bottom deck where we
16 were started to get -- or they started to hand out life jackets.

17 We never went onto the main deck. We were kind of one of the
18 first people that went down to that open area where you come in
19 and off of the ship. So we got handed a couple of the first life
20 jackets. We were instructed at the beginning how -- I guess I did
21 forget this. We were instructed in the beginning on how to use
22 these life jackets; however, you know we're kind of thinking that
23 that stuff will never happen so, you know, it wasn't engrained in
24 my memory how to use them, but luckily one of the ladies that
25 worked on the ship was able to put a life jacket on our son --

1 sons, and then we could end up putting them on ourselves.

2 So -- and then we kind of just waited there. Someone told us
3 that a ship was coming. There was a nearby ship and we were going
4 to off board onto that ship. I don't remember how long it passed,
5 but we kind of just waited in the little area like at the bottom
6 of the steps, and this other vessel came up, pulled next to us.
7 It looked like they tied on. They tied on somehow. I wasn't
8 really paying attention to how that happened, but they were
9 somewhat close, and then they started -- they were close enough
10 that an adult could get over to the other boat, but there was a
11 significant crack between the ships, so it made it a little
12 nervous for me when I was having to pass over my son, so we
13 started -- some of the other adults started climbing out to the
14 other ship. It came to me passing off my four-year-old to someone
15 that I have no clue who they were, and I was a little freaked out
16 about how big the gap was. My wife was there essentially freaking
17 out about the same thing, and somehow they ended up moving the
18 boats a little closer. I did, afterwards I did see that there was
19 another tug boat that looked like it was pushing the ship, the
20 ship we were off boarding onto into the *Spirit of Norfolk* so I'm
21 assuming that's how the ships got closer.

22 So they got a little bit closer. I handed my son over. I
23 got over, and then, you know, we all crammed into the -- I can't
24 even remember the other ship's name, but we crammed into there.
25 The other staff was, you know, just telling us to sit anywhere we

1 could, making sure that everyone got in, and, I mean, then after
2 that, you know, as soon as everyone got on board, we just pushed
3 off and sailed back home and got into the harbor and then the
4 people originally on that ship left before us, and then we were
5 finally able to leave.

6 Nothing really -- there was not really an interaction with
7 many of the crew. I mean, I talked to some of the crew on the
8 ride back to the dock, but nothing to essential, so, yeah, that's
9 essentially end to end of what happened.

10 Q. Thank you very much. I have some -- this is Keith Fawcett
11 with the Coast Guard, some follow up questions. You mentioned
12 getting on board the *Victory Rover* which was the vessel that you
13 evacuated on board to. Did someone go around and take a head
14 count to make sure that you and your family and the other
15 passengers from the *Spirit of Norfolk* were accounted for?

16 A. Yes. Well, was it a staff or was it just -- okay. Yeah, it
17 was -- I remember some of the parents counting, but, yeah, a staff
18 member went around counting to make sure that everyone got off
19 board.

20 Q. And when you saw a staff member, are you talking about a
21 staff member that had been aboard the *Spirit of Norfolk*?

22 A. Honestly I couldn't tell you. I don't remember that much,
23 you know. I was still in the recovery phase I guess, but I
24 remember it was someone that I didn't know. And, you know, they
25 looked like they knew what they were doing.

1 Q. And then going back to the story that you told and, you know,
2 you had very good detail, when you -- you repeatedly say staff.
3 So when you say staff, are you talking about anybody that worked
4 on *Victory Rover*? There are two kinds of crew. There is vessel
5 crew and then there's kind of waiters, waitresses, bartenders,
6 DJs. Was that sort of an all-inclusive thing or are you speaking
7 about like the crew that operated the actual vessel?

8 A. I don't really remember being seeing a real difference, but
9 the crew that I remember was mostly like waiters and things like
10 that, not like ship captains or anything. Well, not the ship
11 captain, of course, but like people manning the boat. I don't
12 know what you would say for that, but, yeah --

13 Q. Well --

14 A. -- that I'm referring to.

15 Q. Yeah. I don't know this detail, so I'm going to just based
16 on another conversation, do the crew, do the wait staff, do they
17 wear like black uniforms and maybe a boat crew person wear like
18 khakis and a white shirt and shoulder boards or --

19 A. Yeah.

20 Q. -- is there anything like that?

21 A. Yeah. It was mostly the people in black pants that were
22 helping us.

23 Q. All right. So you also mentioned the safety briefing where
24 they told you how to put on the life jacket. Could you, as you
25 recall, give us some detail about when that happened and what that

1 was like for you as a passenger?

2 A. It was after we had gotten the okay that everyone that was
3 coming was on board, because we -- specifically our school was
4 waiting on someone, but, anyways, once we realized that everybody
5 that was going was on board, that was when they did it, before we
6 shipped off or anything like that, but it was right then.

7 As far as the actual demonstration, there was one of the wait
8 staff that looked like -- that was demonstrating putting on a life
9 jacket. It kind of just reminded me of the same spiel that the
10 staff on a plane gives you when you take off, so it was one of
11 those things that it was kind of like in the background for me.
12 I'm used to seeing it, and I thought I know how to put on a life
13 jacket, so I'm not really going to put my full attention to it, so
14 it wasn't necessarily that they weren't making it well known that
15 they were doing it, if that makes sense.

16 Q. Did they use the public address system so that all the
17 passengers could hear it loud and clear or did they just sort of
18 yell it out to the crowd?

19 A. I want to say they used a -- there was some sort of
20 microphone. They weren't just yelling, but I wanted to -- it
21 might have been the one the DJ was using, so I don't think it was
22 like a ship system. It was more of like speakers.

23 Q. And in that briefing in addition to, you know, demonstrating
24 how to put on the life jacket by actually trying to show you how
25 to put it on, do you recall if they mentioned anything about what

1 to do with children if they had to put on life jackets?

2 A. I don't recall, no.

3 Q. And did they talk about more than that? Did they say, for
4 example, that in case of emergency we will tell you where to go?
5 Did they say you will hear an alarm, like -- something like that?
6 Could you describe how they talked about something other than just
7 life jackets?

8 A. I really only remember the life jacket discussion. I don't
9 remember them -- I mean, I could speculate and like maybe -- no,
10 not even do that, but I think it's kind of just engrained in me
11 that if an emergency happens, the staff will tell me where to go,
12 but I don't really remember them saying that nor anything about an
13 alarm.

14 Q. Shifting to the emergency, did you hear any alarms, and even
15 subtle ones like buzzers or sort of a ringing of a bell or
16 anything like that during the time the emergency started?

17 A. No. The only reason I even knew to go up to the upper deck
18 was because the DJ said so. And, I mean, I wasn't like one of the
19 last people to leave, but nobody was really like forcing us to
20 leave if that makes sense. I mean, I was sitting there for
21 probably 30, 40 second waiting on my wife, so, again, I -- the way
22 it was presented to me was almost like they just wanted all the
23 kids together to like do some fun on the excursion or something.

24 Q. So once the, you know, once the emergency started, did you
25 see anyone on board the vessel which you described as staff get

1 out or use any firefighting equipment, like fire extinguishers or
2 run out a fire hose or anything like that?

3 A. No. I mean, we were all on the top deck for, you know, the
4 majority of it. I know the fire was -- I'm pretty sure it was on
5 the bottom, one of the bottom decks, so we were, you know, at
6 least a level away from it, but, no, I didn't see anybody.

7 Q. And I think you said in you recounting that it wasn't until
8 your reached the upper open deck where some of the passengers had
9 clustered under the awning before you saw or smelled smoke?

10 A. Before I saw smoke. As we were walking up the steps I could
11 smell some rubber or plastic burning, but I couldn't tell what it
12 was It -- since there was cooking on board, I almost thought it
13 was like one of the chefs ended up burning something, you know. I
14 didn't think it was anything major, did not think that I had
15 anything to do with while we were going upstairs, although the
16 higher we got, the stronger the smell got, you know, because we
17 were getting to the open deck area, but, yes, there was only smoke
18 once we got onto the deck, but the smell happened as we were
19 climbing the stairs.

20 Q. And when you ventured over and looked over the rail and you
21 saw flames, you described it as flames and black smoke.

22 A. Um-hum.

23 Q. Can you describe like the intensity of the flames? Were
24 there like just occasional tongues of flame or was there a
25 constant flame? Can you describe the flame as descriptively as

1 possible?

2 A. So it was -- it looked like it was coming out of a single
3 window. It was pretty much a constant flame, and it almost
4 reminded me of like when you see racing accidents and there's like
5 the car's on fire, but it was constant flames, there was no
6 flickering or anything. The only thing that was really flickering
7 might have been the amount of smoke that came out, and it was
8 pretty much like the solid black smoke coming out, so, I mean,
9 that was kind of all I could see. The smoke was predominantly
10 everywhere and, you know, I didn't want to -- I didn't want to
11 spend too much time away from my kids, but --

12 Q. So while you were on the upper deck, did you happen to notice
13 a large ocean going ship approaching your position?

14 A. A large ship? No. I saw a couple tug boat, you know, like a
15 couple smaller boats that looked like they were just -- they ended
16 up coming to provide water is all it was really.

17 Q. And once you -- once -- and I'm almost to the end of my
18 questions. I just have one or two more. Once you got the life
19 jackets out, how difficult was it for you to put the life jackets
20 on for you, and then I'd like you to talk about how difficult or
21 easy it was to put the life jackets on your -- did you have one
22 child or it sounds like you had more?

23 A. I had two. I had an 11-year-old and a 4-year-old.

24 Q. Okay. How about you putting on your life jacket?

25 A. Well, I put mine on last, so I did that after I already knew

1 how to put it on, so it was pretty easy for me, but it was kind of
2 confusing to put on my child simply because I didn't know like
3 where the strap went or really how to tighten it. It was
4 different than most life jacket's I'm used to, so -- but the --
5 once the staff -- once one of the waiters, waitresses near us had
6 hers on, she started helping us, showing us how to do it and stuff
7 like that, and it was pretty easy at that point.

8 Q. Was the life jacket you put on your child, your youngest,
9 your 4-year-old, was that a child life jacket or was that the same
10 size as yours?

11 A. It was a child's one.

12 Q. And did they give it to you, the crew or did you take it out
13 of like a storage area?

14 A. The crew gave it to us.

15 Q. My final question is, you know, we would ask you to do that
16 diagram at some point and send it to us electronically, but did
17 you take any cellphone videos or stills that you might have?

18 A. Yes.

19 Q. I'd like to get those sent to that *Spirit of Norfolk*.

20 A. Okay.

21 Q. I mean, we'll talk about that transparently with the people
22 on this phone call and you can send them to that email address and
23 we just -- we're looking for any images that would show the fire,
24 the evacuation, the routine crew's photos that may even hint at
25 showing smoke or anything like that would be very helpful, but the

1 casual photos of your family on the cruise unless they illustrate
2 something that we might have talked about, we're not interested in
3 those, so that's the end of the questions I have at the moment.

4 MR. FAWCETT: Mr. Karr from the NTSB, if you'll follow,
5 please.

6 BY MR. KARR:

7 Q. This is Mike Karr with the NTSB. Mr. Martin, I have a few
8 questions following up on what Mr. Fawcett asked you. Did you
9 note any unusual sounds before the DJ asked everyone to go to the
10 upper deck?

11 A. No, I will say I was predominantly around kids, and, you
12 know, kids -- younger kids so they were being kind of loud, but,
13 no, I did not hear any unusual sounds.

14 Q. Any other -- any unusual sounds after the DJ told you to go
15 to the upper deck between then and when you left the *Spirit of*
16 *Norfolk*?

17 A. No, nothing that I can recall, no.

18 Q. And what school were -- was your -- were your children
19 associated with that had you on the *Spirit of Norfolk* that day?

20 A. B.C. Charles in Newport News.

21 Q. When you left the vessel, did you say that the gap had
22 closed?

23 A. Yes. Yeah, it was only a handful of people had transferred
24 before I'm assuming the tug boat pushed the two ships together
25 because the -- one of the crew from the other ship was trying to

1 pull a rope. I'm assuming that would have -- whatever it was was
2 holding the two ships together, but that didn't seem to work, but,
3 yeah, it was pretty quickly because we were maybe the third,
4 fourth family that got off, so we were pretty -- we were one of
5 the first people that got off, so they closed that gap pretty
6 quickly.

7 Q. So some people crossed the gap to get off the boat.

8 A. Yes.

9 Q. And --

10 A. Like I said, it was a gap that was, you know, pretty easy to
11 traverse as an adult, but, you know, it was -- but when it came to
12 handing my kid over, I was very uncomfortable with it.

13 Q. Yeah. Can you estimate the width?

14 A. The width? I mean, if we're talking about solely between the
15 ships maybe like two feet at most.

16 Q. All right. Thank you.

17 A. Um-hum.

18 Q. Once you got off the *Victory Rover* at the park, can you
19 describe the process, people you talked to from the time you left
20 the ship until you left the park area?

21 A. I think when we got off someone, I can't remember who it was,
22 I think it was someone from the Coast Guard, was handing out
23 little pieces of paper just to get our contact information which
24 I'm assuming is how you guys got mine, and some of the people were
25 filling out the forms, some weren't. I mean, I just went over and

1 filled it out with one of the other fathers. I mean, that was
2 about it. We didn't really talk to many of the other people. We
3 were kind of just wanting to get our kids and get out of there. A
4 news crew approached us for an interview, but, you know, we just
5 wanted to leave, so we left. But there wasn't much really
6 interaction between us and anyone else.

7 Q. Did anyone at the park --

8 A. But let me -- go ahead, I'm sorry.

9 Q. Did anyone at the park take your name or account for you like
10 taking roll?

11 A. No. No, so once we got off the ship, that was it. Yeah, I
12 don't remember anyone going around counting or anything like that.

13 Q. All right.

14 A. The only person I interacted with was the Coast Guard lady
15 who gave me the piece of paper and I handed it back to her.

16 Q. When you were on the *Victory Rover*, did your school
17 coordinator make sure that -- did you speak to the school
18 coordinator and did she -- or did he or she make sure that all the
19 people that your school brought were accounted for?

20 A. Yes. Yeah, we had multiple parents that kind of organized
21 this whole thing, and they were all checking and making sure that
22 everyone got on board.

23 Q. And how did they -- can you just briefly describe how they
24 did that?

25 A. I mean, for me they came up and asked me or conversed with

1 me. I guess they weren't directly asking me, but they saw all the
2 kids. The kids that didn't have parents, they were making sure
3 that those kids were on there. I mean, most of these -- the two
4 people that I can think of that were from B.C. Charles knew most
5 of the kids, you know, so they could kind of just look around and
6 tell that the kids were there. It wasn't like a -- at least I
7 didn't see anyone with a piece of paper like marking off to make
8 sure physically everyone was there. But I did think, I do think
9 that they did have a count, so, I mean, they could have made sure
10 their count was ready.

11 Q. Did you have any other personal interaction with crew members
12 -- this was after the emergency occurred. Did you have any other
13 personal interaction with crew members other than when they
14 assisted you with the life jackets?

15 A. Yeah. So we were all kind of huddled in the entrance where
16 the ship was. There wasn't a lot of seating, so most of the kids
17 were sitting down, but I was talking to the DJ and a couple of the
18 waitresses, but it was more of a can you believe what happened
19 kind of conversation, and that was about it. It wasn't anything
20 like formal or anything.

21 Q. You mentioned you were familiar with life jackets. Just
22 briefly describe your familiarity. Are you a boater?

23 A. Not really. I've been on a couple of boats, but I've just
24 been around life jackets for my kids in swimming pools, but, I
25 mean, that's no -- it's like those little, just a vest that clip

1 in the front. Oh, oh, from my water parks and such. When you
2 take your kids to water parks, they make you wear these vests.
3 There's just a couple buckles in the front and then a strap that
4 goes underneath their legs. Those are the only real life jackets
5 that I've been acquainted with.

6 Q. And last question, is -- when you looked at the fire, what
7 color was the flame?

8 A. It was an orange.

9 Q. All right.

10 A. Bright orange.

11 Q. Thank you, Mr. Martin.

12 MR. KARR: That's all I have, Mr. Fawcett.

13 MR. FAWCETT: Thank you, sir. Now we'll go to Ms. Galitou
14 with Phelps Dunbar for Captain Neto if you have any questions,
15 ma'am.

16 MS. GALITOU: No questions, sir. Thank you.

17 MR. FAWCETT: Thank you. Mr. Abel for Bay Diesel?

18 MR. ABEL: Yes, I have no questions. Thank you for your
19 cooperation, sir.

20 MR. FAWCETT: Mr. Denley with Hornblower?

21 MR. DENLEY: Yeah, thank you.

22 BY MR. DENLEY:

23 Q. I do have a couple of questions, and I'd just like to start
24 by, you know, thanking you for participating and just passing
25 along how sorry we are that you had this experience on board the

1 *Spirit of Norfolk*. The -- I think you described to Mr. Karr when
2 he was asking you the gap between the *Spirit of Norfolk* and the
3 *Victory Rover* I guess before the gap was closed, you said it -- I
4 think I wrote down it was two feet at most. Can you say what the
5 gap was after they closed it? Do you have an estimate?

6 A. It was something like -- I mean, you couldn't really put your
7 foot in between the ships, so it was much tighter.

8 Q. Okay. So just to be clear, the gap was close enough so that
9 you couldn't put your foot in between it?

10 A. Yeah.

11 Q. Okay. I'm sorry, I didn't mean to cut you off.

12 A. Oh, no, I was just reiterating that it was maybe about a
13 couple inches at most.

14 Q. When you -- kind of going back when you went up from the -- I
15 guess the main deck up to the outside deck where the smoke was,
16 could you maybe estimate like how long it was between when you got
17 up there and when the crew started to take you down to the below
18 decks when they went to check to see if there was some on the
19 lower decks?

20 A. I mean, it wasn't a short time. Okay. Well, my wife is
21 telling me that she has time stamped images from all of it, so we
22 could go back and look to see actually how long it was, but --

23 Q. Yeah.

24 A. -- it wasn't a long time, but it wasn't a short time either.
25 Like I had time enough to make sure my kids were okay, make sure

1 that one of my friends and his kid were okay, walk over, look at
2 the fire, walk around a bunch of people looking at the fire again,
3 talk to a father, go on the other side of the boat and then walk
4 back, so, I mean, I at least did a full -- I mean, I'm not saying
5 the ship's big, like it wouldn't take that long, but I at least
6 walked around the entire upper deck at least once and we still had
7 a, you know, good 5, 10 minutes kind of just standing there
8 waiting. But we can get a more -- a clearer, or like an actual
9 number for you when we go back and look at images and send them --

10 Q. Okay.

11 A. -- to you guys.

12 Q. Thank you. Once you went down below deck, once you got off
13 that open deck, was there smoke down in the lower decks, and was
14 there smoke in the area that you were kind of waiting to get
15 across to the other vessel?

16 A. No. Not that I -- no. I mean, if there was, it was nothing
17 that I could even breathe in, so, but, no, I don't recall
18 anything.

19 Q. Okay. Were you or was anybody injured? Were you or your
20 family injured at all when you went from one vessel to the other?

21 A. No. No, the only thing was, you know, everybody got soaked,
22 but --

23 Q. And why did they get soaked?

24 A. It was mostly the tug boats for -- or I don't know if they're
25 tug boats. They're smaller boats that have like two people on

1 them that were spraying water. Several of them were spraying
2 water from different areas, and the wind was just carrying the
3 water. That was pretty much why.

4 Q. Did -- are you aware of anybody that was there, anybody that
5 was part of your group, were you aware of anybody in that group
6 that was injured as a part of this process?

7 A. No, I am not.

8 Q. And how about -- you and your family, I know that you -- you
9 know, the smoke was thick up on the top. Any issues since this
10 incident with the smoke?

11 A. No, not that I could definitively say. No.

12 Q. Okay. And then kind of going back, as you were kind of
13 waiting, you know, you went to the third deck or the open deck,
14 and then you went back down, could you generally describe the
15 scene? Was there panic? Maybe just kind of describe the scene
16 from your perspective.

17 A. We were in the -- like the -- yeah, the doorway, the doorway
18 at the bottom of the steps. There was a lot of people there, so I
19 mean we were pretty crowded, like side-by-side. Nobody was really
20 like panicking per se, and most of the crew was focused on getting
21 life jackets to the people that were there. I didn't see how they
22 were getting life jackets to everyone else, but the like 10 or 12
23 people that were in that little doorway, they were focused on
24 getting them life jackets, but I couldn't see any panic.

25 Q. If --

1 A. I mean, other than, you know, we're in an emergency, that
2 kind of --

3 Q. Right.

4 A. -- situation.

5 Q. Yeah, right. I mean, given the -- kind of given the
6 situation like you said, I mean, given the fact that it was an
7 emergency situation and understanding that you can only speak to
8 what you saw, did you feel like the crew members that were around
9 you were attentive to you and your family?

10 A. Yeah. Yeah, the lady that ended up helping us put the life
11 jacket on, I never formally asked her for help. She could just
12 tell that I was having trouble putting the life jacket on and told
13 me how.

14 Q. Well, thank you.

15 MR. DENLEY: I don't have any more questions.

16 BY MR. FAWCETT:

17 Q. You know, the subject came up -- is Mr. Fawcett with the
18 Coast Guard -- about your wife sitting there with you. I would
19 say that if she thinks that she has substantially additional
20 information or something different than what you said, if she
21 could just send us an email and we'll think about whether or not
22 to conducted another interview. If that works for you, Mr. and
23 Mrs. Martin?

24 A. She's sitting here shaking her head saying that she has a lot
25 more details, so --

1 Q. Okay. Well, that would be helpful. I think with your
2 permission we'll schedule an interview with her. But if you could
3 send -- yeah, if you could send the photographs to the email
4 address that I sent you, spiritofnorfolk@uscg.mil with the
5 diagram.

6 And in closing, Mr. Martin, you know, you went through a
7 significant event, and you've had some time to think about it, and
8 I'd like to give you the opportunity to share with us like based
9 on your experience what could be done better to help people in the
10 same situation? If you want to share thoughts, that's great. If
11 not, I understand.

12 A. I mean, at least -- well, we were kind of left in the dark a
13 little bit about what was happening. It wasn't really until I
14 went and investigated that I could tell that there was a fire. So
15 I mean it would kind of -- you know, it would be nice to know that
16 like there's a fire, we're trying to evacuate onto a different
17 boat. Like no one really said these things. It was kind of like
18 a crew member might have said it to someone else, and then somehow
19 it got all relayed. Like it was like the telephone game. There
20 wasn't like someone on a PA saying, you know, there's a fire,
21 another ship is coming to evacuate us. It was, I don't know, it
22 was kind of just like follow the herd kind of thing and we
23 eventually got off. So definitely more clearer communication. I
24 mean, I understand at some points, you know, the crew themselves
25 don't really know what's going on, but once they know, you know,

1 it'd be nice to tell it to everyone, but that's the biggest thing,
2 I think.

3 Q. All right.

4 MR. FAWCETT: So in closing, we're going to get some
5 photographs when you can, and we're going to get the marked up
6 diagram. And, then, Mrs. Martin, if you'll just put some comments
7 down, we will consider an additional interview. Your interview
8 today was very helpful and does anybody else have anything to add
9 before we close the interview with Mr. Martin?

10 MR. KARR: Mr. Fawcett, I'd like to ask one more question.

11 MR. FAWCETT: Yes, sir.

12 MR. KARR: Mike Karr with the NTSB.

13 BY MR. KARR:

14 Q. Mr. Martin, when you were waiting to evacuate to the
15 *Victory Rover*, was the side door closed? What I'm -- was it open?

16 A. No.

17 Q. Was there a gate? Was there a line?

18 A. No, there was nothing. It was just completely open.

19 Q. And how -- can you describe how the crew was keeping people
20 from, you know, going outside the vessel or falling overboard
21 before the *Victory Rover* arrived?

22 A. I don't remember the crew doing anything. It was kind of
23 more just, you know, people's common sense not to go near the
24 edge.

25 Q. All right.

1 A. It wasn't like -- no one told us not to go near the edge.

2 Yeah, it was just open.

3 Q. Thank you.

4 MR. FAWCETT: Any very brief follow ups? All right. Thank
5 you very much, Mr. and Mrs. Martin. Thank you for everybody on
6 the call. The time is 5:02 p.m. Eastern Standard Time, and we are
7 turning off the tape recorders and ending the interview with Mr.
8 Christian Martin. Thank you again, sir.

9 MR. MARTIN: Yup, thank you.

10 (Whereupon, at 5:02 p.m. EST, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 8, 2022
Interview of Christian Martin

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams videoconference

DATE: July 14, 2022

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.



Lois D. Rush
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

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Interview of: KATE NEWKIRK, Lieutenant Commander
United States Coast Guard

Norfolk Federal Building
200 Granby Street, #700
Norfolk, VA 23510

Tuesday,
July 12, 2022

APPEARANCES:

LT TOM WHALEN, Investigator
United States Coast Guard

LT HELENA DANIEL
United States Coast Guard
Representing CWO Aaron Wood

KEITH FAWCETT, Investigator
United States Coast Guard

LCDR NICOLE EMMONS, Investigator
United States Coast Guard

CDR RANDY WADDINGTON, Lead Investigating Officer
United States Coast Guard

LCDR KAREN LEE, Lead Advisor
United States Coast Guard

TRAVIS TAYLOR, Traveling Marine Inspector
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I N D E X

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I N T E R V I E W

(8:38 a.m.)

MR. FAWCETT: Commander, if you would acknowledge that we are taping this interview, please.

LCDR NEWKIRK: I acknowledge.

MR. FAWCETT: Okay, and that's Commander Newkirk, right?

LCDR NEWKIRK: Newkirk.

MR. FAWCETT: Thank you very much. So this is a joint U.S. Coast Guard/NTSB investigation and we're operating under the rules of the United States Coast Guard. Today is Tuesday, July 12th, the time is shortly 8:38. We're at the seventh floor conference room of the federal building in downtown Norfolk where the Coast Guard has their offices. We're conducting an interview with Lieutenant Commander Kate Newkirk and we're examining the events leading up to the fire and subsequent total constructive loss of the vessel, the *Spirit of Norfolk*, which occurred on June 7th. Could you acknowledge that you have legal representation here from the Coast Guard?

LCDR NEWKIRK: I acknowledge.

MR. FAWCETT: Okay. And your name, ma'am?

LCDR DANIEL: Lieutenant Helena Daniel.

MR. FAWCETT: Okay, thank you. What I'd like to do is -- we already have yourself, Commander Newkirk, and Lieutenant Daniel. Could we go around the room, please, and we'll do the table first, the first name and then spell your last name for the transcript

1 and then we'll move over to the two Coast Guard officers sitting
2 on the side, so okay.

3 LT WHALEN: Good morning, my name is Lieutenant Tom Whalen,
4 it's Whiskey-Hotel-Alpha-Lima-Echo-November, and I'm with the
5 District 5 formal investigation team.

6 MR. KARR: And I'm Michael Karr, K-a-r-r, with the National
7 Transportation Safety Board.

8 MR. TAYLOR: Travis Taylor, T-a-y-l-o-r, and I'm with the
9 traveling inspection staff out of D.C.

10 MR. STILLMAN: Good morning, my name is Dan Stillman and I'm
11 with the firm Wilcox & Savage, we are here representing party-in-
12 interest, Bay Diesel.

13 MR. FAWCETT: My name is Keith Fawcett, F-a-w-c-e-t-t, I'm
14 with the Coast Guard Investigations National Center of Expertise,
15 and I'm a member of the investigation team.

16 LCDR EMMONS: My name is Nicole Emmons, E-m-m-o-n-s, and I am
17 with District 5, Coast Guard District 5, and I'm part of the
18 formal investigation team.

19 LCDR LEE: My name is Lieutenant Commander Karen Lee, L-e-e,
20 and I'm the lead advisor for the District 5 formal investigation
21 team.

22 MR. FAWCETT: And on the telephone, that are listening in,
23 could you please state and spell your name, the principals only,
24 for the record of the transcript?

25 (Crosstalk)

1 MS. GALITOU: Oh, you can go ahead.

2 MR. SUMP: My name is David Sump, S-u-m-p, with Wilcox
3 Savage.

4 MS. GALITOU: Captain Nadeau, N-a-d-e-a-u, Ryan Nadeau.

5 MR. DENLEY: And this is Eric Denley, D-e-n-l-e-y, with City
6 Cruises.

7 CDR WADDINGTON: Commander Randy Waddington, I'm the lead
8 investigating officer for the D-5 formal investigation. My last
9 name is spelled W-a-d-d-i-n-g-t-o-n.

10 MR. FAWCETT: Okay, thank you, sir. Anyone else on the call?

11 MR. KARR: That was not Captain Nadeau.

12 MR. FAWCETT: No, I know. That was Phelps -- Phelps Dunbar,
13 what is your name, please, for Captain Nadeau?

14 MS. GALITOU: Magdalini Galitou, M-a-g-d-a-l-i-n-i, first
15 name. Last name, G-a-l-i-t as in Thomas-o-u.

16 MR. FAWCETT: All right, thank you very much. So in the
17 Coast Guard, we swim in this ocean of acronyms and it's really
18 tough for the public to understand and this will become a matter
19 of public record, so try to speak in plain language and the same
20 with the questioners, and if we get stuck in an acronym, we'll ask
21 you to describe it. Also, you know, this interview, there's a lot
22 of pressure on and if subsequently you find anything that you want
23 to change, add, modify, you can notify the investigation through
24 your counsel and then we'll share that, that information, with the
25 rest of the team through the party-in-interest process. Also, I'm

1 sure you're aware that the Marine Safety Manual, Volume V talks
2 about the Coast Guard investigation process in great detail, so if
3 you don't understand what's going on, you can refer to that and it
4 will provide some information for you.

5 And then finally, typically, this would be for outside of the
6 Coast Guard, but you can appeal the results of the report of
7 investigation if you have new information or you look at the
8 report of investigation and find there's substantial errors and
9 the Coast Guard will examine that and determine whether any other
10 action needs to be taken. So do you have any questions before we
11 begin?

12 LCDR NEWKIRK: No, sir.

13 MR. FAWCETT: Okay. I'd like to turn it over to my
14 colleague, Mr. Whalen, to ask questions.

15 INTERVIEW OF LIEUTENANT COMMANDER KATE NEWKIRK

16 BY LT WHALEN:

17 Q. Good morning, ma'am. Thank you for coming. So we understand
18 you transferred from Sector New Orleans. Or sorry, Sector
19 Virginia.

20 A. Yes.

21 Q. And while you were stationed at Sector Virginia, what was
22 your position?

23 A. My first year I was an apprentice marine inspector. My
24 second year I flected up to the chief of domestics.

25 Q. Okay. And can you summarize your duties for me as the chief

1 of domestics?

2 A. Yes, I was -- I was in charge of the domestic vessel, the
3 personnel who regulate the domestic vessel fleet.

4 Q. Okay. So you were just in charge of the personnel or was it
5 the vessels themselves?

6 A. Well, I suppose I was in charge of regulating the vessels,
7 the people who regulate the vessels.

8 Q. Okay. What was your area of responsibility within the
9 sector?

10 A. I don't understand the question.

11 Q. So where did your area of responsibility, or AOR, start and
12 stop? What vessels geographically did you guys inspect?

13 A. Any domestic vessels within the AOR of Sector Virginia.

14 Q. Okay. Can you tell me more, more about your background?

15 A. I'm a Coast Guard Academy graduate, I went to the Coast Guard
16 Cutter Dallas for two years and then transferred to Sector New
17 York, I was in vessel traffic services for three years and I did
18 one year in marine inspections in Sector New York. I went to
19 Sector New Orleans for one year as a marine investigator. I did a
20 temporary separation for two years. I returned to the Coast Guard
21 at Coast Guard Headquarters in port security assessments, domestic
22 port security assessments, for four years and then I came here as
23 an apprentice marine inspector.

24 Q. Okay. How many years total marine inspector is that for you?

25 A. Three.

1 Q. Three total. Okay. How long were you stationed here at the
2 sector?

3 A. Two years.

4 Q. Two years. So within Sector Virginia, what's the chain of
5 command? How does that work within the Sector Virginia inspection
6 staff?

7 A. Me up or --

8 Q. From the ground level up, so from your marine inspectors up
9 through the top of the chain of command.

10 A. So I'll take an ensign, if there's an ensign, they -- I would
11 be their supervisor. Do you want according to the OER rating
12 chain?

13 Q. According to the inspections.

14 A. Okay.

15 Q. Inspections routing and/or administrative within the
16 inspection division.

17 A. Okay. So if there's an ensign that's in inspections, under
18 -- over them would be me, if they're in domestics. Above me is
19 the chief of inspections, which is Dr. Zohorsky. Above him would
20 be Commander Meskun, the prevention department head. Above the
21 commander would be the deputy, who's now Captain Britain (ph.),
22 and above the deputy is the sector commander, Captain Stockwell.

23 Q. Okay. And how many total inspectors -- how many inspectors
24 were there -- are there at Sector Virginia?

25 A. I have to --

1 Q. Roughly, how many.

2 A. I'll say 20.

3 Q. Twenty. And then how many would you supervise?

4 A. If I had my org chart I could tell you exactly.

5 Q. A rough estimate.

6 A. I'm trying to think of how many. I think I supervise between
7 15 and 20 and then under Dr. Zohorsky you also have the Port State
8 Control inspectors, which are the enlisted --

9 Q. Okay.

10 A. -- PSS division.

11 Q. Did you do anything with Port State Control or were you just
12 in domestics?

13 A. The only thing I did -- well, I have Port State Control
14 quality. The only thing I did day to day with Port State Control
15 was standing duty. So when I was on duty, that would be funneled
16 through me.

17 Q. Okay. And you mentioned qualifications, what vessel
18 qualifications do you hold?

19 A. I have ports of control and foreign freight. Do you want all
20 preventions quals or just vessels?

21 Q. All prevention quals.

22 A. I have a container qual, a facilities qual, a T-boat qual, a
23 K-boat qual, inspector towing vessel, hull, barge, marine
24 casualty, and enforcement and I believe that's it.

25 Q. Okay, great. And those qualifications, did you obtain any of

1 those here at Sector Virginia?

2 A. Yes.

3 Q. Which ones did you get here at Sector Virginia?

4 A. Hull, barge, K, ITV, and facilities.

5 Q. Is Sector Virginia considered a feeder port?

6 A. Yes.

7 Q. Can you tell me what that means?

8 A. It means a training port, so it will have trainers and
9 trainees.

10 Q. Okay. Is there a marine inspections training officer
11 assigned to Sector Virginia?

12 A. Yes.

13 Q. And how, as the supervisor of -- of the inspectors, do you
14 fall in the qualification process?

15 A. I do not supervise the MINO, the marine inspector training
16 officer. The only way that I fall into the inspections -- the
17 qualification process is if I was a verifying officer for a
18 specific qual and then sitting on the boards.

19 Q. Okay. Are you a verifying officer or were you a verifying
20 officer for qualifications?

21 A. Yes, I had inspector towing vessel and MMT.

22 Q. Could you tell me a little more about the qualification
23 process at the unit? How does it work for -- and somebody who
24 comes in, like an ensign comes in with zero or without any
25 qualifications as an apprentice, how does that qual process work

1 from the beginning?

2 A. So we recently moved over to MIPSA, to Marine Inspection
3 Performance Support Architecture, so now we get a new incoming
4 ensign and we try -- I don't know how in depth you want me to go
5 with this, but we try to group them together. Should I keep
6 going?

7 Q. Yeah, keep going.

8 A. Okay, we try to group them together so that they all start at
9 the same time and they run through all these MIPSA modules, I
10 believe it takes three months, and they're paired with a senior
11 VO, so it would be like one of our warrant officers, and as
12 they're going through these modules they have structured on-the-
13 job training.

14 So they'll work with that VO while they're watching the
15 modules, they're going out in the field to see it in person, and
16 they'll give the sign-off that they did that SOVT (ph.) and then
17 once they've completed with the MIPSA program, then they will
18 begin their qual process of getting -- going out on inspections,
19 getting the PQS signed off from the verifying officers and they'll
20 progress through.

21 Once their PQS is complete, they will -- I believe it was
22 around 90 percent they can request a check ride and the check ride
23 is when they go out on a vessel with a verifying officer, they do
24 the entire inspection, and then the verifying officer says yes or
25 no, whether they're ready to take aboard. Once they pass that

1 check ride, they will sit for a pre-board. At Sector Virginia the
2 pre-board is a longer process with at least two verifying officers
3 and they'll run them through everything and it takes usually
4 around four hours. Once they've passed that pre-board, they'll
5 then go to their final board, that will be the MITO, Dr. Zohorsky,
6 and another verifying officer. And then once they've passed that
7 final board, their qual letter will be routed from the MITO up the
8 chain of command.

9 Q. Okay. Now, that's a newer process, correct?

10 A. The MIPSAs portion is newer, everything else is the same.

11 Q. What process did you go through?

12 A. I did not go through MIPSAs because I went through the old
13 program where you go to the marine inspector course and the Port
14 State Control course.

15 Q. And what is the marine inspector course?

16 A. That was the -- that's the domestic course, to get domestic
17 quals. It used to be at Yorktown, it was a six-week-long course
18 and they did away with both those schools for MIPSAs.

19 Q. Okay. So -- okay. So at Sector Virginia, what types of
20 vessels would the Inspections Division inspect?

21 A. Sector Virginia has USD drafts (ph.), so that would be hull
22 and machinery. We'll occasionally get OSVs, offshore supply
23 vessels. We have barges, we have T-boats. We have inspected
24 towing vessels. I'm trying to think of anything else. And we
25 have the foreign vessels.

1 Q. Okay.

2 A. And fishing vessels, commercial fishing.

3 BY MR. TAYLOR:

4 Q. Hey, Kate, so this is Travis. When did you make a tour?

5 A. February of 2021.

6 Q. Okay, so you're pretty far along in the process, but when you
7 came to Hampton Roads, you took an AMI tour, which is not typical
8 for a senior lieutenant, so can you kind of elaborate on that?

9 A. Yes. I had to take an apprentice marine inspector tour
10 because I didn't have three years as an apprentice marine
11 inspector. You have to have three years and four quals to get
12 OAP-11, which is an officer specialty code that you need to
13 promote. So I had to take that AMI tour to get the time in order
14 to continue to promote in the Coast Guard.

15 Q. So as you worked through that process, were you able to
16 connect what you got from the year in New York and how was that
17 transition inspection-wise as you -- you know, kind of, can you
18 relate sort of what you picked up, because you got your T-boat
19 qual in New York?

20 A. No, I got my --

21 Q. Oh, excuse me. One qual, you got a qual in New York, didn't
22 you?

23 A. I'm sorry, that's my phone.

24 MR. FAWCETT: Yeah, so anybody, just take the opportunity to
25 put their phones on mute.

1 LCDR NEWKIRK: Sorry.

2 MR. FAWCETT: That's all right. That's okay, ma'am.

3 LCDR NEWKIRK: Okay. I got port state foreign freight in
4 New York, I got my T-boat qual in Baltimore when I was at
5 headquarters. I went to MIC when I was at headquarters and got
6 the T-boat qual from Baltimore.

7 MR. TAYLOR: Okay.

8 LCDR NEWKIRK: I'm sorry, what was the rest of the question?

9 MR. TAYLOR: That was just to kind of put the connection
10 together for that set of quals. Thanks, Tom.

11 BY LT WHALEN:

12 Q. Thanks. Okay, so just back to -- back to Sector Virginia and
13 with it being a feeder port and qualification process. Do you
14 ever feel that there was any -- with it being a feeder port and
15 having newer marine inspectors coming up, do you ever -- do you
16 know if there were any issues covering inspections here before?

17 A. No. There's times when it's tight, but we've been pretty
18 good where possible.

19 Q. Okay. Okay, so in your position here, when you were at
20 sector, were you responsible for reviewing MISLE activities and if
21 you can explain to me what MISLE is?

22 A. I don't remember off the top of my head what MISLE stands
23 for.

24 Q. It's an acronym, I don't know the -- remember the name of the
25 acronym, either. I apologize. MISLE is the Coast Guard's --

1 A. I can explain what it is.

2 Q. Yeah. Okay, yeah.

3 A. I don't know the acronym.

4 Q. Yeah.

5 A. It's a database where we collect all -- at least for
6 inspections, we collect all the data on inspections that we've
7 done. The inspectors will go in and write in what they've done.
8 There's different drop-downs where you can put certain categories
9 of things, you put the deficiencies, you put numbers of things you
10 checked, stuff like that, and then you write a narrative of
11 basically what you did on the inspection and then that will go
12 through several levels of review and get sent up to headquarters.

13 Q. Were you involved in the review process at all?

14 A. Yes, I was the second-level reviewer.

15 Q. And what would that entail, exactly?

16 A. Typically, in Virginia, the break-in would do the MISLE case
17 work. It would then be sent, sent to the lead inspector for
18 review. If the lead inspector was satisfied, they would send it
19 to me and then I would put a second-level review or once I was
20 done with the immediate activity, if I had an issue with the MTBO
21 (ph.), I would send it back to the lead inspector.

22 Q. Okay. Now, is this after --

23 (Audio feedback.)

24 BY LT WHALEN:

25 Q. Would this be after the activities are closed or is it still

1 -- is there any level of review while they're still open?

2 A. They're still open.

3 Q. Okay. Did you ever review any annuals or any of the COIs?

4 A. Yes.

5 Q. Okay. Would you approve COIs?

6 A. No.

7 Q. How does that process work at sector, what's the process, who
8 approves them, the different levels of COIs?

9 A. So the COI would be generated by the inspections team and
10 then it would be sent to me for review. Once I was satisfied, it
11 would go to Dr. Zohorsky and once he was satisfied with it, it
12 would go to Commander Meskun, the prevention department head, with
13 the exception of the Tier 1 T-boat COIs which need to go up to the
14 captain.

15 Q. Can you explain a Tier 1 T-boat?

16 A. Tier 1 has been deemed as high-risk T-boat vessels, so it
17 attaches certain higher levels of review to those vessels.

18 Q. Was the *Spirit of Norfolk* a Tier 1?

19 A. Yes.

20 Q. Okay. Now, what about annuals and dry docks? So if there
21 are amendments to the COIs, would those go up to Commander Meskun,
22 as well, or would those be completed at your level?

23 A. No, Commander Meskun. I never approve COIs.

24 Q. Okay. What other type of inspections do inspectors do here
25 at the sector besides annuals, renewals, and dry docks?

1 A. You mean renewals as COI?

2 Q. Yeah, COI renewal or issuance.

3 A. Damage surveys, deficiency check. Oh, quarterly inspections,
4 in-service inspections.

5 Q. Okay. So with regard to like your damage surveys and your
6 deficiency checks, can you explain to me that process? So if
7 somebody -- how do you get to that point of a deficiency check or
8 a damage survey?

9 A. A damage survey will typically come from a duty call,
10 something happened with the vessel and then we will go out, after
11 we get the report, to take a look at what happened. We'll put
12 what we saw in MISLE and put it as a damage survey and then likely
13 there will be an 835 associated with it to correct whatever
14 problem happened.

15 Q. And can you explain what's an 835?

16 A. An 835 is a form that we use to record deficiencies on
17 domestic vessels.

18 Q. Okay. And that's specifically with deficiency checks. So if
19 the Coast Guard deficiency form or 835 is issued to a vessel, how
20 does that follow-up process work?

21 A. Like once --

22 Q. So if an 835 is issued to a vessel, what's the responsibility
23 of the mariner or the company or the vessel, themselves, how do
24 they make notification back to the Coast Guard that it's been
25 corrected or rectified?

1 A. On the 835 we give them a certain amount of time to correct
2 it and before that time is up, it's their responsibility to
3 contact us via phone or e-mail. We have an e-mail address for
4 domestic inspections that we give to them, they'll get in touch
5 with that, and we'll send an inspector back out to look at the
6 problem and say it's corrected or it's not. If it's corrected,
7 we'll clear the 835 in MISLE.

8 Q. Okay. And who monitors that e-mail?

9 A. We have a scheduler, Lieutenant JG Kerwin (ph.), she monitors
10 that e-mail, but it's everyone in the office has that access to
11 it, but she's in charge of monitoring that e-mail.

12 Q. Okay. And then does she schedule the inspector to go back
13 out?

14 A. She does.

15 Q. And is there a policy or a procedure in which she does this
16 or is it -- is there a policy or a procedure in which she
17 reschedules or again, in MMS or mission management system?

18 A. Not that I'm aware of.

19 MR. TAYLOR: Hey, Tom, if I could interject.

20 BY MR. TAYLOR:

21 Q. Kate, so when you consider these deficiencies, you give a
22 time span and some are -- some are operationally attached to the
23 deficiency in that they'll have a certain amount of time to
24 correct or there's going to be a restriction. Can you kind of go
25 into the thought process for how you guys deal with something that

1 might be operationally connected in "no sail"? And then how are
2 those -- how are those notifications made and kind of how the
3 communication works between the operator if maybe they're not
4 going to get it done, so can you kind of elaborate on that, going
5 through that?

6 A. When we write a deficiency, we give it a time period based on
7 how serious the deficiency is and how badly it would affect the
8 vessel, the environment, the people on board. If it was something
9 egregious, we would give them a "no sail," meaning they can't
10 leave the pier. If it was relatively minor, we could give them up
11 to 30 days. I'm trying to think. I'm sorry, what was the next
12 part of --

13 Q. Just kind of an example of the "no sail," and I could use
14 examples, but something that would be an operational control or
15 consideration for that.

16 A. An example --

17 Q. Systems-wise.

18 A. Okay, would be a vital system, a lifeboat. An engine's non-
19 operational, you know, something --

20 Q. Sure.

21 A. -- that, if they tried to get under way, it would be
22 extremely hazardous.

23 Q. Okay.

24 A. And then if they find that they need more time, if they're
25 not going to be able to fix it, then that's when they -- it's on

1 them to get in touch with the Coast Guard and let us know what's
2 going on and I think communication is the most important part
3 there, if they're not going to be able to get it fixed.

4 Q. Okay. And then let's say lifesaving system and if there's a
5 servicing company there, then how is that coordinated with the
6 servicing company and do you always go out or do you sometimes
7 rely on a service report or kind of, can you elaborate on that?

8 A. We don't always go out. It really depends on the severity.
9 We will work with class sometimes and sometimes class can go out
10 and clear something for us. It's only if the deficiency is
11 written to class, just (indiscernible). We will sometimes accept
12 tech reports if it's something minor, but the bigger things, we'll
13 always go out.

14 Q. Okay. And we'll stay T-boar oriented, so not uncommon that
15 you would take a service report and consider that?

16 A. It really depends. If it was something very -- say they
17 don't have updated charts, then -- so you can take a picture of
18 your charts and we'll --

19 Q. Sure.

20 A. And we go with that.

21 MR. TAYLOR: Okay. All right, good example. Thanks, Tom.

22 LT WHALEN: Thank you, Travis.

23 BY LT WHALEN:

24 Q. So just to go back to the scheduling of the deficiency check.

25 So I don't remember her name, Lieutenant JG?

1 A. Beth Kerwin.

2 Q. Beth Kerwin. So if she gets -- say she gets a tech report
3 sent to the e-mail inbox, how does she know who to forward that
4 to? Or how does she know -- where does it go from there?

5 A. If she saw that there was a tech report, she would -- she
6 could look at the -- we have a calendar of inspections, so she
7 would see what vessel it was for, look at the calendar to see who
8 was on it and send it to the inspector.

9 Q. Okay. And that inspector, then, is responsible for clearing
10 that deficiency?

11 A. It can be any -- it can be any qualified person to clear it,
12 but usually, they'll start -- we like to keep them consistent, so
13 we like to keep it so that the person -- if it was done on an
14 annual (indiscernible) and there was a deficiency and then they
15 get the tech report, we'd like to keep it as the same person, but
16 sometimes that's impossible and then it can be any qualified
17 person that would do it.

18 Q. And then if it's not the same person who issued the 835 or
19 the Coast Guard deficiency form, the 835, what's the communication
20 process? So if, say, Inspector A wrote the 835 but Inspector A is
21 unavailable and Inspector B is going out to go and clear that
22 deficiency, whose responsibility is it to communicate and how does
23 that work between the two inspectors?

24 A. It would be the person who was on there last would be to
25 communicate with the person coming in. But again, we don't like

1 to do that, so it doesn't happen that often. We like to keep it
2 consistent because you don't want different eyes, you know, and
3 somebody who doesn't -- you know, who might not have seen
4 something before and not articulating that right. So it would be
5 between the two inspectors to coordinate what they've seen, what
6 they're going to look for.

7 Q. Have you ever had to clear any deficiencies that somebody
8 else wrote?

9 A. Yes.

10 Q. And how did that process work?

11 A. Well, if you have to clear a deficiency somebody else wrote,
12 you'd go into MISLE and you'd look up what the deficiency was,
13 you'd get in touch with the inspector to find out what they've
14 seen and then you'd go out and take a look.

15 Q. Okay. Okay. Does Sector Virginia have a missions management
16 system for the Inspections Division?

17 A. We do. Well, we currently have CID notes and we're in the
18 process of migrating them all over to MMS.

19 Q. Can you explain to me what a CID note is?

20 A. A CID note is internal policy coming -- they're signed by
21 Dr. Zohorsky and it's just -- I believe we have 31 at the moment.
22 It's the day-to-day of how to do business.

23 Q. And are there any of these CID notes pertaining to vessel
24 inspections and routing procedures?

25 A. Yes.

1 Q. Okay. So just an overview question. Is there a mechanism or
2 a way for inspectors at Sector Virginia to make recommendations to
3 regulatory changes or if an inspector has an issue or has a --
4 doesn't feel that a regulation is stringent enough, is there a way
5 for them to make a regulatory recommendation to headquarters?

6 A. I will speak on the time that I've seen that at least
7 attempted. We discovered an issue -- well, not me, a team went
8 out, discovered what they saw was an issue, they brought it to
9 Dr. Zohorsky, Dr. Zohorsky agreed with them.

10 We had them draft up an e-mail of what they saw as the issue,
11 they sent it to me as the 04. I sent it to a 04 and CVC. It was
12 then shopped out from CVC to the correct office and then they're
13 in the process now of coordinating between that office and the FCC
14 to try to -- to get some guidance on that particular regulation.

15 BY MR. TAYLOR:

16 Q. I'm sorry to interject. Where does district fit in that
17 picture? How much support do you guys get from district on
18 something like that? I said it, normally, because you'd think
19 routing goes through district first before it goes to CVC, but if
20 there's a relationship or something, can you kind of expound on
21 that?

22 A. So district, typically, we would notify district when we were
23 doing something like that. This particular instance was really
24 just seeking more information, at least when I was involved in the
25 process, but I don't know where it's going to go from here.

1 That's --

2 Q. Sure.

3 A. -- currently where it is. I'm sorry, I lost my train of
4 thought again.

5 LT WHALEN: District and the routing of the --

6 LCDR NEWKIRK: I mean, this particular instance was the only
7 time I've seen it and it was not incredibly formal, so I don't --
8 I don't know the answer to what the process would be, if it was an
9 official form or thing like that. It would be you'd follow the
10 chain of command and --

11 LT WHALEN: What was this particular regulatory
12 recommendation?

13 LCDR NEWKIRK: It was regarding FCC certificates with
14 satellite radios being accepted for the HF/NF/DSE requirement.

15 LT WHALEN: Travis, do you have any further questions?

16 BY MR. TAYLOR:

17 Q. So you got a variety of folks in the office who do
18 inspections and know the structure that's built with pooled
19 inspectors, but you've also got peripheral folks. I know
20 Chris O'Neal is your training officer, so he also has quals, and
21 Ken Edmundson is the TPO, third-party organization oversight
22 person. Those folks have quals and occasionally I think those
23 people go out. Can you kind of talk about the -- to me, it's a
24 standard approach, but it's a non-standard structure in that
25 inspectors from -- who have other priorities, can you kind of go

1 through how often those folks go out? And you can take them one
2 at a time and we can start with your MITO and then anybody else
3 and then, you know, for you as a branch chief there, how often you
4 guys go out, you know, so can you kind of elaborate on that for
5 us?

6 A. Sure. I'll start with Chris O'Neal. I would say he goes out
7 maybe every few months, he would go out for particular training
8 opportunities, but he's not someone that will be typically used
9 for an inspection. He would only be going out if it was -- if it
10 was to provide training.

11 Q. Okay.

12 A. Or to supervise check rides, something like that.

13 Q. Yeah.

14 A. Ken Edmundson is a little unusual because he has every qual,
15 almost every qual, so he says that you break glass in case of
16 emergencies, is how he calls it. If you'd have no one else, you'd
17 go to Ken Edmundson and if he has taken a particular interest in
18 something, he'll go out. If it's ACP or an ISM on it, if he has
19 concerns with that vessel, then he will go out. He goes out more
20 than Chris O'Neal does.

21 I go out, I'm unusual as a branch chief because I was still
22 working on quals and I would still go out occasionally because we
23 were -- we would need a hull inspector, it was mainly hull vessels
24 that I'd go out and do USD draft. So I would say I went out -- as
25 the chief of domestics, I went out more in the beginning and then

1 towards the end I didn't go out quite as much, a couple times a
2 month I would go out.

3 Q. Okay. And so to maintain a qual or to have a qual, is there
4 a required number of inspections to do or a recency requirement
5 that you guys rely on as a standard?

6 A. I know there is a recency requirement for the Coast Guard, I
7 do not know what that is off the top of my head.

8 Q. Okay. And what about when new inspectors come from out of
9 zone and they come to your zone, what does Sector Virginia require
10 as far as qualification surety for those folks coming in?

11 A. They have to do a check ride and they will have a discussion
12 with Dr. Zohorsky and Chris O'Neal.

13 Q. Okay. Do you know how many VOs, verifying officers, and
14 that's part of the qualification process for the recording, so how
15 many VOs that Sector Virginia has?

16 A. Not off the top of my head.

17 Q. Inspections related.

18 A. I would say roughly 10, but I don't know the exact number off
19 the top of my head.

20 Q. Okay. Are you a VO?

21 A. Yes.

22 Q. Okay.

23 A. Or I was. I'm not now.

24 Q. Yeah, yeah. Okay. Do you want to look at vessels,
25 specifically? So we're going to shift over kind of to *Spirit of*

1 Norfolk and for the *Spirit of Norfolk*, I'm thinking about a
2 timeline from the annual inspection up until the time of the
3 incident. And so you were the domestic branch chief for that
4 entire time, so can you kind of walk us through your recollection
5 of the events as they unfolded? And, you know, kind of take your
6 time and we can dissect this along the way, but just kind of walk
7 us through how all this evolved in your office.

8 A. I wrote down the date on another notebook.

9 Q. And you can start with the day, let's say the day before the
10 inspection, when you were --

11 A. Okay.

12 Q. -- prepping for the inspection, go through the prep for the
13 annual and then you can kind of take us from that day until after
14 the event, wherever, you know, wherever you want to.

15 A. Okay, I believe it was the 10th, the day of the inspection,
16 but I can't remember.

17 Q. That's okay.

18 A. So the day before, I was going to break in on that
19 inspection. Lieutenant Commander Laurence was also a break-in and
20 Ensign Jen Johnston was a break-in. The qualified was
21 Mr. Chris O'Neal because he's an advanced journeyman marine
22 inspector, which is a requirement for Tier 1 vessels. So in
23 preparation for the vessel inspection we looked through the MISLE
24 file, we print out the certificate of inspection, the VCP, which
25 is the vessel critical profile, and typically the last two or

1 three activity summaries to give yourself kind of a history. You
2 will review all the documentation in the vessel file in MISLE.
3 Ensign Johnston was the one who was making the folder. Commander
4 Laurence and I would be reviewing MISLE. Commander Laurence and I
5 were on there primarily because the vessel was a TL and we were
6 seeking the K-boat qualification, so we were there just to look at
7 security and the structural fire protection. So we were primarily
8 studying the vessel and the regulations for those two things.

9 At Sector Virginia, the lead break-in, which was Ensign
10 Johnston, would brief the qualifying, Mr. O'Neal, on contact she
11 had made with the vessel, the time they were going, getting a GV,
12 where we were going to part stuff like that, and then the plan, a
13 general plan for the inspection. That was all done at least --
14 it's required to be done at least the day before the inspection.
15 The day of the inspection, I can't remember exactly what time we
16 went out there, but -- do you want me to go through what we did on
17 the boat?

18 Q. Yeah, kind of walk us through the inspection. Yeah, that's a
19 good one. Yeah.

20 A. So we met with the -- with the captain and we met with the
21 crew that was on board, we talked about our plan for the
22 inspection. Mr. O'Neal explained like what different rules there
23 were and then -- it's been a couple months, but I can tell you
24 what I remember.

25 Q. Sure.

1 A. I know I went up to the bridge with Mr. O'Neal. Mr. Laurence
2 went to the engine room with Ensign Johnston. And while on the
3 bridge we did the typical bridge inspection items using our 840
4 book and then we discussed security, discussed our security plan,
5 just for the perspective of me seeking that K-boat qualification.

6 Q. Okay.

7 A. And then at a certain point, we came back together to do --
8 do bilges, the bilge pickups, and we did every single bilge, so I
9 do specifically remember crawling inside very tight spaces to
10 witness all of those bilges operate.

11 Q. Okay.

12 A. And then, I'm sorry, we did -- we did drills at the very end.

13 Q. Okay. And you mentioned this is an old T-boat, can you
14 explain what an old T-boat is? And we'll get to the events after,
15 but while we're just talking about the annual inspection, you had
16 to consider this an old T.

17 A. Yeah.

18 Q. So old T is --

19 A. It's prior to 1996, it's a small passenger vessel prior to
20 1996, so some of the new regulations do not apply to them.

21 Q. Okay. And when you look in the regulations, what's the
22 resource to inspect an old T-boat?

23 A. Well, you always -- you have to start with the old T, so
24 you'll start with your newer C.F.R. and then you'll look at the
25 applicability and see if it takes you to old T.

1 Q. Okay. And then do you have a copy of old T?

2 A. Yes. Not here, but I do.

3 Q. That's okay. And so that's available for reference when
4 you're --

5 A. Yes.

6 Q. -- doing the inspection, okay.

7 A. And also, we have -- in our 840 book, people will have notes
8 to kind of key walk or lead to what kind of old T.

9 Q. Right. For the record, this is not a shameless plug for the
10 old training program, by the way. So as we go through the
11 inspection, you know you're inspecting to the reference, how is
12 old T structured versus the new regulatory structure? Can you
13 give us some things that may be required now that weren't required
14 by old T? That would be required by a K-boat.

15 A. Baseline things.

16 Q. Okay, so that's one thing.

17 A. Can I look?

18 Q. Please.

19 A. A magnetic compass light, no rpm gauge would be required.
20 Lifejacket release for over seven feet stowage not required. No
21 pump PSI gauge for old T is required.

22 Q. So easy enough to look at the relationship between and figure
23 out what's there, so that's good, and that you guys were aware of
24 that. So you did not go into the engineering space?

25 A. I went in briefly, we were done on the bridge, so we went in

1 briefly to tell them we were done.

2 Q. Okay. Okay. And then can you kind of wrap up that
3 inspection and where you were at the end of that inspection and
4 then take us to the next part of this timeline?

5 A. Sure. We had deficiencies on the annual and I can't remember
6 off the top of my head what they were. Then after that
7 inspection, I don't recall what day it was, it would've been
8 around the 15th, we got a duty call that the *Spirit of Norfolk* had
9 thought that they had had a fire, but it turned out --

10 Q. I don't mean to interrupt, but kind of any "no sail"
11 deficiencies or short-term repair deficiencies related before you
12 left that day?

13 A. I'm sorry, I'm just blank to know what they were. I don't
14 remember them being -- it was not a "no sail."

15 Q. Okay.

16 A. And I do not remember them being serious. I wish I could
17 remember what they are.

18 Q. It's okay.

19 A. So we got a duty call that the *Spirit of Norfolk* thought they
20 had a fire, it had not been a fire, it had just been steam. They
21 had had a small hole in a water pump (indiscernible) from rot and
22 just wear over time, it had been leaking onto the engine, creating
23 a lot of steam, making them think that they had a fire. They
24 utilized a PKP extinguisher on the engine, hoping to extinguish
25 the fire, which turned out to not be a fire. So we wrote them an

1 835. They had a tech come out to repair it. Once it was repaired
2 and we received the tech report, I believe Lieutenant Edmundson
3 and Lieutenant Owen Mims went out to the vessel to do a deficiency
4 check. I don't know exactly what their actions were, but they
5 cleared the deficiency.

6 The same issue happened a second time. I don't know if it
7 was the same issue or just something similar. Basically, it
8 wasn't rectified. The tech came back out, they did an overhaul of
9 the -- of the engine, the port engine, and we got a call from the
10 *Spirit of Norfolk* saying the overhaul was complete, the engine's
11 fixed, we're ready for a deficiency check. I was the only person
12 in the office that day, so I went out and cleared the deficiency
13 the second time after the overhaul. And that was on May 26th.

14 Q. So when you cleared that deficiency, can you walk us through
15 the process that you used to verify that everything was completed
16 and kind of -- you know, kind of walk us through that day?

17 A. Yes. I got a call from the duty MI asking if there's anyone
18 in the office that could go out. Since I was the only one there
19 and it was just down the road, I said I would go over there and
20 clear it. I reviewed the MISLE file, looked at the deficiency, I
21 talked to the people, I talked to Lieutenant Mims, who had been on
22 the boat before, what they had seen. And I had just been on the
23 annual. So I went over there and I called Captain Nadeau, asked
24 him when they wanted me to come out, and he said the engine had
25 been running for about 45 minutes and the tech was still on board

1 and that I could come out and look at it then. So it took me
2 about 10 minutes to walk over there. I walked around the engine
3 for about 10 minutes with the tech. I had my flashlight and my
4 four gas meter. I watched the engine run, I used the flashlight
5 on various parts of the engine, under the engine, I watched -- I
6 asked the captain to go up to the pilothouse to engage the engine
7 and go forward and astern. I watched the shaft turn, I could hear
8 the engine come up, I didn't see any problems at all. It looked
9 brand new and clean. And then I told them that once they sent
10 over the tech report detailing what they had done, I would clear
11 the deficiency on this one.

12 Q. Okay. So that was after the 26th, and then after the 26th?

13 A. After the 26th, we had -- the duty MI that had done the MISLE
14 work, I don't -- I don't remember exactly -- or no, that was a
15 different time period. Okay, after the 26th, I don't remember
16 hearing anything until I was in the office one day and we had
17 inspectors, I believe, in Deltaville and they heard something on
18 the radio about the *Spirit of Norfolk* on fire.

19 Dr. Z got the call from the inspectors in Deltaville asking
20 if I had heard, or I was on duty, so I was on the COD duty. He
21 asked me if I had heard anything about a fire on the *Spirit of*
22 *Norfolk*, I did not, and then a few minutes later I got a call from
23 the command center about the fire. We weren't sure what was going
24 on, we heard the *Spirit of Norfolk* was adrift and there were
25 children on board, there was a fire in the engine room, and that's

1 all we knew at that point. So two of the inspectors that were on
2 duty and myself went out to the Navy base to go see what was
3 happening and at that point, they had offloaded the children on --
4 all the passengers and the crew onto the *Victory Rover* and I
5 believe the tugs had pushed the *Spirit of Norfolk* into the Navy
6 pier. And it was on fire.

7 MR. TAYLOR: Okay.

8 BY LT WHALEN:

9 Q. Just a quick question. On May 11th, you stated, when you
10 guys did the annual, you were a break-in --

11 A. Um-hum.

12 Q. -- for the inspection per Subchapter (k).

13 A. Yes.

14 Q. When did you get qualified for Subchapter (k)?

15 A. End of June, I believe.

16 Q. So after May 26th?

17 A. Yes. But this is a T-vessel, so I did have the qual for the
18 *Spirit of Norfolk*. We use the *Spirit of Norfolk* -- used to use
19 the *Spirit of Norfolk* as a training platform for (k) because they
20 have structural fire protection and security.

21 Q. When you were doing the deficiency check after the overhaul,
22 did they -- did the tech rep do any shutdowns or anything to the
23 engines? Did they go through any of their periodic safety testing
24 procedures or the PSTPs?

25 A. They may have, I don't know.

1 Q. You weren't there?

2 A. I did not witness that.

3 LT WHALEN: That's all, I'm done.

4 MR. FAWCETT: Mr. Karr.

5 MR. KARR: All right, thank you.

6 BY MR. KARR:

7 Q. I'm going to fill in -- I'm going to go through what you've
8 already said and just to ask for a little more information. So
9 what was your major at the Coast Guard Academy and what did you do
10 on board on the Coast Guard Cutter *Dallas*?

11 A. My major was government. On the Coast Guard Cutter *Dallas* I
12 was a deck watch officer.

13 Q. Did you have any other collateral duties on board the --

14 A. Yes. And you'll have to forgive me, it's been a very long
15 time, but I was a fire control officer, I was a morale officer. I
16 was the XO's admin assistant. I stood in as the weapons officer
17 for several months. I'm sure at one point I had 11 collaterals,
18 but none of them were remarkable.

19 Q. All right. Did the training aboard the Coast Guard Cutter
20 *Dallas* as a deck watch officer involve any time in the engine
21 room?

22 A. Yes. We had to do -- we had to stand watches in the engine
23 room, we had to do a line diagram of the fire control system. As
24 an underway OD, you had to go to the engine room before the watch.
25 I also did damage control training which involved engineering and

1 firefighting.

2 Q. When you qualified as a -- well, let me -- let me first go to
3 your T-boat qual in Washington, D.C. So tell me how you managed
4 to obtain your qual working at Coast Guard Headquarters in D.C.
5 and then working with the Sector Washington to get your
6 qualification, which is in Baltimore.

7 A. Yes. I was able to gain approval from my office to go to the
8 marine inspector course in Yorktown. Once I did that -- well, I'm
9 sorry, I had started going to Baltimore once a week, my office
10 allowed me to do that to do inspections, so I coordinated with the
11 sector when they had the most inspections and I would just drive
12 up there instead of going to work on duty. And then after about a
13 year of doing that, Sector Baltimore was short on T-boat
14 inspectors and I wanted to finish the qual, and my office allowed
15 me to go there for a month to just do T-boat inspections and after
16 that point, I was able to take my board.

17 Q. And can you describe the process that Baltimore used to
18 qualify you? You know, I've heard about MIPSAs here and a board
19 process, so what exactly did you have to do once you met the
20 criteria for -- well, tell me what you needed to do to prove your
21 qualification.

22 A. Sure. So over that year I went out with the inspectors, they
23 would see me. After a few inspections you start leading the
24 inspections, so they witnessed me doing that. And I also had PQS,
25 Performance Qualification Standard, and PQS for (t) is pretty

1 lengthy. So over that time I got all the sign-offs with Baltimore
2 verifying officers. Then once my PQS was complete, I did a check
3 ride and then they allowed me to sit for a board. In Baltimore
4 they just did one board versus the three board in the final. My
5 qualification board was about four hours long and then, because I
6 wasn't attached to the unit, they wanted me to sit with the
7 captain of the port, which I did, and then I obtained a
8 qualification.

9 Q. And how many people were in on that board? The captain of
10 the port, anyone else?

11 A. No, I'm sorry, I just met with him following the board, it
12 was three people in the qualification board.

13 Q. And do you know, do you remember their positions?

14 A. It was John Marone (ph.), he was a civilian, he has since
15 retired. Chief Warrant Officer Chris Davis, who has since
16 retired. And then I cannot remember the third person, I'm sorry.
17 It may have been Jeff Brown, but I can't remember for sure.

18 Q. Did you inspect any vessels in Baltimore similar to the
19 *Spirit of Norfolk*?

20 A. Yes, they have the *Spirit of Washington*, the *Odyssey*, the
21 *Spirit of Baltimore*. So I was actually very familiar with K-
22 vessels.

23 Q. And those were K rather than old T?

24 A. Correct.

25 Q. Does Sector Virginia have any procedures, CID notes, anything

1 specific for inspection of the *Spirit of Norfolk*?

2 A. We have from headquarters the new tier system from -- for T-
3 boats, we have that policy from headquarters that we follow and
4 that pertains to the *Spirit of Norfolk*, but nothing specifically
5 written about the *Spirit of Norfolk*.

6 Q. And can you, in a paragraph, describe what that process is?

7 A. The tier system?

8 Q. The tier, because I'm unfamiliar with it.

9 A. It was a new initiative following the fire on the *Conception*
10 to sort small passenger vessels into tiers based on their risk and
11 depending on what tier they are in determines what level of
12 inspector has to be on the vessel. It's just allowing for more
13 oversight for the higher-risk vessels.

14 Q. And when did the tier system come out? Well, let me put it
15 this way, was it before you went on board the *Spirit of Norfolk* to
16 do the --

17 A. Yes.

18 Q. All right.

19 A. I believe it was 2020.

20 Q. And did Sector Virginia have any -- you mentioned that some
21 of the COIs for high-risk vessels went to the OCMI or the captain
22 of port for a signature. Were there any special inspection
23 procedures for high-risk vessels that were in writing in a
24 guidance or policy for Sector Virginia?

25 A. Well, yes, for the Tier 1's or for the *Spirit of Norfolk*, we

1 have to do an in-service inspection around the six-month mark, so
2 that's -- that's in writing in the guidance from headquarters that
3 we follow, but it's all in that. I don't know if it's a -- if
4 it's a PR or if it's a -- I don't think it's an (indiscernible),
5 but it's policy from headquarters that we've adopted and we
6 follow.

7 Q. Had the six months come up since you -- since you all did the
8 annual --

9 A. No.

10 Q. -- inspection?

11 A. Oh. Well, yes, the one, yeah, six months prior.

12 Q. Well, but afterwards.

13 A. Oh, no.

14 Q. After the annual.

15 A. No.

16 Q. All right. Can you tell me about anything that you recall
17 about the fire protection on board the vessel? You mentioned that
18 you went to the *Spirit of Norfolk* to further your fire protection
19 quals. Can you tell me about the fire --

20 A. Structural fire?

21 Q. What you remember about the structural fire protection or
22 anything on -- you know, anything you just mentally clicked off in
23 your head about the *Spirit of Norfolk's* fire protection.

24 A. Well, I was only in the engine room very briefly but, you
25 know, you can look around and you can -- you can tell what's an A-

1 60 boundary and nothing about it stood out to me. It looked like
2 it was this one.

3 Q. So everything you saw was in compliance with the regulations
4 for --

5 A. Yes.

6 Q. -- structural fire protection for that vessel?

7 A. Yes.

8 Q. How about did you, by chance, happen to look at -- when you
9 were in the engine room, did you, by chance, happen to look at any
10 of the hatches and make -- and tell me about their condition.

11 A. They were open and I didn't -- that was not -- I was doing
12 the deck part. That would've been done by the engineer.

13 Q. Can you describe the drills that you conducted? If you can,
14 be as detailed as possible as far as what exactly the crew did and
15 you witnessed.

16 A. When we run a drill at Sector Virginia we'll get under way
17 with the vessel. We will wait for the -- for the captain to tell
18 us that they're in good water, it's safe to do a drill. We have
19 an Oscar that we use as a dummy. Without notifying any of the
20 crew members, because we want it to be a surprise even though they
21 know it's coming, we'll throw the dummy overboard and then we'll
22 watch the process work from there. I don't remember specifically
23 what their procedures were on the *Spirit of Norfolk* for picking up
24 Oscar, but --

25 Q. Well, let me focus the question specifically on fire and

1 abandon ship drill.

2 A. Okay. I cannot remember what space we took, but we'll pick a
3 space, we'll tell them there's a fire and then we'll ask them what
4 they would do and then they run through. We don't want them
5 charging any hoses or -- we tell them not to charge hoses. I
6 don't remember what specifically we did on the *Spirit of Norfolk*,
7 that's just the general procedure.

8 Q. So let me just summarize. So it sounds like it was a
9 discussion, so everyone was in the same space?

10 A. I didn't personally run the fire drill.

11 Q. Were you present during -- well, let me -- what I'd like to
12 know is exactly what you witnessed. So were you present during
13 any part of the drill?

14 A. I don't remember.

15 MR. KARR: Okay. Give me a second to go through my notes.

16 MR. FAWCETT: While you're going through that, sir, we've
17 been going a little over an hour, is everybody good to continue?

18 (No audible response.)

19 MR. FAWCETT: I mean, I get a sense that we won't be too long
20 and we can take a break if you would like to at any time, okay?

21 LCDR NEWKIRK: Okay.

22 BY MR. KARR:

23 Q. When you were on board the bridge, were you part of any kind
24 of test of the steering system during the annual exam?

25 A. I don't remember. Typically, that's what we do, but I don't

1 specifically remember. We also sometimes will do a steering. No,
2 we would've done it. I probably was, I just -- I can't
3 specifically recall.

4 Q. So you can't recall if it was done, but I'll ask you this
5 question, can you remember anything unusual about your bridge
6 inspection?

7 A. No.

8 Q. Any deficiencies?

9 A. No. We do a steering test at the pier to watch the rudder
10 swing and then also when we get under way for drills, we'll take a
11 look at the steering system and make sure everything is operating
12 how it's supposed to be.

13 Q. When you got under way, did you -- again, I'm asking you
14 about what you personally saw.

15 A. Okay.

16 Q. So did you see any -- did you witness anything related to the
17 steering? Did you check out the pipes?

18 A. No.

19 Q. When the vessel was under way, were you ever in the engine
20 room at that time?

21 A. No.

22 Q. When the vessel was under way, where were you?

23 A. I was -- I'm trying to remember if I was -- I think I was
24 standing on the stern.

25 Q. When you were on the bridge during the inspection, do you

1 recall what procedure -- or do you recall whether you tested any
2 alarms or how you may have examined them?

3 A. I just don't remember.

4 Q. All right.

5 A. I'm sorry, I just don't remember.

6 Q. Do you recall, do you know of anything -- so I believe with
7 T-boats the OCMI has lots of authority to make local requirements.
8 Are there any unusual local requirements for the *Spirit of Norfolk*
9 that you know of?

10 A. No.

11 Q. Are there any written requirements that are outside the
12 regulations for the *Spirit of Norfolk*?

13 A. No.

14 Q. Detail the bilge pickup test, can you describe what exactly
15 you witnessed there?

16 A. Sure. We had someone on the bridge because you want to make
17 sure that they're getting the alarm on the bridge. I was with the
18 team that was going around doing the pickups. I believe I only
19 did one because I was the smallest person, so I went into the
20 smallest space.

21 Q. And so you actually went there and watched the water level go
22 down as the pump removed water?

23 A. Yes.

24 MR. KARR: All right, thanks. I have no more questions,
25 thanks.

1 MR. FAWCETT: Thank you, Mr. Karr. We're going to move to
2 the PII, we'll start with Mr. Stillman, who is sitting here.

3 UNIDENTIFIED SPEAKER: Do I get a chance after?

4 MR. FAWCETT: Yeah, we're going to go --

5 UNIDENTIFIED SPEAKER: Okay.

6 MR. FAWCETT: -- at the very end.

7 UNIDENTIFIED SPEAKER: Okay.

8 MR. FAWCETT: Go ahead, sir.

9 BY MR. STILLMAN:

10 Q. Just a couple questions. Thank you for your time, I
11 appreciate it. In the T-boat inspections, is there -- there's a
12 deck component and there's an engine component, there are two
13 separate components to that inspection that you did?

14 A. When you get a T-boat qual, you are qualified to do all of
15 it.

16 Q. Okay.

17 A. But if you have enough people, typically that's how you split
18 it up.

19 Q. So you would divide it up and so you'd have some people doing
20 various -- and you'd be overseeing all of those functions that
21 everybody's performing?

22 A. The qualified.

23 Q. The qualified. And the qualified that day was Mr. O'Neal?

24 A. Mr. Chris O'Neal.

25 Q. Mr. Chris O'Neal, okay. And just briefly going back to the

1 26th -- well, let me take a step back here. What's your
2 engineering training with respect to when you perform these
3 inspections? Do you have any training or is that part of the
4 certification, the qualification?

5 A. That's part of the qualification.

6 Q. Part of it, okay. Going back to the 26th, did anything stand
7 out, was anything unusual or did everything go according to the
8 way you anticipated it would?

9 A. Yes, it had been running for about 45 minutes, nothing looked
10 out of the ordinary, it looked like everything was brand new. I
11 didn't see anything at all out of the ordinary.

12 MR. STILLMAN: Okay. That's all I have, thank you.

13 MR. FAWCETT: Thank you. We'll go on to counsel for Captain
14 Nadeau, please, any questions?

15 MS. GALITOU: No questions, thank you.

16 MR. FAWCETT: Thank you very much. For Hornblower,
17 Mr. Denley.

18 BY MR. DENLEY:

19 Q. Yes, hi. Thank you, Commander, I do have a few questions.
20 You indicated that the -- that the *Spirit of Norfolk*, you know,
21 had been kind of designated in the Coast Guard's computer system
22 as a high risk in Tier 1 and I believe you said, you know, because
23 of that, it was on -- it was inspected more often than it had
24 primarily an annual exam, but then every six months it had an
25 additional exam. Were you involved in sort of determining that it

1 was a Tier 1 vessel, and do you know who decides and what criteria
2 they used to determine whether it's a Tier 1 vessel?

3 A. I was not involved in the decision to determine what tier it
4 fell into, that's determined at headquarters and they have
5 criteria for determining which vessels fall into that Tier 1.
6 Some of the things off the top of my head that I know would be
7 age, deficiency history, stuff like that, just that make those
8 vessels, in the eyes of the Coast Guard, a higher risk.

9 Q. Okay. You said that the *Spirit of Norfolk* was used as a
10 training vessel for Subchapter (k). Can you maybe explain -- I
11 believe you said the reason was because of structural fire
12 protection. Could you maybe just describe that a little bit
13 further, you know, why the vessel was used and the structural fire
14 protection on board?

15 A. Yes. The vessel was used because it's -- it was the only one
16 in our fleet that basically it was more the security aspect, but
17 also we use it because it does have structural fire protection,
18 but there they have security and they're also a little bit unusual
19 because they were at a public access facility and there's people
20 involved, so we particularly would focus on the *Spirit of Norfolk*
21 in that aspect.

22 For the structural fire protection, we have a lot of vessels
23 with structural fire protection, but -- but they do have it, so
24 it's -- we kind of look at both things on that vessel at the same
25 time and it's the size of a K-boat, it's the fact that it's a T-

1 boat is because of the age.

2 MR. DENLEY: Thank you. No further questions.

3 MR. FAWCETT: Thank you very much, sir. We'll go ahead with
4 the Coast Guard to see if we have any final questions and then
5 we'll wrap it up with any other takeaways from this discussion.
6 So Coast Guard, any final questions?

7 BY LT WHALEN:

8 Q. Just one more. You mentioned background in AJMI, advanced
9 journeyman marine inspector, what is an advanced journeyman marine
10 inspector, what kind of quals, how long?

11 A. There is criteria listed. The ones I can remember off the
12 top of my head, six years in inspections. You have to have a
13 major qual and I believe you have to hold that major qual for
14 three years.

15 Q. Are you an advanced journeyman marine inspector?

16 A. I am not, I'm a journeyman.

17 BY MR. TAYLOR:

18 Q. Did you get a chance to look at the Bay Diesel reports and
19 review all those --

20 A. Yes, sir.

21 Q. -- prior to going out?

22 A. No. I didn't receive the tech report until after and I
23 reviewed them before clearing the deficiency.

24 Q. So you reviewed it before clearing the deficiency. And I've
25 got two. So I've got, just for the record, I've got one from

1 5/17/22, I see you got a couple there.

2 A. Um-hum.

3 Q. And then I've got a series from 5/21/22 through 5/26/22 and I
4 can just --

5 MR. FAWCETT: Can you just verify that we have everything
6 that you have, if you would? So I'm handing Commander Newkirk
7 copies of invoices and repair work orders that she's comparing
8 with information that she brought to the table today.

9 (Pause.)

10 LCDR NEWKIRK: I do not have this one, the 5/23.

11 MR. FAWCETT: Could you describe that real quick?

12 BY MR. TAYLOR:

13 Q. So this is a series, this was the first two days that
14 describe the port main engine overhaul. This starts with
15 components being replaced on the 22nd and walks through, in fair
16 detail, a rebuild of the port main with the description and
17 condition found, work performed, and then recommendations. So
18 this walks through the process from the 22nd through the 26th. So
19 you got a chance to review that before the deficiency. Did
20 anything stand out in there, by the way, as you reviewed that,
21 Kate?

22 A. The one thing that stood out was the -- they recommended --
23 they said there was no issue but that they had found oil and they
24 recommended changing a turbo.

25 Q. Why did that stand out?

1 A. Because the turbos are so dangerous.

2 Q. Because?

3 A. That's the quickest way to catch fire.

4 Q. So a source of ignition, the temperature, not to lead you to
5 that, but that's -- do you know how a turbocharger works?

6 A. I do.

7 Q. Can you run us through how a turbocharger works?

8 A. Again, I'm not an engineer, so this may not --

9 Q. It's okay.

10 A. -- be totally correct. It takes the -- the exhaust runs
11 through the turbocharger, it's kind of a way to pull more energy
12 from the fuel, so it's -- and it gets incredibly hot because the
13 exhaust is running through and then it's pulling any excess fuel
14 to put it back into the engine to get more power out of that.

15 Q. Okay. And so that stood out and the reason it stood out, it
16 was an ignition source and there was a little in the way of that.
17 I'm not leading you, I just want to make sure that that's what
18 your point was.

19 A. Yes.

20 Q. Okay. And did you also review this one before you went out?
21 So this was the 17th.

22 A. I do not recall. I know I reviewed -- to clear the
23 deficiency, I reviewed the one that they had done right before I
24 had gone out.

25 Q. Okay. So familiarity with the one on the 17th?

1 A. I don't recall.

2 Q. Okay, anything -- you didn't review it, so nothing stood out
3 on that one?

4 A. This stood out to me after we went.

5 Q. Why?

6 A. Because of the turbo.

7 Q. Why exactly?

8 A. I wondered if they had replaced a part that they recommended
9 prior to the fire.

10 Q. Okay. And so to go back to the other report, so what did you
11 do if that stood out, did that stand out prior to you clearing the
12 deficiency or afterwards?

13 A. Afterwards.

14 Q. Okay.

15 A. I reviewed the tech report I was submitted after my visit to
16 the MISLE.

17 MR. TAYLOR: Okay, okay. Done.

18 UNIDENTIFIED SPEAKER: Which one was submitted to you
19 afterwards?

20 MR. STILLMAN: If I may, there should be a complete record
21 that was provided by the Coast Guard of all service records and
22 reports provided. We're speaking after the fire. But I believe
23 you guys have everything that we -- that we produced.

24 LCDR NEWKIRK: It was this one for the overhaul of the
25 engine, the 24th, 25th, and 26th were the ones that I was sent.

1 They all look the same.

2 UNIDENTIFIED SPEAKER: Thank you, ma'am.

3 BY MR. FAWCETT:

4 Q. So a moment ago that was Mr. Stillman. This is Mr. Fawcett
5 from the Coast Guard. So in the e-mail box from the vessel, there
6 were also a series of photographs, is that correct, of the engine?

7 A. From when they were fixing the water pump housing?

8 Q. Yeah.

9 A. Yes.

10 Q. Okay. And then I just have a clarification question. So
11 Mr. Karr asked you about the fire drill and you said you didn't
12 participate. Do you know who from the Coast Guard might have been
13 a participant with the planning of the fire drill aboard?

14 A. Ensign Jennifer Johnston.

15 MR. FAWCETT: Does anybody have any other questions?

16 BY MR. KARR:

17 Q. Yes, a simple one, who was with you from Hornblower cruises
18 on the annual exam?

19 A. Well, I remember Captain Ryan Nadeau and then I don't
20 remember the crew members' names, but there was a variety of crew
21 members.

22 Q. And then who was with you when you visited the vessel to
23 clear the deficiency?

24 A. Captain Ryan Nadeau.

25 Q. Thanks. Now, this is for my clarification on these things,

1 but I think I heard you say that the report of the turbocharger
2 that was dated the 17th, you did not -- when did you first see
3 that?

4 A. After the fire.

5 Q. After the fire. And was this something with regard to the
6 turbocharger that the inspection should've been aware of? Or were
7 you aware of it?

8 A. You would have to speak to Ken Edmundson and Lieutenant Owen
9 Mims, they would've -- they cleared this particular deficiency, so
10 they would have been reviewing this file.

11 Q. So there was a -- was there a -- I'm trying to find out, I'm
12 trying to wrap my -- I'm trying to learn the sequence of events.
13 Was this all part of the original engine repair deficiency or was
14 there a separate one for the turbocharger?

15 A. So they had the original of what they thought was a fire, but
16 it was the water pump housing, that would've been this that
17 Mr. Edmundson and Lieutenant Mims went and witnessed. And then
18 the second incident that happened that caused them to do the
19 overhaul was when I came out and cleared the deficiency, which was
20 the second set of tech reports.

21 Q. And when you said this, which --

22 A. That is the --

23 Q. What date were you --

24 A. -- 17th and the 15th.

25 Q. Seventh and the 13th?

1 A. Fifteenth.

2 Q. Fifteen, fifteen. So 17 was the first.

3 A. That was the first incident.

4 Q. And then the second one was --

5 A. Was the 24th, 25th, and 26th.

6 MR. KARR: All right, thank you very much.

7 MR. FAWCETT: Anything else for the Coast Guard? Commander,
8 do you have any questions?

9 (No audible response.)

10 MR. FAWCETT: Okay. All right.

11 CDR WADDINGTON: I'm done, thank you.

12 MR. FAWCETT: Okay, thank you, Commander. That was Commander
13 Waddington. So the time is 10:02 and we're concluding the
14 interview with Lieutenant Commander Newkirk and we thank you very
15 much.

16 MR. DENLEY: Mr. Fawcett?

17 MR. FAWCETT: Yes.

18 MR. DENLEY: Yeah, Mr. Fawcett, this is Eric Denley with
19 Hornblower, I -- I believe I dropped off line just a minute ago,
20 but you asked a question or you were beginning to ask a question
21 and it began with -- I think your statement was "In the e-mail you
22 received from the vessel," I didn't get a chance to hear that and
23 before we conclude the investigation, I didn't know if you might
24 be able to ask and have the commander answer that question.

25 MR. FAWCETT: Right. This is Mr. Fawcett. I discussed

1 photographs that accompanied the e-mail from the vessel related to
2 water pump repairs and I asked her if photographs were included
3 and her answer was -- and Ms. Newkirk will respond.

4 LCDR NEWKIRK: Yes, they were.

5 MR. FAWCETT: That was the end of that line of questions,
6 Mr. Denley. Do you have anything further?

7 MR. DENLEY: I guess just a follow-up question would be did
8 you -- actually, no, I don't have any further questions. Thank
9 you.

10 MR. FAWCETT: Okay. Well, thank you very much. The time is
11 10:04, we are shutting off the recording and we will be signing
12 off from the conference line.

13 (Whereupon, at 10:04 a.m., the interview 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of LCDR Kate Newkirk

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, VA

DATE: July 12, 2022

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.



David A. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD SPIRIT OF NORFOLK *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

*

* * * * *

Interview of: CHRISTOPHER O'NEAL, Marine Inspection Training Officer
United States Coast Guard

Norfolk Federal Building
200 Granby Street, #700
Norfolk, VA 23510

Wednesday,
July 13, 2022

APPEARANCES:

LT TOM WHALEN, Investigator
United States Coast Guard

LT HELENA DANIEL
United States Coast Guard

LCDR NICOLE EMMONS, Investigator
United States Coast Guard

LCDR KAREN LEE, Legal Advisor
United States Coast Guard

TRAVIS TAYLOR, Traveling Marine Inspector
United States Coast Guard

MICHAEL KARR, Investigator
National Transportation Safety Board

DANIEL T. STILLMAN, Esq.
Wilcox Savage
Attorney for Bay Diesel

DAVID H. SUMP, Esq.
Wilcox Savage
Attorney for Bay Diesel

ERIC DENLEY, Deputy General Counsel
City Cruises

MAGDALINI GALITOU, Esq.
Phelps Dunbar
Attorney for Captain Ryan Nadeau

I N D E X

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I N T E R V I E W

(8:34 a.m.)

UNIDENTIFIED SPEAKER: The recording is on for the official record.

MR. O'NEAL: Absolutely being recorded. Hello, Ms. Carkin-Cesar (ph.).

MR. TAYLOR: Mr. O'Neal, good to see you.

MR. O'NEAL: Thank you.

UNIDENTIFIED SPEAKER: This is a joint Coast Guard and National Transportation Safety Board-led investigation and we're conducting the interview with all applicable Coast Guard regulations. The interview date is the 13th of July 2022 and the time is 8:34 a.m. We are interviewing with Mr. Chris O'Neal and the location is the Norfolk Federal Building on the seventh floor in the prevention conference room.

If you could please, everyone go around and introduce yourself, and I'll start with you, Mr. O'Neal, and if you could spell your last name.

MR. O'NEAL: Sure. Christopher O'Neal, O-apostrophe-N-e-a-l, I am the marine inspection training officer for Sector Virginia.

LT DANIEL: Lieutenant Helena Daniel, counsel for Coast Guard. Oh, sorry. D-a-n-i-e-l.

LT WHALEN: Lieutenant Tom Whalen, W-h-a-l-e-n, and I am with the District 5 formal investigations team.

MR. KARR: Michael Karr, K-a-r-r, with the NTSB.

1 MR. TAYLOR: Travis Taylor, T-a-y-l-o-r, I'm with the
2 Traveling Inspection Staff out of D.C.

3 MR. STILLMAN: Good morning, Mr. O'Neal. Dan Stillman,
4 S-t-i-l-l-m-a-n. I'm with the law firm of Wilcox & Savage, we
5 represent Bay Diesel as party in interest for these proceedings.

6 LCDR EMMONS: Lieutenant Commander Nicole Emmons,
7 E-m-m-o-n-s, and I'm with the District 5 formal investigation
8 team. We have one member.

9 LCDR LEE: Karen Lee, L-e-e, the legal advisor to the
10 District 5 formal investigation team.

11 UNIDENTIFIED SPEAKER: And on the line, do we have a
12 representative for Hornblower on the line, as a party in interest?

13 MR. DENLEY: Yeah, this is Eric Denley, D-e-n-l-e-y, and I'm
14 representing Hornblower/City Cruises.

15 MS. GALITOU: And Magdalini -- I'm sorry. Good morning,
16 Magdalini Galitou, G-a-l-i-t-o-u, for Captain Nadeau. Also party
17 in interest.

18 UNIDENTIFIED SPEAKER: And do we have anyone else on the line
19 that's not a party in interest?

20 MR. SUMP: Dave Stump is on the line for Wilcox Savage and
21 Bay Diesel.

22 UNIDENTIFIED SPEAKER: Can you spell the last name, please?

23 MR. STUMP: Sure, I'm sorry. S-u-m-p.

24 UNIDENTIFIED SPEAKER: Okay, thank you. Mr. O'Neal, just to
25 let you know some ground rules to the interview. You can change,

1 modify, or retract your statement at any time and if at any time
2 after this interview you feel you've remembered something, just --
3 or you want to, you know, retract something, just let Lieutenant
4 Daniel know. You may also appeal the final results of the report
5 of investigation that may result from this interview. And for
6 information about Coast Guard marine investigations, the Marine
7 Safety Manual, Volume V, explains the process. And for ground
8 rules, just try to use as few -- try not to use any acronyms --

9 MR. O'NEAL: Sure.

10 UNIDENTIFIED SPEAKER: -- and if you do, just please spell
11 them out. And please, everyone, silence your cell phones at this
12 time. I'm going to turn it over to Lieutenant Whalen.

13 INTERVIEW OF CHRISTOPHER O'NEAL

14 BY LT WHALEN:

15 Q. Good morning, sir, thank you --

16 A. Good morning.

17 Q. Thank you for coming. Just a few questions, so I'm going to
18 -- I'm going to ask you some questions with regards to your
19 history and your background.

20 A. Sure.

21 Q. What is it you do here at Sector Virginia?

22 A. So I'm the marine inspection training officer, there are 21
23 of us around the country that are responsible to train the AMIs,
24 to help them become JMIs over a three-year process. There's about
25 400 apprentices around the country at different feeder ports, so I

1 am a technical expert, a coach, a counselor, a guidance counselor
2 all wrapped into one. So I perform inspections, that's a part of
3 my job, but more it's to ensure consistency amongst our
4 inspections, how we do PQS, our pre-boards, our boards, and then
5 ensuring people are on track to complete at least a minimum of
6 four qualifications so they can be journeyman and then ensure that
7 our journeymen are getting the advanced education they need so
8 they can become advanced journeyman marine inspectors. So that's
9 a little nugget of what I do. Did that kind of explain it?

10 Q. It does explain, yeah. How many years have you been in this
11 position?

12 A. I've been in the position nine years. I have 16 years in
13 inspections, along with three years as an investigating officer.
14 I have T, K, barge, dry dock, hull, port safety, foreign freight,
15 ITV, all the IO quals, and container facilities, waterways, so
16 I've been in the prevention community since 1999.

17 Q. Okay. From or since when you were first -- were you a
18 commissioned officer?

19 A. Yes, I was a commissioned officer.

20 Q. Can you go ahead and run through your history, from the Coast
21 Guard history?

22 A. Sure. So I was enlisted at Station Alexandria, I was
23 actually a yeoman, believe it not. I grew up in a boat building
24 -- I worked at boat building, JC Boat in New England, for five
25 years and I was going to be an MST, but they shut the MST school

1 down because it was closed up in '90, so I said I'm going to go
2 yeoman and get out quick but I didn't, obviously. Made second,
3 then made first and worked directly for the commandant, worked for
4 Admiral Loy for three years, became -- went to OCS from there and
5 then they sent me back to D.C. Luckily, I was able to go to
6 Baltimore, start with the qualifications.

7 I came down here and did my apprentice tour down here and
8 then they followed up with an IO tour, went over to LAM (ph.), and
9 then to grad school and then after that, came back here as the
10 CID, so I was the CID here, and then I did one year of waterways
11 to oversee the midtown tunnel project. Then I retired as an O-4
12 from here. Went over one year over in district to do ATON for the
13 aliquot (ph.) stuff for the wind farm and then came here and took
14 the MITO job in 2013 in September, so I've been here since then.

15 Q. And what did --

16 UNIDENTIFIED SPEAKER: Can I interject real quick? I'm
17 sorry.

18 LT WHALEN: Yeah.

19 UNIDENTIFIED SPEAKER: You mentioned in the commissioning
20 OCS --

21 MR. O'NEAL: Yeah.

22 UNIDENTIFIED SPEAKER: -- and CID. Can you please, for the
23 record --

24 MR. O'NEAL: Sure can, Officer Candidate School, I graduated
25 in May of 1999. CID is chief of inspection department, and

1 Mr. Zohorsky was still here, I sat next to him, so it was -- we
2 tag-teamed and ran the domestic and port state inspections.

3 UNIDENTIFIED SPEAKER: Thank you, I'm sorry.

4 MR. O'NEAL: Uh-huh, sure.

5 BY LT WHALEN:

6 Q. You said you went to grad school.

7 A. I did.

8 Q. What school was that?

9 A. Education, and I did it through North Central.

10 Q. Okay.

11 A. Yeah.

12 Q. Perfect. Okay, so as the marine inspector training officer
13 or MITO here, can you run through the training process specific to
14 Sector Virginia?

15 A. Sure.

16 Q. Per se, as an incoming --

17 A. Absolutely.

18 Q. -- ensign or junior officer.

19 A. Sure, absolutely. So their first 30 days is pretty spelled
20 out and actually, what we do here locally is actually nationally
21 now in a PR policy, so I'm sure that -- I guess I could say what
22 that is.

23 Q. Yeah, what is the PR?

24 A. I shouldn't say what those are. This is our MMS procedures,
25 the PRs.

1 Q. Okay.

2 A. And this kind of lays out -- yeah, sure. This kind of lays
3 out what the first 30 days looks like. So we do here, shipyard
4 competent person, confined space entry, they become -- they have
5 to go do an Ohmsett physical, which is -- I don't know what
6 Ohmsett stands for, but it's their baseline physical to establish
7 their lung and breathing so that we can see if there's any issues
8 from there.

9 And then I spend a week with them going through not only the
10 qualification process, but specialty codes, second tour, third
11 tour, who's who in the zoo, the OER rating chain, how they get
12 assigned to inspections, how they go out on inspections, and then
13 basically, you know, kind of like their first 60 to 90 days. This
14 is a little different now because of MIPSAs, which is the Marine
15 Inspector Performance and Port Architecture, I won't go into all
16 of that, that just started in January, I'll just kind of go over
17 the last nine years, if that's okay, because things have changed
18 dramatically. In a good way.

19 And then they'll be assigned a mentor, they'll get an
20 expectation letter and they will start attending the vessel
21 platforms on which they're assigned. Most of the time here it's
22 T-boat for the first qualification, or foreign, depending upon
23 what time of year they come in because T-boats are historically
24 March to June, prior to all the tourists coming in Virginia Beach.
25 So depending upon when they come in, they'll get assigned one of

1 those quals and a mentor, they'll start going out on inspections,
2 and I always walk them through -- me or one of the warrants walk
3 them through the first couple PQS sessions so they can kind of get
4 a feel for how -- what's expected from them, when's the right time
5 for -- difference between teaching and training.

6 And I monitor all their progress, everyone has a training
7 folder with every one of the qualifications that they're working
8 on. As they get sign-offs, they put them in there, they'll spit
9 out a percentage so then that way every month we can kind of
10 monitor where they're at to ensure that they're close to their
11 expectation if not exceeding it. Do you want more detail, keep
12 going? I can give you a lot --

13 Q. Sure.

14 A. Okay. So this is just for their first qualification. Their
15 first qualification process is the same as every qualification,
16 it's very standard. Once they complete a certain percentage of
17 their PQS, it's usually in the mid-nineties, then we start looking
18 for opportunities for a check ride. Check rides are when they go
19 out and independently conduct the inspection, which they have
20 already been doing previous to that. Ensign Johnston right now
21 has, I think, done 52 inspections and she's ready for a check ride
22 and just looking for the right platform for her now. So she'll do
23 a check ride with a VO, which is what policy is, and she will do
24 all the beginning prep work/case work brief to the actual
25 inspection, so then the -- the post-brief and then the case work

1 at the end and then there's a rating form that's standard, I can
2 get that for you, on how she's assessed or he's assessed. Then we
3 schedule a pre-board, pre-boards are made up of -- and they are
4 required, pre-boards are required, we usually do those with three
5 qualified folks. A lot of times we like to do this down in the
6 shipyard because that's not as a formal environment as here.

7 Pre-boards are much more detailed, usually four to six hours
8 long, they're basically from the beginning of inspection to the
9 end, very technical, and decision making. And then once they
10 complete that satisfactorily, they do the look-ups from there, the
11 lead and whoever was doing the pre-board will recommend them for a
12 final board and so once they're recommended for a final board, we
13 need Mr. Zohorsky.

14 I usually put a newly qualified JO on there just as an
15 observer so they can kind of see what it looks like from the other
16 side of the table, and then I always have a couple of warrants or
17 some JOs that have been qualified that are VOs and those -- that
18 -- our final board is usually about an hour, an hour and 15
19 minutes, we don't need to do something, they've already done four
20 to six hours. Many of those are decision making, what their
21 authorities are, where their captain of the port OC marine
22 authority comes from, where they get the authority to go on the
23 vessels, as they're with a -- someone disagreed with the
24 deficiencies, their soft skills on how to handle certain
25 situations. And then once they complete that, they do the --

1 satisfactory, they do lookups from there, and then I will process
2 their qualification letter. I always have the CO sign all of our
3 letters just because of his visibility to what some of our folks
4 do here since we're not co-located. And then also, I just think,
5 as a formality to -- and so when those letters come back, I put
6 them into TMT as qualified, I let the scheduler know, who is
7 Beth Kerwin (ph.), that this person is licensed to drive,
8 obviously within the tier system, and then they get assigned to
9 the next qualification that they're working on.

10 Most of the time for T, they'll go right to ITV because
11 there's a lot of similarities, they're about 80 percent on ITV,
12 kind of just the time they step on because it's the same
13 equipment, same platforms. And then we'll go through a four-qual
14 progression.

15 I will have done that their first 30 days, I kind of map out
16 their 36 months of life, what it's going to look like for all
17 their quals and if they're able to beat those -- I shouldn't say
18 beat those, but if they are able to exceed those and complete
19 those quicker, they'll get more opportunities. Some are JOs,
20 high-performing JOs, they get major qualifications or get an
21 opportunity to go do tank, chem or gas, one of the upper-level
22 quals that show proficiency and professionalism.

23 (Crosstalk)

24 MR. TAYLOR: I got a question related to this.

25 MR. O'NEAL: Yeah, um-hum.

1 BY MR. TAYLOR:

2 Q. So you take AMIs and you run them through that process.

3 A. Correct.

4 Q. It's a pretty extensive process.

5 A. Yes.

6 Q. When you get an anomaly --

7 A. Yeah.

8 Q. -- like Lieutenant Commander Newkirk --

9 A. Yeah.

10 Q. -- who has some quals --

11 A. Yeah.

12 Q. -- comes in, but she's in an AMI billet --

13 A. Correct.

14 Q. -- so how do you structure that differently?

15 A. Sure.

16 Q. Or can you kind of relate that to how you structured her pass
17 through the process?

18 A. Absolutely can. So I was actually contacted by the detail or
19 (indiscernible) back, asking me whether we could take her in an
20 AMI billet and help her with some qualifications if she took a
21 CNC, caring for a newborn child, when she was down in New Orleans
22 and wasn't given the opportunities, and said we yes. So the first
23 thing we do is we assess where she got her quals, how long it's
24 been since she's got her qualifications and that gap. And then we
25 look at what, for recertification, would need to be done. All of

1 the recertification processes are all talk-through between the
2 chief of inspections, myself, and usually the warrant -- depending
3 upon where the members come from. I guess I'll be specific to
4 Ms. Newkirk. Ms. Newkirk got her qualifications from Baltimore,
5 she had port state, foreign freight, ANT, if I'm correct. Maybe I
6 shouldn't have said that, the acronym might be off, but I think
7 those are the three that she came in with. So we crafted out,
8 basically, a 90 to a hundred and 20-day recertification process,
9 what that would look like. There's some differences in Baltimore
10 in how they do -- how they interpret exposed compared to we do, we
11 also have our own CID notes, cold water and warm water, yes, sir.

12 Q. Baltimore is a feeder port or not a feeder port?

13 A. Baltimore is not a feeder port.

14 Q. Okay.

15 A. Baltimore is not a feeder port and there are some non-feeder
16 ports that do receive AMIs. The Coast Guard, over the last three
17 or four years, left-hand, right-hand, for how many ensigns we
18 ordered were way too many, so we're actually at about a hundred
19 and 30 percent, I believe, of how many ensigns we should have, so
20 they're placing them in a lot of different places. That's not her
21 case, but -- so sometimes we do have some, I have one down in
22 North Carolina right now that's not at a feeder port that I'm kind
23 of overseeing. So for Ms. Newkirk, her recertification process, I
24 wanted her to start with port state and foreign freight, so I had
25 her do the VAD process, which is the vessel arrivals duty, so that

1 she could learn the grading process again, redo it, because it's
2 changed, so that she could understand the A's and the B's and call
3 (ph.), and our different facilities and how we go out, how they
4 issue letters of deviation and captain of the port orders, how far
5 those need to go to, so that she, as a supervisor of it, you
6 should certainly know what the process is, right?

7 So I wanted her, you know, and she wasn't a supervisor, but
8 we needed to have another O-4 coming in, I think, at some point
9 that invariably would be in one of those positions, but -- so she
10 recertified in that and it was a first class, it was a VO for
11 both, did her check ride on both port state and foreign freight.
12 We had a discussion with her about downgrading and different
13 anchorages and things that she was able to answer those very well.
14 Then we had her start with T, had her first start doing the normal
15 things, what apprentices do, which is the case work, the case work
16 review in the beginning.

17 So our case work review process is to -- the last two annual
18 inspections or COI, whatever it is, class (ph.), dry dock, DCP,
19 COI, and then basically do a full brief to whatever the qualified
20 is, so I had her start that process, so going out on a 37-foot
21 lake space sound for an annual inspection, had these last two
22 deficiencies, here's what the dry dock was, here's the things that
23 are expired, and then we talk about calling the owner/operator at
24 that point. So first couple of times she did it, she was oversaw
25 by one of the warrants or myself to make that call and then I

1 don't know exactly how many inspections, I'd say at least 10, 10
2 to 12 inspections that she did for T-boat, both COI annual and dry
3 docks, before she started -- I mean, she was competent, but before
4 she started feeling like she got her feet back under her. And
5 then I had her review all the CID notes so that anything local to
6 us for as far as what's our limited coast lies and what do we --
7 you know, what are our routes, how far do -- you know, does our
8 AOR go to.

9 And then she did a check ride with one of our warrants,
10 beginning to end just like a new person would do. And then we met
11 with her, it was me, her, Mr. Zohorsky, and we asked her a lot of
12 scenario questions of how she would handle different situations.
13 And she did very well.

14 So at that point, I reissued her a recertification letter,
15 which I actually have here, but I don't have the one that was
16 signed because our scanner was down for like -- so I issued a
17 recertification letter for everybody that comes here, that comes
18 with a qual, because technically, according to policy, you're
19 decertified when you leave, even if it was like Jeff Hennington
20 (ph.), who's a W-3, just left Lake Charles like Friday, reported
21 here Monday and was doing the exam on Thursday, that weekend of
22 transfer, he's still decertified, so I've got to recertify him.
23 His obviously will be a little bit different because he won't have
24 four years or five years removed in between doing inspections.
25 But it's not rare for people to come here that have not -- I'll

1 try to say this in the best way, I guess, stop me, but we -- we
2 have a lot of master marine inspectors here and a lot of
3 professionalism and we have a good reputation, so a lot of times
4 we -- detailers will either send us double billets for training or
5 they'll send us folks who they know are going to get the right
6 attention, care, and feeding that they need here, and so it's not
7 rare for us to get people who have been in flight school or have
8 been in a staff tour and haven't been given the opportunities or
9 given an opportunity to get a major qual.

10 Even our captain of port right now got her machinery qual
11 from the (indiscernible) sitting in that same position in the CID.
12 So we're a training port, everybody knows that, and so I hope that
13 -- did I answer your question about that?

14 Q. You did.

15 A. Was that too long? Sorry.

16 Q. No, perfect.

17 A. Okay, good. Okay, so we have 14 AMIs, apprentice marine
18 inspectors, at any time here, so they're all at different levels
19 of the process. Our POW (ph.) is 14, including one civilian, we
20 have two JOJ-1s (ph.), both are filled with JMIs right now. We
21 have six warrant officers, civilians that are JMIs right now, five
22 are filled. We did take an apprentice into a JMI position, that
23 was just me making a deal to keep two of our ones here for
24 extended periods of time, one got a four-year tour, one got a two-
25 year extension and they're both incredible inspectors. So we're

1 pretty much -- pretty much have what we've been looking for.
2 During the summer we usually lose one-third of our people every
3 single year, that's just the nature of the game.

4 BY LT WHALEN:

5 Q. And with that turnover or that one-third loss --

6 A. Um-hum.

7 Q. -- how does that affect the load or the -- I guess the load
8 that the inspectors carry who are here and qualified.

9 A. Sure. Well, we plan for that the year before, so the year
10 before we already know who's transferring and like it's on my
11 chart, I have a one-page thing that we use for our -- we plan for
12 who's leaving and what quals. Many times the AMIs that are
13 leaving, they're leaving with T, barge, ITV, port state, foreign
14 freight, and sometimes K. Those quals are pretty easy to fill
15 because they're kind of the bread and butter of what we do.

16 It's the anomalies of the tank chem/gas major qualifications
17 that we always look to ensure that we are putting somebody
18 familiar the year before. Like right now I have three JOs, I have
19 two working on hull, one working on machinery, so -- because I
20 know my next year, in 2023, I'm going to lose a couple of folks
21 that have deep draft, so this will ensure that we have enough.
22 There's always invariably going to be more load in the summer for
23 our (indiscernible) W-4s who -- the Jeff Weavers (ph.), the Aaron
24 Woods, that you saw yesterday, hope you didn't need ear
25 protection, when he talks, he's -- he's loud. He's great, though,

1 an incredible inspector. They pick up a lot more load during the
2 summer as the new warrant officers here, they're going to take 30
3 days, 60 days to recertify. So it's more, but it's never to the
4 point where it's overwhelming. If they had two things at once
5 then we -- we balance each other pretty well.

6 Q. Do you believe it affects the safety of the fleet?

7 A. No, not at all. Not at all.

8 Q. With regards to the -- so take a T-boat inspector.

9 A. Um-hum.

10 Q. To what level are they -- is the training program with
11 regards to like machinery and those types of systems, vital
12 systems?

13 A. Sure. Well, we assess where they're at in the beginning and
14 from there we formulate a plan with a background list, the ones
15 that certainly were never in K's, or engineers, you know, unless
16 they just need more regulatory, the ones that have never been in
17 an engine room need basic nomenclature.

18 So certainly, the Marine Inspector Performance Support
19 Architecture has some great training on that, they have both --
20 what are called structured on-the-job training and also
21 performance task checklist in which they're -- actually, they have
22 to go and point out the points on an engine and problem areas and
23 to know this is jacket water, this is raw water, and this is the
24 turbo. And then we also use some of our vessels here as training
25 platforms, so we -- and they're usually cold plants, so they're

1 great places to do training. Most of our warrants here, except
2 for one (indiscernible), so they're very good at teaching at the
3 101 and 201 level. So that's a little background. So we ensure
4 that they meet the minimum level of qualifications which is
5 required to be a T-boat inspector. They're not going to be able
6 to tear down an engine and repair it, but certainly, they are
7 going to be able to identify if there is a problem and then write
8 an 835 and then have either a tech rep or one of our other
9 engineers care for that.

10 And all of our inspectors carry their iPads or obviously,
11 they have their phones and there's been many times where they face
12 time, they're taking pictures or ask for somebody to come out to
13 take a look at something, if there's something that's kind of an
14 anomaly, but these are mariners, they're pretty good at explaining
15 things, too.

16 Like I'm not quite sure I've seen this and that even happens
17 with me, I've been doing this for a long time, but when you're on
18 a comfort, which is a steamboat, and you see some things that are
19 different and you're like I'm not sure what that is, I haven't
20 seen that before and they were like oh, that's a flux capacitor
21 and you're like oh, okay, where does that go to, what is the
22 system, does that -- and then you figure that out. So that
23 certainly is -- it's well documented in their PQS what needs to be
24 signed and you want me to go into our VO process at all, too, or
25 do you want me to just stop at that?

1 Q. No, you can go ahead.

2 A. Sure. So our verifying officer process is very formalized
3 and this is the -- this is the sheet, by the way, this has -- this
4 is what our scheduler uses to determine who's a VO and who's
5 qualified in each one of our quals, and I update these about every
6 three months, the same time that our VO list goes. So to be a
7 verifying officer, the Coast Guard says six months to have a qual,
8 be proficient, we go a little further in detail in that since, as
9 a training port, it's important. Just because you had a qual for
10 six months doesn't mean that you're proficient and that you should
11 be teaching and training.

12 So we actually do a quarterly board with all the warrants,
13 all the AJMIs and JMIs. We usually have me and another master
14 marine inspector and then three or four of the JMIs and they kind
15 of assess how well that person is growing in their qual, having
16 witnessed them actually doing some -- some training and before we
17 place them on a VO list we want to make sure -- and then when they
18 are, then I meet with them and discuss the importance of being a
19 VO, what the expectations are, because many times these are junior
20 members that could be signing things off for senior members,
21 right? You have a second class petty officer signing something
22 off for a warrant, right, who's a brand new warrant and they need
23 to understand what the -- their position is, it's not a rank
24 thing, it's a knowledge thing, and to ensure they're not
25 intimidated. So that's how we do our verifying officers and

1 that's how we do our -- our scheduling, which obviously, for T-
2 boats, is a little different now over the past year because of the
3 tiered system in which headquarters gave us a list of which one
4 falls under which tier and I work every day with Beth Kerwin, who
5 does our scheduling. That scheduling is always done from that
6 desk and when she's not there, somebody else is sitting in there.

7 It's just unfair for the customer to have to call seven or
8 eight different numbers to try to get to somebody, that's the
9 number they call, and then everything that we do is all on the
10 same calendar, the same line, whether you're on leave, if you're
11 out on inspection, we don't double book people now so we can look
12 to see oh, Aaron Wood's been on -- four months is way too much,
13 let's get him subbed out on one of those days, let somebody else
14 have that spot. That help?

15 Q. Absolutely.

16 A. Cool.

17 Q. You mentioned the tier system.

18 A. Yeah.

19 Q. Can you explain to me the tier system?

20 A. Sure, tier system was in response to a casualty out on the
21 West Coast where unfortunately, some people lost their lives and
22 the Coast Guard determined, through CDC, that they wanted a tiered
23 system for small passenger vessels which would make the higher-
24 risk ones that they deemed higher risk to have more COI-type exams
25 every year and the lower-risk ones to be kind of like more of a B

1 port safety control exam, which are topical, but then you can go
2 into an expanded if you find issues. Also, the Tier 1's require a
3 mid-period inspection, which many times, for passenger vessels, is
4 how they ingress and egress passengers and ensuring that they're
5 keeping up with their safety. It also makes it so that AJMIs,
6 many of our AJMIs will have to go out on T-boats, sometimes even
7 pontoon boats, and -- to conduct the inspection, to ensure that
8 they meet the tier system.

9 But we're able to meet it just because, as a feeder port, we
10 have a lot of folks that are AJMIs and -- but it does obviously
11 place a burden because if they're on there, then that means that
12 they're not teaching, training or ID drafting, so --

13 Q. Are you able to -- like you say, are you able to mostly meet
14 the need if you don't have an AJMI available for a COI renewal
15 or --

16 A. I would say we're always able to meet need. I can't think of
17 an opportunity in my, from what I've seen, I can't speak to
18 whether from a scheduling standpoint on the nose, on a leave, on a
19 week whether you did or not.

20 Q. Sure, of course.

21 A. But certainly, from what I've seen, we're able to shift a COI
22 a day or two, if we needed to, or shift individuals from one
23 inspection to another.

24 Q. Now, does that tier system, does that also reflect itself?
25 Understood AJMIs are required for annual COIs and initials and

1 renewals.

2 A. Um-hum.

3 Q. Now, say they're on that annual or on that renewal, there is
4 a deficiency issue.

5 A. Um-hum.

6 Q. To clear that deficiency is an AJMI required or is a lower
7 level of inspections experience or proficiency allowed?

8 A. I have to review the policy, but I don't believe there's
9 anything in the policy which dictates claiming deficiency and
10 having to be at the AJMI level, so I'd have to review the policy.

11 Q. Is the *Spirit of Norfolk* a Tier 1?

12 A. It is.

13 Q. It is.

14 A. It's a Tier 1, um-hum.

15 Q. And what's your history of the -- with the *Spirit of Norfolk*?

16 A. Sure.

17 Q. From when you first got here, if you can.

18 A. Yeah, yeah, yeah, yeah. I first went out on it in 2002, I
19 believe, I did a dry dock, which is down in, I think, Lyon
20 Shipyard, at the time, Lyon's North. So I've been on her on a
21 decent -- decent amount because as a trainee and then for the past
22 five or six years, really, nine years, I've been out on it four or
23 five times for -- between annuals and COIs. We also use it as a
24 training platform because (1) it's right here, (2) Captain Ryan is
25 phenomenal, the vessel is well maintained, so we use it. We have

1 to have training platforms that -- during non-inspection times
2 that we can go use. And so we go out on there with trainees and
3 we walk through nomenclature and what a watertight door is, knife
4 edge, and how -- you know, bilge manifold systems and so we use --
5 we use their vessel probably once a month or so for -- well, maybe
6 once about every two months, especially during when new trainees
7 come in, especially you mentioned the ones that don't have
8 engineering training.

9 Q. Um-hum.

10 A. It's a great platform because it's large, like on some of our
11 other T-boats where you're kind of contorting yourself to look,
12 that's a tough place to teach and during an inspection, the
13 engines are always on but a lot of times it's a cold plant in the
14 morning when we go look, Ryan's usually there around 8:30. So
15 I've been on that boat many times and I believe that was the --
16 no, just trying to think if there's any -- if there's any -- I've
17 probably been on it four or five times at least for inspections.

18 Q. Okay. And so that vessel, what's its inspection subchapter?

19 A. Sure.

20 Q. What's it inspected to?

21 A. Well, it's inspected on a K but it's a -- it's an old -- it's
22 an old T, an old TL. So it's an old TL and it's a K, it's an H,
23 fall into it, it's kind of a little bit of an anomaly, it's the
24 only one like that we have in our port.

25 Q. So to conduct an inspection and/or deficiency check or

1 anything on board the vessel, what level would you need of
2 inspection?

3 A. AJ-1.

4 Q. AJMI. Okay, so -- even so -- what subchapter?

5 A. Oh, K.

6 Q. K?

7 A. K, uh-huh.

8 Q. Even though it's K on the COI, correct?

9 A. Correct.

10 Q. And then it gets inspected to TL when it's required, when
11 push-man (ph.) K pushes you to the T.

12 A. Correct. So K because of structural fire protection and then
13 security plant, it's one of the few that we have that -- that has
14 both as a small passenger vessel here, so that's -- yeah, that's
15 correct, um-hum.

16 Q. Okay. And what's your most recent history with the *Spirit of*
17 *Norfolk*?

18 A. I conducted the annual inspection, I have all those. Do you
19 want me to pull that up? Yeah, yeah, yeah.

20 Q. You can if you want.

21 A. Yeah, sure. I conducted the annual inspection. Let me get
22 the exact date. Guess I should've had that memorized. Nine May,
23 on 9 May I conducted the annual inspection. I brought along with
24 me Mike Laurence, who's a lieutenant commander, machinery
25 inspector, also a professional engineer, to conduct the

1 engineering side. And then I brought on Kate Newkirk, who was a
2 lieutenant commander who needed to see the security plans for
3 passengers. She's seen security plans regardless, but she hasn't
4 seen many for passengers. And then we brought along Ensign
5 Johnston because I wanted to see her soft skills ability to handle
6 a crew of eight people, and then I also wanted to -- for her to
7 build her confidence because she's getting close to a check ride.
8 Kate Newkirk has a hull qualification, Johnston did not, she's
9 brand new. So conduct the -- you want me to go through the whole
10 thing, inspection?

11 Q. Sure.

12 A. Okay, great. So about two weeks before the inspection, had
13 Ensign Johnston pull the VCP COI, the last two inspections, last
14 dry dock, go through a cursory review of those to build kind of a
15 plan. She came in and briefed me about any of the last couple
16 inspections, any deficiencies, any of the dry docks, the
17 narrative, provided me with the whole thing, asked me whether she
18 could contact Captain Ryan and I said yes, said what kind of
19 questions are you going to ask, to make sure all the crew members
20 are there, that they're ready to get under way.

21 I also asked her the day before to make sure she checks the
22 weather to make sure because it has a sail area and I wanted to
23 make sure that -- which it did turn out to be about 20 to 30 knot
24 winds, which we can talk about, but -- and then brought
25 Ms. Newkirk, Mr. Laurence, and we all kind of discussed our plan

1 of attack and before we made sure we looked at the weather, saw
2 that around noon, 30, 40 mile-an-hour winds were coming in, so we
3 kind of moved it up to about 8:30 instead of 9:00 or 9:30 and made
4 sure that they were ready for -- our plan of attack was for
5 Ms. Newkirk and I to go and do most of the bridge items and then
6 all the security items that needed to be done, whereas
7 Mr. Laurence and Ms. Johnston were going to go down to the engine
8 room and he was going to start the engine room, and then also go
9 through nomenclature, some of the items that she had for PQS
10 items, which I believe were generator and I think bilge and
11 manifold system, she had a couple others that she needed to kind
12 of talk through.

13 Q. Who were the qualified individuals on board the vessel?

14 A. Sure. For K, it was me.

15 Q. Okay.

16 A. For K, it was me. Lieutenant Commander Laurence has since
17 gotten K, he was a machinery inspector who obviously was qualified
18 in machinery which also includes all structure fire protection, so
19 really, the only difference in that platform, compared to what
20 he's done before, was a security plan, which he wouldn't be doing
21 down in the engine room, anyway. So prior to actually going on
22 the vessel, we always do a pier walk, we do a quick dart in the
23 car, pier walk, had Ensign Johnston actually do the full
24 introduction, talked to the crew, kind of explained what we were
25 doing, and then we went into our two separate spots, went --

1 walked through the engine room, then I went up to the bridge, we
2 conducted all our inspection. Captain Nadeau asked us if we could
3 do our -- to do the man overboard drill a little earlier, prior to
4 completing the entire inspection. Normally, we do the man
5 overboard drill at the end of the inspection, kind of one of the
6 last things that we do, but due to the winds coming in, he wanted
7 to do it a little bit earlier, so not unheard of at all.

8 So what we do is we make sure that we do a minimum safety
9 check, we do a steering check, we bump the engines back and forth,
10 they were obviously warm at that time. We had gone through all
11 the bridge equipment, all the communication equipment, and I
12 walked the engine room after Mike Laurence. First, I went down
13 there and asked, you know, any issues, any problems, and he said
14 no, so I always do a quick walk as to qualify it and I want to
15 make sure I'm there, take a quick look in the lazarette and made
16 sure everything was fine there and then checked the steering, went
17 back and forth.

18 Then we got under way -- well, before that, I'm going too
19 fast. Let me slow down. So before that, we met with all the
20 crew. I had Ensign Johnston, Commander Laurence, and myself
21 talked through what her brief was going to be to them, to what her
22 expectations, what our expectations are for a man overboard drill
23 and a fire drill. That's the two we were going to do there and
24 then we were going to, at the end of the inspection, talk about
25 crowd control, abandon ship, how to handle security incidents, we

1 were going to do that after. So she explained to the crew what we
2 were looking for on a man overboard drill and talked to Captain
3 Ryan about when a good time is, because there's a lot of Navy
4 traffic coming through, in and out of here, and you want to make
5 sure you have a good spot, but we also don't want to make it
6 predictable at the same time. So too much detail, greater detail?

7 Q. Perfect.

8 A. Okay, great. So I had Ensign Johnston, I said you need to
9 tell us where you want us to go so that way -- and she wanted me
10 up at the top deck to go and look down and watch them do it, she
11 wanted Ms. Newkirk to be up on the bridge to hear the captain make
12 a call, handle the crew, and then navigate the vessel, and then
13 she wanted Mike Laurence to be with her at the actual spot where
14 they would be putting over the ladder to pull up the dummy, which
15 is a hundred and 50 pounds when it's filled with water, it's
16 pretty heavy, simulates the break (ph.).

17 So anyway, we got out to a good spot and a couple minutes
18 after Captain Ryan said we were in a good spot, we threw it
19 overboard, we always man the crew, who normally identifies that
20 there's somebody overboard and they are allowed to pick a crew
21 member to -- or a passenger to point, they did a great job picking
22 him up. They did -- performed CPR. Two of the -- two of the crew
23 members, one's a retired firefighter, the other's an active
24 firefighter, they've been there for a long time, they're very
25 professional, they do a great job. So we pulled him up, we had a

1 little bit of feedback just on the person that actually went over,
2 down in, down the ladder to actually -- they have a clip on the
3 back of their life jacket that actually the line wasn't clipped
4 on, it's one thing that they were remiss to do, so we gave them
5 that feedback after. So after they did that, we had them secure
6 the ladder, make sure that they're in a good spot, there was
7 actually a Coast Guard and a Navy boat going by, we let them go by
8 first, they turned, and then we simulated a fire drill.

9 And when I say simulated, it was only simulated because we
10 didn't have them go live with hose, but we picked -- actually, I
11 picked, based upon my discussions with Captain Ryan, one of the
12 heads, because there are paper products in there and there's
13 certainly -- marijuana's pretty prevalent and there's -- sometimes
14 passengers will go in and sneak in and we wanted to ensure that if
15 there was a fire in there, they were good.

16 So we waited until they had secured that and then I tapped
17 one of the crew members on board and said there's a fire in here
18 and they did a great job of quickly contacting on the radio,
19 captain had the teams set and then at the same time we were asking
20 them what do you do with passengers, where do they go, put them
21 over on this stairwell, have them go here, have them put on life
22 jackets, and then they put their hand -- they had a portable and
23 they also faked one of the hoses and then once they hit that
24 point, they opened the door and entered that and then we secured
25 it and went back to the pier. At the point of going back to the

1 pier, we had them put a fire hose up forward and aft, and we
2 continued with the rest of our inspection. We have a signal that
3 requires us to pump out every space, which I guess, really, for a
4 Tier 1 that's probably something that should -- I don't know if
5 it's required to be done. We do it anyway, on every single --
6 we're only on there once a year. We're going to go in every
7 space, wherever they put a bag, whether they -- whether the space
8 is clean enough to put some water in there, we want to make sure
9 that that manifold isn't clogged and we want to make sure that the
10 check valve isn't backwards, and they know how to use their -- and
11 they know how use the bilge system to isolate.

12 So we go into the space, we started obviously forward, worked
13 our way aft, continued that inspection, they pumped out each of
14 the spaces. At the same time, we're going through the lifejackets
15 and walking from deck to deck and windows and passengers and --
16 you want me to stop anywhere? Was that good?

17 Q. Keep going.

18 A. Got it. Then once we completed the inspection, we all come
19 back together and when I say completed, we just completed the
20 physical part of it. We come back together to talk about what
21 things have we seen, what kind of feedback that we have, we had a
22 couple lifejackets that needed some retros they had on board, the
23 clip for the life vests that needed to be done, and that was it
24 that we had for -- and those weren't deficiencies, it was just
25 comment. So at that point, we brought the crew together and we

1 started talking through okay, let's go through some scenarios,
2 there's a fight, there's a fight here on this deck, right, because
3 they -- they have all different kinds of folks, yes, hopefully you
4 won't get one of those on one of their wedding trips, but
5 certainly on some of their fraternity trips and other -- once
6 there's -- sure, there's going to be incidents of some sort,
7 right, and so how do you handle that, how do you handle if you see
8 someone with a gun, what do you do if you're up a MARSEC level and
9 how you -- people come in.

10 You see somebody that just walked into the engine room, is
11 that a secured space for your security. We don't always ask the
12 high crew member, we ask the lower ones to ensure that they know
13 what they're doing. And then we ask what would you do for -- if
14 you had to all evacuate the vessel and that they walked through,
15 they each said this is where I'm supposed to go, this is what I
16 do, everybody's going to have -- gets on a lifejacket, depending
17 upon why we have to do it, we'll determine where we get off.

18 They do have a very big (indiscernible) where they take in
19 and out all their stores over by the stairwell, and mid-ships.
20 Great spot to get people on and off and that's what they used.
21 But most of the crew members have been there for a while and very
22 familiar with them and they were -- they were very proficient in
23 talking about what they were going to do. And then we -- and then
24 after that was done, we briefed the captain that we completed the
25 inspection, here's the feedback that we have, we asked them if

1 they had any questions for us, if there's any Coast Guard things,
2 had a couple license questions, which were operators or crew
3 members to ask that, right, the process. And then we reminded the
4 captain we'll be at one time coming to do a mid-period inspection
5 because he is a Tier 1 and thanked him and we walked off board and
6 did the case work and signed it and that was it, that's the last
7 time I was on the *Spirit of Norfolk*.

8 Q. Perfect. Very thorough inspection, thank you.

9 A. We conduct almost -- how do we do? We conduct every one of
10 our inspections, even if it's an annual, almost like a COI. We're
11 a training port, it's very hard to train people if you're not
12 doing it at the level in which you expect them to do with the
13 upper level, right, you can't -- you can't do mid-level
14 inspections and expect people to do upper-level inspections when
15 they haven't seen them. So we try to do that without burdening
16 the owner/operator and master at the same time, we have to balance
17 that, but we're pretty -- we're well tuned, I would say.

18 BY MR. TAYLOR:

19 Q. So you said everyone that goes up and conducts an inspection
20 with a trainee --

21 A. Yeah.

22 Q. -- conducts that inspection at the same level you do?

23 A. I do. I do. Especially our warrant tech, I'd say yes,
24 because they -- they know how important it is to do it from the
25 beginning to the end and we -- there's been some instances where

1 people have split up, even on the smaller T-boats, when there's
2 two qualified, that's a no, we discuss that quickly, because it
3 doesn't help with the flow of the inspection, right? A vessel
4 this size, a little bit different, it would probably take you
5 eight or nine hours to do if you only have one qualified person,
6 which is fine, if that's what you have, but with a couple
7 qualified people, you can split up and do both.

8 But for most of our small passenger vessels, it's really not
9 hard to go through the whole thing. We pump out every space no
10 matter what, we're going to run the engines no matter what, we're
11 going to do a man overboard drill no matter if you're doing an
12 annual or not. It really would be mach 1 unless there was a small
13 craft advisory and at that point, we'll come back just the next
14 day to do it. So hopefully that answered your question because
15 really, when you think of a T-boat inspection, there's not -- I'm
16 not sure how you could skip anything, it's all right there for
17 you.

18 And we have the same flow, so we flowchart out and it's also
19 in MMS on how to flowchart (indiscernible) inspection. But one of
20 the first things that we do is we flowchart it out, so like here's
21 my case work prep work, now I'm on the pier, now I'm introducing,
22 now I'm up on the bridge, here's what I see up there. Then I go
23 up to go do the life floats or inflatables and then -- right? And
24 so it's very prescriptive. And then when people are taught that
25 way, then that's how they do it and they're comfortable, and

1 that's the way that we ensure that we don't miss spaces and miss
2 spots or miss areas. And then we also have 840 books, obviously,
3 every one of us carries an 840 book for everyone during
4 inspections, he uses that. We also, you know, like I have one
5 that's been all marked and tabbed for -- that's the difference
6 between T and -- old T and new T, so then that way I can make sure
7 that I'm not applying standards that don't -- that don't apply.

8 BY LT WHALEN:

9 Q. Specifically to old T --

10 A. Yeah.

11 Q. -- and new T standards, you had mentioned that *Spirit of*
12 *Norfolk* was inspected to old T/K and old T.

13 A. Yeah.

14 Q. Correct?

15 A. Correct.

16 Q. With regards to fixed firefighting --

17 A. Sure.

18 Q. -- fire detection, fire suppression, and as well as
19 structural fire protection.

20 A. Correct.

21 Q. So did the *Spirit of Norfolk* have fire protection?

22 A. No, it did not.

23 Q. It did not have any sort of fire protection?

24 A. No, it did not. They're not required to.

25 Q. It's not required by regulation?

1 A. They're not required to. They did have structural fire
2 protection, they're are required to have that as a subchapter K-
3 vessel, so they did have, near the bulkheads and deck foundries
4 and their bulkhead penetrations in compliance with 997, but they
5 did not have any fire detection nor did they have a pre-engineered
6 fix system or any sort of bottles in there, in the engine room,
7 because they were not required.

8 BY MR. TAYLOR:

9 Q. So no fire extinguishers in the engine room at all?

10 A. Yes, they had a fire -- they had fire extinguishers. As to
11 whether they're in the engine room or -- I don't think they're in
12 the engine room, I think they were directly outside of the engine
13 room and that was inspected by Mike Laurence and also by Carol
14 (ph.).

15 Q. What type fire extinguishers were those?

16 A. I would have to look.

17 Q. Portable or fixed?

18 A. Oh. It's going to be portable.

19 Q. Okay, that was what I was alluding to.

20 A. Yes, sir.

21 Q. It does have portables.

22 A. It does have portables in the outside of it, yes, it does.

23 Uh-huh, yeah.

24 BY LT WHALEN:

25 Q. And does it have, does the vessel have mechanical

1 ventilation?

2 A. No, it does not. Well, hold on. I'd have to look. I
3 remember seeing louvers, I remember -- I don't remember going to
4 the mechanic ventilation. I'm going to retract that one, I'm not
5 sure, I'd have to go look.

6 Q. Okay. Do you know if the vessel has like natural
7 ventilation?

8 A. It certainly had natural ventilation in -- with the way the
9 louvers were on both, on both sides, they were aft, but I don't
10 remember if it was -- I don't remember if it was powered. I don't
11 remember.

12 Q. Okay.

13 A. Sorry.

14 Q. And if it wasn't powered, by regulation, is it required to be
15 able to be secured?

16 A. It is required to be secured, but it's not required to be
17 secured in the exterior, it just has to be secured. I believe --
18 and I won't want to say it, but -- I don't know if it was
19 interior, but I'm not sure.

20 Q. Okay.

21 A. I'm not sure, I don't remember.

22 Q. During the inspection, did Mr. Laurence -- you had said
23 earlier that he said there was no major anomalies. Had there been
24 done -- had there been any work done by any contractors or any
25 third parties prior to your inspection?

1 A. No, and that's one of the things that we ask all of our
2 operators, first on the phone, prior to me going and doing
3 inspections, is there anything that's down, anything that's
4 working on, will there be any techs that's there, and then when we
5 go on there, you guys working on anything, certainly you could see
6 it, right, if they were, but no, he said no, there's nothing going
7 on. And at that --

8 Q. And -- I'm sorry.

9 A. Yeah. No, at that time there wasn't anything.

10 Q. And then just one more question from me, so at the conclusion
11 of an inspection, if you were to have an 835 or case work --

12 A. Uh-huh.

13 Q. -- right, so what is the expectation from a training
14 officer's standpoint --

15 A. Um-hum.

16 Q. -- in which -- in which a narrative and/or activity is
17 entered into the MISLE?

18 A. Sure. Well, the policy, to follow the policy, first, we do
19 it the same day. Most of the time, if we have an 835, we put it
20 in, in the system to do the actual -- you just want to go through
21 835s or do you want me to go through the actual --

22 Q. Eight thirty-fives.

23 A. Yeah, so 835s should be issued by the lead, whoever has that
24 qualification. It should be issued to and clearly explained to
25 the owner/operator representative to -- why they're not in

1 compliance, what -- whether it's seven days, 30 days, no sail,
2 whatever the tiers, that would've been called back and already
3 briefed back. Any time you restrict a vessel or change their
4 passenger count, change their route or of course, not allowed them
5 to leave the pier, we require them to call back and talk to the
6 CID or to the ACID to brief, just to make sure whether they're on
7 the right page and then to ensure that in case, as soon as they
8 walk off the vessel, somebody calls and says I can't believe your
9 inspectors did this and -- right? So we make sure that we're in
10 line with that.

11 So they would then issue that and then put it into -- into
12 MISLE and then, depending upon how long it is, whether they keep
13 it up, but I don't know what the policies exactly are for as far
14 as closing, but it should be clearly documented on the -- on the
15 case work to ensure that -- because the person who clears it may
16 not be the same person who wrote it, depending upon people's
17 schedules, how long it is, so it should be clear enough so that
18 whoever comes on board should know what the deficiency was, what
19 the problem is, and how it has been required to be clear. That
20 plain?

21 Q. Absolutely.

22 A. Good.

23 Q. And with the documentation, say -- you had stated earlier
24 that sometimes you receive the tech reports. If you were to
25 receive a tech report, shall or should that tech report be entered

1 into MISLE and the case folder?

2 A. I don't know what the policy is, I don't deal with a lot of
3 tech reports.

4 Q. Okay.

5 A. So I couldn't answer that one.

6 UNIDENTIFIED SPEAKER: Mr. Taylor, more questions?

7 (No audible response.)

8 UNIDENTIFIED SPEAKER: We'll start with Mr. Karr, please?

9 MR. KARR: Sure.

10 BY MR. KARR:

11 Q. Mr. O'Neal, I have a few questions for you.

12 A. Yes.

13 Q. And I'm Mike Karr of the NTSB.

14 A. Yes, sir.

15 Q. Let me go through my notes. You mentioned a North Carolina
16 ensign that you're responsible for. How are you, in Virginia,
17 connected to that North Carolina ensign?

18 A. Sure, there's a lieutenant down there that is the CID and has
19 a -- received an apprentice marine inspector, it's not rare for
20 that to happen, we actually have a national policy. Every MITO
21 has what they call an adopted feeder port, an adopted port that's
22 not a feeder port, so mine happens to be North Carolina. So I
23 handle North Carolina MSD Fort Macon detached duty Nags Head and I
24 help them if they need to come up here to complete a
25 qualification. I'm also another member on the phone for them for

1 a pre-board or board, and also help to get that person into the
2 right training, whether that's MIC, port state, sorry, just marine
3 inspector course, which is no longer existent. I know. And then
4 into upper-level training. So that person, I believe, is actually
5 probably going to get transferred very soon into a feeder port.
6 It's a placement due to a family thing.

7 Q. And is the safety detachment connected to part of Sector
8 Virginia?

9 A. No, no, it is not. No. Fort Macon is attached to North
10 Carolina, along with detached duty Nags Head is attached to North
11 Carolina.

12 Q. All right.

13 A. But we do go down to Nags Head pretty often because (1)
14 there's just a lieutenant down there conducting inspections and
15 there's 30 or something T-boats and there's a lot of very
16 different types of T-boats down there, old Ts and wooden Delta-
17 built bed rises, strip planks, and then some of the aluminum DA
18 builds. So we go down there and I use them for check rides a lot
19 of times, too, because they're something different for us to be
20 able to see, and then also we have a good relationship with them
21 because I helped them out with training because we're right here
22 in D-5 in that area and we give plenty of training for folks.

23 Q. All right, thanks.

24 A. Uh-huh.

25 Q. CID notes, are there any specifically applicable to engine

1 examinations and steering systems on T-boats?

2 A. Not that I'm aware of.

3 Q. When you were doing the annual inspection --

4 A. Um-hum, um-hum.

5 Q. -- what I'd like you to do is recall what exactly you
6 witnessed as part of these different things I'll ask you about --

7 A. Sure.

8 Q. -- so I can get a visual of what happened.

9 A. Yes, sir.

10 Q. Steering check.

11 A. Uh-huh.

12 Q. What do you recall about the steering check that your team
13 put -- put the ship through, not what they would do but, you know,
14 what you saw.

15 A. I was up on the bridge, so I was not in the lazarette, I know
16 they went at least 15 to 15, I don't remember further than that, I
17 was going through the drug and alcohol program documentations and
18 records, that's all that I can recall.

19 Q. All right. And same thing with regard to the engine checks,
20 I know you said you -- well, what did you witness as far as engine
21 checks?

22 A. Sure, all I did was witness post -- pre us getting under way,
23 I did a general walk-through to ensure that there was no leaks or
24 exhaust or excessive vibrations or anything that looked out of
25 order, but Mike Laurence had already done a complete inspections

1 of that, both cold and hot. So just as the qualified, I don't
2 like to not at least go into a space if I'm going to sign the
3 inspection at the end, I want to make sure I go in every space.

4 Q. So when you walked through the engine room --

5 A. Uh-huh.

6 Q. -- that day it was -- the engine was operating, it was
7 running?

8 A. Yeah, it was running. It was running great, no problems, no
9 hiccups, sounded smooth, no smell of exhaust, didn't see any fuel
10 or any oil or anything on the deck, it was clean and sounded good,
11 yeah, no problems.

12 Q. All right, thanks. Same thing with regard to the fire drill.

13 A. Yeah.

14 Q. If you could describe what each crew member did --

15 A. Sure.

16 Q. -- during the fire drill.

17 A. Sure.

18 Q. You said the head and --

19 A. Yeah, it was just a head and so I tapped on a crew member, he
20 was not one of the licensed, because there's only two licensed
21 crew members, I said we have a fire here, he quickly got on the
22 radio and said we have a fire, this is our location that we have
23 the fire, and a couple of the other crew members came, one had a
24 portable and the other just had the radio and said what they were
25 doing. A couple other crew members were grabbing one of the

1 hoses, which -- I don't know if it was port or starboard, which
2 one they grabbed, but they grabbed one of the hoses and were
3 walking into the space with that, one was --

4 (Audio recording stopped.)

5 UNIDENTIFIED SPEAKER: The parties in interest, all right,
6 we're about to start it back up, are you on line? For Hornblower?

7 MS. GALITOU: Yes.

8 MR. DENLEY: Yes, Eric Denley. Thanks.

9 UNIDENTIFIED SPEAKER: Okay, roger, we'll start with -- we'll
10 start this up again.

11 MR. O'NEAL: Sure, I'll speak a little bit louder. I was
12 going through the fire drill and I can't speak to what each person
13 was doing, but I can tell you that Uno 2 (ph.) had fire hoses,
14 too, were with a portable. I do know that at least one was going
15 to do crowd control and I do know that the one licensed member was
16 on deck and he was kind of overseeing who was doing what for what
17 responsibility. But I can't speak to --

18 MR. KARR: No, I just would like you to speak to what you
19 saw.

20 MR. O'NEAL: Sure, yeah, I saw a -- as soon as after I tapped
21 somebody on the shoulder and said that there was a fire, they got
22 on their radio, then I don't remember exactly who grabbed a fire
23 extinguisher, somebody else was with them. They put their hand
24 outside the door to see if it was hot, they opened it and just
25 barely opened it to see if there was any smoke and then the person

1 that had the fire extinguisher was either below them or above
2 them, but they were very, very close and went in and had that and
3 then just maybe 30 seconds later there was a fire hose that was
4 not -- because we asked them not -- said we don't need to press it
5 up and they came with that fire hose, one person had it, the other
6 person was holding it. Then we asked -- I think then I broke off
7 and was asking some of the crew members where they would bring
8 passengers.

9 If there was a fire here, it said this stairwell, would have
10 them go up here, we'd open this back door to start getting
11 ventilation and then once the fire was out and then -- and that
12 was it. Then we started going into security stuff after that, we
13 let them secure. That's all I remember.

14 BY MR. KARR:

15 Q. All right. And you mentioned the -- well, who was -- do you
16 recall who was directing it?

17 A. I don't remember the name, but I -- I don't remember the
18 name, I think it was the one licensed person, but there were two
19 licensed people on board, but one was Captain Nadeau and he stayed
20 up on the bridge.

21 Q. Was there radio communication --

22 A. There was.

23 Q. -- between the bridge and the fire team?

24 A. Yeah, they had a radio.

25 Q. And was there any direction given from the bridge, that you

1 recall?

2 A. I don't remember.

3 Q. All right. You mentioned crowd control, I think you -- I
4 recall you mentioned talking about crowd control --

5 A. Yes.

6 Q. -- when you met with everyone.

7 A. Yes.

8 Q. Can you recall what you -- what the crew told you about crowd
9 control?

10 A. I can. One, that they wanted to remain calm, they wanted to
11 keep the crew members calm, I mean, the passengers calm and they
12 wanted to put them into a location that was safe if there was an
13 area that was deemed unsafe. So if there was a fight or a fire or
14 a problem somewhere, they wanted to move them to an area which was
15 safe.

16 And they mentioned getting all the children and adults with
17 lifejackets on, if there was a fire or -- you know, we never went
18 into any specific details of like grounding or a collision or
19 anything like that, but just in an emergency situation, what are
20 their responsibilities and their responsibilities and our
21 responsibility is for the passengers and passenger safety. And so
22 that's all I can really speak about that.

23 Q. All right. And based on your position here --

24 A. Uh-huh.

25 Q. -- as a qualified inspector, a training officer, been in the

1 port a long time, been on a ship a long time, where are the safe
2 locations on the *Spirit of Norfolk*?

3 A. Sure, I would say up on the main -- on the top deck. The top
4 deck is the one that's for open air. I would also say that --
5 well, depending upon where the -- where the issue is, I would say
6 certainly in the stairwells where there's doors, where there's --
7 where they could exit the vessel if they needed to in an
8 emergency, and then I would say aft or forward are the two open
9 areas, also in addition to the top deck, that are open to air. So
10 I would say that those are the -- those are the locations.

11 Q. All right, thank you. And now on the subject of abandon
12 ship, based on your knowledge of the ship, the port, if I recall
13 the *Spirit of Norfolk*, does it have any devices where people can
14 leave the ship and get into a floatation device?

15 A. It is not federally required, no, aside their lifejackets.

16 Q. So how do people abandon ship on the *Spirit of Norfolk*?

17 A. Well, certainly the hope is that there's going to be a good
18 SAM vessel in the area to come alongside. Where they operate,
19 there's a lot of vessels, there's never a moment where there's not
20 -- whether that's security vessels for the Navy and the Navy base
21 or tugs transiting in and out of the area. There's also other T-
22 boats. But I guess if you -- if none of those were available,
23 their only thing that they could do would be to -- to jump in the
24 water. If they had to abandon ship and there was no vessel to
25 come aboard, I would say that they would have to do that,

1 obviously all with lifejackets on and stay in one location, but
2 really that's the only way they can do it.

3 MR. TAYLOR: So what about the possibility of leaks in the
4 boat? Is that talked about?

5 MR. O'NEAL: No, we never discuss that, I never discuss that
6 with the captain, but I'm sure he could probably answer that and
7 when you guys question him as to whether that was something that
8 was a thought for him in an emergency situation, as to what he
9 would do. He's a licensed captain, very, very professional, so
10 yes.

11 BY MR. KARR:

12 Q. Are there any plans --

13 MR. DENLEY: Can you please repeat the question? I'm sorry,
14 I didn't hear the question to the last answer.

15 MR. TAYLOR: The question was whether or not -- this is
16 Travis Taylor. The question was whether or not they discussed
17 running the boat aground in order to abandon ship.

18 MR. DENLEY: Understood, thanks.

19 BY MR. KARR:

20 Q. Are you aware of any Coast Guard or harbor community
21 contingency plans for addressing abandon ship by passenger vessels
22 in the Port of Norfolk?

23 A. I don't.

24 Q. Engine room ventilation.

25 A. Um-hum.

1 Q. You know, from your marine inspection experience, any insight
2 into why there are no provisions in the regulations to close the
3 ventilation to an engine room? When it's on fire.

4 A. Why there are not any regulations?

5 Q. Correct.

6 A. No, I'm not.

7 Q. Any insight into Coast Guard policy on firefighting with
8 regard to the vessel's current requirements of fire mains and
9 portable fire extinguishers for fighting a fire in the engine room
10 like we had?

11 UNIDENTIFIED SPEAKER: That would require an inspection.

12 BY MR. KARR:

13 Q. Well, let me ask you this, just any -- no --

14 A. Coast Guard -- oh, sorry.

15 Q. Yeah, go ahead.

16 A. Yeah, so they met Coast Guard requirements that -- and the
17 Coast Guard requirements for them to have portable fire
18 extinguishers and I'll say a fire hose, maybe not those, and for
19 us, as an inspector, we're going to ensure that they meet the
20 federal regulations and require those and they understand why that
21 equipment's on board and how to use it. And I feel very confident
22 that we did that, what equipment was required by the Coast Guard.

23 Q. All right. No, I agree, I will not ask that question. All
24 right, let me go down my notes. Do you know what alarms the
25 steering gear system had to alert personnel on the bridge of a

1 problem with the system?

2 A. I do not.

3 Q. Did you test any alarms on the -- during the exam?

4 A. Yes, high-level alarms.

5 Q. All right. Those would be bilge high level?

6 A. Correct.

7 Q. All right.

8 A. Yes, we tested every one of those.

9 MR. KARR: I have no more questions.

10 UNIDENTIFIED SPEAKER: We'll move to the parties in interest
11 and we'll start with Mr. Stillman, do you have any questions?

12 BY MR. STILLMAN:

13 Q. I do, just a couple, Mr. O'Neal.

14 A. Sure.

15 Q. Thanks so much for your time today.

16 A. No problem at all.

17 Q. I really appreciate it.

18 A. Uh-huh.

19 Q. You mentioned weather on the day of the inspection --

20 A. Correct.

21 Q. -- of the day of the annual.

22 A. Yes.

23 Q. Can you describe those conditions again? I think you
24 mentioned wind.

25 A. Yeah, it was high winds. I don't remember whether we had

1 thunderstorms coming in, but it was very high winds, probably 20,
2 30 knots. I think that when we were out doing the inspection, it
3 was only 10, 15. I'm not sure they ever got as high as predicted,
4 but they were predicted to be a little bit earlier in the
5 afternoon.

6 Q. So you thought the inspection was --

7 A. Higher wind. Yeah, only by half an hour.

8 Q. Yeah.

9 A. But we did the man overboard drill about halfway through the
10 inspection, by the end of the inspection, just to ensure that that
11 wasn't going to be a factor. We always like them, every one of
12 our T-boats, to do a man overboard drill in the same areas that
13 they operate --

14 Q. Great.

15 A. -- because obviously that's where they operate --

16 Q. Sure.

17 A. -- and that's where someone's going to go overboard, that's
18 where they're going to do it, so --

19 Q. So the weather wasn't a factor at all during the course of
20 the investigation?

21 A. No.

22 Q. No, okay.

23 A. Oh, during the course of the investigation or during the
24 course of the inspection?

25 Q. Inspection, excuse me. I'm sorry, yeah.

1 A. Yeah, no. No, no, the weather actually wasn't bad.

2 Q. And what was the total duration time you were aboard the
3 vessel?

4 A. Three and a half --

5 Q. Okay.

6 A. -- four hours, somewhere in that vicinity.

7 MR. STILLMAN: Great. Thanks so much.

8 MR. O'NEAL: Oh, no problem at all. Do you have any
9 questions?

10 UNIDENTIFIED SPEAKER: I do not have questions, but I was
11 going to go to the parties in interest.

12 MR. O'NEAL: Yeah, sure. No, no, I can't wait until the
13 parties --

14 UNIDENTIFIED SPEAKER: The parties in interest on the phone,
15 do we have the counsel for Captain Nadeau? Questions?

16 MS. GALITOU: No questions, thank you.

17 MR. O'NEAL: I'd like to speak to that, if I could. Captain
18 Nadeau did a phenomenal job and I just wanted to say that, as an
19 inspector, when you have that many people on board in an emergency
20 situation, to be as calm as he was, with his crew members as calm,
21 it's a testament to the training that they do there. We never gig
22 them about issues about doing their training, they do a great job
23 with their new crew members and the crew members that they have
24 are very professional and it's the reason why we use that as a
25 training platform. And so they do a really good job and it's a

1 | testament to the fact that they all got off safely, to his
2 | confidence. We run him through scenarios almost every inspection
3 | on things, like what would you do with this, what would you do
4 | with this, and he is -- because he's always -- he's always
5 | thinking. So I did want to -- did want to make that point for the
6 | record. Hopefully, I can do that. Too late now.

7 | UNIDENTIFIED SPEAKER: Don't worry about that.

8 | MR. O'NEAL: I can't -- yes, got it.

9 | MS. GALITOU: Thank you.

10 | UNIDENTIFIED SPEAKER: Thank you. Mr. Denley for Hornblower
11 | cruises, do you have any questions?

12 | MR. DENLEY: No questions, thank you.

13 | UNIDENTIFIED SPEAKER: Do you have any -- I know --

14 | MR. O'NEAL: Sorry.

15 | UNIDENTIFIED SPEAKER: -- you went on to that, but do you
16 | have any follow-on, anything that you would like to follow up on
17 | or something that we might have left out or --

18 | MR. O'NEAL: No.

19 | UNIDENTIFIED SPEAKER: All right.

20 | MR. KARR: Well, I'll ask a follow-on.

21 | UNIDENTIFIED SPEAKER: Yes, sir.

22 | BY MR. KARR:

23 | Q. Is there anything that you'd like to recommend that -- that
24 | comes out of this investigation for improving safety?

25 | A. Yeah. Sure.

1 Q. Don't think of it now. You know what, I'll make it easy on
2 you. If you've thought about something that might have been --
3 since the accident and you thought about something, let me hear
4 about it.

5 A. How about this? I think the Coast Guard should explore the
6 regulatory process to determine whether they can have old T-
7 vessels that are -- that are other than wood or fiberglass come
8 compliant to have fixed firefighting and both in detection,
9 whether that's a pre-engineered fix system or whether that's
10 bottles, I think the Coast Guard should explore that process and
11 work in concert with the Passenger Vessel Association to come up
12 with a plan which would increase safety but also not put undue
13 financial pressures on our small passenger vessels.

14 UNIDENTIFIED SPEAKER: Lieutenant Whalen?

15 BY LT WHALEN:

16 Q. I have one final kind of question with regard to
17 qualifications.

18 A. Yes.

19 Q. So at the annual inspection it was yourself who was qualified
20 T --

21 A. Correct.

22 Q. -- and K.

23 A. T and K, hull.

24 Q. Hull, yeah. And then there was -- was it Lieutenant
25 Commander --

1 A. Lieutenant Commander Mike Laurence.
2 Q. Laurence.
3 A. So Mike Laurence has -- do you want to go through --
4 Q. At the time he was machinery qualified?
5 A. Correct.
6 Q. And he was T-vessel qualified?
7 A. Correct, and ITV.
8 Q. And ITV.
9 A. Correct.
10 Q. But he was not K?
11 A. He was not K.
12 Q. Okay.
13 A. I was the only one that was K.
14 Q. Okay. And did he attain K after?
15 A. He did.
16 Q. Okay.
17 A. He did. He'd already completed the PQS for it. I just
18 wanted both him and Kate Newkirk to see a security plan that
19 involved people, like the ones that they see on barges, which are
20 just -- no one goes on a barge for a pleasure craft, right? So I
21 wanted them to go to see what the security drills looked like, the
22 MARSEC levels, the VSO, CSO, and then the auditing. So that's the
23 reason I brought them two, they both had the PQS done and then
24 Lieutenant Commander Newkirk had a hull qualification, ITV, T,
25 barge, ports of entry.

1 Q. Roger. And when did Lieutenant Commander Newkirk attain the
2 K qual?

3 A. I don't know, it's -- I'd have to get the exact date, but it
4 was probably a month ago. About a month ago. The same time as
5 Mr. Laurence. We may actually have a policy for K-boat and how we
6 do it, since we don't have that many, but when you have a major
7 qual, all the special fire protection stuff is signed.

8 Q. Um-hum.

9 A. And so what we do is you have to have the -- it doesn't
10 matter, I guess.

11 UNIDENTIFIED SPEAKER: Yes.

12 MR. O'NEAL: Okay. So we follow that policy and they both
13 met that and I didn't want them to leave without it since they
14 already had all the stuff done for it, most of it.

15 UNIDENTIFIED SPEAKER: And if no one else on the line has any
16 questions, and in the room.

17 MR. DENLEY: I do have one, I do have one follow-up, if
18 that's okay.

19 UNIDENTIFIED SPEAKER: Yes, sir, go ahead.

20 BY MR. DENLEY:

21 Q. It's kind of in line with Lieutenant Whalen's previous
22 questions. So Mr. O'Neal --

23 A. Yes.

24 Q. -- I'm Eric Denley, I'm with City Cruises and --

25 A. Yes, sir.

1 Q. -- I appreciate the opportunity to speak with you.
2 Lieutenant Commander Newkirk, she provided some testimony
3 yesterday about a deficiency that she cleared on the *Spirit of*
4 *Norfolk* on approximately May the 26th. She talked a lot about the
5 training process, qualification process. Was she qualified and
6 certified under Coast Guard regulations to clear the deficiency on
7 May 26th?

8 A. I'd have to look at the date in which her letter was signed.
9 And I was actually in Texas City at that time, so I can't speak to
10 that. I can go look and see when she was -- when her letter was
11 sent over and when she was qualified and when her board was, but I
12 can't -- I can't think of it right off the top of my head.

13 Q. So that's, I guess, maybe a technical point is what you're
14 speaking to, like whether her letter was signed on a given day?

15 A. Well, also the board.

16 Q. Is that correct?

17 A. Well, we do a board, too. So once you've completed the
18 board, then an actual physical letter goes over to the captain of
19 the port to sign. Now, that actually could be signed directly by
20 the CID, there's no requirement for that. So really, upon
21 completion of the board, they are -- they are qualified, but it is
22 not always in the system and sometimes our system lags a little
23 bit. So I'd have to look at what the date -- no, it's not so much
24 semantics. Certainly she had all the stuff done, but I can't say
25 whether that letter was signed and it was in TMT, which is the

1 system we use for qualifications. I don't even know what TMT
2 stands for, training monitoring something. But anyway, I can get
3 that -- I can get that and provide that to Lieutenant Daniel or to
4 Lieutenant Whalen or whomever you'd like to get the actual
5 official qual letter, if you'd like.

6 Q. I guess maybe the better question based on what you said is
7 when was the board, was it before the accident or after the
8 accident?

9 A. All that month was a blur because I was in Texas City, I was
10 also in D.C. for a week. I'd have to look, I'm sorry, I didn't
11 prepare for that.

12 Q. Okay.

13 A. But I can provide that.

14 Q. And then maybe -- yeah, sure. But it was sometime around the
15 accident, is that safe to say? I mean, it wasn't like a year ago.

16 A. Yeah. No, no, no. Yeah, it was sometime within the last 60
17 days. Sixty to ninety. It was somewhere between that.

18 Q. Okay.

19 A. Um-hum. Yeah, because she got it before she left.

20 Q. Okay, got it. Got it. So based on -- based on, you know,
21 your position as a training officer and your kind of role
22 evaluating --

23 A. Sure.

24 Q. -- inspectors' skill and experience --

25 A. Uh-huh.

1 Q. -- do you feel that, on May the 26th, she had the skills,
2 experience, and training to clear a deficiency on the *Spirit of*
3 *Norfolk*?

4 A. Well, what was the deficiency? I mean, yes, I do, unless the
5 deficiency was something with a security plan, because that was
6 the one thing that would not have already been covered in any of
7 her previous qualifications.

8 Q. Okay, got it. So just unless the deficiency was for
9 something to do with the security plan, you feel that she got the
10 -- she had -- at the time, she had the skill, training, and
11 experience to clear the deficiency?

12 A. Correct, as a T, ITV, barge, port state, foreign freight,
13 hull, which is a major qualification inspector, yes, I would feel
14 confident with her clearing a deficiency that had anything to do
15 with anything except for a security plan and which really she
16 could do because she already had facilities, too, but yes, I would
17 have somebody else probably do it.

18 Q. Got it, thank you. Appreciate it.

19 A. Sure.

20 MR. DENLEY: I don't have any other questions, thank you.

21 UNIDENTIFIED SPEAKER: Sure, thank you. All right, if
22 everyone's good, we'll conclude this interview at 10:01 a.m.
23 Thank you.

24 (Whereupon, at 10:01 a.m., the interview concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

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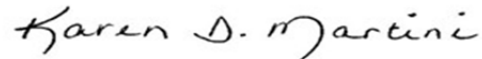
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JULY 7, 2022
Interview of LCDR Christopher O'Neal

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, VA

DATE: July 13, 2022

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.



Karen D. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

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Interview of: PAUL BRANDON PETER, Captain
Victory Rover

via telephone conference

Thursday,
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I N T E R V I E W

(2:04 p.m. EST)

MR. FAWCETT: -- acknowledge for the record that we are going to tape record the interview and if you would go ahead and acknowledge, just say yes, you know that it's being recorded.

MR. PETER: Yes, I know that it's being recorded.

MR. FAWCETT: Okay.

So, this is a joint interview between the United States Coast Guard and the National Transportation Safety Board to -- the Coast Guard is the lead agency and we follow Coast Guard rules in conducting these interviews in these proceedings.

And, so, today is July 15th, 2022. It's Friday. We are looking at the interview starting at 2:04 p.m., Eastern Standard Time, with Captain Brandon Peter.

CAPTAIN PETER: Just for the record, my full name is Paul Brandon Peter.

MR. FAWCETT: Okay.

CAPTAIN PETER: I go by my middle name --

(Crosstalk)

MR. FAWCETT: That's fine.

CAPTAIN PETER: Just in case.

MR. FAWCETT: We're conducting this interview at the Fifth Coast Guard District conference room for inspections -- or investigations, pardon me -- in Portsmouth, Virginia. We are examining the events surrounding the fire and subsequent total

1 loss of the *Spirit of Norfolk*, which occurred in Norfolk Harbor on
2 June 7th, 2022.

3 And we're going to go around the room and we're going to make
4 introductions, and we're going to ask that each person state their
5 names, spell their last name and then their affiliation. So, if
6 would first, sir.

7 CAPTAIN PETER: Sure, my name is Paul Brandon Peter, P-e-t-e-
8 r, captain -- was the captain of the *Victory Rover* on the 7th of
9 June.

10 MR. FAWCETT: Okay. My name is Keith Fawcett, F-a-w-c-e-t-t,
11 U.S. Coast Guard Fifth District Investigation Team.

12 LT. COMMANDER EMMONS: Lt. Commander Nicole Emmons, E-m-m-o-
13 n-s and I'm with the District 5 Formal Investigation Team.

14 MR. KARR: Michael Karr, K-a-r-r with the National
15 Transportation Safety Board.

16 MR. STILLMAN: Good afternoon, Captain. My name is Dan
17 Stillman, S-t-i-l-l-m-a-n with the Law Firm of Willcox and Savage,
18 here on behalf of party-in-interest, Bay Diesel.

19 MR. FAWCETT: Okay, Commander Roy, please.

20 COMMANDER ROY: Eric Roy, R-o-y, and I'm a member of the D5
21 Formal Investigation Team.

22 MR. FAWCETT: Thank you. Would counsel for Captain Ryan
23 Nadeau please introduce themselves?

24 MS. GALITOU: Magdalini Galitou, G-a-l-i-t-o-u with Phelps
25 Dunbar for Captain Nadeau, designated party-in-interest.

1 MR. FAWCETT: Thank you. And for Hornblower.

2 MR. WEIGEL: Yes, this is Alan Weigel from Blank Rome
3 representing Hornblower, and Hornblower is the protection
4 indemnity insurer.

5 MR. FAWCETT: And Mr. Denley?

6 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y and I'm with
7 City Cruises, *Spirit of Norfolk*. Thank you.

8 MR. FAWCETT: Okay. If everybody would mute their cellphones
9 and if -- you know, Captain, if you're explaining something that's
10 unique to your vessel, if you could give a full description. Like
11 the Coast Guard uses a terrible forest of acronyms, so we try to,
12 like, plain language it, okay.

13 CAPTAIN PETER: Yes, absolutely.

14 MR. FAWCETT: Okay. And for the record, the Captain had
15 provided a very detailed statement. Our intentions are to bundle
16 all of the assist vessel, I'll call them Good Samaritan, vessel
17 logs and statements that are amplified in the log contents into a
18 single comprehensive .pdf portfolio document. And that will be,
19 you know, we'll look for sensitive personal information, phone
20 numbers and all that, remove it and then we'll put that on
21 Homeport as an exhibit.

22 So, we expect it, hopefully, to get that done this week.

23 MR. DENLEY: Mr. Fawcett, this is Eric Denley. I don't know
24 if the other folks on the line felt the same way, but it came --
25 when everybody did introductions that the folks that are there in

1 the room became a lot softer and, frankly, kind of harder to
2 understand than when we were doing some of the previous phone
3 interviews.

4 MR. FAWCETT: Okay.

5 MR. DENLEY: One of the only folks that was kind of loud
6 there was Mr. Stillman. I'm hearing him fine; everybody else was
7 a little bit soft. Thanks.

8 MR. FAWCETT: Yes, thank you. We're using a unique
9 teleconference room set-up so it has some advantages and we've
10 bumped it up. And we will make sure to talk loud and clear.

11 MR. DENLEY: All right, thank you.

12 MR. FAWCETT: All right. So, what I need to do -- I'll go --
13 I'm going to shift the order I typically do this. So, what I'd
14 like you to do is, and you may answer most of my questions just in
15 telling your story.

16 CAPTAIN PETER: Okay.

17 INTERVIEW OF CAPTAIN PAUL BRANDON PETER

18 BY MR. FAWCETT:

19 Q. So, if you would start, take a moment, reflect on the day,
20 and then if you would, just -- you know, you come aboard your
21 vessel, give us the general play of how the day went.

22 A. Okay.

23 Q. And then all of a sudden at some point something occurs
24 relating to the *Spirit of Norfolk*.

25 A. Sure.

1 Q. And be as detailed as you can up until the time that you
2 completed disembarking the passengers. And you have the floor and
3 --

4 A. Okay.

5 Q. -- please take your time.

6 A. Could everybody hear me okay, first of all?

7 MR. FAWCETT: Does everybody hear the Captain all right? All
8 right.

9 MR. DENLEY: Not (indiscernible).

10 MR. FAWCETT: Pardon?

11 MR. DENLEY: He has to speak up a little bit or get closer to
12 the microphone.

13 MR. FAWCETT: I'm going to ask him --

14 UNIDENTIFIED SPEAKER: It just seems a little garbled.

15 MR. FAWCETT: Well, maybe you should sit next to Mr.
16 Stillman.

17 CAPTAIN PETER: I'm going to shift around a little bit and
18 then maybe I can be speaking into the microphone a little bit
19 better.

20 MR. FAWCETT: And if that's not satisfactory, we'll do the
21 dial-in like we've done in the past. So, you know, we'll start
22 and anybody would sing out and we'll shift to the old-school
23 method.

24 BY MR. FAWCETT:

25 A. All right. So, the 7th, I came, did all our pre-cruise

1 checks and other things. We were running a -- if you don't know
2 what the Victory does, it's a 2-hour naval base cruise. It
3 departs from Town Point Park in Norfolk, a 2-hour cruise out to
4 Pier 14 near the center of the navy base and back. And --

5 COMMANDER ROY: This is Commander Roy. I can't understand
6 anything from my point. I don't know if anybody else on line has
7 the same problem.

8 MR. FAWCETT: All right, roger that.

9 UNIDENTIFIED SPEAKER: I would agree.

10 MR. FAWCETT: All right. We're going to get --

11 UNIDENTIFIED SPEAKER: Yes --

12 MR. FAWCETT: Yes, give us one second, we're going to do the
13 dial-in. Just a moment.

14 (Off the record)

15 (On the record)

16 MR. FAWCETT: All right. Mr. Denley, we are now up. Do you
17 hear us on the telephonic link?

18 MR. DENLEY: Yes.

19 MR. FAWCETT: We're fixing that. Okay, test one -- just turn
20 the audio volume off. We're almost there. Test one, two, three.
21 Does anybody hear any feedback? Are we good?

22 UNIDENTIFIED SPEAKER: Not really.

23 MR. FAWCETT: So, your audio isn't better? Test one, two,
24 three.

25 All right, Mr. Denley, let's see what happens.

1 CAPTAIN PETER: So, going back to the --

2 UNIDENTIFIED SPEAKER: It sounds like there's still -- there
3 still has an echo.

4 MR. FAWCETT: Okay. Well, we'll go for a moment and then
5 we'll take a recess while we get it straight.

6 Go ahead, sir.

7 BY MR. FAWCETT:

8 A. So, June 7th, typical morning start. I mean, like, get out
9 to the vessel, ready to go, board the passengers started about
10 10:30, get underway. As I mentioned earlier, you know, we do the
11 2-hour naval base trip. First of all, the trip consists of
12 leaving on the way from Town Point Park and doing a loop through
13 the inner harbor between Norfolk and Portsmouth, talking about the
14 shipyards and things. And then basically from there out to the
15 Navy base while doing a narration of sights of interest on either
16 side of the river. And then when we get to the Navy base, slow it
17 way down and do a very detailed narration of the ships that are in
18 port at the time.

19 One thing I did remember about the 7th is the Navy base was
20 not very crowded with ships. A lot was out to sea or what have
21 you. And then we were off of Pier 8 or 9 and I heard everything
22 via VHF radio that the *Spirit of Norfolk* was calling the Coast
23 Guard, reporting a fire on board.

24 So, at that time, I put my microphone down and stepped away
25 from the wheel to run up the stairwell to the rear-facing window

1 and take a look back. And at that point you could see smoke
2 coming from the Spirit. So, I asked one of my crew to come up and
3 said hey, the Spirit's having trouble. We're going to stop the
4 narration, we're going to turn around and go back to them to
5 provide any assistance that we could.

6 Shortly thereafter, I also called the Spirit on channel 13
7 VHF and told Captain Nadeau -- Ryan -- that I was there or that we
8 were coming to stand by to provide any kind of assistance that I
9 could. They were off of Pier 2, 3, 4, that vicinity, while this
10 was happening. So, you know, I'm talking about a great distance.

11 So, in the couple of minutes that it took us to turn around
12 and head towards the Spirit, the Rosemary McAllister was the first
13 boat that got there, the tug, and had started -- excuse me -- had
14 started the firefighting with their water pumps. And when we got
15 closer to the Spirit, there was a short discussion with Ryan,
16 Captain Nadeau, on the Spirit, decided that I could pull alongside
17 and evacuate the passengers.

18 Being neighbors, I was pretty familiar with how the Spirit
19 was set up and knew where the disembarkation door was. And so my
20 crew got the equipment that we would need to do that, a couple of
21 ball fenders and some line ready. We maneuvered around the bow of
22 the Spirit and we put our starboard side to their port side and
23 tied up using one of their cleats on the side of their vessel with
24 one of ours. And basically we just tied them up by the -- in
25 alongside.

1 While that was going on, the tug Condor was the second boat
2 to show up. And I had asked them over the radio if they could
3 actually push me up against the Spirit to stay even closer.
4 Somewhere in that little bit of time, the crew launch boat, Ohio
5 River, came up and they were actually the ones that were pushing
6 us. The Condor stayed back and then fought the fire. The Ohio
7 River was the one kind of helping push.

8 And once that got on it, it stopped the movement of the two
9 boats and made it much more stable. My crew was on the starboard
10 side. I had four crew on board. Two of my crew were on the --
11 outside of the boat and then two more inside. And at that point,
12 the *Spirit of Norfolk* crew had gotten their passengers down to
13 that deck level where the disembarkation door is. All of the
14 passengers had life jackets on when they were at the door in line.

15 And at that point, my crew started bringing the *Spirit of*
16 *Norfolk* passengers onboard the Victory. The boats matched up in
17 height really pretty well. We have a handrail along the side of
18 the Victory. Just the passengers of the Spirit were a little
19 higher, but it actually worked out. It's kind of almost like a
20 ladder where the passengers were able to climb down and hop onto
21 the deck. We were able to -- the smaller children were kind of
22 passed from their crew or parents over to my crew and set down on
23 the deck, and then immediately inside the Victory.

24 I wasn't watching the clock, but I think that whole process
25 took about 10 to 15 minutes, once we were alongside and tied up.

1 And basically they came onboard inside. The two crew members that
2 I had inside were helping people make way for everybody coming on
3 board. Captain Ryan and I discussed that he had 108 onboard. He
4 was going to send out 106, which included all their passengers
5 plus the staff and crew, all except for Captain Nadeau and one
6 other person that stayed on the Spirit.

7 And once we got everyone on board, another check with Ryan, I
8 was able to actually go outside and Ryan -- the pilots of the
9 Spirit was much higher than the Victory's, so I could speak with
10 him directly, looking out his pilot's window and I was standing on
11 our top deck and saying okay, is that everybody. Double-checked a
12 couple of times and at that point called the other vessels on the
13 radio and said I'm ready to pull away and, you know, launched the
14 boat on the main way and we got out of there.

15 So, we left the Spirit and made our turn ahead inbound,
16 called the Coast Guard. And I told the Coast Guard earlier that I
17 was on the way to the Spirit to help out. And after that I don't
18 think I had much communication with the Coast Guard until after
19 the transfer of everybody was complete.

20 At that point when we left, I communicated with the Coast
21 Guard. I said hey, I've got 106 from the Spirit onboard. We are
22 headed inbound. My plan was to head to our dock, which is right
23 there at Town Point Park in downtown Norfolk. The Coast Guard
24 asked a couple of questions. One was how much water did we take
25 on, which was really nothing because the water jets were spraying.

1 You know, our decks got wet, our windows got wet, but no water
2 came inside our vessel. And I told them that we were headed down
3 and that everybody was onboard. I had no reports of any injuries
4 or any kind of medical needs. The crew passed out waters to
5 anybody that wanted them and we proceeded inbound at about 8
6 knots, I think, which is much slower than I normally would just
7 because I had that many people on.

8 We met -- we got back to the dock, I think it was about 1:20,
9 1:30. And the Coast Guard shortly thereafter arrived to talk to
10 the passengers of the Spirit. I was on the radio with the Coast
11 Guard and they allowed us to disembark our original passengers
12 without waiting for the Coast Guard, and then the Spirit
13 passengers and crew stayed until the Coast Guard team arrived.
14 And that's about the whole thing.

15 Q. All right.

16 MR. FAWCETT: Everybody okay on hearing the captain's
17 explanation of the events of that day?

18 UNIDENTIFIED SPEAKER: (Indiscernible) loud and clear.
19 Thanks.

20 MR. FAWCETT: Okay, thanks.

21 BY MR. FAWCETT:

22 Q. So, a couple of clarification questions. So, you talked
23 about four people in your crew. What was the total size of people
24 employed by your company on board the vessel that day?

25 A. Five.

1 Q. Okay.

2 A. Myself and four crew.

3 Q. Okay. Was there anybody that was designated sort of as wait
4 staff?

5 A. We did not have wait staff.

6 Q. Okay. So, all of these people that you're mentioning are
7 required by the certificate of inspection that the Coast Guard
8 issues?

9 A. We're required for three and we had an extra.

10 Q. Okay.

11 A. Just for, you know, service. So, we have a little ship
12 store, but we just -- because all the deck hands are 21. We don't
13 cook or prepare any food and we don't do wait service.

14 Q. I understand. And then when you were laying alongside and
15 lying a line or two lines were secured, were you using your
16 vessel's engines to help kick her --

17 A. Yes.

18 Q. -- alongside?

19 A. Just one -- so the Victory's a triple screw and two rudders.
20 We're just using that one starboard outboard to push up against
21 with the rudder hard over. So, basically, we're on a spring line
22 and kicking into the Spirit. And between -- when I got alongside
23 the Rosemary, we moved around and actually put a line on the
24 Spirit and they were helping to keep her into the wind, I guess,
25 as well as I could explain it as far as I can tell what they were

1 doing. The Rosemary McAllister had a line on the bow of the
2 Spirit to their bow cleat. And they were still fighting the fire
3 as well and helping to hold up in to the current and the wind.

4 Q. So, when you came alongside, did you see initially smoke
5 coming up over the upper deck, like where that upper open deck was
6 on the vessel?

7 A. Yes, that's where the smoke was coming from. It looked like
8 most of the smoke was coming from the port side towards the stern,
9 up high like I said where the vents were, the engine room on that
10 -- I'm not that familiar with how that third engine is set up, but
11 yes, you can see smoke coming and going over the top deck.

12 Q. And then subsequently, when the McAllister put a line on the
13 vessel, it's my understanding they maneuvered the *Spirit of*
14 *Norfolk* and you so that the wind would blow the smoke away?

15 A. That's right. Yes, I think that's what they were trying to
16 accomplish. And there was some smoke obviously, but it wasn't
17 overwhelming. There was a lot more water than smoke with the two
18 fire boats fighting the -- spraying water.

19 Q. So, I know you had a lot going on.

20 A. Sure.

21 Q. Could you hear the VHF radios like the tugs coordinating
22 firefighting operations?

23 A. Yes, I can hear the tugs talking to one another, the Condor
24 and Rosemary.

25 Q. And did anybody at any time talk about like who might have

1 been in charge of the marine firefighting?

2 A. Possibly, but I don't really remember those. There was times
3 I was at the wheel and there was times I was looking over and
4 seeing what my crew was working on and how things are going. We
5 have walkie-talkies that we use, but as soon as they went outside
6 and they were covered in water, the walkie-talkies that the crew
7 had died. So, I had to move out to actually verbally communicate
8 rather than, you know, use the walkie-talkies.

9 I wasn't -- once we were secure and I just had one engine
10 just in gear with no real RPMs on it and that's enough to hold it,
11 especially once the second boat, the Ohio River, once we were
12 pushed up we were very secure at that point. So, I was kind of
13 communicating as best I could with my crew to see how things were
14 going and see how many more people we had to get on and things
15 like that.

16 Q. So, is your vessel, you know, speaking about propulsion, you
17 described triple screw, twin rudder, is it a typical offshore crew
18 boat --

19 A. We're a converter offshore crew boat.

20 Q. Yes. So, is there a bow thruster?

21 A. No.

22 Q. And the Ohio River, is that vessel red?

23 A. Yes, it's that maroon and white.

24 Q. Okay. So, does that support dredging operations or --

25 A. I believe so. I think it's a Great Lakes dredging company

1 boat. I'm not positive, but I think that's who runs that vessel.

2 Q. So, you talked about, you know, coming alongside. Did your
3 vessel sustain any kind of damage at all?

4 A. No, we came in nice and slow and soft, and between the time
5 we turned around and time we got to the Spirit, my crew had gotten
6 two large ball fenders that we keep on board and had those set up.
7 So, as far as I know, neither of the vessels actually ever touched
8 one another. We touched on fenders and that's it.

9 Q. You talk about, you know, channel 13 and obviously there are
10 other radio channels. Sometimes, vessel operators or facilities
11 rig up with video-recording equipment or audio-recording equipment
12 as part of their security plans. Do you have anything like that
13 for the *Victory Rover*?

14 A. No, we don't.

15 Q. So, this is a highly complex day, a lot of stuff's going on.
16 Do you recall hearing a Coast Guard marine -- urgent marine
17 information broadcast? Typically, those would be from Sector
18 Virginia or the Coast Guard and they would ask vessels to come to
19 the assistance of a vessel in trouble?

20 A. I don't recall hearing that. What I heard was the actual
21 call from the Spirit to the Coast Guard. That's when I went and
22 looked. I don't recall hearing a Coast Guard radio broadcast like
23 the one you're describing, and I know (indiscernible). But I
24 don't remember hearing one of those at any time. Now, we were in
25 communication with the Coast Guard as well directly myself. I

1 know the Spirit was as well, but I don't recall hearing a
2 broadcast like the one you're describing.

3 Q. Did you communicate on your cellphone or the company's
4 cellphone if there is one with the Coast Guard or anything like
5 that?

6 A. No, I think it was on the radio. And then I communicated
7 with the Coast Guard that showed up at the dock. That was the
8 only ones I communicated with other than the radio. So --

9 Q. So, as all this is going on and you are in the wheelhouse of
10 your vessel and, you know, first we have the emergency aboard the
11 *Spirit of Norfolk* and then we have you going alongside and
12 supervising the transfer of passengers, did you become aware of
13 that south of your position coming up the Elizabeth River was a
14 bulk ship that subsequently lost propulsion?

15 A. I did not become aware of that. On the day of the 7th I
16 didn't become aware of that. A few days later someone told me
17 what had happened with the outbound bulk ship and I did not have
18 any knowledge of that on the 7th.

19 Q. Did you have any knowledge of seeing her come up the channel?

20 A. I remember passing her. I don't think I called them because
21 we were so far over and they were so far over on the side that I
22 didn't need to call them to pass.

23 (Crosstalk)

24 A. It wasn't long -- well, after we side of the Spirit that we
25 passed that outbound ship as she was -- we were headed inbound.

1 Q. So, you didn't see her passing or call at the incident site
2 or --

3 A. We passed south of that, yes.

4 Q. Okay. So, you had already cleared --

5 A. Yes, sir. They were -- we were -- we had gotten the *Spirit*
6 of *Norfolk* and passed them while they were outbound south of, you
7 know, where the *Spirit* was at that time.

8 Q. So, did you hear any radio traffic involving the *Spar Lyra* as
9 she proceeded outbound, like a mayday call or anything like that?

10 A. No, I don't recall hearing that.

11 Q. Or the Coast Guard talking to the pilot or anything like
12 that?

13 A. (No audible response).

14 Q. For me, I think you've done a very good job, you know, after
15 other people are going to have questions. I just wanted to ask a
16 couple of subsequent questions just in general. So, can you
17 briefly talk about your maritime background?

18 A. Okay. Most of my maritime background is here in Anterant
19 Harbor (ph.). I started -- I got my license in 2000. First job
20 was with the *American Rover*, the tall ship sailing cruises. We --
21 same company it was the *Victory* that came on line in 2001. So, I
22 started running the *Victory* at that time. I still run -- go back
23 and forth between those two vessels. For a short period of time
24 we had a small crew launch boat that we had and I operated that
25 for a little bit of time. That was -- (indiscernible) about seven

1 or eight years ago. And then we had it for three or four years
2 before that.

3 Q. And so, what level license do you hold?

4 A. 100 ton inland with 7 personnel.

5 Q. And, you know, you performed -- your vessels and its crew
6 performed what we call a mass evacuation.

7 A. Um-hum.

8 Q. Have you ever participated in any kind of drill either with
9 your company, with the marine incident response team for the Port
10 of Virginia or with the Coast Guard, like either a tabletop drill
11 or an exercise that -- to do something like this?

12 A. No.

13 Q. Prior to this accident, have you ever, like, in your
14 interaction with your crew, no matter whether it's that crew that
15 was aboard that day or others, talked to them about hey, look, you
16 know, we might be called upon to do something like this and how
17 would we do this effectively?

18 A. No, not really. Towing up alongside and tying up to another
19 vessel is not one of the drills we typically do. We do, you know,
20 standard (indiscernible) of our vessel, whether it be a fire drill
21 or a man overboard, (indiscernible), you know, emergency anchoring
22 and things like that. But we never gone over how we would tie up
23 with another vessel.

24 And I kind of explained it to the guy when we were on the way
25 over there on the walkie-talkies that, you know, we're going to

1 tie up to the Spirit and it's going to be similar to the way we
2 tie up at the dock. I says, you know, we'll get a line on, you
3 know, be careful, make sure that nobody gets in between the two
4 fenders, and things like that, and we just did it.

5 Q. So, when you -- were you aware of any of these -- like these
6 -- you know, I described, you know, the Coast Guard or local
7 industry drills. From a company perspective -- and I'm not asking
8 you to speak for the company.

9 A. Sure.

10 Q. I'm asking you to speak for you.

11 A. That's all right.

12 Q. Were you aware that they occurred?

13 A. No.

14 Q. So, Pasture (ph.) has described at one point, you know, a
15 kind of a gap opened up between the boats --

16 A. Um-hum.

17 Q. -- as, you know, the vessels are being jostled around.

18 A. Yes.

19 Q. So, were you aware of that and did you direct like an assist
20 boat, meaning the Ohio River or the McAllister vessel to help
21 close the gap?

22 A. Um-hum. I was aware that that could happen and I assumed it
23 was happening, because two different boats even -- because at
24 first we had one line and then we were talking about trying to
25 figure out a way to put a line on our stern, you know, and over to

1 the Spirit. And at that point I had asked the Condor to push.
2 And I'm not sure if they ever did or they just let the Ohio River
3 do the whole thing or not.

4 But at some point, you know, once we had that other boat
5 pushing us to close that gap, I knew the gap, you know, we got two
6 floating objects and unless you're tying them in multiple spots
7 (indiscernible) I would have guessed. So, that's why I requested
8 somebody to get us pushing alongside to close that gap and keep
9 that from occurring.

10 Q. So, what -- you know, at the time you were notified of the
11 incident developing, could you just simply describe the weather?

12 A. It was clear and very calm that day. Not much wind to speak
13 of. No sea at all, you know, just a little bit of current. I
14 think it was going outbound at the time, but, you know, nothing
15 that would, you know, make anything, you know, stay in the
16 (indiscernible) on the vessel.

17 Q. So, when you say outbound current, you mean flowing out of
18 the --

19 A. Yes, end tide.

20 Q. Yes, out of the Elizabeth River?

21 A. Um-hum.

22 Q. And do you think that, in your opinion, do you think it would
23 be much more difficult to have conducted the operations you did
24 in, say, heavier weather, meaning rain or darkness? It could have
25 been --

1 A. Oh, yes --

2 Q. -- complicated?

3 A. -- absolutely, yes.

4 Q. I think that's all the questions I have.

5 MR. FAWCETT: Commander?

6 LT. COMMANDER EMMONS: No, I don't have any questions. Thank
7 you.

8 MR. FAWCETT: Commander Roy from the Coast Guard, do you have
9 any follow-up questions?

10 BY COMMANDER ROY:

11 Q. The only question I have what was his response to -- if he
12 knew about mass rescue exercises in the area? I didn't hear that.

13 A. I did not know that those were conducted.

14 Q. Okay, thank you. That's all I have.

15 MR. FAWCETT: Okay. We're shifting over to Mr. Karr.

16 BY MR. KARR:

17 Q. Captain, Mike Karr with the NTSB. Tell me about how you
18 accounted for the 106 people that were transferred from the *Spirit*
19 *of Norfolk* to the *Victory Rover*?

20 A. Basically, I mean, we just -- you know, just like I mentioned
21 in the other questions, just checking with the captain of the
22 *Spirit* to make sure that the DTs they said they had, the 108
23 you've given us, all but two. And then we before we pulled away,
24 we double-checked with him to make sure that everyone was off the
25 *Spirit of Norfolk* and --

1 Q. Specifically, describe what you did on board your vessel to
2 make sure there were 106 passengers --

3 A. Okay.

4 Q. -- from the *Spirit of Norfolk*?

5 A. At some point we did take a headcount and it was easy to tell
6 the *Spirit* ones, because they all had life jackets. And then when
7 we got back to our dock, we also did a count with, like, one of
8 those hand click counter devices.

9 As I mentioned earlier, the Coast Guard team that wanted to
10 meet us at the dock hadn't arrived yet when we got back to the
11 dock. So, we asked them if our passengers, you know, the ones we
12 left with originally, so they said yes, your original passengers
13 can disembark. So, we counted them and then we recounted the
14 *Spirit* passengers at the end of the --

15 (Crosstalk)

16 A. -- disembark.

17 Q. Your clicker showed 106 *Spirit* passengers?

18 A. Yes, sir. Well, *Spirit* passengers and crew and staff, but
19 yes, 106 persons from the *Spirit*.

20 Q. That's the only question I have right now. I may have some
21 follow-up.

22 MR. FAWCETT: Okay. Thank you, sir. And now, Mr. Stillman?

23 MR. STILLMAN: No questions from me, Captain. Thank you for
24 your time.

25 MR. FAWCETT: Captain Nadeau -- counsel for Captain Nadeau,

1 please.

2 MS. GALITOU: No questions either. Thank you for your time.

3 MR. FAWCETT: Thank you. All right. And now Mr. Weigel for
4 Hornblower.

5 MR. WEIGEL: Yes, thank you, Mr. Fawcett. I do have a couple
6 of follow-up.

7 BY MR. WEIGEL:

8 Q. Captain, as you heard earlier, my name is Alan Weigel. I
9 represent Spirit Cruises and Hornblower and their insurer. Can
10 you hear me okay?

11 A. Yes, sir.

12 Q. Okay. How many passengers did you have on board?

13 A. I had 67.

14 Q. And what's your capacity? How many passengers are you
15 allowed to carry?

16 A. 149.

17 Q. So, you were overloaded essentially. I mean, legally, you
18 were overloaded when you took all the Spirit passengers on board.
19 Is that correct?

20 A. At that point, yes.

21 Q. Okay. Where were you -- you talked about looking out your
22 aft windows and you saw the *Spirit of Norfolk* and you saw the
23 smoke.

24 A. Um-hum.

25 Q. Did they leave before you and you passed them or they left

1 after you so that -- that's why you were behind them?

2 A. I think we left at the same time. I'm not sure what their
3 departure time was and we did -- we had passed them on the
4 outbound run. But we also do a loop on the inner harbor there in
5 Norfolk, so I believe they got on their way and headed directly
6 outbound. So, we did -- yes, we did pass them on the way out.

7 Q. I'm a little unclear. Were you on your -- still on your
8 outbound (indiscernible) or had you done with your tour and you
9 were on the way back?

10 A. We were still doing the tour, close to the end of the Navy
11 base tour, but we were still doing our outbound run and our Navy
12 base narration when I head the radio call.

13 Q. And after you do the Navy base part of the tour, what would
14 normally happen in your -- on one of your cruises like this?

15 A. After we're finished with the tour, we put a little bit of
16 music and cruising, you know, the same route that we went out and
17 cruise back into our dock usually. Usually we finish the Navy
18 base tour about 15 -- or hour and 15 minutes into the cruise and
19 have about a 45-minute run back to our dock.

20 Q. So, you normally have an hour -- two hours and 15 in your
21 normal cruise time?

22 A. Two hours even.

23 Q. Oh, two hours even. Okay. Hour 15 plus 45, okay. And what
24 was your total time underway that day on the 7th?

25 A. It was about two and a half hours, give or take a few

1 minutes.

2 Q. And about 30 to 45 minutes into that was recovering the
3 passengers from the *Spirit of Norfolk*. Correct?

4 A. I think probably it was about 30 minutes max between the time
5 we turned around to assist the *Spirit* and the time we left their
6 side and started heading inbound.

7 Q. All right. So, then I'm just trying to get the timeline --

8 A. Sure.

9 Q. -- your timeline, the actual time of what your -- the
10 theoretical timeline for a normal cruise would be.

11 A. Okay.

12 Q. It sounds like maybe it cut short maybe 15 minutes of your
13 time? Would that be accurate?

14 A. I don't think it was quite 15 because we were really getting
15 pretty close to the end of the base. We were off the Pier 10 and
16 there's only 14 piers. We were getting pretty close to the end of
17 the tour anyhow. So, and I do remember that day. There was not a
18 whole lot of ships left to talk about or anything like that, so.

19 Q. Do you know if your company refunded the cruise tickets for
20 all of your passengers -- any of your passengers?

21 A. I don't know.

22 Q. And in terms of your normal cruise as opposed to this cruise,
23 did you incur any additional cost or expenses --

24 A. No.

25 Q. -- that you would not have?

1 A. Not that I'm aware of.

2 Q. Okay. That's all I have for now. Thank you very much --

3 A. Sure.

4 Q. -- Captain.

5 BY MR. FAWCETT:

6 Q. This is Keith Fawcett with the Coast Guard. The only thing I
7 was going to ask if I'm not sure if your crew has any photos or
8 videos they want to share, our email address --

9 A. I can ask --

10 (Crosstalk)

11 Q. Yes.

12 A. And if there's anything that could, you know --

13 Q. Well, there's an email address on that card I gave you,
14 spiritofnorfolk@uscg.mil. That would be --

15 A. Oh, okay.

16 Q. -- very helpful.

17 A. Oh, okay. So, this is more direct --

18 Q. Yes. And we'll --

19 A. Okay.

20 Q. -- if any of your crew wants to, we will make sure they get a
21 receipt for that, you know, over the email and we'll share that
22 information with everybody in this investigation.

23 A. Okay.

24 MR. FAWCETT: Anybody else?

25 MR. WEIGEL: Yes, Mr. Fawcett, I do have one follow-up -- I'm

1 sorry, was someone else speaking?

2 MR. FAWCETT: No, go ahead.

3 BY MR. WEIGEL:

4 Q. Yes, this is Mr. Weigel again, Captain.

5 A. Sure.

6 Q. Does your vessel have a VDR, a voice data recorder?

7 A. No.

8 Q. Does the -- does your -- do you have an electronic navigation
9 system, like a Chartplotter or an Exis (ph.), something like that?

10 A. Yes, we do.

11 Q. Does it record information? Does it record your track -- do
12 you have tracking turned on on that?

13 A. I think it has, but I don't know how long it keeps that for.
14 I could find out for you if you want to follow-up at another time.
15 I can --

16 Q. Well, I was -- what I was curious about is whether or not it
17 intentionally saved any data from the 7th.

18 A. I have not and I can check and see -- I was only scheduled to
19 do that morning cruise and then I was relieved by a different
20 captain after that. I know typically we don't keep track of each
21 individual cruise or routes the same day in and day out. So,
22 normally we don't keep records of any of that.

23 Q. Okay, all right, thank you. That's all I have.

24 MR. WEIGEL: Thank you, Mr. Fawcett.

25 MR. FAWCETT: Thank you.

1 All right, so, the time is 2:46 p.m. Eastern Time. We've
2 completed our interview with the captain of the *Victory Rover*.
3 And I thank you very much, sir, for your actions that day and
4 without any ado, we'll turn off the recorders and thank you all
5 very much.

6 (Whereupon, at 2:46 p.m. EST, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022
Interview of Captain Paul Brandon Peter

ACCIDENT NO.: DCA22FM022

PLACE: via telephone conference

DATE: July 15, 2022

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.



MARIA SOCORRO R. ABELLAR
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

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Interview of: SARAH PULLIAM, LT. COMMANDER
United States Coast Guard

via telephone conference

Thursday,
July 14, 2022

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City Cruises, *Spirit of Norfolk*

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Team Lead, District 5 Formal Investigation Team

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I N T E R V I E W

(9:01 a.m. EST)

MR. FAWCETT: -- without anybody else who's not at the table and then we'll ask the people on the telephone to identify themselves.

So, if you would, here we go. Thank you, ma'am.

LT. COMMANDER PULLIAM: Sarah Pulliam, S-a-r-a-h, P-u-l-l-i-a-m.

MS. DANIEL: Paulina Daniel, D-a-n-i-e-l, counsel for Coast Guard.

LT. COMMANDER EMMONS: Lt. Commander Nicole Emmons, E-m-m-o-n-s and I'm with the District 5 Formal Investigation Team.

MR. KARR: Michael Karr, K-a-r-r with the National Transportation Safety Board.

MR. ROY: Eric Roy, R-o-y. I'm also with the D5 Formal Investigation Team.

MR. STILLMAN: Dan Stillman with the law firm of Willcox Savage, S-t-i-l-l-m-a-n. I'm here on behalf of Bay Power Solutions, Bay Diesel, third-party in interest.

MR. FAWCETT: Keith Fawcett, F-a-w-c-e-t-t. I'm with the D5 Formal Investigation Team.

LT. COMMANDER LEE: Lt. Commander Karen Lee, L-e-e. I'm the legal adviser for the District 5 Formal Investigation Team.

MR. FAWCETT: And on the telephone?

MS. GALITOU: Magdalini Galitou with Phelps Dunbar for

1 Captain Nadeau, party-in-interest.

2 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y. I'm with City
3 Cruises, *Spirit of Norfolk*.

4 MR. WADDINGTON: Randy Waddington, Coast Guard. I'm the team
5 lead for the District 5 Formal Investigation Team.

6 MR. FAWCETT: Thank you, all. So, today is July 14th, 2022.
7 The time is shortly after 0900, 0901.

8 We're conducting an interview with Lt. Commander Sarah
9 Pulliam and we are here at the D7 -- or correction -- D5 Federal
10 Building at the conference room. We're conducting an interview
11 into the circumstances surrounding the fire that occurred on board
12 the *Spirit of Norfolk* and the subsequent loss of the vessel, which
13 occurred on June 7th, 2022.

14 I just wanted to say that this interview knowledge is dynamic
15 and if you remember anything different, anything that you want to
16 change in this testimony or modify, you can contact your counsel.
17 Your counsel will go ahead and relay that to us and we'll relay it
18 to the people that were part of this investigation. Generally, if
19 new information comes to light that you may have and you see the
20 report of investigation, there is a process to appeal the report
21 of investigation, the contents of it.

22 And then the marine safety manual that the Coast Guard
23 publishes, volume 5, contains all of the details about how we
24 conduct these investigations, should you want to look into it, see
25 the whom, what and why of what we're doing.

1 So, if everybody would just make sure their cellphones are on
2 mute. With that, I will turn the questioning over to Lt.
3 Commander Emmons. Thank you.

4 INTERVIEW OF SARAH PULLIAM

5 BY LT. COMMANDER EMMONS:

6 Q. Good morning, Ms. Pulliam. We're just going to start from
7 the beginning, basically with your Coast Guard history, could you
8 give us a little background up to your history in the Coast Guard.

9 A. Like from the beginning of my career?

10 Q. Sure.

11 (Crosstalk)

12 A. Yes.

13 (Crosstalk)

14 MR. FAWCETT: Thank you.

15 BY LT. COMMANDER EMMONS:

16 Q. I'm a 2008 graduate of the Coast Guard Academy. My first two
17 units were the Coast Guard Cutter Sniper. It's out in Mobile,
18 Alabama. And the Coast Guard Cutter Fir out of Astoria, Oregon.
19 I was the investigation enforcement chief at Sector Columbia
20 River. After that I attended Florida State University and I got
21 my Masters' Degree in Human Performance Technology, Instructional
22 Systems.

23 After that, I was in charge of curriculum design at Aviation
24 Technical Training Center in Elizabeth City, North Carolina, and
25 I've been the Sector Virginia command center chief for the last

1 two years. And I'm a qualified command duty officer and SAR
2 mission coordinator there.

3 MR. FAWCETT: One thing I neglected to say, I apologize, is
4 you've done a great job in not using acronyms and I appreciate
5 that and if we could all continue to do that. Thank you very
6 much.

7 BY LT. COMMANDER EMMONS:

8 Q. You mentioned that you're the SAR mission coordinator for
9 Sector Virginia. Could you describe a little bit what that means?

10 A. Absolutely. So, my responsibilities are preservation of life
11 and property in our SAR Mission Coordinator and (indiscernible)
12 Sector Virginia. That's already been delegated to me from the
13 search and rescue coordinator at D5 through our sector commander.
14 I've been certified at that for about a year, but I oversee all
15 search and rescue response cases that are executed by our command
16 center and I'm responsible for them.

17 Q. Thank you. Specific to the events of June 7th, what was your
18 role and position on June 7th during the *Spirit of Norfolk*?

19 A. I was the SAR mission coordinator that day.

20 Q. And what were your duties, specifically, during that event,
21 the *Spirit of Norfolk* fire? Like, could you kind of go into what
22 that means, specifically, for that event?

23 A. So, once we got the initial call and identified what the
24 emergency was, our main priority was evacuating all the people off
25 of that vessel. So, preservation of life, and then getting an

1 accurate accountability and a head count to make sure we had
2 evacuated all of them off the vessel. And then, not secondarily,
3 but kind of parallel, making sure that the waterway was closed and
4 clear so that we could effectively evacuate those folks off the
5 vessel. And making sure that the mariners in the vicinity were
6 safe as well.

7 So, those were the main priorities that morning for me as the
8 SAR Mission Coordinator.

9 Q. And since we touched on evacuating the passengers, how does
10 that work in coordination with the vessel? Are you in charge of
11 that or is the vessel in charge? How does that relationship work?

12 A. So, it's -- I would say that actually in terms of being able
13 to -- give me a minute to think about it, just put my words
14 together. So, from a search and rescue perspective and this
15 response case, I would say that it's my responsibility working
16 with the vessel, in tandem with the vessel, kind of their equal
17 responsibility to make sure that we've got the people off. And we
18 did work together to make sure that we had an accurate headcount
19 and that everyone had been evacuated.

20 Q. Can you kind of explain what the chain of command is during
21 an incident like the *Spirit of Norfolk*? Like, how -- who do you
22 report to, who reports to you and how does that work?

23 A. In the command center, I generally -- the command duty
24 officer reports to me kind of the big picture about the response
25 and the high points and the major events. And then at this point,

1 because it was such a high visibility, major incident, I was
2 talking with our sector commander, who I believe had
3 (indiscernible) authority at that time. Not super applicable for
4 this case because we weren't -- we didn't end up depending on it,
5 but just a -- in her sector commander capacity -- or his sector
6 commander capacity and the deputy sector commander -- sorry, we
7 just had a change of command. So, when this happened, we had a
8 different sector commander than we do now. And the new sector
9 commander was the deputy sector commander, so actually I was
10 reporting to her and then kind of in tandem to the sector
11 commander during the incident.

12 Q. So, you were reporting to the deputy and the deputy was
13 reporting to?

14 A. Yes, and then sometimes it was directly to the sector
15 commander.

16 Q. Thank you. Were you in charge of or had a role in the
17 firefighting efforts during the *Spirit of Norfolk* fire? I know we
18 talked about the evacuation of passengers regarding the
19 firefighting effort.

20 A. So, in a SAR mission coordinator capacity, my main concerns
21 are extinguishing fire to save lives. So, at that point, the
22 vessel contained the fire and we were able to get the passengers
23 off. So, I wasn't too concerned with extinguishing the fire at
24 that point. And that's normal, that's how it normally happens
25 with these large -- the major fire incidents on board vessels, in

1 commercial vessels. We usually -- we are limited in our capacity
2 to fight fires, so if we have to, to save lives, we will,
3 initially, but we usually leave that to the people who how to do
4 that best, the professionals.

5 And in this case, that was entities from the Port of
6 Virginia's maritime response team. I think -- I actually think it
7 was the Norfolk Fire Department and then also the fire department
8 on board the Navy base were responsible in terms of fighting and
9 extinguishing the fire onboard, it with -- yes.

10 Q. Kind of leading into my next question. You just mentioned
11 all the responders addressing the firefighting. Who -- do you
12 know -- did you have any conversation with who was in charge of
13 the firefighting efforts on scene? Do you have information about
14 them?

15 A. Very, very limited. Just initially I was just making sure
16 that there were entities ready to receive the -- well, or that
17 there were plans to actively firefight on board the vessel. So,
18 Bill Burkett (ph.), who is in charge of the maritime response team
19 in the Port of Virginia, and then also I actually sent a
20 representative to the Navy base who talked to the fire department
21 on the Navy base and let them know. And also our command center
22 talked to the Navy base in terms of alerting them of the
23 progressing event and also, you know, talking about the next steps
24 for this incident.

25 Q. So, while the vessel was -- during the firefighting efforts

1 and while it was being moved to the naval base, you sent a
2 representative to --

3 A. Yes --

4 Q. -- to the command center?

5 A. -- yes.

6 Q. So they were on scene?

7 A. Yes.

8 Q. Who was that?

9 A. Chief Warrant Officer Dan Gutierrez, G-u-t-i-e-r-r-i-e-s
10 [sic]. I'm -- I think I spelled it right.

11 Q. Thank you. And can you -- on the subject of firefighting,
12 can you explain kind of the Coast Guard's role and policy or
13 position on firefighting separate to the maritime?

14 A. So, we're authorized to fight fires when we need to save a
15 life or prevent the fire from becoming something more dangerous.
16 In this particular incident, we were able to get the people off of
17 the vessel before I needed to fight any fires to save their life.

18 Q. And describe any document you use when running a search and
19 rescue case that involves a fire, like, what does the command
20 center go off of or?

21 A. They have a what we call a quick response card. It's
22 basically a checklist that they use that they go down, where they
23 gather the appropriate information and make sure that they've
24 taken all the necessary actions. So, I rely on them to use
25 accuracy and the quick response card. I don't have necessarily

1 have it in front of me when I'm taking a phone call.

2 Q. Thank you.

3 LT. COMMANDER EMMONS: Mr. Roy, I'm going to turn it over to
4 you. Thank you.

5 BY MR. ROY:

6 Q. I have a couple of more specific questions here based on the
7 (indiscernible). Who was the (indiscernible)?

8 A. It was Ensign Wyatt Nelson (ph.).

9 MR. FAWCETT: I'm sorry, I can't hear the question. Whoever
10 asked the question was probably a little bit far from the mic.
11 Thanks.

12 BY MR. ROY:

13 Q. The question was who was the CDO, the command duty officer
14 that day in the command center?

15 A. Do you want me to repeat the answer or did you hear my
16 answer?

17 MR. ROY: Everybody hear the answer?

18 MR. FAWCETT: No.

19 LT. COMMANDER PULLIAM: It was Ensign Wyatt Nelson, common
20 spelling on Nelson.

21 MR. FAWCETT: Thank you.

22 BY MR. ROY:

23 Q. And where were you when you were notified of the situation?
24 How were you notified about the event?

25 A. I was actually in my office at base -- at the

1 (indiscernible), which is about 10 feet away from the command
2 center.

3 Q. And how were you notified?

4 A. The CDO came and told me that it was happening.

5 Q. (Indiscernible).

6 A. Yes. Either he came and told me or I went into the command
7 center because I kind of heard that something was going on, but
8 either way, he briefed me in person about it.

9 Q. In the initial break was he kind of offered to you in person.
10 So, when the call came in over that initial Coast Guard actions in
11 the command center, starting with the process of the first-line
12 commander.

13 A. Immediately, we issued an urgent marine information
14 broadcast, which is a broadcast over channel 16 that alerts
15 mariners of this major incident. And also alerts nearby vessels
16 in the case they can act as good Samaritans and help us evacuate
17 the vessel.

18 Q. So, after the EMIB, emergency marine information broadcast,
19 was issued, what was the next step for the command center? Take
20 me through the coordination between the command center and vessels
21 responding. Do you remember offhand? I know there's a lot going
22 on.

23 A. I actually was not there for that -- those conversations, but
24 I do know that, I believe, it was the *Victory Rover* (ph.), which
25 is another passenger ship, and a tug, which the name is escaping

1 me, were on scene almost instantaneously to help evacuate the
2 persons.

3 Q. After the initial rescue of the passengers, what happened in
4 the pretty short timeframe? What was the next steps for you after
5 that?

6 A. We did also watch station Portsmouth and we tried to divert
7 any to D7 initially after the EMIB. We did --

8 Q. Divert what?

9 A. An 87-foot patrol boat.

10 Q. Okay.

11 A. Oh, sorry, actually we did not divert it. It was in Charlie
12 status and we talked about bringing it back up to get underway in
13 response to the -- so we actually did launch assets as well in
14 regard to the incident. So, it was at Station Portsmouth 29 and
15 then we talked about ramping up an 87-foot patrol boat.

16 Q. There was a discussion about trying to get a patrol boat --

17 A. Yes.

18 Q. -- (indiscernible). Any other Coast Guard assets that
19 responded after the call?

20 A. I believe that was all we really had time to contact. There
21 might have been two -- I'm not going to speculate -- but it was a
22 definitely 29 from Station Portsmouth.

23 Again, so after that, we were keeping track of the numbers of
24 persons that were taken from the vessel. The number that we were
25 given from the ship was 108 people, so we were -- and that was

1 based on just a headcount. The vessel was actually not able to
2 provide us a list of names of passengers. They were able to
3 provide a crew roster, but not the passengers on board the vessel.
4 They simply had a headcount.

5 So, we were keeping track of the numbers that were onboard
6 the *Victory Rover* and later on the tug, which took the remaining
7 crew off. We looked for a safe place to disembark those
8 passengers and give them medical attention if they needed it. We
9 actually sent some chaplains to the downtown Portsmouth. The
10 chaplains we sent to the public affairs representative in District
11 5 to the disembarkation point. And our main priority at that
12 point was making sure that we had accountability, that we had an
13 accurate account.

14 So, those entities and folks met the *Victory Rover* at the
15 pier in Portsmouth where we got an accurate headcount. And we
16 were also able to query, who was basically the field trip
17 chaperone, who were able to tell us that they were not missing
18 children and give me that confirmation that everyone had been
19 safely evacuated from the vessel.

20 Q. Once the rescue piece was over and (indiscernible) stops,
21 right, the SAR coordination, what was your next role in response
22 once the search and rescue piece was over?

23 A. So, briefing with my deputy and the sector commander, making
24 sure that our entries into the MISLE was --

25 Q. I got it.

1 A. Okay.

2 Q. Information for taking law enforcement.

3 A. Thank you.

4 (Crosstalk)

5 Q. I got to write that down.

6 A. Thank you so much.

7 Q. (Indiscernible).

8 A. Yes, so making sure the appropriate entities were briefed
9 that we had essentially closed the search and rescue piece of it,
10 because we got full accountability. Making sure that those folks
11 didn't need advanced levels or higher levels of medical care,
12 which no one did, there were no injuries. We did provide
13 chaplains for the mental health aspect of it, but the kids were
14 actually in really good spirits when they disembarked, so. And
15 then just making sure our documentation into maritime information
16 and to law enforcement was accurate and complete.

17 Q. So, once that -- and then what was the next kind of phase,
18 you know, pollution, firefighting? What was the next phase for
19 the (indiscernible) you kind of focused on?

20 A. It was getting the vessels to the pier at the Navy base and
21 coordinating with our other government agencies to fight the fire
22 onboard. And make sure that the vessel was stable enough to fight
23 the fire on board and keep it contained.

24 Q. Were you in the command center or were you in your office?
25 Like, where were you most of the time? Back and forth or what

1 was --

2 A. I was back and forth. I try not to, like, really look over
3 the shoulders of the watchstander, but it was back and forth.

4 Q. Do you recall if a vessel response plan was pulled off or
5 (indiscernible) timeframe? Do you recall that at all?

6 A. I don't.

7 MR. FAWCETT: I couldn't hear that question.

8 MR. ROY: I asked if the -- if she recalled if the -- if
9 anybody in the command center would ask for or they pulled the
10 vessel response plan.

11 MR. FAWCETT: Thanks.

12 BY MR. ROY:

13 Q. Do you recall any discussions as far as who made the call
14 where the *Spirit of Norfolk* was going to be boarded up? Were you
15 privy to any of that conversations about who made the call and why
16 it was put on the pier (indiscernible)?

17 A. I don't recall.

18 Q. Besides what's in MISLE, are there any other documentation,
19 chrono sheets, timelines, note pad, anything else that you guys
20 have at the command center that's not actually in MISLE? Do you
21 have any documentation as far as calls made or who you spoke to on
22 these calls or notifications?

23 A. We submitted the digital voice box actually Monday, so all
24 the phone calls, which are recorded, the files were submitted.
25 Our VHF channel 16 radio broadcast were submitted as well. And

1 then there is a paper day file of the case with a checklist on the
2 front, but those documents have been since scanned and entered
3 into MISLE.

4 So, those documents should be in MISLE. And that includes --
5 oh, actually, the CDO logs from that day would have some notes and
6 things and we might -- that might actually be the only thing that
7 -- sorry, the command duty officer logs. So, they just have like
8 a personal sheet that sometimes that take notes on, which may or
9 may not be in the MISLE. I don't think it is.

10 Q. You mean --

11 (Crosstalk)

12 Q. -- to make sure it doesn't have the folder that's already
13 been scanned in --

14 (Crosstalk)

15 Q. -- that's not in there (indiscernible).

16 After -- apart from the SMC, did you have any other role in
17 the -- besides SMC -- did you have any role (indiscernible)
18 command or RBIPF (ph.) structure or any other role after your SMC
19 duties were complete, when you got a headcount and the vessel was
20 at the pier?

21 A. I did not.

22 BY MR. FAWCETT:

23 Q. Yes, this is Keith Fawcett from the Coast Guard. I have some
24 questions.

25 So, Commander when you came in to work that day, were you

1 well-rested?

2 A. Yes.

3 Q. Was it a typical work day for you, and by that I mean, did
4 you come in to perform Coast Guard management functions or did you
5 come in as a designated SMC with responsibilities mostly towards
6 the command center and those operations?

7 A. Well, my job is to command in the command center, so I guess
8 yes, that's my typical management function. But I'm what we would
9 call a day worker, so yes, I came in for a typical work day on
10 that day and I had had SMC the previous four days and that was
11 just telephone duties. So, it was two full days. I came in to
12 work out of the SMC and also as command center chief.

13 Q. And so your office is in relative close proximity to the
14 command center?

15 A. Yes.

16 Q. So, speaking of the watchstanders that were on duty that day,
17 was the command center fully staffed by qualified designated
18 personnel?

19 A. Yes, absolutely.

20 Q. And how many people would have been in the command center
21 that day?

22 A. So, it was -- I think there was two to three -- so it was one
23 command duty officer -- it was four. It was one command duty
24 officer, one operations unit watchstander, one situation unit
25 watchstander, and one communications unit watchstander.

1 Q. So, were there any break ins or trainees during that time?

2 A. Yes -- actually, so there were five. Yes, there was a break
3 in operations unit watchstander as well.

4 Q. So, you have -- you just described the command duty officer
5 overall responsible for the operation, and then there's other
6 people. Could you describe their duties? If I walked in, there's
7 people sitting at their computers and stuff, so who's doing what?
8 Could you describe that for us?

9 A. Sure. The operation unit watchstander is responsible for
10 determining the appropriate response and just fleshing out into
11 basically a singular one. They manage the very practical picture
12 and determine the appropriate response and then bring that to the
13 command duty officer, who has the overall picture of what's
14 happening on the watch for that day and is managing the multiple
15 incidents, kind of maintaining the broader picture but acting as
16 the kind of (indiscernible) into the command duty officer. The
17 command duty officer's the direct representative of the captain of
18 the port, as well as managing the overarching picture of the watch
19 quarter.

20 The situation unit watchstander is exactly how it sounds.
21 They maintain domain awareness and situational awareness, so
22 they're constantly feeding weather information, vessel traffic
23 information. They're the ones who draft the broadcast, they're
24 the ones who take, like, the navigational discrepancy reports.
25 It's a very administrative function for the situation unit desk.

1 And then the communications unit watchstander, their job is
2 to monitor VHF channel 16 and 70 via Rescue 21, 24/7. And they
3 also are the ones who will read the broadcast over VHF channel 16.

4 Q. And would I be correct to say that Rescue 21 is the
5 communications system that the Coast Guard uses for almost all
6 maritime communications?

7 A. Yes.

8 Q. So, is all of the equipment --

9 A. Coast Guard -- sorry -- Coast Guard sectors. You know,
10 obviously, our operational unit uses VHF radio.

11 Q. Understood. So, was all of the equipment in the command
12 center working as designed that day or were there any systems or
13 parts of systems that weren't functional?

14 A. As far as I know, yes. We were fully operational.

15 Q. So, does the command center have some type of electronic
16 display that would show all the vessels operating in the area
17 using the automatic identification system?

18 A. Yes, we have PG10, which has an automatic identification
19 system feed into it, and that's usually up on our large TV screen
20 in the command center, the largest one, actually.

21 Q. And can that -- can an operator zoom in on that so that they
22 could see, you know, a smaller area in greater detail?

23 A. Yes.

24 Q. And could you see Coast Guard -- generally under normal
25 conditions, could you see Coast Guard vessels moving around using

1 their automatic identification system? In general?

2 A. Yes.

3 Q. So, when you became alerted to the incident, you were in your
4 office. Did someone call you just like a call-out, hey,
5 Commander, come in here or did they call you on the phone?

6 A. Now that I'm thinking about it, I think I -- someone came out
7 of the command center and they said, Commander, there's something
8 big going on in there. And I was, like, okay. So, I got up and I
9 walked in and I talked to the command duty officer basically where
10 he said the *Spirit of Norfolk* is on fire. They're underneath the
11 (indiscernible).

12 Q. And those watchstanders in there to make sure they do things
13 efficiently, they use quick response check sheets. So, is there
14 one for vessel fire?

15 A. Yes.

16 Q. Is there one for, like, vessel -- for each emergency, like,
17 vessel evacuation, vessel abandonment, and so forth?

18 A. Not as specific as that, but we have an initial search and
19 rescue check sheet. I believe there is a vessel fire check sheet.
20 There is a supplemental search and rescue check sheet that covers
21 -- each search and rescue case is dynamic so if we covered every
22 single incident that could occur, you know, involving a search and
23 rescue case, there would be a lot of quick response cards. There
24 would be a lot of shuffling between the two.

25 So, a lot of the broader quick response card like search and

1 rescue have different sections that may or may not apply to that
2 particular incident.

3 Q. So, from the time you walked in to the command center and
4 were alerted, how long did you stay in there? Just approximately?

5 A. I think it was probably about a minute to gather the
6 information they had before I walked down to the deputy sector
7 commander's officer and said, ma'am, we have a -- the *Spirit of*
8 *Norfolk* is on fire.

9 Q. Did she give you any instructions?

10 A. Yes. She said make a CIC call, which is a critical incident
11 communication call. And other than that, we were doing what we
12 needed to do.

13 Q. And who would you have called on that call, just in general?

14 A. It's a phone number. It's 1-800-DAD-SAFE.

15 Q. And the purpose of that is to do what?

16 A. To alert our chain of command of a major incident and to
17 gather the, obviously, kind of essential for a major marine
18 casualty, high profile media interest, significant amount of
19 property loss. So, it gathers the upper echelon leadership and
20 allows them real-time -- it's basically real-time information.
21 And the real time, the most important information to those
22 supervisor or leadership positions.

23 Q. And then did you go back to the command center and begin
24 supervising what was going on in there?

25 A. For a little bit, yes. I went back to the command center, I

1 sent a representative over to Norfolk Naval Base. I -- the
2 command duty officer was actually already making the critical
3 incident call when I went back in. So, it's really their job to
4 execute the response and I'm -- it's my job to manage and oversee
5 it.

6 So, yes, I was in there. I wasn't necessarily directing
7 people to respond because it was already happening, but I did add
8 a few things, like sending a representative out there and making
9 sure the CIC call was done. And just kind of observing the
10 response that was happening and observing.

11 Q. And did you consider, during that timeframe of the accident
12 and the subsequent events unfolding that day, calling in
13 additional personnel to supplement the watch?

14 A. I don't believe that I did. We already had -- we had an
15 additional break-in on the watch floor and they were managing the
16 event and the details very well.

17 Q. So, it was a very busy day, it's a very complex day. And at
18 some point, as I understand it, there was a mayday call from a
19 bulker northbound in the Elizabeth River, the Spar Lyra. When did
20 you become aware of that mayday call?

21 A. It was probably about -- I don't believe it was briefed to me
22 as a mayday. It was briefed to me as an (indiscernible) where it
23 was just north of that channel. It was -- and that there were no
24 search and rescue teams for that case.

25 Q. And --

1 A. I don't believe I ever heard there was a mayday call for that
2 particular incident.

3 Q. After the 7th, did you have a chance to look at events that
4 unfolded to understand looking at the common operating picture
5 what transpired that day with the Spar Lyra?

6 A. No, I didn't. I was (indiscernible) and a marine casualty in
7 terms of the vessel, I believe, that that's a (indiscernible).
8 But in terms of SAR mission coordinator response or concern, it
9 was not (indiscernible) to me that there's a search and rescue
10 confirmed with that particular case.

11 Q. So, if a vessel has -- in the command center, if a vessel has
12 a marine casualty, is that where that information is transmitted
13 to? In other words, as the vessel realizes that it's just lost
14 maneuverability or propulsion, would the operator of the vessel be
15 required to make a more or less immediate report to the Coast
16 Guard so the Coast Guard could manage (indiscernible)?

17 A. Yes.

18 Q. And that would come in to the command duty?

19 A. It would.

20 Q. Okay. And did they -- now, the mayday call aside, did
21 anybody brief you about the propulsion casualty before you got the
22 report that there was an (indiscernible) to navigation?

23 A. No.

24 Q. So, thank you.

25 MR. FAWCETT: Mr. Karr, NTSB.

1 MR. KARR: Thank you. Mike Karr with the NTSB.

2 BY MR. KARR:

3 Q. Could you explain to me your chain of command? Do you report
4 directly to the sector commander?

5 A. For my normal job or as a SAR mission coordinator?

6 Q. Your -- the one in the command center.

7 A. Yes, okay. I report directly to the deputy sector commander.
8 He's my supervisor.

9 Q. So, you're considered a department head?

10 A. A division head.

11 Q. Division head. And equal to what? Prevention division or is
12 that a department?

13 A. So, the prevention of the department, response to the
14 department, but there are a few in the sector construct, there are
15 a few divisions. We don't necessarily work underneath the
16 prevention response that report directly to the sector deputy.

17 Q. Are you aware of -- are there any port plans, Coast Guard
18 plans, that cover the evacuation of (indiscernible) vessels?

19 A. I'm not aware. It was my understanding that each vessel
20 maintains their own evacuation plan, but I could be wrong about
21 that.

22 Q. And how about are there any plans for firefighting, you know,
23 particularly with regard to the Coast Guard? Well, let me keep it
24 to the same question. Any plans to the port or any Coast Guard
25 plans with regard to how to fight -- how the port community fights

1 fires?

2 A. I honestly don't know.

3 Q. You mentioned something about -- one of the things you were
4 looking at was entities to receive the vessel. Could you tell me
5 what that involved, what activity your command center did?

6 A. We were looking for a place that's pretty close proximity
7 that could -- oh, are you talking about the *Spirit of Norfolk* or
8 the vessel evacuated by passengers?

9 Q. *Spirit of Norfolk*.

10 A. From my early involvement, we were looking for a place in
11 relative close proximity because we were unsure of the stability
12 or safety of the vessel and being able to push it somewhere. So,
13 that's really all I know about that.

14 Q. Somebody said you were looking -- describe what that process
15 involved.

16 A. Considering the facilities in close proximity to where the
17 event happened and the navy base there has a very robust, well-
18 trained fire department. So, it seemed initially like that would
19 be a good place for the vessel and they have a lot of piers that
20 are unoccupied.

21 Q. And that process, was that you and your staff discussing
22 where to go or were you coordinating with anyone else?

23 A. We make a recommendation, but ultimately that decision lies
24 with either the deputy sector commander or the sector commander
25 the prevention department has. So, that decision would have been

1 totally on the watch quarter.

2 Q. Was there any hesitancy on the part of the Navy to allow the
3 vessel to moor there?

4 A. Not that I can recall.

5 Q. When did you, you personally, when did you end your role with
6 this incident? I guess, let me -- when did you leave work that
7 day?

8 A. Probably around 2:30 in the afternoon.

9 Q. And when you left, when did you stop being -- when did your
10 role as the SAR mission coordinator end?

11 A. I was relieved that duty, not like admin relieved, but I
12 asked for a relief, I believe, it was the next day, the next
13 morning.

14 Q. So, you remained as the SAR mission coordinator?

15 A. Over that night, yes.

16 Q. What was the role of the command center? Did the role of the
17 command center change at any time during this -- during the day?

18 A. Eventually, the incident was managed at the incident command
19 post and we were given updates about the status of the incident.
20 But once initial action basically -- the folks were basically
21 evacuated from the vessel, the vessel was pulled into pier, we
22 really shifted the responsibility for response to the incident
23 command post, which was on a day-to-day, which is difficult if we
24 have a major event so that we can maintain (indiscernible).

25 Q. And I'm sure it's documentation in the records so I don't

1 have to spend a lot of time asking what that was?

2 A. I don't want to speculate, but, yes, I would think that --
3 yes, it would be in the MISLE documentation.

4 Q. How many SAR mission coordinators are there like you that
5 stand this watch?

6 A. Six, including the deputy chapter commander, who doesn't
7 typically stand watch.

8 Q. And what rank are they? Or just start with the lowest rank?

9 A. Sure. Chief Warrant Officer.

10 Q. And how often -- what's your watch rotation?

11 A. About a week a month.

12 Q. And since you've been the SAR mission coordinator, have there
13 ever been any tabletop drills or actual drills with regard to
14 what, you know, with regard to responding to an accident, or
15 excuse me, casualty like what occurred to the *Spirit of Norfolk*?

16 A. We do an annual search and rescue forum where it culminates
17 in a large, like, multi-casualty drill at the end of the week that
18 we work with our other government agencies and a few Coast Guard
19 assets (indiscernible).

20 Q. And when was the last one and is there like a record, you
21 know, for someone like me who could read the minutes or activities
22 of the group?

23 A. The last one was in April, I believe, of this year. I could
24 be wrong about that, but there has definitely been one since this
25 year in the last three months or so. And there is a schedule or

1 an itinerary that we follow, so there is documentation as to what
2 events, like, occurred at that forum, yes. That's all -- to my --
3 that's really all I know. I'm not really (indiscernible) in the
4 matter.

5 Q. Well, if they're -- in two or three sentences, what
6 specifically -- can you tell me about any exercises or discussions
7 that were held with regard to an incident or casualty like the
8 *Spirit of Norfolk*?

9 A. So, actually in addition to that (indiscernible), they
10 actually do a maritime firefighting forum. That's a week-long
11 that we work with our other government agencies for the sector
12 that's involved in planning and active (indiscernible), those
13 exercises, but -- and that has also happened in the last six
14 months.

15 The search and rescue forums, the value in that is making
16 sure that we know how to communicate and initiate our other
17 government agency assets and resources, and that we are -- that
18 they are aware of our standard Coast Guard search and rescue
19 policy, and that we all act really in accordance -- as a united
20 front for any event involving search and rescue. And then the
21 firefighting forum, I have less visibility on that. But I can't
22 speculate, but I -- it's documented what happens at each of those
23 exercises.

24 Q. All right, thank you. No more questions.

25 MR. FAWCETT: All right. Now, we'll turn to the party-in-

1 interest. We'll start, since he's here, with Mr. Stillman.

2 MR. STILLMAN: I have no questions. Thank you very much.

3 MR. FAWCETT: Thank you. Moving on to Captain Nadeau's
4 representative.

5 MS. GALITOU: No questions here either. Thank you.

6 MR. FAWCETT: Thank you. Mr. Denley.

7 MR. DENLEY: Yes, I do have a couple of questions.

8 BY MR. DENLEY:

9 Q. Again, I'm Eric Denley with City Cruises, the *Spirit of*
10 *Norfolk*. I appreciate the opportunity to speak with you.

11 You mentioned that the event originally -- when the fire was
12 originally reported and you were made aware of it, can you give --
13 I guess when you were first made aware of, do you have a sense of
14 kind of how long the incident had been going on, and had there
15 already been steps taken in terms of the plans to evacuate the
16 guests?

17 A. I don't have a good grasp of that. I wasn't there for the
18 initial call. I was probably briefed five minutes after the
19 initial radio comms were taken. But I believe I was told that the
20 crew had taken initial actions to contain the fire and they were
21 combating it. An early notification to the Coast Guard to
22 initiate an evacuation from surrounding the vessel. You know, I
23 don't really have much more than that. I'm sorry.

24 Q. Okay. And then so you weren't speaking directly with the
25 vessel. That would have been comms watchstander?

1 A. Yes.

2 Q. Okay. You indicated that you had people that were at the
3 pier when the *Victory Rover* brought the guests and the crew
4 ashore. Who are those people and, like, did you deploy them and
5 were they kind of reporting to the command centers?

6 A. Yes -- well, so the chaplain and the public affairs officer,
7 the public affairs folks who met the vessel at the pier there at
8 District 5. And so we requested them to respond. Then I believe
9 Chief Warrant Officer Gutierrez is actually headed over there.
10 That would be the person who directly reports to me.

11 Q. Okay. And so you were having -- how's Chief Warrant Officer
12 Gutierrez, how is he making reports back to you? Was he calling
13 you on the phone, was he doing that through the command center?

14 A. He was calling me through the command center, yes.

15 Q. Okay. And so those were the people that were evaluating the
16 medical, you know, the condition of the guests and were doing
17 accountability?

18 A. We also requested some ambulances and local emergency medical
19 personnel to meet the guests at the pier. I think there was
20 another Coast Guard person who went and met them at the pier as
21 well. I don't remember.

22 Q. Okay.

23 A. I'm sorry.

24 Q. No, no, that's fine. I appreciate your time. So, you
25 mentioned that the children were generally in good spirits when

1 they got off the boat. Did that come from Mr. Gutierrez? Was
2 that kind of his assessment?

3 A. Actually, I heard that from the chaplain later on after the
4 incident.

5 Q. Okay. When you said you pulled all the command center
6 recordings and they're now in the MISLE case. Is that correct?

7 A. Which recordings are you referring to? Are you referring to
8 the telephone calls or the radio broadcasts or --

9 Q. Yes, I guess I don't know. I thought I heard you say a
10 little bit earlier that you had kind of pulled all of the logs and
11 had uploaded them or provided them, I think, on Monday, you said
12 you did that, into the MISLE case. So, is that -- maybe I could
13 ask a better question, like what were you referring to when you
14 said that you pulled that information?

15 A. We submitted the telephone calls and the VHF broadcast of the
16 investigation team. They're not in the MISLE documents. That's
17 not -- yes, we don't usually send that to the MISLE case.

18 Q. Oh, okay. So, like, any phone call that came into the
19 command center during that period of time was recorded. So, the
20 conversations with Mr. Gutierrez and kind of all those things
21 would have been part of that record?

22 A. Yes.

23 Q. And what period of time during that day did you include to
24 the investigation team?

25 A. I'm not sure. I would have to check. It would be an

1 assumption, but at least -- it was almost 700 files, so it was
2 least the entire day.

3 Q. Got it. So, again, so my question -- and you may have
4 already answered it -- but Mr. Gutierrez, when he was on scene at
5 the, I guess, at the Navy pier, was he -- he was providing updates
6 on the firefighting efforts to the command center?

7 A. Sporadically, yes.

8 Q. Okay. And again, I guess, same question, was he calling you
9 directly or was he going to the command center and making updates
10 on the recorded line?

11 A. He was calling through the command center.

12 Q. Okay. And can you -- I mean, what were his updates,
13 generally, on the firefighting efforts?

14 A. I didn't really have visibility on those -- I think he was --
15 well, I'm really not supposed to speculate, but typically they
16 would call in for major changes or evolutions of the events or any
17 major things that happened on scene, or he would call in and just
18 give an update every couple of hours to tell the command center
19 what the conditions were and what the actions were.

20 Q. And were you briefed on any of those updates?

21 A. I was not, no.

22 Q. Were you made aware of any updates or changes or were you
23 made aware of any progress or lack thereof of firefighting to the
24 command center that afternoon?

25 A. Yes, I was, but I, in my job as the command center chief, I

1 would go check on the watch floor and kind of ask about what was
2 happening. So, yes.

3 Q. Can you describe any of those updates or do you remember any
4 of those updates?

5 A. One was that they have sent a Norfolk Fire Department team
6 onboard to attempt to access the phases that were on fire and they
7 had something of a reflash, and a couple of the firefighters were
8 injured in that evolution. And simultaneously, the vessel
9 stability became not conducive to having people on board. There
10 was a lift where -- so, they opened the hatch, there was a reflash
11 and some kind of ship and vessel stability, and they immediately
12 evacuated the vessel.

13 Q. And did you take any action at that point or did you get any
14 different direction from your command, you know, at that point?

15 A. No, I believe that was after the command post was
16 established, so the command center was really in a kind of observe
17 and incorporate that event into the larger response picture. We
18 weren't heavily involved in the response through the divisions
19 that were made on scene for that particular event.

20 Q. Got it. Did Mr. Gutierrez provide an update on that, I
21 guess, change in status or that event during the firefighting
22 efforts?

23 A. I don't know for sure, but I would -- I think he called the
24 command center and maybe gave him that report.

25 Q. Got it, yes. So, if he did it would be in the logs?

1 A. Yes.

2 Q. And then so you said that there was a unified command that
3 was established. I mean, do you -- or let me back up. I mean, do
4 you know who is in charge of the firefighting efforts on team?

5 A. I believe there was kind of tandem responsibility between the
6 Norfolk Fire Department and also the Navy base fire department.

7 Q. Okay. Did you get any reports about -- so your understanding
8 is that there was not one command or incident commander on scene?
9 That there were perhaps two or that there was joint
10 responsibility?

11 A. I wasn't on teams, so I can't really speculate about the
12 actual response. I just knew that there were two entities that
13 had kind of joined forces to fight the fire, and they were --

14 Q. Okay.

15 A. -- going under our deputy sector commander.

16 Q. Okay. So, the deputy sector commander was kind of directing
17 the firefighting efforts?

18 A. She was overseeing them. I wouldn't say she was directing
19 them.

20 Q. Okay.

21 A. It was more of a, and I don't know for sure, but more of that
22 she was part of the unified command and the firefighting efforts
23 were being handled by more of an operations section, which is --

24 Q. Okay.

25 A. -- and then I -- you have to kind of structure, they report

1 to the deputy commander.

2 Q. And do you know when the (indiscernible) command was
3 established?

4 A. I don't know for sure.

5 Q. Just one more question. I do appreciate your time. I know
6 the interview's been going on for a while. You talked about an
7 annual SAR and firefighting forum. Do you know who kind of the
8 lead coordinating agency is for that?

9 A. It's the Maritime Incident Response team at the port of
10 Virginia and then also Sector Virginia, our emergency management
11 and, of course, right in the division.

12 Q. And I think -- so you said the Maritime Incident Response
13 team?

14 A. Yes.

15 Q. And do you know who leads that?

16 A. Bill Burkett.

17 Q. And do you -- I mean, were you coordinating and was the
18 command center coordinating with Bill Burkett during this
19 evolution?

20 A. Yes, we were.

21 Q. Okay. And so was Bill Burkett providing updates into the
22 command center?

23 A. Yes, and he also sent Mr. Tracey Freeman (ph.), who also
24 works for the Maritime Incident Response team to the sector. He
25 was working outside of the command center, speaking with his folks

1 on team as well.

2 Q. Okay. So, the Maritime Incident Response team, that's an
3 entity at the Port of Virginia?

4 A. I believe so, yes.

5 Q. Okay. And was Mr. Burkett on scene?

6 A. Yes.

7 Q. When I say on scene, I'm sorry, was he on scene at the fire
8 when they were fighting the fires at the Navy base?

9 A. Yes.

10 Q. Okay. And he also dispatched somebody to the command center
11 that was working with the Coast Guard?

12 A. Yes, he dispatched Tracey Freeman, who also works for the
13 Port of Virginia, to the command center.

14 Q. And so the -- Tracey Freeman was in the command center and,
15 like, while this was all happening?

16 A. He wasn't in the command center. He had a radio that he was
17 communicating with his entities on scene with and it was a secure
18 space, so he thought he can't bring it into the command center.
19 So, he was operating --

20 Q. Oh, got it.

21 A. -- outside of our conference room.

22 Q. Oh, got it. So, were you kind of talking with him throughout
23 the afternoon?

24 A. I was, yes -- well, yes, I believe it was the afternoon, yes.

25 Q. And so what kind of updates did he give you throughout the

1 afternoon?

2 A. He wasn't there for very long. He was probably there for
3 about an hour or an hour and a half before he was dispatched to
4 the actual scene, at least.

5 Q. Okay.

6 A. But we just talked about what entities that were under his
7 purview were on scene. And he wasn't there long enough for us to
8 get into a discussion about firefighting efforts. He was really
9 just there for the initial response actions, and the search and
10 rescue and evacuation portion. So, I talked to him a little bit
11 about, like, typically this kind of vessel would have a passenger
12 manifest. And I also talked to him about what other government
13 agencies were on scene because he had a better picture of what
14 that was.

15 Q. And do you recall what agencies he told you were on scene?

16 A. The only thing I could really remember is Norfolk Fire
17 Department Marine Unit. That doesn't mean those were the only
18 ones on scene.

19 Q. And then you indicated that his name was Tracey and what was
20 his last name?

21 A. Freeman, F-r- --

22 Q. Freeman, okay.

23 A. -- e-e-m-a-n.

24 Q. Okay. Thank you so much, I appreciate your time. I don't
25 have any more questions.

1 MR. FAWCETT: Thank you, Mr. Denley. Ma'am.

2 UNIDENTIFIED SPEAKER: No questions.

3 MR. FAWCETT: Ma'am -- all right.

4 MR. ROY: Eric Roy, a couple of follow-up questions.

5 BY MR. ROY:

6 Q. Were you ever a (indiscernible)?

7 A. Yes, I was.

8 Q. Okay. And what training have you had for --

9 A. So, I --

10 Q. -- for SMC and SAR?

11 A. I attended -- there's a lot -- I attended a five-week
12 maritime search planning course and I've been through that twice.
13 Because I had to re-cert after that -- there had been so much time
14 between. I've been a to a week-long SAR mission coordinator
15 course that the Coast Guard puts on. I have command duty officer
16 qualification, I have operations unit watchstander qualification.
17 I'm also an operations section chief (indiscernible). I've been
18 through that training as well.

19 Q. Do you know how many other cases were going on in the command
20 center in the first few hours of the *Spirit of Norfolk*? Were
21 there other major cases going on --

22 (Crosstalk)

23 A. Besides the Spar Lyra, I don't recall any other cases that
24 (indiscernible).

25 Q. And just one -- you're talking about a vast rescue plan. Did

1 (indiscernible) have a vast rescue plan that you're aware of?

2 A. Yes.

3 Q. Okay, that's all I have.

4 MR. KARR: Mike Karr with the NTSB.

5 BY MR. KARR:

6 Q. With regard to the Maritime Incident Response Team, what
7 other -- help me understand what that is. What other assets of
8 theirs were held there when you were in the command center?

9 A. They have a communications trailer that they provide to us
10 that they call Pac 1 (ph.) that they deploy into the field to work
11 as a nucleus of an incident command post. And, honestly, Bill
12 Burkett and Tracey Freeman and their abilities to kind of organize
13 the other government agency assets. I don't -- that's all
14 specifically that I really know.

15 Q. Thanks.

16 MR. FAWCETT: This is Mr. Fawcett.

17 BY MR. FAWCETT:

18 Q. Just a couple of finals. So, when you were with Mr. Freeman
19 in that conference room, was his radio basically carrying like all
20 of the firefighting operations or was it just specific to someone
21 calling back and forth and talking to him like giving updates.
22 Could you overhear, like, firefighting operations in general over
23 that radio?

24 A. I don't recall. I talked to him for maybe like a collective
25 two or three minutes, and I couldn't -- the radio did not

1 interrupt our conversation while we were talking. But that's
2 really -- yes, I don't know.

3 Q. And would I be correct in saying that for anything related to
4 search and rescue, which includes fire, that the national SAR
5 manual and the SAR addendum would contain, like, the overarching
6 policies on how you conduct business?

7 A. Yes.

8 Q. And do you recall if that document or any documents related
9 to it talk about firefighting specifically?

10 A. They don't talk about firefighting techniques. They talk
11 about what the Coast Guard, specifically, the SAR mission
12 coordinator's responsibility is in regards to maritime
13 firefighting.

14 Q. Would that have any guidance for you or the people that work
15 for you about, like firefighting, for example, like, to keep the
16 smoke away from the passengers, to evacuate the passengers as
17 quickly as possible? You know, anything like that, like specific
18 instructions?

19 A. Not that I can recall.

20 Q. And then following a complex series of cases like this, there
21 are times when they do a SAR case study or a SAR review, case
22 review. Do you know if the SAR case review or SAR case study is
23 being conducted for the *Spirit of Norfolk* fire?

24 A. I do not know of a case review that's been initiated for
25 that, no.

1 Q. Have you or your staff conducted like an assessment of the
2 response, even if it's informal, you know, the term
3 (indiscernible) is hot washed, to determine how you could improve
4 the process?

5 A. No, we haven't.

6 Q. Thank you.

7 MR. FAWCETT: Any other questions?

8 So, the time is 10:07. We've completed our interview and we
9 may ask for subsequent documents through counsel, and we thank you
10 very much. And we're turning off the tape recorders. Thank you.

11 (Whereupon, at 10:07 a.m. EST, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 7, 2022
Interview of Lt. Commander Sarah Pulliam

ACCIDENT NO.: DCA22FM022

PLACE: via telephone conference

DATE: July 14, 2022

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.



MARIA SOCORRO R. ABELLAR
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

*

* * * * *

Interview of: JASON SLEETH, Passenger
Spirit of Norfolk

via Microsoft Teams videoconference

Friday,
July 15, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

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I N T E R V I E W

(12:01 p.m. EST)

MR. FAWCETT: Tape recorders, and I am also going to turn on the Teams recording for audio recording.

Before we get started, does anybody have any questions? All right. Hearing none.

Mr. Sleeth, would you acknowledge verbally by saying yes that you acknowledge that we are recording this interview?

MR. SLEETEH Yes.

MR. FAWCETT: Okay. So this is a joint investigation of the United States Coast Guard and the National Transportation Safety Board. In this case, the U.S. Coast Guard is the lead federal agency and we are conducting this interview under the rules of the United States Coast Guard. Today we are conducting a telephonic interview with Mr. Jason Sleeth, who is a passenger witness on the *Spirit of Norfolk*.

Today is July 15, 2022 and the time is 12:01. We are conducting the interview to examine the events surrounding the fire and subsequent total constructive loss of the vessel *Spirit of Norfolk* which occurred in Norfolk Harbor on June 7, 2022.

Is there anybody with you there, Mr. Sleeth?

MR. SLEETEH No, sir. I'm by myself.

MR. FAWCETT: All right. So what we're going to do is we're going to go around the room and we're going to ask everybody to

1 state their name and spell their last name and state their
2 affiliation with the investigation, and if we could start with
3 you, sir, Mr. Sleeth?

4 MR. SLEETEH Yes, the name is Jason Sleeth. It is
5 S-l-e-e-t-h, and I was a passenger alongside my son on the *Spirit*
6 *of Norfolk* during the incident in question.

7 MR. FAWCETT: All right. My name is Keith Fawcett, F as in
8 Frank, a-w-c-e-t-t. I'm with the United States Coast Guard,
9 5th District formal investigation team.

10 MS. EMMONS: My name is Lieutenant Nicole Emmons, E-m-m-o-n-
11 s, and I am also with the District 5 U.S. Coast Guard formal
12 investigation team.

13 MR. KARR: And I'm Michael Karr, K-a-r-r, with the National
14 Transportation Safety Board.

15 MR. FAWCETT: Okay. For attorney representing Hornblower,
16 please state and spell your name.

17 MR. WEIGEL: This is Alan Weigel from Blank Rome, last name
18 W-e-i-g-e-l, representing Hornblower and the Hornblower's PMI
19 insurer.

20 MR. FAWCETT: Okay. Thank you.

21 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y, and I'm with
22 City Cruises and *Spirit of Norfolk*. Mr. Weigel has the lead.
23 Thanks.

24 MR. FAWCETT: Thank you, sir. For Captain Neto (ph.),
25 please?

1 MS. GALITOU: Magdalini Galitou, G-a-l-i-t-o-u, for
2 Captain Neto with Phelps Dunbar.

3 MR. FAWCETT: Thank you. And for Bay Diesel?

4 MR. ABLE: Good afternoon. This is Christopher Abel with the
5 Wilcox, Savage Law Firm. I'm the lead counsel for Bay Diesel.

6 MR. FAWCETT: And I do not believe anybody else is on the
7 call. So, Mr. Sleeth, you know memory is sort of a shifting
8 thing, so if you remember anything differently or you want to
9 change your testimony or modify your testimony in any way, if
10 you'll reach out to Lieutenant Commander Emmons who sent you the
11 invite, we'll make sure that we capture those -- that information
12 and share it with all of the parties transparently.

13 And, also, the Coast Guard is going to conduct a report of --
14 and produce a report of investigation and when you see that, if
15 you see anything in there that you have additional information to
16 add or even during the course of the investigation you can reach
17 out to us and there's a process to appeal the report of
18 investigation once it's complete, and we have a document called
19 the U.S. Coast Guard Marine Safety Manual, and there's a Volume 5,
20 and it talks about how the Coast Guard conducts these type of
21 investigations and how we conduct business if you wanted to take a
22 look at that.

23 So if you would, anybody on the call, please would make sure
24 to silence your cellphone, and with that I'll begin. The process
25 will be I will ask questions for the Coast Guard, and then another

1 colleague may ask a question or follow up questions, and then we
2 move to Mr. Karr from the NTSB, and then we move through the
3 counsel that you met verbally during this meeting.

4 INTERVIEW OF JASON SLEETH

5 BY MR. FAWCETT:

6 Q. So I know this is a really complex event in your life, and
7 what I'd like you to do is sit there quietly after I'm finished
8 talking here, and reflect on the event, kind of put yourself back
9 on that day, and from the time you approach the vessel with your
10 son, try to tell the entire story with as much detail as possible
11 as it relates to the fire and the events that affected you in as
12 much detail, you know, as much detail as you can provide, and then
13 I will add -- ask some follow up questions on the story you tell
14 us. So take a moment to gather yourself and reflect and then
15 please begin.

16 A. Okay. I remember it pretty vividly, pretty clearly so I can
17 get started right away. So on the day in question, we arrived
18 down to the dock area roughly about 10:30 I believe is when we
19 started to board the vessel. I was chaperoning my son and a
20 couple of his fifth grade classmates. It was not a school
21 sponsored trip for us. It was just some friends and parents that
22 decided to get together and do kind of an end of year event for
23 the children, so it wasn't the entire class, it was just a few
24 classmates and parents from that.

25 Once we boarded the vessel, you know, noticed that there was

1 a, I believe maybe a kindergarten or preschool class that was
2 there as well with their parents and chaperons, and we approached,
3 got on the vessel, and I believe it was the bottom level ballroom
4 area that they had set up some tables so we sat down. The DJ was
5 set up. They had a banquet set up for food, and once everybody
6 got on, they closed the door, the DJ started announcing certain
7 tables to go ahead and get up and start getting food.

8 We did that, we ate, we started to take off, left the harbor
9 area, and got out onto the water. After eating, DJ playing some
10 music for the kids, they're up and dancing, and then several of us
11 started to kind of migrate up to the top deck so that we could
12 just kind of see the sights. Foosball table, Jenga, things like
13 that up there for the kids to play.

14 It was probably about an hour or so into the trip. I don't
15 remember the exact time, but I had gone up about 15 minutes prior
16 up top of my son, let him play with his friends. I then went down
17 to the bottom deck on the back of the boat to take a phone call,
18 took that phone call which lasted about 10 minutes and then
19 proceeded to go back up to the top deck.

20 Within a few minutes, I started to smell and see smoke. I
21 wasn't really sure where it was coming from, and it kind of had
22 that -- it smelled almost like burning wire, almost like an
23 electrical fire kind of distinct smell. Now looking around, you
24 know, ship building areas, Norfolk naval stuff, everything so at
25 first I didn't really think too much of it from the smell, but

1 when I started to see smoke, then I got a little bit more
2 inquisitive.

3 Then the smoke started getting thicker and thicker. I then
4 proceeded to walk towards the side of the boat which I saw the
5 smoke come from and when I looked over, I saw flames coming out of
6 the side of the boat. I would say if I had to guess, it was hard
7 to tell, but maybe about halfway down from where we were, maybe a
8 little further. And at that point in time, the smoke started to
9 really billow over the top onto the top deck.

10 At that point there had been no alarms, no sounding, no crew
11 members had given us any direction or anything up into that point.
12 I then turned around and saw one of the crew members that I
13 believe was like a waiter or some form of job like that that he
14 was doing, and basically said, hey, is everything okay and was
15 told, yes, somebody's working on taking care of the situation, and
16 that's all that was said at that point.

17 The smoke got increasingly thicker and increasingly heavier.
18 Most of the people that were on the top deck started to kind of
19 migrate to a covered bar area that was on the top deck where the
20 foosball table was because it was at that point in time the smoke
21 hadn't kind of come over to that area. It was just kind of
22 covering the top deck.

23 The smoke then started to fill that area up, too, and I think
24 that's when a lot of people started to get very nervous. Kids
25 were coughing. My child at that point, I grabbed him and said,

1 hey, come with me, and held him close. He was fine until he
2 started coughing very heavily from the smoke, and then he got very
3 nervous. At that point, I kind of looked at him and I pointed
4 over off the boat, and said, hey, if anything was to seriously
5 happen, there's a pier right there, you just swim there, and he
6 said okay.

7 From about I would say it was a couple of minutes, maybe.
8 It's hard to remember exact time, but then some of the crew
9 members came up and started asking us to -- they opened the middle
10 deck I believe it was that was not currently open before this to
11 us, and had us go downstairs into that level and then started
12 instructing all of the children and all of the parents and
13 chaperons to put on life preservers.

14 At that point, once the crew could determine everybody had a
15 life preserver on, they started to kind of shuttle us into an area
16 where we then were disembarking that boat and getting onto the
17 other naval yard tour boat.

18 And let me back up for just a minute. So before they had us
19 go down into the second floor when the smoke was coming and the
20 flames were coming, within I would say that couple of minutes
21 time, you could see one of the fire rescue boats approaching us.
22 They did approach us. They did have their little water thing kind
23 of spinning, but wasn't directly spraying the boat. They were
24 kind of spraying near it, allowing the mist or whatever to hit the
25 boat at that time. And then that's when we kind of went down to

1 the second level and also then life preservers and then went into
2 the area that we disembarked.

3 We then helped most of the young children and parents get on
4 the naval yard tour boat, and then once everybody was on that at
5 that point they did a head count. They made sure everybody was
6 good, everybody was on, and then we started heading back to the
7 port.

8 Q. Okay. So I'll have follow ups about what you talked about,
9 but you headed back to the port and you got to the dock. Can you
10 go through what happened then until you got in your car?

11 A. Yeah, absolutely. So I had -- when it first happened, I
12 communicated to my wife because she was at home. I had taken some
13 pictures and sent them to her of what was going on, and some video
14 and stuff, so when we got on that naval yard boat and as we were
15 headed to port, she reached out to me. I talked to her, spoke to
16 her. She said -- I'm assuming she had sent them to one of the
17 news locations. They then reached out to me and asked when I got
18 off the boat if I'd be willing to talk about what happened. I
19 said sure.

20 When we got to the dock, the announcement came on that, hey,
21 everybody that was on the *Spirit of Norfolk* please stay on board.
22 They allowed the people that were on the naval yard ship on that
23 tour to go ahead and disembark. At that point, once they were
24 off, they then announced that there would be members from the
25 Coast Guard team that would be greeting us when we got off, to

1 have us fill out a -- I guess a witness form or an incident
2 report, so they -- at that point they then allowed us to disembark
3 the boat. We were handed a pen, a sheet of paper, filled that out
4 with our name, address, a couple of other questions that were on
5 there that I don't really remember. Turned that in.

6 At that point, news reporters were there asking questions. I
7 spoke to a couple of news reporters and then from there left, got
8 in my vehicle and went home.

9 Q. All right. This is Mr. Fawcett again. I have some follow
10 ups. So yesterday we talked to another passenger and as a result
11 of that we created a diagram of the vessel, and I sent back to you
12 late yesterday afternoon. Did you receive that?

13 A. Yes. I did send it back late last night. I -- to whichever
14 email. I believe it was *Spirit of Norfolk* -- I forget the email
15 address, but I hope that you would have received it. If not, I
16 can forward it to you now.

17 Q. No, that's fine. As we speak we're checking the mailbox. So
18 thank you for taking a look at that. The other thing you
19 mentioned is the photographs and videos. The ones that
20 specifically address the emergency, the Coast Guard would ask that
21 you send them to that same email box to be part of the
22 investigation, and we'll give you a receipt for that.

23 A. Okay.

24 Q. So we won't review that diagram, but I will share it with
25 everybody on this call. In the future we hope to have those

1 available for part of the discussion, so you mentioned the middle
2 deck. There's the open deck up top, and then there's the main
3 deck down below, and you said it wasn't open. So I'm just trying
4 to figure out by that do you mean that for your cruise somehow
5 that was kind of roped off, and that was not part of -- that was
6 not being used during the actual cruise you were on?

7 A. Correct. So we were -- there was two areas that were
8 available to us to be able to access or that they had open. We
9 may have been able to access and go in there. I didn't. It was
10 just an area that they weren't using for our specific trip. So
11 the main closed -- that kind of ballroom area is where we had the
12 DJ, the dance floor and the buffet set up. There was nothing on
13 that middle deck for us to do or, you know, for us to utilize, so
14 nobody had -- from my recollection or my knowledge, and I know
15 that me and my son did not go in that area. Nobody was hanging
16 out in that middle deck prior to being escorted down there during
17 the time that the smoke was kind of taking over that top deck
18 area.

19 Q. All right. So, you know, we're talking about waitresses and
20 boat crews and so forth, and I'm trying to understand if you as a
21 passenger understood like there's a whole bunch of like hotel
22 staff, bartenders, waitresses and so forth, and then there's other
23 people that actually operate the vessel. Looking at them, was
24 there some way to tell the difference?

25 A. Yes. So the wait staff was wearing a different uniform. I

1 believe it was kind of like, you know, all black, black on black,
2 black shirt, black pants, and they were really kind of migrated
3 and standing around in that bottom deck. At one point I saw a
4 chef come out and place some food onto the buffet. He obviously
5 was in a chef coat, chef hat, and there was other members of the
6 crew that had more kind of a -- I don't know, maybe like a cap --
7 I know they weren't a captain, but more like a captain style
8 shirt. They had also like white with, you know, button up white
9 shirt that was definitely distinguishable between the two.

10 Q. All right. I'm going to circle back to that in a minute. So
11 you boarded the vessel. Was there any kind of safety briefing or
12 announcement about what to do in an emergency and like how to
13 properly don a life jacket? Could you talk about that?

14 A. Yes. So when we first got on once they closed the doors,
15 everybody was on board and before they called us up to go get the
16 buffet, they went through kind of like when you board an airplane
17 and they talk about in the event of an emergency, what not. Same
18 type of thing.

19 So there was somebody that was standing in the room kind of
20 in the middle of the room between all the passengers that did go
21 through the proper way to put on the life vest in the event of an
22 emergency and, you know, to be honest with you, I couldn't recall
23 exactly everything that they said during that time. I don't
24 remember whether they addressed if -- the exit areas. I wouldn't
25 be comfortable saying, yes, this did happen, yes, no, it didn't.

1 I do know for a fact that they did review the proper way to
2 administer the life vest onto yourself and put it on for both
3 adults and children.

4 Q. Do you recall if they said in an emergency you are to go to a
5 specific location?

6 A. I do not recall, sir, and I apologize for that. I was trying
7 to make sure my son was paying attention and not -- and, you know,
8 sitting down with his friends and make sure he was good. Did kind
9 of a -- I don't remember exactly everything that was said.

10 Q. So once the emergency began, in other words, you know, smoke
11 is -- you recognized smoke and then you later recognized flame, do
12 you recall if there were any public address announcements that
13 related to the fire or what you were supposed to do as passengers?

14 A. So in the very beginning, I don't -- I was on the top deck so
15 I don't know what was going down in the bottom because there were
16 still people down there, but at the top, at the time the smoke was
17 coming over and when it got very thick and when I first saw the
18 flames, there had been nothing addressed to the passengers at that
19 point in time.

20 When I did ask one of the crew members what was going on,
21 they said that there's people that are working on the situation,
22 and then shortly after that, after most of the parents started
23 pulling the kids into that covered area, that's when crew members
24 did come up and said, folks, there is a fire on the boat, we are
25 going to go through this door, through this passage way down these

1 stairs, and into the boat, into this next floor. We've opened up
2 the middle deck. That's where we will go. We are going to ask
3 you to put on life preservers and we have support coming to help
4 us. Not verbatim what was said, but along the lines.

5 Q. So in that phase of the emergency, was that the people like
6 wearing like sort of the white outfit with the shoulder boards or
7 something nautical looking or was it wait staff?

8 A. So the gentleman that I spoke to at that time was a wait
9 staff in the beginning, but shortly afterwards when the -- when
10 they started directing the chaperons and children was the folks
11 that were white shirt, shoulder board type, the walkie-talkie type
12 group.

13 Q. Okay. So, you know, for the rest of our talk, I'll call
14 those kind of people crew, and the other wait staff, okay?

15 A. All right.

16 Q. So did you hear any alarms or sirens or any unusual noises to
17 include like hissing noises like high pressure air or something?
18 Anything --

19 A. Absolutely not.

20 Q. Okay. Did you see any firefighting at all? I know you were
21 on the top deck and there was a lot of smoke, did you see any crew
22 person or wait staff doing any firefighting?

23 A. No. There was none on the top deck that was doing any. When
24 we got down to the middle deck, you know, you couldn't tell in
25 relation to where we were, you couldn't see any fire or any smoke

1 in that area, and there was nobody visibly trying to, you know,
2 because we weren't in view of the fire. It would not be fair for
3 me to say that there was or were not anybody visibly seen trying
4 to extinguish it.

5 Q. How did you know that a boat was coming your way to take you
6 off to safety?

7 A. Once we got down to the second level and that was then
8 communicated to us, please put on your life preservers, we have
9 another boat that will be picking us up, and we would be boarding
10 that, so that the firefighters and the fire crew could, you know,
11 work on the situation.

12 Q. Did they tell you --

13 A. That was communicated to us by the crew.

14 Q. Okay. Did they tell you, hey, the boat is on the way or it's
15 going to be here in five minutes or, you know, how long you had to
16 wait to get on a boat for safety?

17 A. I don't recall them saying anything like that. I was -- I
18 wouldn't say I was the last person to leave the top deck to go
19 down, but I was probably one of the last few people that walked
20 down there, and by the time myself and my son and the rest of
21 those few people that had walked down there, they were already
22 giving instruction to the folks that were down there, so I don't
23 know if there was a time that was told or what direction was given
24 at that point.

25 Q. So when it came to your life jackets, did you have any

1 problems with the life jackets, putting them on, fastening them or
2 anything like that?

3 A. No, sir. There was ample enough amount of life jackets.
4 There was crew going around helping those passengers that needed
5 help with it. Some of the other parents and chaperons were
6 helping the children get those on as well, and it was a fairly
7 quick and easy process.

8 Q. Did you see any of the wait staff helping evacuate passengers
9 or help people put on their life jackets?

10 A. Yes, I believe there were a couple that were helping out.
11 They had also been instructed to put it on, and then at that point
12 from my recollection, they -- the crew basically started treating
13 the wait staff very similar to the passengers.

14 Q. And so now we shift to the time where the *Victory Rover* comes
15 alongside. In terms of like there's many, many people that have
16 to get onto that boat. Were you one of the first, one of the
17 last, like somewhere in the middle?

18 A. I would probably be I would say in the last maybe 15 percent
19 of the passengers that got onto the *Victory Rover*.

20 Q. And I neglected to ask, how old's your son?

21 A. He at the time was 10 years old.

22 Q. Did you or your son have any difficulty like leaving the
23 *Spirit of Norfolk* and getting onto the *Victory Rover*? Could you
24 talk for a minute about how that happened?

25 A. Yeah, I -- my son and I didn't have any trouble getting on

1 there. They kind of pulled the boat up side-by-side. They had
2 folks on the *Spirit of Norfolk* that were helping, holding hands,
3 and there were people on the *Victory Rover* that were helping folks
4 get over. On the *Spirit of Norfolk* it was a pretty open area. On
5 the *Victory Rover*, there was kind of a banister type thing that
6 you did have to step over, so I help with a couple other parents
7 kind of life some of the smaller children and hand them kind of
8 over to the person that was on the *Victory Rover*.

9 It wasn't a very hard process, but it -- at that point with
10 the boats kind of being next to each other, they started to bump
11 into each other. It did get a little rocky. At one point the
12 lady that was in front of me started to proceed to climb on, and
13 then the *Victory Rover* started to kind of drift away, so I grabbed
14 the back of her life vest and just kind of pulled her back and
15 held on, and within a matter of seconds, the *Victory Rover* then
16 kind of came back adjacent and touching the *Spirit of Norfolk* and
17 then she proceeded to continue over.

18 There were a couple of people that as they were climbing over
19 slipped a little bit, did not see that they -- at the time did not
20 seem that they incurred any kind of injury, but, you know, it was
21 wet. The area was wet, and so there was a lot of people kind of
22 holding onto the passengers as they disembarked and got onto the
23 *Victory Rover* just to insure that they didn't fall. Like I said,
24 there were some that kind of slipped a little bit, lost their
25 balance a little bit, but nobody I would say that from what I saw,

1 nobody fell. They just lost their balance and kind of got uneasy.

2 Q. You said wet?

3 A. Yes, it was wet.

4 Q. And why was that?

5 A. I'm assuming water splashing up from just kind of the chop
6 that the two boats were making. It could have been from the fire
7 boat, the water that was kind of drifting and misting in the air
8 over. I'm not really sure what was the cause of it, but it was --
9 it wasn't a very dry condition.

10 Q. It's kind of hard to quantify this, but how much in danger
11 did you feel while you were aboard the *Spirit of Norfolk*? And by
12 that I mean do you think it was a fairly common orderly, and you
13 could, you know, safely evacuate or did you at any time feel like
14 in acute danger?

15 A. I personally, you know, I really didn't think about it at
16 that time. I kind of parental instinct got into play. I was a
17 lot more concerned about, hey, how do we keep these children from
18 kind of freaking out, so most of the parents were doing that. At
19 that present time I was more worried about trying to focus on the
20 kids and them following direction and them doing what they needed
21 to do, so it really didn't dawn on me any kind of immediate
22 danger, but kind of once we got onto the Victory, and started to
23 go away, kind of reflecting back on it, I was like, wow, that was
24 pretty, you know, it was pretty insane, but, you know, there were
25 several of the kids that were crying.

1 Like I said, my son was pretty calm in the beginning until he
2 kind of got a large -- inhaled a large amount of smoke and then
3 was coughing. I did kind of grab his shirt, lifted it over his
4 face, told him to keep his shirt and his hand over his mouth.
5 That's when he got very nervous, and my -- at that time my
6 attention was to get him to calm down, and just make sure that
7 some of his classmates were accounted for and that they were all
8 calmed down.

9 Most of the parents were calm, and I'll be real honest, I was
10 very proud of the children because despite everything that was
11 going on, the majority of them were -- listened very well. They
12 followed direction and they maintained their composure pretty
13 well. You had a few that were really, you know, I wouldn't say
14 hysterically crying, but they were crying, they were scared, they
15 were nervous. You could see a little bit of that same concern on
16 a few of the parents' faces as well.

17 There were several people that were coughing very heavily
18 from just the smoke from that top deck, but once everybody got
19 kind of on the Victory and everybody was kind of calmed down, and
20 there's a big kind of sigh of relief that lifted.

21 Q. Thank you very much, sir.

22 MR. FAWCETT: For now that's the question from the
23 Coast Guard, and I'll turn it over to Mr. Karr from the NTSB.

24 BY MR. KARR:

25 Q. Mike Karr with the NTSB. Hello, Mr. Sleeth.

1 A. Good afternoon.

2 Q. How many parents and how many children were in your group?

3 A. In -- oh, man, in our group I want to say there was about 10
4 to 12 children. I'm not 100 percent, and there was at least about
5 one parent for every child. There were some children that were --
6 that didn't have a parent there, but then there was a couple of
7 children that had multiple parents there as well. I could not be
8 -- I would not be accurate in giving you an exact number, sir.

9 Q. And were you all from the -- were all the children from the
10 same school?

11 A. So there was two groups. There was our group that, yes, they
12 were all fifth grade students from the same class, from
13 B.C. Charles Elementary, but (indiscernible) family were pretty
14 close.

15 Q. I'm sorry --

16 A. Friends, they hang out after school, they hang out during the
17 summertime, so we kind of all got together. We opened it up for
18 anybody in the class that would be interested, but it was a very
19 small select handful of the class that ended up going.

20 The other group was there. We did not know them. They were
21 an entire class. After talking to some of the parents or
22 chaperons there, again I don't remember the age. I want to say it
23 was either like a pre-K or a kindergarten class, but it was an
24 entire class, and their chaperons from -- I believe they were out
25 of Virginia Beach, but I'm not exactly sure.

1 Q. All right. Mr. Sleeth, we lost some of the audio, so let me
2 -- I will ask the question again so we can get it on the
3 recording. Your -- the people that were with you, the trip that
4 you were organized, were all the children from the same school?

5 A. Yes, sir.

6 Q. All right.

7 A. They were all from the same classroom, but, again, it was not
8 a school sponsored trip.

9 Q. And was there one of the parents who was in charge of your
10 group?

11 A. I'll be honest with you, I'm not entirely sure who kind of --
12 I know there were some parents that kind of organized it. I don't
13 know who they were. It was kind of sprung on me last minute, the
14 night before by my wife that said, hey, there's a trip that Ben's
15 going on with some classmates on the *Spirit of Norfolk*. I forgot
16 to ask you would you be willing to go tomorrow, and I said, sure,
17 no problem, so I don't know who organized it. I'm not really sure
18 the names of the parents. It was for me the first time meeting
19 pretty much all of the parents that were on there minus one that I
20 had met before.

21 Q. Can you describe to me how you, if you knew or how your group
22 decided that, hey, all our children, all our parents are accounted
23 for in our group?

24 A. Yeah, so most of us kind of stayed together to a degree.
25 Once we were down into the second level, I was communicating with

1 a couple of the other parents saying, hey, everybody here,
2 everybody accounted for. They were like, yes, I believe so, and
3 then once we got onto the Victory, there was one of the parents
4 that kind of went around and they did a head count and insured
5 that everybody was on there. Again, I don't know who that parent
6 was. I just remember that it was a woman from our group that went
7 through and counted.

8 Q. All right. Thank you for that answer. And next question is
9 when the life jackets were handed out to you, can you recall other
10 information that you heard from the white shirted crew members?

11 A. Yeah, again, when I got down, I was, you know, one of the
12 last people -- I wasn't the last, but one of the last kind of few
13 passengers that got down in there. At that point, they were
14 already talking to some of the passengers, and there were multiple
15 people. It wasn't like one person standing up saying a big
16 announcement. It was multiple people kind of talking to
17 everybody, handing out the life vests and saying we will be
18 getting off, and we will be taking you to an area, or once you put
19 your life vest on, please come this way.

20 I don't remember the exact verbiage, and I don't remember
21 everything that was being said. At that point I was kind of
22 making sure that my son and his immediate friends that he was
23 hanging out with were putting their life vests on, they were good,
24 and then trying to calm my son down.

25 Q. Can you -- I'd like you to paint me a picture of your

1 movement from the second that, you know, after you put your life
2 jacket on, your movement on board the *Spirit of Norfolk* and then
3 up to the point where you got on the *Victory Rover*.

4 A. Yeah, so once we put the life jacket on, again I had my son.
5 I kind of held back a little bit to allow some of the women and
6 younger children to start following the direction of the crew. I
7 believe we went back into a stairwell. This part's a little
8 fuzzy, but I believe we went back down to another flight of stairs
9 and ended up in an area that was where basically -- I'm not sure
10 if it was just like a gate style opening or if it was like some
11 form of -- it basically was an area that opened up that you could
12 see the *Victory* that was pulled up right next to us.

13 Q. So was it -- can you describe the cue? Can you describe the
14 line that you were in?

15 A. Yeah, I mean, it was single file going down these stairs to
16 this area, and then it was kind of single file, helping everybody
17 off the *Spirit of Norfolk*, onto the *Victory*, and then they were
18 being directed on the *Victory* into the cabin -- I guess you would
19 call it cabin area. It was the enclosed area at that point, and
20 then once everybody was on, they kind of allowed us to then
21 started to migrate to other parts of the *Victory* so that we could
22 spread out.

23 Q. And can you recall where the crew of the *Spirit of Norfolk* --
24 where members of the crew of the *Spirit of Norfolk* were located at
25 that point where you got to the deck and then walked over --

1 climbed over to the *Victory Rover*?

2 A. Yeah, so again when we say crew, we're talking about the
3 gentlemen in their -- the men and women in the white shirt with
4 the shoulder board style outfit, correct?

5 Q. Correct.

6 A. There were -- I can't account for all of them, but there were
7 crew members that were standing, directing folks down the stairs
8 into single file line on that middle deck, and then there was crew
9 members, at least one that was on the *Spirit of Norfolk* helping
10 people off and onto the *Victory*. It was a -- not a tight space,
11 but with having -- it was tight enough that you couldn't have a
12 lot of people standing side-by-side right there, so there was from
13 my recollection at least one crew member that was helping people
14 over to the *Victory* and then there was somebody that was a crew
15 from the *Victory*, they had a *Victory* t-shirt or a naval yard tours
16 t-shirt on that was helping people onto the *Victory* and then
17 directing us.

18 Once we were on the *Victory*, I did see crew members on the
19 *Victory* as well, and they rode into a -- I don't know if it was
20 everybody. I'm not sure. To be honest, I don't know how many
21 crew members there actually were. I do remember seeing maybe
22 about two or three that I can recall.

23 Q. All right. And, Mr. Sleeth, last question for me is what
24 color was the flame and the smoke when you first saw it?

25 A. So when I first saw it, it was a very light colored smoke,

1 and then it very quickly turned jet black. The flame when I
2 looked over was, you know, it was bright orange. It was a pretty
3 big decent flame kind of coming out the side and billowing over
4 the side of the boat, but at first the smoke was very light, and
5 then it turned jet black and got very dense and very thick.

6 Q. And let me ask you about that description that you mentioned
7 billowing over the side of the ship. Did the flame ever come up
8 to the upper deck?

9 A. No, sir. No, it was down a pretty decent distance from where
10 we were standing. I definitely looked over and saw it coming out
11 of the side of the boat, and I have pictures and video that I'll
12 send to that email address of that, and -- but the flames never
13 came over to the top where we were standing. They were coming out
14 of the boat, and were pretty tall. I couldn't tell you exactly
15 the height of the flames, but I didn't -- I never saw it and was
16 like, oh, man, I better step back because I'm going to get burned.

17 Q. Could -- thank you, Mr. Sleeth.

18 MR. FAWCETT: Mr. Sleeth, we're going to go through the party
19 of interest counsel. We'll start with Captain Neto, please.

20 MS. GALITOU: No questions. Thank you.

21 MR. FAWCETT: Thank you, ma'am. Bay Diesel, please?

22 MR. ABEL: No questions from us. Appreciate your
23 cooperation, Mr. Sleeth.

24 MR. SLEETEH Thank you.

25 MR. FAWCETT: Mr. Weigel with Hornblower, please?

1 MR. WEIGEL: Yes, thank you, Mr. Fawcett.

2 BY MR. WEIGEL:

3 Q. Mr. Sleeth, I'm Alan Weigel, and as I said at the beginning,
4 I am the attorney for Hornblower Cruises. I have just a couple of
5 questions. I want to when you were making your way across the gap
6 between the *Spirit of Norfolk* and the *Victory Rover*. Did you feel
7 at any time going across that gap that it was difficult for you to
8 do it or was it -- or you felt unsafe doing that?

9 A. Me personally, no. It was -- some of the -- there were a few
10 parents that were having a little bit of trouble getting over, but
11 there was enough people that were helping them. As I said, the
12 lady that was in front of me in the very beginning when we started
13 to -- where I was when we were climbing over, she started to go,
14 and the boat kind of drifted apart, and I -- she was starting to
15 step, so I grabbed her life vest and kind of pulled her back a
16 little bit, and just because I was standing right behind her.

17 As that started to happen, one of the crew members on the
18 *Victory* said, whoa, whoa, hold on a second, hold on a second, and
19 then within a few seconds, you know, the boats met back together,
20 you know. It was a little choppy and a little rocky, so it wasn't
21 just like, you know, walking through a doorway by any means, and,
22 like I said, you did have to climb over a banister or a part of
23 the boat, so there was a step, you did have to climb over it.

24 When I climbed over it, I kind of grabbed part of the top of
25 the *Victory* and kind of -- I don't want to say hop over, but kind

1 of, you know, just jumped over like that.

2 Q. And how about your son? How did he navigate the transition
3 from the *Spirit of Norfolk* over to the *Victory Rover*?

4 A. I had -- basically was holding him by his life vest. As he
5 stepped, one of the crew that was on the *Victory* grabbed him by
6 the arm and kind of helped him to step over it.

7 Q. So he went first -- go ahead, sorry.

8 A. Yeah, he went before -- I'm sorry, you're good. He went
9 before I did, yes, sir.

10 Q. Thank you. And to understand what you said, I think you said
11 didn't -- no injuries, you or your son from going over from the --
12 going from one boat to the other, correct?

13 A. No, we did not sustain any injuries going from one boat to
14 the other.

15 Q. Did -- now you mentioned some passengers you saw maybe had
16 lost their balance a minute, but you didn't see anybody fall down,
17 is that correct?

18 A. They did slip, but kind of caught themselves. They didn't
19 fall like flat down onto the ground, but they did slip and did
20 have to grab hold of either the side of put their hand on the
21 ground. I don't remember exactly, but the crew member grabbed
22 them immediately and helped them up, and then they proceeded to
23 walk.

24 Q. Are you aware of any passengers that might have felt like
25 they injured themselves going across?

1 A. I am not aware, no, sir.

2 Q. And how about you and your son, you said your son was
3 coughing. He got a big mouthful of smoke and started coughing and
4 made him very anxious. Any after affects from inhaling the smoke?

5 A. No. He felt nauseous for a while that day. Once we got home
6 and he kind of calmed down and settled down, we didn't, you know
7 -- I didn't feel the need to take him to the doctor or anything at
8 that time. He felt fine after that. I kind of chalked it up to
9 maybe, you know, I didn't feel -- I didn't necessarily feel it was
10 like smoke inhalation or anything like that. I think he did choke
11 on it a little bit, and it did cause him to cough pretty hard for
12 a little bit, but I think the anxiety started to kick in and the
13 worry at that point is kind of what set everything off with him.

14 Q. And how about -- you didn't really mention yourself. Did you
15 end up coughing? Did you feel bad from the smoke?

16 A. I was coughing a little bit. Not in the beginning, but when
17 it got real thick I was. It was very hard. I remember I stepped
18 to the side to try to -- there was kind of a little gap in where
19 the smoke was and to where there was fresh air, so I stepped kind
20 of over there while people were starting to go down the stairs,
21 took a very breaths, and then covered my own mouth with my shirt.

22 There were many passengers that were -- some of them had
23 masks with them, so they started to put those on. Many of them
24 were just kind of covering their mouths with their shirt or with
25 their hand, and there were a few people that were coughing pretty

1 hard. I coughed pretty hard a couple of times, but it was nothing
2 that I felt, you know, bad about. I just knew I needed to get
3 away from the smoke, but I knew that we couldn't continue to stand
4 where we were because it was increasingly getting thicker and
5 thicker.

6 Q. Okay. So let me just jump over to the life vest, life jacket
7 questions. When you were handed the life jacket, and I understand
8 -- I heard your testimony or your answers that you didn't have any
9 trouble putting it on. The crew was helping some other parents,
10 but you didn't need any help, is that correct?

11 A. No, sir. I own a boat ourselves, so we're familiar with the
12 process. We threw it right on. I didn't put mine on immediately.
13 I made sure that my son had his on first, and then helped one of
14 his friends just throw it on real quick, and then right after I
15 helped them, I did put mine on.

16 Q. And the life jackets themselves, did they give you a, or did
17 they give your son adult size life jacket or a child size life
18 jacket?

19 A. They had both available, and there was crew that laid a bunch
20 of them out like on the tables. There were parents that were
21 handing them out, grabbing them from the crew. There was an area
22 wherever they were stored, I don't know if it was a cabinet or
23 under a bench, they lifted that up and started just kind of
24 handing them out, and they were letting people know, you know,
25 hey, child's right here, who needs a child's, who needs an

1 adult's, people, hey, I do, I do, and then they were grabbing the
2 correct size and insuring that children had children's life vests
3 on and that adults had adult life vests on.

4 My son is a little bit bigger for his age, so I ended up
5 putting an adult size on him, but they're -- both the sizes were
6 available and they were handing them out accordingly.

7 Q. And how were the condition of the life jackets that you and
8 your son got to put on? Any concerns?

9 A. No, they were fine. They were in good condition. They were
10 just standard orange, you know, kind of horseshoe style with the
11 wraparound connection.

12 Q. Just a couple more questions. When you were on the deck, top
13 deck, and the time from when the smoke went -- when you saw the
14 first smoke to the time you saw the flames, about how long was
15 that?

16 A. Not very long at all. I couldn't give you an exact amount of
17 time. I would say it was probably -- from the time I first
18 started smelling it to the time that I started to see the smoke
19 was a very small amount of time. I would say within 30 to 45
20 second maybe. At that point I started -- as I saw the smoke, I
21 then started walking over to where the smoke was coming, and when
22 I did and looked over, I immediately saw the flames, and then at
23 that point, that's when the smoke began to get very dark in color,
24 and then at first it was kind of climbing the side, the smoke was
25 kind of climbing the side of the boat, but kind of dissipating in

1 the air, but then as it got very, very thick, it just came over
2 and really kind of engulfed the entire top deck, and then it
3 started to kind of migrate to where we all had moved which was
4 kind of that covered area where there was a bar and a foos table.

5 Q. Okay.

6 MR. WEIGEL: I don't have any other questions right now.
7 Thank you very much, Mr. Sleeth, and we appreciate your spending
8 time with us today and really sorry that you and your son and his
9 friends had to go through this experience.

10 MR. SLEETEH Thank you.

11 MR. KARR: I have one more question.

12 BY MR. KARR:

13 Q. Mr. Karr with the NTSB. Mr. Sleeth, did you see smoke --
14 when you first detected and saw smoke, did you see smoke on one
15 side or both sides of the vessel?

16 A. It was only on one side. The entire time the smoke was only
17 coming from one side of the vessel during the time that we were on
18 board of it.

19 Q. And was that the port or starboard side?

20 A. I got to remember which direction that we were facing. It
21 would have been on the left hand side of the boat if you were
22 facing the bow.

23 Q. All right. Thank you.

24 MR. FAWCETT: Mr. Sleeth, I'm going to just check and see if
25 any of the people on the line have any follow up questions. You

1 had mentioned photographs and video. When you get around to it,
2 we -- you know, this is a complex investigation and it will take
3 some time, so when you get a chance, that's fine, and we'll send
4 you a receipt for it.

5 For the benefit of the people on the call, we did receive
6 Mr. Sleeth's vessel diagram. We will post it on home port. We're
7 going to create a special folder for our passenger witness
8 diagrams. And I'm just going to run it through our attorney
9 advisor and then post it as soon as I can.

10 And unless anybody has anything else, the time is 12:57 and
11 we have completed the interview with Mr. Sleeth. Thank you again,
12 sir. Have a good day.

13 (Whereupon, at 12:57 p.m. EST, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 8, 2022
Interview of Jason Sleeth

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams videoconference

DATE: July 15, 2022

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.



Lois D. Rush
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: RACHEL SMITH, Passenger
Spirit of Norfolk

via Microsoft Teams videoconference

Wednesday,
July 13, 2022

APPEARANCES:

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I N T E R V I E W

(5:33 p.m. EST)

MR. FAWCETT: Ms. Rachel Smith who was a passenger on the *Spirit of Norfolk*. I did speak to Ms. Smith for just one moment before you joined. She is by herself in this interview, and the tape recorder has been turned on and the meeting itself is being recorded.

Before we begin, does anybody have any questions? Okay. Thank you.

Ms. Smith, if you would, would you acknowledge that we are recording this interview?

MS. SMITH: Yes, I understand it's being recorded.

MR. FAWCETT: All right. So this is a joint U.S. Coast Guard/NTSB investigation and the Coast Guard is the lead agency, and this interview and our proceedings are conducted under the rules of the United States Coast Guard.

Today is July 13. The time is 5:33 p.m. Eastern Time. We're conducting an interview with Ms. Rachel Smith. The location is a telephonic Teams meeting, and we're conducting this interview to examine the events surrounding the fire which occurred on board the *Spirit of Norfolk* and the subsequent total loss of the vessel which occurred on June 7, 2022.

So, Ms. Smith, if you would, just acknowledge that you don't have anybody there with you.

MS. SMITH: No, I don't have anybody here with me. My

1 husband is in the other room, but I'm here by myself.

2 MR. FAWCETT: Yeah, that's fine. Thank you. So if you would
3 for the record, what we're going to do is ask you to state your
4 name and spell it for the record.

5 MS. SMITH: Okay. Rachel Smith, R-a-c-h-e-l, Smith, common
6 spelling, S-m-i-t-h.

7 MR. FAWCETT: Okay. And what we're going to do is we're
8 going to go around the room and we're going to introduce the
9 people that are on the call and briefly state their role.

10 So my name is Keith Fawcett, F as in Frank, a-w-c-e-t-t. I'm
11 with the United States Coast Guard, and I'm a member of the
12 District 7 -- District 5 formal investigation team for the
13 *Spirit of Norfolk* fire.

14 Any other Coast Guard people present, please state your name
15 and spell the last name for the record.

16 MR. WADDINGTON: Commander Randy Waddington, spelled
17 W-a-d-d-i-n-g-t-o-n. I'm also with the District 5 formal
18 investigation team. I'm the lead -- the team lead for the Coast
19 Guard. Thank you.

20 MS. LEE: Lieutenant Commander Karen Lee, L-e-e. I'm the
21 legal advisor for the District 5 formal investigation team.

22 MR. FAWCETT: Okay. National Transportation Safety Board,
23 please.

24 MR. KARR: I'm Michael Karr, K-a-r-r, and I'm the
25 investigator in charge of -- for this accident for the National

1 Transportation Safety Board.

2 MR. FLAHERTY: My name is David Flaherty, F-l-a-h-e-r-t-y,
3 and I'm an investigator for the National Transportation Safety
4 Board.

5 MR. FAWCETT: Okay. Ms. Smith, we designate what we call
6 party in interest, and so what I'd like to do is have the
7 principals for the party in interest please identify themselves
8 and spell their last name for the record.

9 MR. ABLE: This is Chris Able. It would be Wilcox, Savage
10 Law Firm. I'm the lead counsel representing party in interest
11 Date our Solutions doing business as (indiscernible).

12 MS. GALITOU: Magdalini Galitou of Phelps Dunbar, G-a-l-i-t-
13 o-u, representing Captain Lion Neto (ph.), the captain of the
14 *Spirit of Norfolk*.

15 MR. DENLEY: I'm Eric Denley, D-e-n-l-e-y. I'm with the
16 *Spirit of Norfolk* and City Cruises.

17 MR. FAWCETT: And we have two other gentlemen that are on the
18 call, Mr. Weigle and I believe Mr. Bennett. Could you identify
19 yourself, please?

20 MR. WEIGLE: Yes, this is Alan Weigle. I'm with the Law Firm
21 of Blank Roam, and I am representing City Cruises and Hornblower
22 Group and their protection indemnity insure. And Mr. Bennett is
23 not on call.

24 MR. FAWCETT: Okay. And, Mr. Weigle, I understand you will
25 not in this particular interview be asking questions this evening,

1 correct?

2 MR. WEIGLE: That is correct. I am just observing.

3 MR. FAWCETT: Okay. So I just want to let you know,
4 Ms. Smith, that, you know, memory is a perishable thing, and if
5 you remember something else later or you tell us something and you
6 say to yourself, oh, I remember that differently, you can get in
7 touch with Lieutenant Commander Emmons (ph.) who set up this
8 interview, and we will share with everybody on this call that, you
9 know, you want to add something or change something. You can do
10 that.

11 And we're going to -- the Coast Guard is going to produce a
12 report of investigation and if you happen to read it, and you look
13 at it and say, wait, I have new information, or something is not
14 right in that report of investigation, you can also let the
15 Coast Guard know, and we will consider that information. And
16 there's a book called the Marine Safety Manual and the volume is
17 Volume No. 5, and that's on the internet, and it really talks in
18 detail about how we do business, so should you want to find out
19 more about how the Coast Guard conducts an investigation like
20 this, all the information is in there.

21 So without any further ado, what we're going to do is the
22 Coast Guard will ask questions. I will ask questions to you, and
23 then I'll turn it over to the NTSB and they will ask any questions
24 they may have, and then we'll go through each party in interest,
25 and then we'll conclude the interview.

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1 So any questions before we get started?

2 MS. SMITH: Sir?

3 MR. FAWCETT: Yes.

4 MS. SMITH: Just so -- I'm a bit uncomfortable to be honest
5 with you just by going by the introductions, like how many
6 attorneys are involved. Is this something that I need to have my
7 legal counsel present for?

8 MR. FAWCETT: The --

9 MS. SMITH: I haven't, you know -- I don't have a lawyer for
10 this case, but I do have a personal lawyer. I just feel like -- I
11 don't know. I guess I just didn't understand what this meeting
12 was going to be about and it's a bit intimidating with, like you
13 said, the parties involved.

14 MR. FAWCETT: Yeah, I understand that, and you certainly can
15 have an attorney. You don't need one, but that's your choice.

16 MS. SMITH: Okay.

17 MR. FAWCETT: I would just say that your role as a passenger,
18 you have a very important story to tell to help us understand what
19 happened aboard the vessel and, you know, if you want to take a
20 few minutes to consider whether you want to proceed with the
21 interview or you want to reschedule it, that's entirely up to you
22 and we can just stand by while you make that decision.

23 MS. SMITH: Okay. Hold on one moment for me. Okay. Sorry
24 about that. I'll go ahead and do it tonight.

25 MR. FAWCETT: Yes, ma'am. Just to let you know, the Coast

1 Guard is asking you to serve as a witness --

2 MS. SMITH: Okay.

3 MR. FAWCETT: -- to define what your saw. That's your role
4 here. You're not a member of the vessel crew, or the operating
5 company or anything like that, so with your permission, I will --
6 if you get uncomfortable at any time and you decide to shift gear,
7 please do not hesitate to tell us that, and we'll just reschedule
8 at your convenience.

9 MS. SMITH: Okay.

10 INTERVIEW OF RACHEL SMITH

11 BY MR. FAWCETT:

12 Q. So what I'd like you to do, you have a very valuable story to
13 tell, and I'd like you just to take a few minutes, kind of collect
14 yourself, and think back on the day you were on the vessel on
15 June 7, and kind of try to put your -- I'm going to stop talking
16 in a minute, but put yourself back and try to collect your
17 thoughts, and if you imagine I'm trying to make a movie. I'm
18 trying to recreate the event. I'm going to ask you to tell your
19 story from the moment you approached the vessel and walked up and
20 you looked at the vessel until the time you were safely ashore.

21 A. Okay.

22 Q. And to help me understand what's going on, I'd like you to
23 take your time and give me as much detail, and if you give me
24 great detail, there is very few questions I'll need to follow up
25 with.

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1 A. Okay.

2 Q. I'm still going to ask you follow ups as are the people here
3 on this interview. So take your time, collect yourself. When
4 you're ready, no one will interrupt you, and you can tell your
5 story.

6 A. Okay. Are we good?

7 Q. We're good when you are, ma'am.

8 A. Okay. When I arrived at the boat, the appearance of the boat
9 was just like any other time I was on it. Everything seemed
10 normal. We got on the boat, and they did go over the briefing
11 with everybody, and then they opened the food up. They had
12 dancing and everybody was having a good time.

13 We got -- I don't know, we (indiscernible) for like 45
14 minutes into the cruise maybe, and started to smell something. I
15 was like, hum, that's weird, and then we started seeing some
16 smoke. We were sitting down at the table eating, so saw some
17 smoke come by the window, and one of the other parents who was at
18 the table with me as a coworker, we work in the ship building
19 industry, and I said, well, hey, if something's wrong with the
20 boat, we're in a good place because we were right near the naval
21 yard. I said, well, you know, people are here to help us, and he
22 kind of laughed. I laughed.

23 And then we saw the captain or what appeared to be the
24 captain come down. He looked around, looked out the window. Next
25 thing we know he said, okay, everybody on the top deck. So that's

1 when I thought, okay, something's going on, what is it. Well,
2 when we were on our way to the top deck, people were coming down
3 the steps choking, so I peeked my head up there and it was full of
4 smoke. I said, well, I'm not going up there. That's when I
5 looked on the side of the boat and realized that it was on fire.

6 I immediately called my husband and told him the boat was on
7 fire, and I called my daughter's father and told him the boat was
8 on fire. Everybody was standing in that back deck area after he
9 said to go up top because it was filled with smoke, but the crew
10 was ushering us up, ushering us up.

11 Went to the top deck and it was engulfed in smoke, so people
12 were hanging their heads over the side of the boat to get air. A
13 lot of parents were trying to take off their shirts to cover their
14 kids' faces, wrapping napkins around their kids' faces. There was
15 a couple elderly people that were having a hard time. Again, we
16 were trying to like get everybody to hang their heads off the boat
17 just to get fresh air. People, you know, obviously were gasping,
18 spitting up.

19 You couldn't really see because the thickness of the smoke,
20 though I instructed my daughter to put her sunglasses on and then
21 she had her shirt around her mouth. There was, you know, a while
22 of that, of inhaling the smoke, and then the boat came, the fire
23 boat I guess it is, and they started spraying the boat. You would
24 think that would help, but it really didn't because you were
25 getting doused with water, but also it was creating more smoke, so

1 you could barely see anything. You could not breathe unless you
2 went and hung your head off the opposite side of the boat where
3 the fire truck was spraying the water.

4 We were up there for, I don't know how long it was. It
5 seemed like forever, but then they told us to come back down to be
6 ready for evacuation, and I thought we were going to have to jump
7 off the boat. I was ready to take my daughter and jump off the
8 boat, but luckily when we got down there, they said another boat
9 was coming to get us.

10 I pushed my daughter to the front. They gave us life
11 jackets. I'm not quite sure how old these life jackets were, or
12 if anybody had looked at them since they were put on the boat. It
13 felt like they were almost dry rotted, easy to take apart and to
14 put on. The band that goes around you was almost dry rotted. It
15 was like stuck, so finally I just ripped that apart. I put it on
16 my daughter and then put one on myself.

17 And then the boat came, and, you know, luckily we were able
18 to get off the boat in a pretty -- it was pretty easy to get on
19 the other boat. The captain of the other boat maneuvered his boat
20 so it was pretty easy to access.

21 It was a terrifying experience. I never -- I try to not let
22 things bother me. I try to let things roll off my back, but I can
23 say I never felt the fear for my life. I've never felt like I
24 have to get my child off of the vessel because I don't want her to
25 die, you know. I can say it was a terrifying experience, but we

1 were lucky that captain was there. (indiscernible) his crew got
2 us off.

3 I don't know if you have any other questions, but that's it
4 in a gist.

5 Q. Yes. Thank you. I do have some follow ups about things that
6 you talked about. So how many times had you been on the *Spirit of*
7 *Norfolk* prior to the accident voyage?

8 A. I think two. I went for my friend's 30th birthday and I
9 think I went on one when I was, you know, a teenager, a pre-teen
10 so it had been quite a while.

11 Q. Do you think that familiarity even though it was just two
12 trips on board the vessel helped you when the emergency started?
13 In other words, you know, you'd been aboard, you knew the layout.
14 Did it make it a little easier for you?

15 A. No.

16 Q. Okay. And you were there with just her daughter. And what's
17 her age?

18 A. She's 11.

19 Q. And you talked about the safety briefing. What I'd like you
20 to do is give me as much -- how it was delivered and as much
21 detail, who did it, where did they do it, and once you boarded the
22 vessel, you know, when did they do it. Can you --

23 A. They --

24 Q. -- tell us that story?

25 A. They did it pretty early on into the cruise, but I feel like

1 there were other things going on, like the wait staff was getting
2 drinks, they were opening the buffet or they were about to open
3 the buffet. I believe there were two people, one up front near
4 the bathroom area, and one in the back near the -- closer to the
5 bar, but I could be wrong about that.

6 But it, you know, it took I feel like maybe less than two
7 minutes. They just said, you know, put on the life jacket, but
8 like I said, when I got the life jacket, it was -- they were all
9 configured in a way like they had been in storage for a while and
10 they -- it wasn't easy to undo. It was not easy to put on. It
11 was not easy to undo the clasp, so maybe they used different ones
12 during the training, but they did do the training.

13 It was quick. They did it while they were taking drinks, but
14 they did go over, you know, put the life jacket over your head,
15 put the band around your waist.

16 Q. Did they demonstrate it with a real life jacket? Did they
17 put it over their head?

18 A. Yes, they did. They did.

19 Q. Was there any discussion about where to go and what to do
20 should an emergency arise?

21 A. Not that I remember now.

22 Q. Did they -- in other words, in some cases a vessel will say
23 that your muster point or your gathering point --

24 A. Oh, yeah, I've been on plenty of cruises and things where
25 they talk about muster points, but I don't remember that. Like I

1 said, they were doing drink orders, they were coming around, you
2 know, and there was 100 kids on board, so if they did talk about
3 that, I don't remember.

4 Q. And then when you talk about the life jackets, you described
5 it as dry rot, but, you know, these -- sometimes these life
6 jackets are made of like a -- sort of a sticky plastic material.
7 It's kind of like coated, and then the straps sort of -- from
8 storage fuses, you know, because of the heat in the --

9 A. That's what I was wondering, but it's like is it the -- the
10 life jackets were in their original packaging and they've never
11 been touched, and they were so stiff and hard to undo, I mean, it
12 was almost impossible to get it undone.

13 Q. So they were in a -- would that be a clear plastic bag of
14 some sort and then stowed --

15 A. No, I'm saying they weren't in a packaging, it's as if they
16 were in the original state, like they had never been undone,
17 they've never been touched. Like if you were to get a pair of
18 shoes and put it in your closet for 40 years and take it out.
19 Like it was just not tattered, but it was just tough and not
20 pliable I guess you could say, the straps, so it just made it real
21 difficult to undo it and put it on.

22 Q. So you talk about the smoke, the dangerous effects of smoke,
23 and the passengers having to take some action to prevent
24 inhalation of smoke --

25 A. Um-hum.

1 Q. -- and the smoke was heavy. Did you ever see because we've
2 looked at accounts of -- and statements from other people, a time
3 when because they maneuvered the vessel, the smoke blew away from
4 the top deck so there was no smoke up there, like suddenly the
5 smoke was gone after maybe the tug boats helped it or something
6 like that?

7 A. Maybe after I was already on the other boat, but while I was
8 up there, it was completely engulfed in smoke.

9 Q. So when you were on the vessel, were there any public address
10 announcements at any time, like as you were walking on board? Did
11 somebody come over sort of like a PA system and talk to the
12 passengers boarding the vessel?

13 A. What do you mean, like when we got on the boat from the dock?

14 Q. Yeah, in other words, like the briefing. Did they use like a
15 public address system to amplify what the person was trying to
16 tell you about the life jackets and safety or did the captain make
17 sightseeing announcements over a public address system?

18 A. No, I don't think so. I -- the only thing is they said --
19 you know, they came on first and said make your way to the top
20 deck, and then they came on again and said make your way down the
21 stairs where they were getting us off, but besides that, there was
22 no instruction over a loudspeaker. I mean, there were staff, but
23 they weren't -- I don't think they were making -- they weren't
24 saying any directions. I think they were just trying to keep
25 people calm.

1 Q. Okay. So they didn't -- they didn't make an announcement
2 that they have an emergency aboard and then, you know, to follow
3 the instructions of crew members or anything like that.

4 A. They might have. I don't know. If they did, I was in such a
5 panic and hysteria that I know when they said go to the top deck
6 and then time to get off the boat.

7 Q. Did you hear any alarms, like a rapid ringing of the bell, or
8 a buzzer or anything like that while you were aboard?

9 A. No, I don't believe so.

10 Q. I just have a couple more questions until the NTSB asks some.
11 So did you see any flame, physical flame, from your perspective on
12 board the vessel?

13 A. Absolutely, yes.

14 Q. And where was that -- let's start with the smoke first. When
15 you first saw smoke, you saw it drifting by the window. On what
16 side of the vessel was that, do you recall?

17 A. The left side in the hall. The bathroom was to my right. I
18 don't know if we were facing the back of the boat or the front.
19 I'm just trying to think during --

20 Q. Well, using the bathroom --

21 A. We were facing the back.

22 Q. Okay.

23 A. We were facing the back and the back was to my left, so I
24 guess it would have been on the starboard side.

25 Q. Okay. So as a reference point, the bathroom would be on the

1 right?

2 A. Yes, the bathroom --

3 Q. And the --

4 A. -- was right to my right.

5 Q. All right. So --

6 A. I was near the DJ booth, the DJ area.

7 Q. Okay. So you saw smoke. How long would it have been -- and
8 I know this is rough to estimate because there's so much stuff
9 going on, but if you could, how long was it between the time you
10 first saw smoke until you witnessed flame?

11 A. Well, I didn't see the flames until I went outside because
12 the flames were on the other side of the boat. The
13 (indiscernible) was on fire was on the opposite side of the boat.

14 Q. And what --

15 A. That's when they said please make your way to the top deck.

16 Q. And what did those flames look like?

17 A. There were large flames. I don't know how to describe them
18 otherwise.

19 Q. Okay. Was it an intense flame or was it, you know, just
20 little wisps --

21 A. Yes.

22 Q. -- of flame? It was intense?

23 A. No, intense flame.

24 Q. And the response of the crew of the *Spirit of Norfolk*, so the
25 emergency starts. Could you talk about your feelings about the

1 response and what you witnessed? You know, give us some detail on
2 that.

3 A. Yeah, I mean, I feel the crew was a bit lackadaisical, but I
4 think that's probably because they'd never been in that situation,
5 so there was one crew member who was -- like I said, he was very
6 helpful in trying to keep everybody calm, but I don't think they
7 stressed the significance of the situation.

8 Q. My final question, did you witness any of the crew doing
9 anything that I would call firefighting? Like, for example, did
10 you see anybody --

11 A. Oh, no.

12 Q. -- like -- okay, so did you see them like laying out a fire
13 hose or grabbing a fire extinguisher?

14 A. No, I saw some on their phone. I didn't see them try to
15 combat any fires.

16 Q. On their phone?

17 A. Yes, their cellphones.

18 Q. Well, yeah. How many people in the crew did you witness on
19 the cellphones?

20 A. Well, just -- I don't know if he was part of the crew. He
21 might have been the kitchen staff or something, but he was on his
22 phone.

23 Q. I'll have at the end of this interview like one or two
24 questions, and I think you, you know, you've painted a very good
25 picture for us to work off of, and my colleagues that are on the

1 call will have some questions.

2 MR. FAWCETT: And I'll start with Mr. Karr from the NTSB,
3 please.

4 BY MR. KARR:

5 Q. Yeah, hello, Ms. Smith. This is Mike Karr. Which -- where
6 were you seated? Which deck were you on?

7 A. I guess it's the main deck. I don't -- it was where the DJ
8 is, where the bar, where the (indiscernible) is, the bathroom.

9 Q. And can you --

10 A. Well, no, the bathroom you have to go down a flight of stairs
11 though. I take that back where the bathroom is.

12 Q. Can you give me an idea of where you were sitting based on
13 how many rows of tables you were from the bar?

14 A. Oh, I was quite far from the bar, more towards the very
15 front, the very front of that -- you know, you have that step up
16 at the very front. That's where the preschoolers were. I was
17 right next to them, next to the window, but not in their area.
18 Directly across from the bathroom next to the window.

19 Q. All right. Thank you. With regard to putting on the life
20 jackets, were you and your daughter able to secure the straps?

21 A. No. No, I yanked the strap apart, and I put it around her
22 head and just kind of wrapped it around her waist.

23 Q. Can you describe to me how the strap came apart?

24 A. I pulled it apart. I know there was some type of clasp, but
25 like I said, it was not -- it was very difficult to get undone, so

1 I just had to yank it apart.

2 Q. All right. Did any crew members assist you or any passengers
3 assist you in putting on your life jackets?

4 A. No. There was a crew member there, but she didn't help.

5 Q. Did you notice what the crew member -- at that time was the
6 crew member -- what was the crew member doing at that time, that
7 particular crew member?

8 A. I'm not quite sure what she was doing. She was just standing
9 at the front, like where the other boat got us. She was -- I
10 mean, she was there. I don't know what she was doing. She was
11 just standing there.

12 Q. All right. So where were you on the vessel when you put your
13 -- you and your daughter put your life jacket on?

14 A. We were right at that opening to get onto the other boat. It
15 was before the boat arrived to the side of the ship.

16 Q. And when you received your jacket, were you on -- where were
17 you -- is it -- where were you located? Were you right there
18 where you boarded the ship or were you standing on the stairs?

19 A. No, right where that opening was to get off the boat.

20 Q. Were you one of the first people off the boat?

21 A. I was -- my daughter was the first person off the boat.

22 Q. Okay. Thank you. Did you have any interaction with the crew
23 before you left the vessel?

24 A. No, no interaction I mean besides people taking our orders
25 for drinks.

1 Q. Well, okay -- and the flames you saw, could you tell me where
2 they were located, where you saw them?

3 A. Yes, when we had to go to the back of the boat to go to the
4 upper deck, they were off the port side I guess.

5 Q. And how did --

6 A. To my left.

7 Q. They were off the port side? And where were -- can you give
8 me an idea of where you were standing and --

9 A. Oh, yeah, they were trying to usher us up the stairs, but
10 people were coming back down the stairs coughing, saying that it
11 was full of smoke. That's when I looked off the side of the boat
12 and realized that it was on fire.

13 Q. Well, did you see the flames at that time?

14 A. Yes, I did see the flames.

15 Q. And was that when you were on the deck or is that as you were
16 going up the stairs?

17 A. No, no, no, I was on the deck. I was on the second deck
18 before we went to the upper deck.

19 Q. Oh, you were on the upper deck, and were you looking over the
20 side? Were you right next to the windows or were you further away
21 and you could see the flames?

22 A. Okay. So when I first saw the flames, we came out of that
23 main deck onto that back balcony area or back deck area, and I
24 just stepped seven steps to the side, looked off the side of the
25 boat, and the fire was right there. I didn't look down because I

1 wasn't on the top deck. I was on the main deck.

2 Q. And as you made your way up, describe to me how -- as you
3 made your way up to the top deck from the main deck, describe how
4 the smoke affected you and what action you personally took in
5 reaction to the fire, you know, covering your mouth, you know.
6 Tell me anything --

7 A. Oh, yeah, no, we covered our mouths, our noses. I covered --
8 told my daughter to cover hers with her dress, told her to put her
9 sunglasses on because she said she couldn't see because of the
10 smoke, and then, like I said earlier when it got more intense,
11 everybody just hung their heads off the side of the boat to get
12 air.

13 Q. All right. I have no more questions.

14 A. Okay.

15 MR. FAWCETT: Okay. Thank you, sir.

16 BY MR. FAWCETT:

17 Q. Ms. Smith, I think it would be helpful if you were here with
18 us today I would ask you to draw -- you know, I'd give you a
19 little diagram of the vessel showing the --

20 A. Yeah.

21 Q. -- main deck and the upper deck, and I would say just put an
22 X here, and annotate it.

23 A. Yeah.

24 Q. So I think what I'm going to do for everybody on the call,
25 we're going to send a simple line drawing to you of the vessel,

1 and it'll just say, you know, where did you put on your life
2 jacket, please put alpha there, where did you see the smoke, put a
3 B there, and you could just get it as accurate as possible, and
4 then you could send it to us and we'll make sure --

5 A. Okay.

6 Q. -- that it becomes a matter of record, and also I will
7 immediately share it with the party in interest just to help
8 clarify where you were and where a few things occurred, and if you
9 can --

10 A. Okay.

11 Q. -- think of anything else, you can jot it down there, but
12 I'll make sure to share it to everybody.

13 A. Okay.

14 Q. So, thank you.

15 MR. FAWCETT: So, Mr. Flaherty, with the NTSB, questions?

16 MR. FLAHERTY: Yes.

17 BY MR. FLAHERTY:

18 Q. Hi, thank you. Sorry that you had to go through that with
19 your daughter. I just had a question about the flames. How soon
20 in your mind after you saw -- initially saw the smoke, how long
21 was it later that you saw the flames? How many minutes do you
22 think?

23 A. Maybe five. My daughter went to the rest room. She was
24 still in there. We saw the captain come down. He went back up.
25 Maybe a few minutes and then he made the call to make our way to

1 the top deck.

2 Q. Okay. And then prior to the smoke, the vessel got underway.
3 If you could, could you describe the time between the vessel
4 getting underway and before you noticed the smoke?

5 A. Oh, they --

6 Q. Just go through what --

7 A. We had dancing.

8 Q. I'm sorry?

9 A. Dancing and a buffet.

10 Q. Um-hum.

11 A. That's all that --

12 Q. What were you doing? Are you just sightseeing, talking with
13 people?

14 A. No, I was just sitting at the table. I got some food. We
15 did go to the top deck one time for maybe a minute or two, but the
16 girls said it was too hot so we went back down and they were, you
17 know, they were on the dance floor and I was at the table with
18 another set of parents.

19 Q. All right. Which side of the vessel is that table located?

20 A. What time of the what?

21 Q. Which side of the vessel was that table located?

22 A. It would be on the starboard side.

23 Q. Okay. Now before you saw the smoke, was there any indication
24 prior to that that because you'd been on the boat a couple of
25 times that maybe something just didn't feel right just before you

1 saw the smoke?

2 A. No.

3 Q. Do you recall hearing any unusual high pitch noises?

4 A. No.

5 Q. Any kind of maybe grinding noises?

6 A. No.

7 Q. All right. And so you were -- what direction were you facing
8 -- you were facing aft if I recall correctly when you first saw
9 the smoke.

10 A. That's correct, I was facing aft.

11 Q. And the smoke was to your left or to your right?

12 A. It was just out the window right to my left.

13 Q. And at that time, what color was the smoke?

14 A. It was -- I mean, it was just gray. It wasn't the black
15 smoke like it was when we got up to the top. It was almost like
16 -- just like exhaust from a car.

17 Q. Um-hum. And was it heavy meaning a continuous flow? Was it
18 sporadic with puffs of smoke?

19 A. No, it was -- once I noticed it, it was continuous.

20 Q. Okay. And then when you saw the flame for the first time,
21 you were on the other boat or were you still on the *Spirit of*
22 *Norfolk*?

23 A. I couldn't quite hear you. When I saw the flame?

24 Q. Yeah, when you -- the first time you saw the flames, you were
25 still on the --

1 A. Oh, I was on the *Spirit of Norfolk*.

2 Q. Okay. So were you looking across at the flames or were you
3 looking down at it?

4 A. I was looking right at it. I was looking, you know, at eye
5 level.

6 Q. So you were on the top deck at the time, correct?

7 A. No, I was on the main deck.

8 Q. You were still on the main deck.

9 A. I'm calling it the main deck that has like the bar, the dance
10 floor.

11 Q. Okay. All right. So were the flames going up by the window
12 when you saw them?

13 A. No.

14 Q. Does it --

15 A. There was just smoke when I was sitting at the table. When
16 they told us to get to the top deck, I made my way to the back of
17 the boat, looked over the side of the boat, and that's where I saw
18 the flame.

19 Q. Oh, so --

20 A. No flames out my window.

21 Q. So you were on the main deck aft and you were on the port
22 side looking forward.

23 A. Correct.

24 Q. Okay.

25 A. Correct.

1 Q. So how -- at that moment, could you describe where the flames
2 were coming from?

3 A. Just -- I don't know where they came from. It just looked
4 like the hole was on fire.

5 Q. Okay.

6 A. I don't know --

7 Q. They're coming -- were they coming from the side of the ship,
8 like they were coming out of something?

9 A. They looked like they were coming from like the side of the
10 ship was on fire.

11 Q. Okay. Now at that moment, you're below or parallel with
12 where the flames were coming out?

13 A. Pretty parallel.

14 Q. So if you could estimate from where you're looking, and if
15 you were looking up at the flame, how high do you think the flame
16 was?

17 A. The height of the actual flame itself?

18 Q. Yes.

19 A. I don't know. Three to four feet?

20 Q. Four feet?

21 A. About that.

22 Q. Right.

23 A. Or three feet. Let's say three feet.

24 Q. Three feet. And was it kind of coming in and out of the side
25 of the vessel or was it steady and constant?

1 A. It was steady and constant.

2 Q. Okay. And was it also producing a lot of smoke?

3 A. Yes.

4 Q. All right. And what color was the smoke?

5 A. That smoke was black.

6 Q. All right. And my last question, and I really appreciate
7 your time. I'm -- just some background. I'm a fire protection
8 engineer type guy so that's why I'm really --

9 A. Um-hum.

10 Q. -- digging into this. From the time you initially saw the
11 smoke to the time you saw the fire, how much of a -- how much time
12 had passed?

13 A. I'd say maybe five minutes.

14 Q. Okay. And then --

15 A. Probably three to five minutes.

16 Q. Three to five minutes? All right. And after you saw the
17 flame coming out -- I'm sorry, this is my final, it's -- with the
18 flame there, did you hear anything like high pitch crackling
19 noises or rushing sound noises?

20 A. No. No, I didn't.

21 Q. Okay. Thank you. I appreciate your time.

22 A. Um-hum.

23 MR. FAWCETT: Thank you. Now we'll go over to PII Counsel
24 for Bay Diesel for questions.

25 MR. WADDINGTON: Thank you. I don't have any questions. I

1 appreciate your cooperation today, Ms. Smith.

2 MS. SMITH: Not a problem.

3 MR. FAWCETT: Shifting now to counsel for the captain,
4 Captain Neto.

5 MS. GALITOU: No questions here either. Thank you, ma'am,
6 for your time.

7 MS. SMITH: No problem.

8 MR. FAWCETT: And now we have counsel for Hornblower who was
9 the operating company for the *Spirit of Norfolk*. Go ahead,
10 Mr. Denley.

11 MR. DENLEY: Yeah, thank you. I also want to thank you for
12 your time today and I do regret that you had to go through that
13 experience. I don't have any questions. Thanks so much.

14 MR. FAWCETT: All right. Thank you very much.

15 BY MR. FAWCETT:

16 Q. So one of the things I was going to ask you, do you or your
17 daughter, or any of your friends that were on the vessel have any
18 video or photographs showing the events that took place that we
19 could get a copy of?

20 A. I have a couple pictures, but you can't really see, but, I
21 mean, there was a ton of people videoing. Some of the crew
22 members were videoing, so there's plenty of documentation out
23 there.

24 Q. All right. What I'm going to do hopefully tomorrow is create
25 the LUX, simple line drawings of the *Spirit of Norfolk* and some of

1 these questions that were posed to you, very simple. When you get
2 around to it, we have plenty of time, if you'll just document that
3 and there'll be a place on the bottom for you to sign it and date
4 it, and then just send it back to me. I'll give you an email
5 address, and just because, you know, we realize this, we'll use
6 this for all the passengers that we interview for this. So once
7 again I want to thank you very much.

8 Do you have any questions or more importantly do you have any
9 suggestions on how we might make it easier on passengers that
10 might be involved in a situation like you experienced on the
11 *Spirit of Norfolk*? You have an open floor.

12 A. I would just say a more attentive crew. The crew that picked
13 us up that got us off, they seemed to be much more experienced.
14 Like they, you know, they knew what they were doing. The crew on
15 the *Spirit*, like I said, was very lackadaisical. I think that
16 would have been a help.

17 Yeah, some type of alarm. I think there was some beeping,
18 but I think when they told us to get on the top deck there should
19 have been some type of fire alarm, not just the captain saying
20 please come to the top deck. It should say, you know --

21 Q. So --

22 A. -- think it could have been executed a little bit
23 differently.

24 Q. Okay. Just to clarify. So, I believe you answered this, but
25 there was no announcement of an emergency over the public address

1 system, is that correct?

2 A. I feel like the captain said please make your way, or
3 somebody said please make your way to the top deck, but there was
4 no fire alarm. There was no -- I don't think that was announced.

5 Q. Okay. Do you think if there was an audible alarm, a fire
6 alarm, that it might have panicked the passengers given the
7 situation?

8 A. No. I think people would have known what was going on
9 because when they said make your way to the top deck, everybody
10 was running back down because there was smoke and they didn't know
11 why there was smoke until they realized there was a fire.

12 Q. All right. Once again thank you very much.

13 MR. KARR: Well, Keith, it's Mike Karr with the NTSB.

14 MR. FAWCETT: Yes, sir. I was just going to ask. Go ahead,
15 Mr. Karr.

16 BY MR. KARR:

17 Q. So, Ms. Smith, what I'm hearing is you didn't feel that you
18 had enough information to know what was going on, and if you would
19 have had more information that, in fact, there was a fire -- I'll
20 just begin with that, that if you would have known that there was
21 a fire you would have felt more -- well, comfortable is not the
22 word, but you would have felt more knowledgeable in what was going
23 on and how to react.

24 A. Well, I mean, yes, but I noticed that it was on fire pretty
25 quickly before a lot of other people did because I hung my head

1 off the boat to see what was going on. I don't think anything
2 could have made anybody feel more comfortable, and I --

3 Q. Is there anything --

4 A. -- just think --

5 Q. Go ahead.

6 A. -- it should have been -- it shouldn't have been treated like
7 a leisurely stroll in the park. I think there could have been
8 more swift action I guess you could say.

9 Q. More direction from the crew?

10 A. Absolutely, yes. And crew, are you talking about like the
11 wait staff and that? Because that's all the people that I saw
12 were like the people who did the emergency briefing, the people
13 who are there when you get on the boat. Is that what you're
14 talking about, staff?

15 Q. No. The staff I'm talking about, there are members of the
16 crew who are supposed to, you know, be responsible for crowd
17 control to see that people do get to where they're supposed to be,
18 and in this case to the upper deck, away from the fire.

19 A. Oh, yes, then that was completely just like lollygagging. I
20 mean, there was no sense of urgency, there was nothing like that.
21 The only -- when I saw the captain come down to look out the
22 window at the smoke, I realized that, you know, something was
23 going on, but as far as the crew, it was just lackadaisical.

24 Q. All right.

25 MR. KARR: No more questions, Keith.

1 MR. FAWCETT: Okay. Thank you, Mr. Karr.

2 BY MR. FAWCETT:

3 Q. Ms. Smith, did the crew in that -- the wait staff and the
4 actual crew members wear different uniforms?

5 A. Okay. So, yes, there was some -- I remember one guy in like
6 a white shirt with slacks and he had the things on his shoulders
7 with the bars. He was really good in keeping people calm, and
8 then there was one person who was in black who was very good, and
9 I think he was more of like wait staff because I remember seeing
10 him in the dining room. Those people, they did nothing. The one
11 guy in the white, he was there instructing people, and he seemed
12 to be pretty on it.

13 Q. All right.

14 MR. FAWCETT: There was kind of an extended line of
15 questioning here and I just want to see if anybody else has a
16 follow up before we close this meeting, and at the end of this
17 meeting, Mr. Denley, if you'll stay on the line when we're off the
18 record for just a moment. Anybody else have a follow up question
19 for Ms. Smith?

20 MR. DENLEY: Yeah, I did, and it is Eric Denley.

21 BY MR. DENLEY:

22 Q. Ms. Smith, the gentleman that you were just talking about
23 with the white shirt and kind of the things on his shoulders that
24 you indicated that he was directing folks, where was he during all
25 this?

1 A. I remember seeing him I believe on the top deck and then when
2 we got off the boat onto the other vessel.

3 Q. Okay. So that would be the -- yeah, so the top deck that was
4 open, the open air deck?

5 A. Yeah.

6 Q. Okay. Thank you.

7 A. Okay.

8 MR. KARR: Mr. Fawcett, I do have one more question. It's
9 Mike Karr.

10 MR. FAWCETT: Yes, sir, Mr. Karr.

11 BY MR. KARR:

12 Q. Ms. Smith, I forgot to ask you, how did you get off the boat?
13 Could you describe how you, you know, went from the *Spirit of*
14 *Norfolk* onto the other vessel?

15 A. Well, I threw my daughter, and then I jumped onto the other
16 boat. And the staff, the crew of the other boat was there to get
17 my daughter, and then to grab my arm.

18 Q. And describe how -- so you could you give me more detail how
19 you -- your daughter got, you know, got over the rail and --

20 A. How did she get over? I threw her over.

21 Q. And how did she land?

22 A. She landed fine. They were there to get her.

23 Q. All right. And then how did you get from one boat to the
24 other?

25 A. I leaped over the rail.

1 Q. Leaped over? You leaped over and landed on both feet?

2 A. I landed on both feet.

3 Q. All right. Thank you.

4 A. Um-hum.

5 MR. DENLEY: This is Eric Denley again.

6 BY MR. DENLEY:

7 Q. I think you indicated earlier that it was fairly easy to get
8 from the *Spirit of Norfolk* over to the *Victory Rover*, the vessel
9 that picked you up.

10 A. Yes.

11 Q. So you still -- you think it was fairly easy to get from one
12 vessel to the other?

13 A. Yes, it wasn't -- like I said, I just tossed my daughter, and
14 then I leaped over the rail. It wasn't hard.

15 Q. And there was somebody on the other side to kind of help you
16 on the other side?

17 A. Oh, yeah, the *Victory Rover's* crew is amazing.

18 Q. Okay. And were either you or your daughter hurt when you
19 went from one vessel to the other?

20 A. No.

21 Q. Thank you.

22 MR. FAWCETT: All right. Once again, Ms. Smith, I thank you
23 very much for your time today and if you have any questions, you
24 can contact Lieutenant Commander Emmons who sent you the invite,
25 and I will be contacting you with that simplified diagram with

1 just a few simple questions on it. The time is --

2 MS. SMITH: Okay.

3 MR. FAWCETT: -- yeah, the time is 6:25, and unless anybody
4 has anything else, we're concluding our interview with Ms. Rachel
5 Smith. Thank you.

6 (Whereupon, at 6:25 p.m. EST, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION,
VIRGINIA ON JUNE 8, 2022
Interview of Rachel Smith

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams videoconference

DATE: July 13, 2022

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.



Lois D. Rush
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

*

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Interview of: AARON WOOD, Chief Warrant Officer
United States Coast Guard

Norfolk Federal Building
200 Granby Street, #700
Norfolk, VA 23510

Tuesday,
July 12, 2022

APPEARANCES:

LT TOM WHALEN, Investigator
United States Coast Guard

LT HELENA DANIEL
United States Coast Guard
Attorney for CWO Aaron Wood

KEITH FAWCETT, Investigator
United States Coast Guard

LCDR NICOLE EMMONS, Investigator
United States Coast Guard

CDR RANDY WADDINGTON, Lead Investigating Officer
United States Coast Guard

LCDR KAREN LEE, Legal Advisor
United States Coast Guard

TRAVIS TAYLOR, Traveling Marine Inspector
United States Coast Guard

MICHAEL KARR, Investigator
National Transportation Safety Board

DANIEL T. STILLMAN, Esq.
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City Cruises

MAGDALINI GALITOU, Esq.
Phelps Dunbar
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I N D E X

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I N T E R V I E W

(2:44 p.m.)

UNIDENTIFIED SPEAKER 1: Before we begin and start this officially, we're going to go on the record, but do you have any questions before we begin?

CWO WOOD: I do not.

UNIDENTIFIED SPEAKER 1: And for the record, Mr. Wood, can you officially acknowledge that the audio recorder is being turned on for the record?

CWO WOOD: The audio recording or recorder is being turned on, yes.

UNIDENTIFIED SPEAKER 1: Thank you, sir. So this is a joint investigation from the Coast Guard and NTSB and we're conducting this interview with the principle Coast Guard rules and regulations. We also have in the room, and on the phone we have parties of interest, and we'll go around and do introductions, as well, but just to let you know the make-up of the room right now.

Today is July 12th, 2022, the time is 2:44 p.m. We're conducting an interview with Chief Warrant Officer Aaron Wood at the Norfolk Federal Building on the seventh floor in the prevention conference room. We're conducting this interview to examine the events surrounding the fire on board the *Spirit of Norfolk* and subsequent event of the total vessel loss of an inspected vessel. That occurred on June 7th, 2022. We're just going to go, at this time, and we'll start with you, if you could

1 just state your name and your position and if you could spell your
2 last name and then we'll go around the room.

3 CWO WOOD: Chief Warrant Officer Aaron Wood, W-o-o-d.

4 LT DANIEL: Lieutenant Helena Daniel, counsel for Coast
5 Guard. D-a-n-i-e-l.

6 LT WHALEN: Lieutenant Tom Whalen, W-h-a-l-e-n, District 5
7 formal investigations team.

8 MR. KARR: Michael Karr, K-a-r-r, with the NTSB.

9 MR. TAYLOR: Travis Taylor, T-a-y-l-o-r, I'm with the
10 traveling inspection staff out of D.C.

11 MR. STILLMAN: Dan Stillman, S-t-i-l-l-m-a-n, here on behalf
12 of Bay Diesel as party-in-interest in the investigation.

13 LCDR EMMONS: I am Lieutenant Commander Nicole Emmons, I'm
14 with District 5 and I'm part of District 5 formal investigation.

15 UNIDENTIFIED SPEAKER 1: On the line, who do we have on the
16 line for Captain Ryan Nadeau?

17 MS. GALITOU: Magdalini Galitou, G-a-l-i-t-o-u.

18 UNIDENTIFIED SPEAKER 1: And the counsel for Hornblower?

19 MR. DENLEY: This is Eric Denley, D-e-n-l-e-y, representing
20 City Cruises and Hornblower, party-in-interest.

21 UNIDENTIFIED SPEAKER 1: Is there anyone else on the line?

22 CDR WADDINGTON: Commander Randy Waddington, I'm the lead for
23 the formal investigation, representing D-5. Waddington is spelled
24 W-a-d-d-i-n-g-t-o-n. Thank you.

25 UNIDENTIFIED SPEAKER 1: And we also have personnel, two

1 personnel in the room, as well.

2 LCDR LEE: Lieutenant Commander Karen Lee, I'm the Coast
3 Guard legal advisor for the district formal investigation.

4 CWO WOOD: Keith Fawcett, F-a-w-c-e-t-t, for the D-5 formal
5 investigation team.

6 UNIDENTIFIED SPEAKER 1: Mr. Wood, just to let you know, too,
7 you may change, modify, or retract anything that you say in this
8 interview and if you recall something at a later date and time,
9 you can contact Ms. Daniel to get in touch with the team, but you
10 are allowed to change or retract anything or let us know if you
11 recall anything later.

12 You may also appeal the final results of the report of
13 investigation, if you disagree with anything. And for the
14 information about the Coast Guard marine casualty, you can look up
15 the Marine Safety Manual, Volume V, that spells out the
16 investigation process if you have any questions with that.

17 Just some ground rules. With acronyms, since we use a lot of
18 acronyms, if you could just please try to -- if you state it, at
19 least try to spell out the acronym or what it means and try to
20 minimize those as much as possible.

21 CWO WOOD: Okay.

22 UNIDENTIFIED SPEAKER 1: And if everyone can put their phones
23 on mute, that would be helpful, thank you. And so we'll go ahead
24 and begin with Lieutenant Whalen.

25 INTERVIEW OF CHIEF WARRANT OFFICER AARON WOOD

1 BY LT WHALEN:

2 Q. Thank you, sir, for coming. I appreciate having you. Just
3 really quickly, I'm going to try and give -- ask brief, some
4 overview questions.

5 A. Okay.

6 Q. So how long have you been at Sector Virginia?

7 A. I've been at Sector Virginia since June 2018.

8 Q. Okay. And while at Sector Virginia, could you summarize your
9 duties?

10 A. I am a senior marine inspector.

11 Q. Okay. And what does that mean?

12 A. I conduct inspections on commercial vessels that are
13 certificated.

14 Q. Okay. And what type of inspections do you conduct?

15 A. I conduct primarily dry dock/hull inspections at our local
16 shipyards.

17 Q. Okay. Do you do machinery? Are you machinery qualified?

18 A. I am machinery qualified.

19 Q. Okay. And can you tell me about your background, starting
20 from --

21 A. As it relates to Coast Guard marine inspections?

22 Q. Coast Guard in general.

23 A. I joined the Coast Guard in 2000, I was a gunner's mate and
24 made the rank of GM-1, then changed rates to MST-1, made chief out
25 of there, did a tour at the MSRT as a tactical operator. In 2014

1 I made warrant officer and did an apprentice marine inspector tour
2 at Marine Safety Unit Houma. After four years completion there, I
3 reported here --

4 Q. Okay.

5 A. -- in 2018.

6 Q. All right. And so when you reported in here with your
7 qualifications, did you have to do -- what type of requalification
8 procedures are there here at Sector Virginia?

9 A. I did a recertification where I've gone out and done some
10 check rides and they've given me my quals back --

11 Q. Okay.

12 A. -- that I carried in from MSU Houma.

13 Q. And what kind of qualifications did you have coming in from
14 MSU Houma?

15 A. I had barge, T-boat, offshore supply vessel, OSV, I had hull
16 and machinery and dry dock.

17 Q. Okay.

18 MR. TAYLOR: A question to clarify. This is Travis Taylor.
19 So your machinery qual --

20 CWO WOOD: Yes.

21 MR. TAYLOR: -- is based on OSVs alone?

22 CWO WOOD: It was based on OSVs alone.

23 MR. TAYLOR: Okay, thanks.

24 BY LT WHALEN:

25 Q. Okay. And what type of vessels are inspected here within the

1 AOR?

2 A. They have barges, small passenger vessels, we have deep draft
3 vessels including a large Military Sealift Command fleet and we do
4 foreign flag port state control inspections here.

5 Q. Okay. What --

6 A. And tow vessels.

7 Q. Okay. And that's primarily. Now, do you work out of the
8 office, do you work on the shipyard, what's your primary location?

9 A. I would like to clarify Mr. Taylor's last subject based on
10 the OSVs, it was based on offshore supply vessels in Houma, but we
11 also had multiple multi-certificated vessels that also fell under
12 Subchapter (i), also. Sorry, I just wanted to -- because OSV is
13 its own specific subchapter, but OSVs in general, they were multi-
14 certificated.

15 MR. TAYLOR: Well, just to kind of illustrate those other
16 vessels, can you give an example of the service that one of those
17 other vessels was in?

18 CWO WOOD: Are you talking about in Houma --

19 MR. TAYLOR: Right.

20 CWO WOOD: -- prior to? A lot of those multi-certificated
21 vessels would also be able to operate as cargo vessels. There's
22 actually a few in this AOR that are OSVs that were multi-
23 certificated that are operating for the Military Sealift Command
24 in capacity as a cargo vessel. Sorry, what was your last
25 question?

1 LT WHALEN: Yeah, no worries.

2 CWO WOOD: Yeah, I was thinking about that.

3 BY LT WHALEN:

4 Q. Yeah. No, I got you. So like primarily, so what would you
5 say is your primary responsibility? I mean, did you do a lot of
6 small passenger vessels? With having the more senior inspections
7 of dry dock, machinery, and hull, did you focus more on those
8 types of vessels?

9 A. Here at this unit?

10 Q. Yeah.

11 A. Here at this unit, I work out of -- we have a small
12 detachment down at our local shipyard at Colanna's, so I primarily
13 work down there doing the vessels that are passing through
14 Colanna's and lie in shipyard as part of their dry dock/hull
15 inspections. I'm also called upon when there is a shortage of
16 marine inspectors in the office to go do topside exams, but for
17 the last three and a half years that's been my primary role at the
18 unit, is conducting our hull ISC inspections at those shipyards.
19 And then training individuals as they come through on hull/dry
20 dock (indiscernible).

21 Q. Yeah, with regards to training, where do you fall under like
22 the qualification process for others coming through Sector
23 Virginia?

24 A. I am a VO for multiple qualifications, verifying officer for
25 multiple qualifications here at the unit. My primary focus and

1 what I do at the unit is when new apprentices come in, I do a lot
2 of the basics, steel repair, welding, dry dock-related ship repair
3 training and portions of their PQS. Also do a large focus on
4 barge inspections down at the shipyard because they come through
5 there, because a large portion of barge inspections is steel
6 repair.

7 Q. Okay. Have you ever worked on the *Spirit of Norfolk*?

8 A. Yes, I have.

9 Q. Okay. And when was the most recent?

10 A. February 2022.

11 Q. Okay. And what did you work on then?

12 A. That was her hull/dry dock inspection, she had gone to
13 shipyard in Colanna's and was due for her two-year dry dock.

14 Q. Okay. Did she do any other major repairs?

15 A. No, she did have -- in my narrative, she did -- I believe we
16 had roughly 30 items from 2022, this year's dry dock, it was
17 mostly steel repair items. This go-around she did not have any,
18 as she had in 2020.

19 Q. Okay. Speaking of 2020 --

20 A. Yes.

21 Q. Obviously, I read your narrative. Now, you did -- they did a
22 main engine overhaul or repower?

23 A. They did a repower.

24 Q. Okay. And they went from what to what? Do you know off
25 hand?

1 A. I know they installed Scantias, I was told they had CATs
2 before, but that's hearsay. I do not recall, in 2020, what they
3 were ripping out. I know they had notified me before that they
4 were doing a repower before they had showed up in dry dock.
5 Informed them and they had already known and made the steps to
6 submit plans to the Marine Safety Center because there were going
7 to be some alterations to piping associated with engine cooling,
8 and there was going to be new electronic controls that they were
9 going to put in to control the new -- they're not -- they were not
10 new engines, they were used engines that they were installing.

11 LT WHALEN: Travis, do you have any questions?

12 BY MR. TAYLOR:

13 Q. Yeah, so you witnessed the installation of the new engines?

14 A. I did.

15 Q. So they came in without engines?

16 A. No, they came in under their own power.

17 Q. Okay.

18 A. So they would've had the engines removed, but I did not --
19 once I knew they were going to repower, I went in and conducted my
20 hull ISC item and my first work list issued was for them to have
21 the plans approved for the new engine installation and focused on
22 what was going to be the new.

23 Q. Okay. And who did that comparison for the power, weight, and
24 other considerations for the new installation?

25 A. As it goes for power, I do not know. I know they did submit

1 for the two percent weight change to see if that would change
2 anything in the stability, through the Marine Safety Center.

3 Q. Okay. So I've looked at the Marine Safety Center's review.
4 Anything stand out when you went through that?

5 A. Not that I can recall.

6 Q. Okay. Subsequent visits, next subsequent visit after the
7 power, you did the -- all the PSTPs, you did all those --

8 A. We did that.

9 Q. -- coming out, right?

10 A. We did that.

11 Q. Okay.

12 A. At the end of the dry dock we did -- we did an actual cruise
13 with them, too.

14 Q. Anything notable?

15 A. A sea trial. Yes, they had a high heat alarm in their
16 starboard reduction gear and upon -- I went down to the engine
17 room because I had made multiple trips to the engine room
18 throughout that sea trial, started taking a look at what they had
19 and realized that they had done some piping modifications that
20 were not part of the approved plans for the gear, for the gear
21 cooler, for the reduction gear coolers.

22 Q. So how was that resolved?

23 A. An 835 was issued to them for a plan review to be conducted.
24 I believe, and I'm trying -- it was not put in my narrative, I was
25 trying to recall what actually was happening and what caused that,

1 I believe it was a valve that was closed and they opened the valve
2 and the temperature started coming down on our sea trial and then
3 I looked through the plans and said this wasn't even on here and
4 that's why we allowed them to continue to sail after they
5 completed the COI, which was done by another marine inspector once
6 it came back over here and those plans were submitted and
7 approved.

8 MR. TAYLOR: I cut in. Anything else on that?

9 BY LT WHALEN:

10 Q. And you said when you conducted the PTSPs and the DVTPs --

11 A. Um-hum.

12 Q. -- there was no -- nothing outstanding, nothing --

13 A. I would have to go through and take a look at my notes, I did
14 not review them before I came in here. Typically, there's always
15 a few items that are initialed and changed for them to resubmit,
16 it doesn't stop them from getting approved, but I did not print up
17 and review. I know they were uploaded into the MISLE when I was
18 completed and the originals were returned to the operator. But
19 there was nothing, nothing of note that stopped us from continuing
20 on, that raised any alarms.

21 Q. Do you know who installed the engines in 2020? I'm sorry.

22 Yeah, 2020.

23 A. Twenty-twenty.

24 Q. Yeah.

25 A. Colanna's Shipyard, I believe. I did not put that in my

1 narrative, I do not know if they contracted out a third party, but
2 it was done at their shipyard. Sometimes the shipyard will
3 contract third parties. I believe it was Colanna's Shipyard or a
4 contractor hired by them.

5 MR. TAYLOR: Was there an in-house naval architect that
6 worked on this? Do you know who did the engineering?

7 CWO WOOD: I would have to take a look at who does their
8 drawings and review for them. I don't believe it was in-house, I
9 believe it's -- it was a company that was hired by --

10 MR. TAYLOR: Okay. Yeah, see if it was Colanna's.

11 CWO WOOD: No, I believe it wasn't Colanna's.

12 UNIDENTIFIED SPEAKER 2: Real quick. We've bandied about a
13 couple acronyms, DVTP, drawing verification testing protocols.

14 LT WHALEN: Testing protocols, yeah.

15 CWO WOOD: Procedures.

16 LT WHALEN: Procedures.

17 CWO WOOD: And the other one was --

18 LT WHALEN: Periodic safety test procedures.

19 UNIDENTIFIED SPEAKER 2: Okay, thank you.

20 CWO WOOD: And there's actually no periodic safety test
21 procedures as it relates to -- this vessel is just design
22 verification test procedures because this vessel has electronic
23 controls and it's a Subchapter (k) and (t) policy when it was
24 issued by the Coast Guard. We're talking about PSTPs. Just for
25 the clarification, that's for vessels that are all native, usually

1 based on different subchapters.

2 UNIDENTIFIED SPEAKER 1: Do you have anything else?

3 BY LT WHALEN:

4 Q. Do you maintain or would you -- do you have specifications
5 for the engines which were installed? Or drawings or anything?
6 At the shipyard, as the, you know -- basically, you're a machinery
7 guy there, do they provide that to you? Do you guys maintain
8 that? Does it go into the vessel file, if you have that?

9 A. I believe they were all uploaded by the Marine Safety Center
10 into MISLE and I was provided a copy on board when we did
11 verification of the installation to make sure, because we did --
12 the day before I believe we had hydro'ed the new piping and it
13 changed and we had a copy of the drawing, what did you guys do,
14 making sure everything's as it was -- should've been valve here,
15 et cetera, just using an examples.

16 LT WHALEN: Um-hum. That's it.

17 UNIDENTIFIED SPEAKER 1: Mr. Taylor, do you have anything
18 else?

19 MR. TAYLOR: No, thanks.

20 UNIDENTIFIED SPEAKER 1: Mr. Karr?

21 BY MR. KARR:

22 Q. Mike Karr with the NTSB. Was there any other work in the
23 engine room or in the steering gear room during that dry dock?

24 A. In 2020 or 2022?

25 Q. Well, first with 2020.

1 A. Not that I can recall. There's always -- I'll just throw the
2 caveat out there, there is always a lot when these vessels come
3 into shipyard periods, lots of work going on, things being moved
4 around, but there was nothing that caught my attention or anything
5 that was noticed other than the installation of the engines.
6 Q. And then how about 2022?
7 A. Not that I can recall. Lots of steel repair in 2022 and
8 there was also a lot of steel repair in 2020.
9 Q. Was there a lot of steel repair around the engine room?
10 A. In 2022 there was multiple insert plates that were done in
11 the engine room.
12 MR. KARR: All right, thanks.
13 UNIDENTIFIED SPEAKER 1: Mr. Stillman?
14 MR. STILLMAN: Not presently, no, I don't have anything.
15 Thank you very much.
16 UNIDENTIFIED SPEAKER 1: On the line, the counsel for Mr. --
17 Captain Nadeau, do you have any questions?
18 MS. GALITOU: No questions. No questions, ma'am, thank you.
19 UNIDENTIFIED SPEAKER 1: Mr. Denley, do you have any
20 questions?
21 MR. DENLEY: No, I don't, thank you.
22 BY LCDR LEE:
23 Q. This is Lieutenant Commander Lee, for the record. Can you
24 just clarify what a repower actually is?
25 A. The changing of main propulsion engines.

1 UNIDENTIFIED SPEAKER 1: If nobody has any further questions,
2 we'll conclude the meeting at 3:02 p.m. Thank you, Chief Warrant
3 Officer Wood.

4 MR. KARR: Well, let me ask this one question.

5 UNIDENTIFIED SPEAKER 1: Yes. Oh, sure.

6 BY MR. KARR:

7 Q. By chance, did you go on a sea trial after the February 2022
8 dry dock?

9 A. I did not.

10 Q. Did the vessel have a sea trial after that dry dock?

11 A. I cannot answer, I do not know.

12 Q. Okay, fine.

13 A. I'm sure she sailed, she obviously -- she sailed under her
14 own power from Colanna's Shipyard back to her main berth here, she
15 was not towed out of here, so -- to my knowledge.

16 MR. KARR: Thanks.

17 UNIDENTIFIED SPEAKER 1: Anyone else?

18 LT WHALEN: No.

19 UNIDENTIFIED SPEAKER 1: Okay, we'll conclude this at 3:03
20 p.m. Thank you again, Mr. Wood, for coming out.

21 (Whereupon, at 3:03 p.m., the interview concluded.)
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of CWO Aaron Wood

ACCIDENT NO.: DCA22FM022

PLACE: Norfolk, VA

DATE: July 12, 2022

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.



David A. Martini
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

*

* * * * *

Interview of: BILL BURKET
Marine Incident Response Team

via telephone

Thursday,
July 29, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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District 5 Formal Investigation Team

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District 5 Formal Investigation Team

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DAVID FLAHERTY
National Transportation Safety Board

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I N T E R V I E W

MR. FAWCETT: So, what we're doing is we're going to produce a transcript, which the NTSB will take the audio and make a transcript. And from that transcript we will publish the transcript.

So, this is a joint U.S. Coast Guard, NTSB investigation. The Coast Guard is the lead federal agency and we're following the Coast Guard rules and regulations for this type of investigation. We're here on Friday, 29 July 2022 with Mr. Bill Burket, Port of Virginia Marine Incident Response Team.

Would you describe as leader or --

MR. BURKET: Yes, I'm the senior director.

MR. FAWCETT: Senior director. And we're conducting an interview to examine the events surrounding the fire and subsequent loss of the *Spirit of Norfolk*, which occurred in Norfolk Harbor on June 7th, 2022. To let you know, you may change, modify or amend this transcript in this event -- this interview that we're doing, because we understand, you know, memory is perishable, things change. So, if you see that there's more information or you'd like to make a correction, please let Lt. Commander Emmons know. She'll make sure that all of the parties-in-interest are aware of the changes and we'll amend the record.

The other thing is that when the report is created, if you see the report and you say wait a minute, I have other information

1 or additional information or it's portrayed inaccurately, once
2 again get in touch with Lt. Commander Emmons. We have a process
3 to go through to appeal or rectify those issues if they're deemed
4 appropriate. And then the Coast Guard has a document this thick
5 called the Marine Safety Manual, Volume 5. It's available on
6 Google and it explains how we conduct our process of
7 investigation.

8 MR. BURKET: Okay.

9 MR. FAWCETT: So, I see you have a document there and would
10 you describe, just briefly before we get started, what that is?

11 MR. BURKET: It's just the Hampton Roads marine firefighting
12 contingency plan as part of the annex and the area plan.

13 MR. FAWCETT: Okay.

14 MR. BURKET: Okay.

15 MR. FAWCETT: Very good.

16 MR. BURKET: Yes.

17 (Crosstalk)

18 MR. FAWCETT: All right. So, in the interview -- we're about
19 to start the interview -- we're going to go around and make
20 introductions. But if you have any photographs, photograph of the
21 command vehicle that you use, because we'll probably use it as a
22 slide for the hearing and --

23 MR. BURKET: Okay.

24 MR. FAWCETT: -- maybe ask you to explain it. Photographs,
25 video, this document, hopefully in digital format, if you could

1 send them to -- first of all, check with your management and then
2 send them to Lt. Commander Emmons.

3 MR. BURKET: No worries.

4 MR. FAWCETT: And we'll pass that out.

5 MR. BURKET: Okay.

6 UNIDENTIFIED SPEAKER: Do you have any more copies of that?

7 MR. BURKET: I got it electronically. I mean, you can take
8 this one if you want it.

9 UNIDENTIFIED SPEAKER: Yes.

10 MR. BURKET: But --

11 UNIDENTIFIED SPEAKER: Thank you.

12 MR. BURKET: -- anyway --

13 MR. FAWCETT: Yes, the issue with that, for this interview,
14 is that we don't all have it, so I would stay away from using that
15 and citing that since we don't have it at our disposal. We
16 attempted to get it, but we don't have it.

17 UNIDENTIFIED SPEAKER: Okay.

18 MR. FAWCETT: So, if we'll go around the room and introduce
19 ourselves, starting with you, sir. If you'll state your name,
20 what your affiliation is and spell your last name, and then we'll
21 go around this way here.

22 MR. BURKET: Okay. Again, Bill Burket, B-u-r-k-e-t. I'm the
23 senior director of the Port of Virginia Maritime Incident Response
24 Team in business continuity.

25 MR. FAWCETT: And your last name is spelled?

1 MR. BURKET: B-u-r-k-e-t.

2 MR. FAWCETT: Thank you. So, my name is Keith Fawcett, F-a-
3 w-c-e-t-t. I'm with the U.S. Coast Guard Fifth District
4 Investigation Team.

5 MR. ABEL: Chris Abel with the Willcox Savage firm here in
6 Norfolk, A-b-e-l, and we represent Bay Diesel as a party-in-
7 interest in the case.

8 MR. DENLEY: I'm Eric Denley, D-e-n-l-e-y. I'm with
9 Hornblower City Experiences and *Spirit of Norfolk*.

10 LT. COMMANDER EMMONS: Okay. Lt. Commander Nicole Emmons,
11 I'm with the District 5 Formal Investigation Team.

12 (Crosstalk)

13 LT. COMMANDER EMMONS: I'm sorry, I was going to say my last
14 name is E-m-m-o-n-s.

15 MR. KARR: Michael Karr, K-a-r-r with the NTSB.

16 COMMANDER ROY: Commander Eric Roy, R-o-y, and I'm a member
17 of the D5 Formal Investigation Team.

18 MR. FAWCETT: Thank you. On the line, please identify
19 yourself with the same scheme.

20 (Crosstalk)

21 MR. WEIGEL: Go ahead.

22 MR. WARNER: Justin Warner, W-a-r-n-e-r, with Phelps Dunbar
23 on behalf of Captain Nadeau.

24 MR. FAWCETT: Anyone else? Commander Waddington?

25 COMMANDER WADDINGTON: Commander Randy Waddington, last name

1 is spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5 Formal Team
2 lead.

3 MR. FAWCETT: And, finally, Mr. Weigel, I think you got
4 stepped on there, sir.

5 MR. WEIGEL: Not a problem. Alan Weigel, it's spelled W-e-i-
6 g-e-l from Blank Rome representing Hornblower City Cruises.

7 MR. FAWCETT: Thank you very much. We'll begin.

8 INTERVIEW OF BILL BURKET

9 BY LT. COMMANDER EMMONS:

10 Q. Okay. Mr. Burket, thank you again for being here with us.
11 We'll just start, can you describe, kind of give us a little
12 background into your marine incident management and firefighting
13 kind of your background, your history with --

14 A. Yes, certainly. I was with the Virginia Beach fire service
15 for 31 years from '79 to 2010. Then 2010, I retired and came to
16 work for the Port Authority, so I've been with the Port of
17 Virginia since then. I retired as a captain with the Virginia
18 Beach Fire Department and kind of got into this specialty of
19 marine response -- maritime response. In particular, my father
20 was a cook on tug boats, so from the age 12 I've been riding tugs
21 up and down the Chesapeake Bay, the James River so I really got
22 this into my system.

23 Back in 1984, it was determined that we lacked the ability to
24 -- I'm talking about from a port perspective -- we lacked the
25 capability to respond to maritime events, in particular from a

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1 training perspective. So, kind of a two-fold thing. The Maritime
2 Incident Response Team was a brainstorm child of mine, which I
3 approached back in MSO Hampton Roads, the Virginia Maritime
4 Association and the Navy, in particular, the director of the Navy
5 fire school, to kind of ramp this team up and get it, you know,
6 get it moving.

7 In particular -- so about 1990 is when it got rolling. And
8 then -- since then, one of the first things that we did was focus
9 on marine firefighting training, all right. We had our first
10 marine firefighting symposium or school. It was in -- shoot -- it
11 was supposed to be scheduled for July of 1990, but Desert Shield
12 took precedence over that. So, we've been holding that class
13 annually since 1991. We just celebrated our 30th year this past
14 May.

15 But from the Maritime Incident Response Team, we tried to,
16 and we've been successful in framing it around basically the way
17 the Commonwealth of Virginia handles their marine -- not marine --
18 but their hazardous material response. For each fire department
19 has a team within the fire department. Each engine company is
20 assigned its hazmat technicians, so that way if there's a
21 reasonable response, those folks through the mutual aid agreements
22 will respond and help the hazmat officers with the State of
23 Virginia help mitigate the event.

24 So, that's the way we kind of do it. So, a lot of local fire
25 departments started to develop their marine teams. They could be

1 up one fire house or they could be spread out amongst other fire
2 houses, okay. But as time went on, the Maritime Incident Response
3 Team kind of morphed into not just a firefighting capability, but
4 also transitioned to hazmat, to search and rescue. Now it's
5 really developed into this all-hazards response team. And again
6 it is made up of about 20 different jurisdictions and we do have
7 an operating MOU with those jurisdictions, because not only do we
8 help -- they can provide manpower to assist us with events, but
9 also at the same time, we help provide sustainment equipment and
10 those type of things that are pushed out to these departments,
11 okay.

12 Now, I will tell you since 9/11, the focus had been on
13 acquiring fire boats and those type of things. So, what has
14 really happened up to this point. A lot of departments that
15 acquired fire boats and then these MIRT team members are mainly
16 the ones, the young men and women, who man those boats and respond
17 to all-hazards events, okay.

18 So, what I do for the Port Authority now, because I'm also
19 responsible for business continuity. So, for instance, inside of
20 the Virginia Port Authority gates, our terminals -- and by the
21 way, it should be noted that the Virginia Port Authority, we're
22 only responsible for our terminals, okay, what happens inside of
23 our gates of our terminals. All right. So, outside the gates,
24 because, you know, there's about 50 to 60 other terminals that
25 make up the entire port. So, inside of our gates, I'm responsible

1 for business continuity. I mean, and I know everybody's tired of
2 hearing about Covid, but I had to facilitate that response team to
3 keep the Port of Virginia colleagues safe as best as we could to
4 keep us up and running, which knock on wood we are very successful
5 in doing that, even getting early vaccinations, okay, and those
6 type of things.

7 Now, outside of the gates, to be honest with you, I basically
8 work for Sector Virginia, the captain of the port, so we help
9 support their mission needs from an all-hazards perspective. If
10 they need boats for search and rescue, if they need our mobile
11 command unit to help facilitate the reopening of the port after
12 it's been closed due to severe weather. You know, we participate
13 on all of the committees, AMSC, LE subcommittee. I'm the chair of
14 the port readiness committee within the port so, you know, we've
15 got our fingers in just about everything.

16 So -- and also one of our jobs is supporting that local
17 incident commander with his or her incident, right. That's what
18 we do, we're notified, we show up and then we help support
19 whatever their needs are, help fill their gaps, give them
20 recommendations and (indiscernible), all right. And then we'll
21 also support the unified command as it starts to be ramped up.

22 So, I know that's -- I hope that kind of answers what I do,
23 all right. And by the way, there's only two full-time members on
24 the MIRT team that are employed by the Virginia Port Authority,
25 that is myself and Tracy Freeman (ph.), who's also retired

1 Virginia Beach battalion chief and he's the manager; he works with
2 me. And so -- but everybody else that I should say that again
3 when we focus initially on fire, it was like a lot of the fire
4 departments, but it's now spread to multi-discipline, police,
5 fire, EMS and those folks who help participate, so.

6 Q. Thank you. That's great, thank you.

7 A. Okay.

8 Q. Who -- so, I know -- this probably is a big question -- but
9 who makes up the Maritime Incident Response Team in this
10 particular region where the incident happened? Like, what are
11 the --

12 A. What jurisdiction responded?

13 Q. Yes.

14 A. Of course, Navy Regional, you know, is on the team. Norfolk
15 Fire -- well, when I say -- look, when I say the -- when I say
16 Norfolk, I'm going to say that includes both fire and their police
17 marine teams, even though they -- some of them may not have
18 responded. But that included Navy Regional, Norfolk, Portsmouth,
19 Chesapeake, Newport News, Hampton, Virginia Beach. I think we
20 have Suffolk on the hook, okay, and those types. So, that's,
21 like, what, 8, 9 agencies. But we could go up to James River and
22 get your county, Chesterfield County, Henrico, okay, Gloucester,
23 Abbingtion, all those folks would help. State police, Virginia
24 marine resources, DWR, the game wardens, so.

25 And for this response, you know, when the mayday went out or

1 the call from the vessel, you had a good number of those folks
2 heading that way already. So, anyway.

3 Q. That was kind of going to be my next question. Do you have
4 like a list or a contact, like, for each department? How does
5 that go about when there's --

6 A. All right. Typically when the 911 call is made and they will
7 dispatch that responsible agency to respond, and if they think
8 it's maritime, a lot of times the sector command center will reach
9 out to those agencies. But like in this case, I was notified
10 about 1200 hours from McAllister Towing, one of the ship docking
11 tugs in the yard -- that's just another thing. We also help
12 establish our port partnerships with not only from the public
13 sector, but also the private sector, okay. So we work a lot with,
14 you know, the tug boat companies and those folks, Hiller fire
15 systems. There's a whole range of folks that we work with that
16 help us, you know, manage this piece.

17 But I got a call from Chris Carmel (ph.) from McAllister.
18 She said Bill, the *Spirit's* on fire with a bunch of people on
19 board. And I was actually over in Suffolk just finishing grading
20 UASE (ph.) grants. And I said, okay, Chris, I haven't been
21 notified yet, right. So, my next question to them do you have
22 boats heading that way? She said yes, I got two that are almost
23 there. I said okay.

24 So then to answer your question, when I got in my Tahoe to
25 start heading that way, I reached out to Tracy Freeman, who works

1 for me. I said hey, Tracy, get on the phone, get everybody come
2 in that we can get up to. So, yes, it's a phone tree type of
3 thing right there at that point, but I also called the sector
4 command center. And by the way, they were just getting the
5 information also. So, we're all kind of out in front of this
6 right from the start, if that makes sense.

7 Q. Yes, sir.

8 A. Okay.

9 Q. Thank you.

10 A. You're welcome.

11 Q. I appreciate it. Does the Maritime Incident Response Team --
12 I know you have assets from all over coming -- do you -- does the
13 MIRT, do they actually own --

14 A. No.

15 Q. -- any assets or --

16 A. What I will say because in order for us to exist, number one,
17 we have to have the trust from Sector Virginia, the Coast Guard,
18 right, or they're not going to call us. Secondly, if we're -- you
19 know, focused on firefighting, you know, we do not own a fire
20 department. We don't own engine companies, we don't own personnel
21 who are firemen. So, that's why the City of Norfolk is
22 responsible for fighting fires within their jurisdiction, which
23 also includes Norfolk International terminals. Over in
24 Portsmouth, they have PMT and Virginia National Gateway. Newport
25 News has Newport News Marine Terminal. The Richmond Marine

1 Terminal, of course, the City of Richmond or Henrico.

2 So, by us working together and built these partnerships, they
3 have the personnel and the equipment, but we also help try to
4 provide the training needs that they may need from a maritime
5 perspective, okay. Through grants, we're able to provide
6 equipment to them directly for, it could be everything from a
7 public safety diver to -- let me give you an example, the -- all
8 the marine electronics that the Coast Guard uses has switched to
9 Ray Marine (ph.), all right. So, in order for our boats to work
10 from the same platform, we've been fortunate enough, when a port
11 authority supported the replacement of 30 sets of marine
12 electronics on all these emergency responders, all right.

13 But from a fire fighting perspective, we do own four support
14 trucks and three 3,000 gallon per minute portable pumps, all
15 right, that are designed to be lifted off the trailers because
16 this concept was well-before 9/11, before all the fire boats
17 started to show up, all right, and turn a vessel of opportunity
18 into a firefighting capability. And they are -- there's one set
19 in Norfolk Fire Station 12, there's one in Chesapeake, there's one
20 up in Henrico and I just have a support truck that's City of
21 Hampton, that we own the mobile command unit.

22 Q. Thank you. Thank you for providing this, the maritime
23 firefighting contingency plan. Is there any other plans or
24 guidance that directs the Maritime Incident Response Team other
25 than this document?

1 A. No, that's basically it from the firefighting perspective,
2 you know.

3 Q. Thank you.

4 A. All right.

5 Q. We'll get into the events of June 7, 2022. Mr. Burket, can
6 you kind of just go through for us and any detail you can give us,
7 starting from the moment that you received the call, throughout
8 the day. Just kind of just tell your story, who you interacted
9 with, what you saw, just kind of paint the picture for us. And if
10 you need to take a second to just collect everything. I know it
11 was a big, busy day, so if you just --

12 A. It was. I've had 20 --

13 (Crosstalk)

14 A. So, anyway, no, like I mentioned, I was at the Suffolk ODU
15 facility in Suffolk. Got the call, I left there and I was
16 thinking about heading to sector at first. But then once I was
17 listening to the Norfolk Fire Department radio traffic on their
18 TAC channel (ph.), they advised, you know, what was going on,
19 soliciting -- right then the decision somehow was already
20 determined that they wanted to move the vessel to the Pier 4 at
21 Norfolk. All right.

22 So, knowing that, I advised the battalion chief -- because
23 you have to understand, in the world of firefighting, okay, the IC
24 is the IC. Okay. And typically, they like to handle their own
25 stuff, so I've learned over the many, many years, over 43 years,

1 that you almost have to go hey, chief, I'm heading your way, all
2 right, or do you want me to head your way, whatever. And most of
3 the time, yes, come on. All right.

4 So, you got to be careful when you're playing in somebody's
5 backyard, if that makes sense, all right, because that's their
6 fire and then they can handle it themselves. That's the thought
7 process in most cases, all right. So, with that said, I let
8 battalion 3 in Norfolk, say hey, I'm heading your way. He says
9 okay, Bill, we're going to be at Pier 4, all right.

10 So, I responded, got there and as I pulled up on Pier 4, they
11 -- what I mean they, Navy Regional already had a couple of rigs up
12 on the dock, already had draft. And then most of the folks had
13 congregated on Pier 5, so they had to transition over to Pier 4.
14 And it just so happened I got there, just ahead of them, all
15 right, at Pier 4. And I'm just in my Tahoe.

16 So, anyway, I got out of the truck, I looked, I could see
17 *Spirit of Norfolk*. I saw the Rosemary McAllister there already up
18 against it. By this time, all the passengers were off. The Rover
19 had already gotten everybody off, all right. And then as I
20 approached the vehicles, the Suburbans, one was Norfolk Fire and
21 the other was Navy Regional, the assistant chief, one of the
22 biggest concern -- well, it had to be, because it was life safety
23 -- was the accountability with everybody. So, there was a little
24 bit of hit and miss about do we for sure know that we have
25 everybody off that vessel? Okay. And, you know, communication is

1 probably the first challenge that you have on a scene like that.

2 So, they were unable to talk to the tugs or even to the
3 *Spirit*. So, with my communications, I made contact with the
4 American Rover and did confirm they had 106 folks on board,
5 because the other two was Ryan and I think was CJ (ph.) that got
6 off with Ryan. They went on the tow boat and they were brought to
7 Pier 4. Okay. So, what that was able to do was at least calm
8 everybody that all the folks had been accounted for and were off
9 the *Spirit*. All right. Now, that took a few minutes, don't get
10 me wrong.

11 So, they had a -- and also there was a little bit of
12 discussion was the *Spirit* going to go on the north side of Pier 4
13 or the south side, and the commander of the base, Captain -- what
14 -- Dewey?

15 MR. FAWCETT: Dees (ph.)

16 MR. BURKET: Dees?

17 MR. FAWCETT: Yes, this is Keith Fawcett. Would it be Dees?

18 MR. BURKET: Dees, yes.

19 BY LT. COMMANDER EMMONS:

20 A. He wanted it on the south side of Pier 4 because there were
21 bunkering operations going on adjacent to north side of 4. So, I
22 was able to get a hold of the Rosemary and so they were able to
23 transition the boat from the channel and bring it along starboard
24 side to bow out alongside of Pier 4, okay. And at which time,
25 they were soon relieved by the Moran tugs that have the Navy

1 contract, and so they stayed there.

2 Now, what I saw when I was looking at the *Spirit*, I did see
3 smoke emitting from her engine room vents, which I assume were
4 their vents and come to find out they were there near the engine
5 room vents. I didn't see any active fire at the time, but I did
6 see smoke and then the smoke stopped and from the transition from
7 stream channel to the pier. And once it came alongside the pier,
8 the smoke started to reengage again, okay, and then we started to
9 have active fire once we got the vessel alongside.

10 It took a little bit of configuration to get the boat tied up
11 because we, you know, just -- the lines are -- because the Navy
12 really didn't have any more lines on the pier, at the dock at the
13 time. We had Yokohama fenders that were in place and kept the
14 *Spirit* off of the dock, because it's meant to, you know, dock big
15 Navy vessels, right. And so working with the Navy docking pilots,
16 we were able to get a bow line and a stern line along to the
17 *Spirit*, all right.

18 It was at that time that I contacted -- I made contact with
19 Ryan, because I've met Ryan many times, and got a quick brief, you
20 know. Not, you know, hey, is everybody off, you guys okay, yeah,
21 even though we already knew everybody was off, right. And I
22 talked briefly with Ryan about the layout of the engine room, in
23 particular, access hatch, escape hatch, watertight door, that type
24 of thing. I will say that I have been in the engine room of the
25 *Spirit* years ago, okay. So, I can remember somewhat of a layout,

1 right. I knew there was only one way in and one way out from that
2 watertight door and those types of things and the escape hatch.
3 So, that's where I was at that point.

4 And then based on the smoke and the fire that started,
5 direction was given to the companies to start putting water back
6 into the engine room. And I will say what I did notice about the
7 engine room vents, that they already started to -- they had
8 louvers, right. Some of them had already started to distort, a
9 couple of them had already broken loose. So, I can attribute that
10 maybe to the fire load that was on them and then plus the -- maybe
11 the force from the nozzles, all right.

12 So, what I did at that time -- again, I'm not in command
13 there, okay. I'm there as a liaison, right. And let me mention
14 this just about command really quick. Where I would take a larger
15 role in a command-type status versus actually liaison, if I'm
16 requested to, to help assist, right, where there is command
17 assist, hey, Bill, I need you for ops or I need you for this or
18 this, I will do that, all right. There's been cases where I've
19 been part of the unified command, which I was in this case once we
20 got there, but I was a supporting agency, right, in this
21 particular unified command. And for any reason if we had a
22 situation -- let me give you an example. If a vessel's in the
23 middle of the Chesapeake Bay, all right, and we got out there and
24 there was a response required where -- that falls in no one's
25 jurisdiction as far as an agency, correct. We know there'll be

1 the responsible party, whoever. Then working with the sector
2 commander, I could take a larger role in that command process,
3 being on scene and helping from that perspective.

4 But in this case, I was strictly there as support liaison.
5 So, my thought was let's, you know, quit conversation with Ryan
6 and --

7 UNIDENTIFIED SPEAKER: Sir, who's Ryan again?

8 MR. BURKET: The captain of the --

9 UNIDENTIFIED SPEAKER: Okay.

10 MR. BURKET: -- *Spirit*.

11 A. And also from the time -- I mean, I'm -- I would say I was
12 called from McAllister right around noon time. I probably arrived
13 on scene somewhere right around 1300, 1315. And by the time they
14 got the vessel alongside, we're probably looking 1330, 1400, you
15 know, from what I can recall. And so with that fire free burning
16 for over an hour and a half, you know, the thought was we're not
17 going to put anybody in there, so why don't we think about gaining
18 access somewhere we can put a foam line into service, knock down
19 the fire, keep it checked, give ourselves some time and then we
20 can -- and just working from there.

21 So, I went to the command and gave that recommendation. They
22 said okay, we got Chesapeake fire on the way. And Chesapeake Fire
23 Department is our foam team, okay. They're the ones that handle
24 all our foam capabilities. So, at that time I was transitioning
25 between the command post and back and forth, you know, to -- in

1 the vicinity of the *Spirit*, back and forth, so I cannot tell you
2 what the incident commander or incident commanders, what their
3 orders are or the task that was given to their crews. Does that
4 make sense? All right.

5 Q. Yes, sir.

6 A. Because I wasn't privy to that. And so they started to put
7 apparatus in place, did some things and then they agreed with that
8 tactic, okay. And at that time I talked to Ryan, we talked about
9 the emergency escape hatch that's on the starboard side just
10 inside the aft door. And, of course, we know that the watertight
11 door down at the lower level in the galley area. And so
12 discussion -- I was also asked by command to help manage or just
13 talk to the fire boats or any other vessels that were around the
14 *Spirit*, because I had these direct communications.

15 And also I went and asked for all the boats to give me a
16 draft reading, both on the bow and the stern, so we can get an
17 idea how she was sitting, all right. And I could tell you over
18 time with those master streams flowing both from the port side
19 from the tugs, and the starboard side off the dock with the ladder
20 company, we started off like maybe at 6, 8, 7 feet on the stern
21 and then we soon had 7/6, 7/8, 7/9. So, she was starting to squat
22 at the stern with that water going into the engine room, and we
23 had to way to dewater, okay.

24 So, back and forth I would -- I bumped back and forth and I
25 said, hey, you know, we need to get a crew on it to do a recon, so

1 then that way they can get an idea of what the status of our
2 boundaries are. And also make sure they can locate that hatch so
3 when we get the foam line and service ready to go, they know where
4 to go and get it in service, okay.

5 I will tell you there were some access problems due to the
6 Yokohama fender, so they finally set up an aerial ladder that
7 allowed folks to go to the second deck and they could transition
8 down, and then they walked inside. A recon team did do that,
9 okay. The recon team backed out while they were getting the foam
10 line of service, okay. And then when that second team went on --
11 oh, one thing I failed to remember. It was important to get the
12 fire control plan, so that way you had that document to take it to
13 the command post so folks can read it, see what's going on. When
14 that recon team went on, they were able to get to the document
15 that was hanging in the tube on the after ladder stairwell, they
16 pass the document over. I was the one that actually pulled it out
17 of the tube, laid it on up on the command board and had the
18 incident commanders there. And so here's your hatch, right. If
19 we need to go down to the watertight door, this is how you get
20 there, but they need to go to the hatch, leave this door alone,
21 okay. Because we know that that's the only door that you can get
22 inside, right. I mean, that's key to our boundaries.

23 And so the recon team did that. They got ready to send the
24 second team on. The second team went on and they got straights in
25 their line. Then all's I can tell you, for whatever reason, they

1 went to that watertight door, and the watertight door was opened.
2 And when that happened, of course there was a mayday given and the
3 mayday means your firemen are trapped or in trouble. And what I
4 later found out was they were immediately -- and by the way, you
5 got to understand the water flowing to the engine room had not
6 stopped during this, okay. There's still continued water flowing
7 in the engine room from the master streams through the vents.

8 And so when that four-man -- four-person company went down
9 below and they opened up that watertight door, then they were
10 engulfed in water and a flash, okay. And I could tell you I was
11 standing on the dock and when I watched this, the *Spirit* took
12 immediate list, I thought that immediate list to starboard --
13 excuse me -- to port. She went over that quick. And in 43 years,
14 I've never had that feeling before, right. Now, I'm just sitting
15 here watching it, I'm not commanding it, but I'm watching it and
16 knowing that there's a mayday going on and we've got a boat that's
17 listing to port, I really thought there for a while we weren't
18 getting those guys out, okay.

19 But, fortunately, they were able to self-extricate, okay.
20 And when they did back out, that door was left open. I don't know
21 how else to say it, okay. It was left open. And because of that
22 -- and I'll be honest with you -- at the time I thought they were
23 going to the hatch. I had no idea they were going to the door,
24 none, all right. And so I can't tell you how that breakdown --
25 how that occurred or what those commands were given, because I

1 wasn't at the back at the command post. I was standing alongside
2 the *Spirit*, all right.

3 So, but -- so once we were able, you know, we had RIP teams,
4 which is a rapid intervention team, going on board, that's what
5 you have in place to try when you get this type of situation. The
6 boats were coming alongside, the firemen were trying to get
7 aboard, this whole thing. So, once they self-extricated and then
8 we found out that they were okay. It took about ten minutes to
9 get that straightened, okay, then the whole complexity of the
10 response changed, all right. And what I mean by that because once
11 we determined that we had no life hazard on board, all right, what
12 we're trying to do at the time is, number one, property, protect
13 property and the environment, okay. And when you have a mayday
14 like that, that's when things change, all right, where okay, you
15 know, we almost -- we could have theoretically lost four
16 firefighters. We didn't, we got lucky.

17 So, they pulled out and then we all -- I was asked to come
18 back to the command post and this is where you had the incident
19 commander standing back there. And the chief from Norfolk, Chief
20 Brooks (ph.) says nobody else is going to go on that vessel, all
21 right. We're not going to put any water in it because we don't
22 want it to sink and we're just going to cool it from the outside.
23 So, that was the direction given, okay.

24 So, I could tell you for the next hour, almost hour and a
25 half, there was no smoke generation. Smoke had stopped, okay,

1 after this. And so I said maybe we're getting lucky here, you
2 know. Just watching it, watching it, all right. And so the boats
3 were still holding it and then there was a point when we have
4 thermal imagers that can also identify heat ranges. So, the boats
5 went outside -- you got to understand, nobody's inside the vessel,
6 right. So, the boat started to go around, starting to get
7 temperature readings on the upper -- I mean on the house and even
8 -- I mean, we were down to 80 degrees external temperatures. And
9 you can see everybody starting to get confident. Hey, look, I've
10 been around long enough to understand that falling temperatures
11 does not mean the fire's out, okay. It just doesn't.

12 And 15 minutes later, I looked up and here come the smoke,
13 something. I don't know if it's a (indiscernible), whatever,
14 something let go in there and the smoke started to billow out of
15 those vents once again, okay.

16 And so -- if you guys are okay, I'll just stop there and see
17 if there's any questions or where we're up to that point.

18 MR. FAWCETT: Well, why don't we do that at the end --

19 MR. BURKET: All right,

20 MR. FAWCETT: -- of this particular day.

21 MR. BURKET: Okay, very good.

22 A. Okay, so once the smoke started to billow again and we
23 weren't putting anybody back on there and we're trying to keep
24 water out of it, we still had the foam team there. And at this
25 point, we have not yet put any foam on it. So, I went back to

1 command, I said command, I highly recommend we get some foam, at
2 least get it in the vents to see if we can get some foam in that
3 engine room, okay. They agreed.

4 So, we started a flow of foam through the starboard side vent
5 to the engine room, all right. And there appeared to be some
6 effect -- positive effect of the foam being discharged in there,
7 okay, which you have to understand from a foam operation, you're
8 trying to direct foam that strikes a vent -- louvered vent. And
9 what it does, it runs down the inside of that ventilation, right,
10 and if it's running into the engine room, it's just like it flows
11 down that wall and hopefully starts to make its way over, right.
12 It's not like you're directly trying to get foam at the seat of
13 the fire, all right.

14 So, it seemed to be working for a while, but it really
15 didn't. And plus with that engine room door now left open ajar, I
16 had a good idea that it was starting to get outside of those
17 boundaries, all right.

18 There was some discussion while the foam operation's going on
19 about hey let's get another group back on there to see if we can
20 go after this thing. But the issue was due to the stability and
21 the inability to dewater, and the incident command saying hey,
22 before we put anybody back on there, we have to understand what
23 our stability risks are, all right. What's it going to do because
24 we can't dewater.

25 And due to the fact that that decision was made, nobody went

1 back on there, okay. So, that -- what I would call the third team
2 that was getting ready to think about getting back on the boat and
3 to see what they could do, that was halted because we did not have
4 the stability calculations at that point to determine whether it
5 was safe to put anybody on that vessel or not.

6 So, that's when that was stopped, all right. Then Captain
7 Stevens (ph.), who's the captain of the port at the time, he
8 showed up. He's looking around and he said, all right, let's have
9 a quick meeting. So, we called everybody, which, you know, you
10 can always say that there was a unified decision about not putting
11 anybody on the vessel by Chief Brooks. But then at the time
12 Captain Stevens asked for that meeting in PAC 1, our command unit,
13 to get everybody in there. Basically, I would say that really was
14 the first arm (indiscernible), the implementation of the formal
15 unified command, all right.

16 And the parties that were in there, I was asked to be in
17 there. The salvor had showed up by then from Donjon --

18 Q. Okay.

19 A. -- okay. He showed up, it wasn't long after we started to
20 flow foam into the vents. They were not there for the mayday,
21 they were not there for any of that. So, he showed up. And so
22 when we got inside the PAC 1, this -- and we had the fire chief in
23 there, Chief Brooks from Norfolk Fire, we had Chief Janey (ph.)
24 from Navy Regional and another one of his chiefs, Captain Dees was
25 in there. Of course, Captain Stevens -- Captain Stockwell was in

1 there. There might have been a couple of others, and I believe
2 that the RP -- somebody was on the phone when, you know, we did a
3 conference call, all right.

4 So, basically we went around real quick. I says hey, all
5 right, where are we, what's going on, all right. Because I'm
6 short of that call, about to send that third party on, certainly
7 stimulated some discussion whether you agreed with it or you
8 disagreed, right. So, they got to the point and I'll be honest
9 with you, Captain Stevens doing that, circling the wagons -- well,
10 not circling the wagons, but bringing everybody together to help
11 set us on the right track from a command control perspective.

12 Because what it did was, all right, fire department, you're
13 the experts here, what do we want to do, all right. Are we going
14 to let this thing burn out because we're not going to put anybody
15 back on it or are we going to attempt to put somebody back on it,
16 whatever it may be, he wanted to hear it, all right. And
17 basically the conclusion is we're not comfortable putting anybody
18 on that vessel due to the fact we don't understand stability.

19 So, then he goes all right, so it sounds like we're going to
20 let it burn out and protect it and keep it from sinking due to the
21 fact that we cannot dewater it, which we could not, right. So
22 that meant there was no streams to be flowed inside the vessel.
23 Cool the hull, keep it afloat and just let it burn out, okay. And
24 so basically that was the decision that was agreed on at that
25 point. I will tell you that I spoke up to talk about hey, due to

1 the fact that this vessel, based on her construction, how she's
2 laid out on her main deck, the second deck, it's all wide open, I
3 know how to get to the stairwell.

4 And, you know, we're standing on the dock, this thing's full
5 of windows and one of the windows already let go. I think that
6 broke due to the -- from the flash over, that type of thing. I
7 said I think we can take hose lines and be very conservative with
8 our water, very strategic with our streams, right. Let steam
9 convergence work and just knock it down as it tries to get up that
10 ladder to come up into the main deck and forward. But it was kind
11 of -- they recommended we not do it and that in particular came
12 from the salvor. We shouldn't be putting any water in. I said
13 okay.

14 So, that's where we were, okay. So I'll tell you from that
15 point on at 2000, there was a call made. They had another -- what
16 they called the planning meeting inside of the rig to get
17 everybody, who's going to be -- who's part of unified command,
18 who's the ops section chief, the planning section chief, and so
19 forth and so forth. That went on at 2000. I was identified as a
20 supporting agency, okay. And then I got to leaving at 2200 that
21 night as it was still continuing to free burn, all right, and it
22 was still -- at that point it wasn't in any danger of sinking
23 because we were not flowing any water on the inside, so -- and I
24 left at 2200.

25 Q. Thank you. I just have a few follow-up questions --

1 A. All right.

2 Q. -- just to -- with what you had just stated. When you were
3 talking about you got on scene and there's the incident commander,
4 it's like -- who was the incident commander when you got on scene
5 or commanders?

6 A. Okay. And you know that's a good question. I knew, based on
7 that plan right there and the way that we've been training for
8 years, all right, I knew who the incident commander should be and
9 that should have been Navy Regional because it came to their dock.
10 That's their dock, right. And for the most -- a lot of folks
11 thought that but it wasn't well-communicated. Let me just put it
12 that way. It wasn't well-communicated to the masses of who the
13 true incident commander was, all right. So, unfortunately with
14 this thing, you had a full structural response from Navy Regional
15 and you had a full structural response from Norfolk Fire. And
16 what I mean by that, that's a battalion chief. That's three or
17 four engines, that's a ladder company. That may be a medic
18 rescue, right.

19 So, you had both of those showing up at the same time, which
20 is highly unusual, okay, in this particular situation. But where
21 this becomes complicated is the fact that, number one, it was a
22 very emotional call, if that makes sense, right. 108 folks -- I'm
23 just telling you, I could feel that in the room that that was -- I
24 mean, not in the room, I'm sorry. I could feel it on scene that
25 that was, man, people were just amped, right, as they should be,

1 okay. So, and with that said, and most of you are probably aware
2 we had a near-miss with an outbound bulker that went on at the
3 exact same time and everything else happening.

4 So -- and I'm messing with my phone real quick -- but
5 initially, when that vessel caught fire in stream in the channel,
6 and 911 calls were made, that is the City of Norfolk's
7 responsibility to respond to that because that's actually in their
8 city boundaries, okay. And in the plan, that particular plan
9 doesn't identify it very well, but everybody -- we certainly have
10 -- the city's jurisdictional boundaries are outlined even in the
11 waterways, okay. Another 100 feet to the west, the *Spirit of*
12 *Norfolk* would have been in the City of Hampton's jurisdiction
13 where they would have been the lead fire department, okay.

14 So you had Norfolk here. Then when the vessel transitioned,
15 being pushed to the south side of Pier 4, that's when it should
16 have transitioned to Navy Regional and kind of it did, but it
17 really wasn't well-communicated, okay. I will also say that
18 Norfolk Fire, other than the initial response and maybe their fire
19 boats showing up on scene, never really engaged in any
20 firefighting strategy and tactics at this time, okay. If they
21 would have, let's suppose it was an hour or two where the Navy
22 didn't make the decision as quickly as they did to bring it to
23 Pier 4 and it stayed out there for a couple of hours, right, then
24 Norfolk -- they would have taken the lead, they would set up their
25 strategy and tactics with the help of all the local jurisdiction,

1 the MIRT members showing up. Then once that firefighting ensued,
2 then let's suppose they moved it to Pier 4 at that point, that
3 might even be much more clunky. I don't know. Those chiefs would
4 have had to have worked that out.

5 But you just need to understand, you transition from the City
6 of Norfolk's jurisdiction and to now Navy Regional's jurisdiction,
7 okay, that has their own fire department, all right. And you're
8 dealing with big Navy, if that makes sense to you, all right. So,
9 both individuals had IC vests on, incident command vest, right,
10 Navy Regional and Norfolk, right. And I'll be honest with you, I
11 knew who should have been in charge, right. But if you went and
12 asked several folks on the dock, I don't think -- a lot of folks
13 didn't have a clear answer, all right. And to me that -- so, I
14 hope that answers your question.

15 Q. Thank you. And if we could go to the -- when you stated the
16 firefighting team that you called the second team --

17 A. Right.

18 Q. -- that made entry onto the vessel and opened the door to the
19 engine room, do you know, in your knowledge, the makeup of that
20 team? Like who -- was it Norfolk, Navy?

21 A. All right. I know there was -- I've come to find -- because
22 I had no idea who the team was that went on board, right. I
23 didn't know -- because I -- I do know now that it was -- there was
24 two from Norfolk Fire and two from Navy Regional.

25 Q. A mixed team.

1 A. It was -- and that's --

2 UNIDENTIFIED SPEAKER: Is that unusual?

3 Q. In a marine incident, not really. It can be a mixture,
4 right. And by the way, these folks work together. They have
5 mutual aid agreements, so the mixture of crews -- as a matter of
6 fact, sometimes -- let's talk about it being a commercial vessel.
7 You may take a crew member like a third mate or something, put it
8 up with an engine company who doesn't know the vessel and have
9 them escort them down, right. But they're all dressed out in full
10 turnout gear in that CBA.

11 But, yes, that's the way the incident commander decided to do
12 it, right. I don't know why they did it, but they did, all right.

13 So --

14 Q. Thank you. And then I have just two more quick questions.
15 The -- when you were in the unified command meeting --

16 A. Yes.

17 Q. -- later that day with Captain Stevens --

18 A. Yes.

19 Q. -- once she came in, you had talked about all the responding
20 agencies. And you mentioned there was a Hornblower or owner-
21 operator representative, RP, we call that responsible --

22 A. Well, somebody was representing the RP on the phone.

23 Q. Okay.

24 A. -- at that time.

25 Q. Okay.

1 A. Because who was the gentleman that came out from Michigan?

2 MR. DENLEY: It's Scott Smith (ph.).

3 MR. BURKET: Scott Smith, right.

4 A. He didn't get there until later, right. But there was
5 somebody on the phone when these decisions were being made or when
6 this was being discussed.

7 Q. Okay.

8 A. Okay.

9 Q. Was there any time before that meeting -- I know you said
10 Captain Nadeau and CJ -- were they on scene or were --

11 A. Who's that?

12 Q. Ryan.

13 A. Yes, oh, yes. I was there -- Ryan got there just as the
14 *Spirit* was pushed alongside the dock.

15 Q. Okay.

16 A. It was. But, you know, without having a -- even though the
17 command post was present and you could see it in the folks wearing
18 their vest and it was behind the two command vehicles, which one's
19 a pickup and the other's a Suburban -- I mean, a Tahoe, right --
20 that really was the location of the command post, right. And Ryan
21 was close there, right. I could see him on the outskirts, right.
22 And I know they would engage him every now and then. Well, I'm
23 not sure if they -- I know I did a couple of times, right, to talk
24 about layout of the vessels and a couple of other things, make
25 sure he was okay. And the other thing is I'd say, Ryan, you might

1 want to, you know, get a hold of your office and let's go on and
2 get the, you know, the marine firefighting and salvage, what your
3 QI or whoever else rolling in here. Because I knew from a
4 dewatering perspective, we were going to need their help, okay.

5 And so -- and I also, throughout the fire, I say, hey Ryan,
6 what did that vent go to and that was when he said that's the one
7 to the galley, but we had smoke emitting. So, I knew by then
8 that, you know, it had progressed to the galley, so.

9 Q. Thank you, I appreciate it.

10 A. All right.

11 Q. That's pretty much --

12 LT. COMMANDER EMMONS: Commander Roy.

13 BY COMMANDER ROY:

14 Q. Yes, okay. Good afternoon. The first firefighting team that
15 went on to do the recon?

16 A. Yes.

17 Q. Do you know who made up that team?

18 A. I think from what I've been told, and I can't tell you what
19 I've been told, hearsay. Am I allowed to talk about that?

20 Q. Hearsay's allowable.

21 A. Okay. It was the same members that went the first time, but
22 they replaced one member for the second entry, if that makes
23 sense.

24 Q. So, three out of four were --

25 A. Yes.

1 Q. So, it was a mix again?

2 A. Yes, two Norfolk and two Navy Regional.

3 Q. Going back to the meeting that Captain Stevens held, do you
4 remember what time that was?

5 A. About 1600, about 16, 1700.

6 Q. And during that discussion you're talking about tactics and
7 there was discussion, and you mentioned the salvage company didn't
8 want to put more water, can you kind of explain that a little bit
9 more, like, who that was? Do you remember who that was and
10 what --

11 A. What, during that unified command meeting?

12 Q. Yes.

13 A. It's the older gentleman from Donjon. Gosh, which is --

14 MR. FAWCETT: Is it Mr. Adgar (ph.)?

15 MR. BURKET: What's his first name?

16 MR. FAWCETT: Ken.

17 MR. BURKET: Ken, yes.

18 Q. Can you kind of go into that discussion about, you know, the
19 experience of putting people back on that vessel? Like who
20 agreed, who didn't agree? What was that discussion? A little bit
21 more detail on that.

22 A. Well, let me just say, there was overall agreement that
23 nobody should go back on that vessel, okay. There wasn't much
24 disagreement about it because I could tell you in the history of
25 the fire service, here recently, there's several examples. In

1 particular the fire in Jacksonville in 2020 with the roro where
2 nine firemen got hurt, when that 600-ft. Roro caught fire, right.
3 As soon as those firemen were hurt, the fire chief says everybody
4 off. When it's open, it's open. When it's closed, it's going to
5 close and we're just going to let it burn out and try to keep it
6 from sinking and protect the environment, all right. And I think
7 even San Diego Fire did the same thing with the Bonhomme, you
8 know, out on the West Coast.

9 UNIDENTIFIED SPEAKER: The Bonhomme Richard.

10 A. Yes, once people got hurt, everybody off, you know, it's not
11 working, right. So and that's just a general statement. So,
12 after the mayday, this was where that -- again, that's when the
13 whole environment of the response changed, right. Because we had
14 -- there was no life safety on board. Any life safety would be
15 the firemen themselves, okay.

16 So, anyway, but when we talked about -- again, I wasn't
17 there, and I think it was Captain Stockwell that says you're not
18 going back on there the third time, because we don't have the
19 stability calculations, right. We don't know what the impact on
20 stability are. I was not there for that discussion, okay. That
21 was happening on the dock in the vicinity of the vessel. But when
22 we're back in the command post, that's when that discussion was
23 brought up. And, you know, Chief Brooks from Norfolk Fire agreed
24 that nobody should go back on there, so did Navy Regional.

25 Then there was a time, you know, when you're talking to the

1 RP, you know, it's like, all right, Captain Stevens goes RP, you
2 know. We're thinking, they said okay, we agree, you know what I
3 mean. And then -- but I can tell you that when I brought up about
4 putting hand lines from the dock into service to try to just keep
5 it in check, then that's when kind of a little bit of pushback or
6 just wasn't --

7 Q. From?

8 A. Huh?

9 Q. From?

10 A. The salvor and I even think maybe Norfolk Fire.

11 Q. Okay. That's all I have right now.

12 A. Huh?

13 Q. That's all I got from me.

14 A. Okay.

15 BY MR. FAWCETT:

16 Q. I've got a couple of follow-ups, sir. Keith Fawcett. So you
17 used a firefighting term, steam, and by that do you mean directing
18 the fire stream on the hot metal so that steam would be generated
19 to smother the fire?

20 A. No, what I'm talking about is if we could see active burning
21 and start to extend beyond the (indiscernible) and maybe in the
22 interior of the vessel, we could possibly direct a stream at that
23 active fire, and which it would strike the hot bulk. Don't get me
24 wrong, right. But we're just not going to sit there and flow
25 water just to continuously flow water, right. You head it, let it

1 knock itself down, stop your flow, right, if that makes sense.

2 Q. Yes. Thank you. So, in addition to the individual from
3 Donjon-SMIT, were there any other third-party contractors or
4 advisors called in while you were there for firefighting
5 operations or firefighting support?

6 A. No, Donjon -- well, I think Donjon reached out with -- was it
7 IEG (ph.) -- is that it? It's an emergency -- it's another group
8 that brought the firemen in, another contractor that brought the
9 fire --

10 Q. But that was later?

11 A. They showed up later that day, that's correct.

12 Q. And have -- are you aware of any -- pardon me -- hotwash or
13 evaluation that was conducted by anybody of this overall fire or
14 salvage event?

15 A. I could tell you Navy Regional did one themselves. Norfolk
16 Fire did one themselves, okay. I actually conducted one with the
17 MIRT members because I was getting a lot of intel into it, but I
18 did not go into detail, if that makes sense, okay. So, I had one
19 because there was a lot of discussions from fire departments
20 around the area. Basically, you know, why'd you let it burn,
21 right, and so we had to tell them why, right. And so that's what
22 I did, because don't get me wrong, there's some takeaways I got
23 from this that we're going to walk through that we're going to do
24 to make this, you know, to really help enhance the way we do
25 business today, okay. But that's all that I know of.

1 And, by the way, I was asked to attend -- the Navy Regional
2 refers to them as townhall meetings so they can bring in all their
3 ships to talk about it. And they asked me to attend those, all
4 right, but then their legal folks said no, we only want Navy
5 Regional folks in there. And even the Coast Guard was asked to
6 attend those and we were at the last -- the day before we were
7 asked not to come.

8 Q. So, did either Navy Regional or Norfolk Fire interview you
9 for your thoughts about improving the firefighting operations as
10 part of their hotwash?

11 A. No.

12 Q. So you've done a lot of training for marine firefighter
13 training. Can you -- if I was somebody that attended that
14 training, briefly could you tell me what I'd learned?

15 A. Certainly. It's kind of evolved over the years, and I will
16 say, to be honest with you we get folks from all across the world
17 that comes to our marine firefighter school, okay. We get the
18 Dutch Royal Navy, we get the folks from the Panama Canal, we get
19 them from Rotterdam and we get -- we've had them from Italy, they
20 come from Singapore. And we get them all up and down the East
21 Coast, we've had them from the West Coast, the Gulf of Mexico, the
22 Great Lakes, okay. Because that one event that we hold, we only
23 do it once a year and I'll be honest with you, you don't get it
24 anywhere else in the country, okay.

25 And what we're able to do, we base it off the NFPA 1005, all

1 right. So, we bring the land-based firefighters in and what we're
2 able to do over these five and a half days --

3 Q. Keep going, sir.

4 A. Okay.

5 Q. That's us.

6 A. Okay. What we're able to do over the past -- these five and
7 a half days, is expose that land-based firefighter to the maritime
8 environment, okay. That includes some classroom on basic ship
9 work construction, that includes classroom on vessel systems, fire
10 control plans. They spend a half a day doing that and then they
11 go another half a day aboard the ship to do hose handling
12 evolutions stretched out into engine rooms and those type of
13 things. The second day is another half a day of instruction. We
14 talk about vessel types, vessel systems. We also talk about how
15 the MIRT team coordinates stuff in the port. You know, we get the
16 legal stuff from John Holloway (ph.), from -- who's he with now?

17 UNIDENTIFIED SPEAKER: He's with Kaufman (ph.) now.

18 A. Yes, Kaufman. He's been coming years to talk about the legal
19 aspect, basically what we're going through right now and what to
20 be expected, right, and those types of things. And then they run
21 -- we do ship tours, we actually visit vessel of opportunities at
22 all the terminals that we can get to. Then we spend a full day of
23 running an evolution where the folks need to establish a water
24 supply, both from fire boats and also from shore site, which also
25 includes the establishment of a foam system. We did that aboard

1 an MSC ship right here on Pier 3.

2 Thursday's all-day evolutions where they do a reenactment --
3 I mean, simulated fire attack to an engine room. They're doing a
4 treasure hunt where we give them a fire control plan and they have
5 to go to, like, five different areas up around the vessel and find
6 those items. They actually work with vessel fire main systems,
7 flowing borders off the vessel system, then they transition to the
8 international shore connection with water and pump through there
9 to see the difference in that. They learn about stability, you
10 know. The SIRC (ph.) team from the Coast Guard, the engineering
11 folks, they'll send an officer down to talk about, you know, those
12 types of things related to stability.

13 And then -- so those are evolutions that they have to rotate
14 through all day. It's about four hours in each one of them. And
15 then on Friday they run a full-scale exercise out of the James
16 River aboard a vessel in the reserve fleet. It's a dead ship. We
17 smoke it up and they have to come out and deploy their assets from
18 shore, put them aboard vessels of opportunity using an army
19 landing craft where we'll drive equipment on it. They'll also
20 take vessels of fire boats or whatever, they'll man them, they'll
21 get aboard, board a ship, do the recon, identify rescue problems,
22 get their hose lines from the vessels up on deck, establish a
23 water supply in their hand lines and then they go to work, all
24 right.

25 And what that is doing is exercising that marine firefighting

1 contingency plan that requires an annual drill, all right. And
2 then the last day is strictly a demog (ph.) day and it's a test
3 day where they're given a 100-question test, all right. And the
4 makeup of these students, we used to try to run 130 folks through
5 every class. That is just too much. So, we've scaled it back to
6 about 80. We try to keep the number at 80, but we'll go as high
7 as 100, all right. This year we had -- I think we had 95 folks,
8 all right. And the makeup, I would say 50 percent of them are out
9 of state, okay, and the other, you know, 40-45 percent are local
10 folks, okay, here from the local fire departments here in the
11 area.

12 Q. So, you had -- is there a shorter version of the course? In
13 other words, sometimes in professional training you have a basic
14 course and then you have recertification requirements. Is there
15 like a short course for that?

16 A. No, I mean, typically we try to give them some re-ed, tell
17 them, you know, look at the -- I will say another thing that we
18 started, and I failed to mention this earlier as far as training
19 and this was due to Covid, we now hold a what we call a marine
20 firefighting command course, command school, all right. It was
21 five days, now we narrowed it down to three. And what we try to
22 bring in are the incident commanders or the folks that will be
23 making decisions, all right, into this class, to be honest with
24 you, to talk about and to stage what we saw with the *Spirit of*
25 *Norfolk* from a command and control perspective, okay.

1 That's what we do and that's everything. We have panels that
2 have what we call the federal agencies, which the captain of the
3 ports and the local fire departments that are up there as a panel
4 to answer questions. Then we do the RP, you know, where the RP is
5 where you have like a shipping line, you have a surveyor. Never
6 been able to get a salvage guy up there yet, or lady, okay. And
7 then maybe a terminal -- we do a terminal one where you have to
8 deal with all the terminals, correct, and those folks participate.
9 And we try to get away from the basics and do more the command
10 level type of stuff.

11 And last year we actually set up where we had them set up a
12 full unified command, so that way these incident commanders or
13 these folks that are in the room could see what roles and
14 responsibilities that certain agencies have in a maritime event,
15 okay. And Coast Guard has a big role in that, the captain of the
16 port, right. So then as with Captain Stevens did when he got
17 everybody in that room, or it's PAC 1, that kind of set the stage,
18 all right, who's in charge here for the fire department,
19 basically.

20 And I will tell you about 1800, Norfolk demote and Navy
21 Regional were the ones that were left there, okay. I don't know
22 how that worked out, I mean, I don't. I'll be honest with you. I
23 don't know what those discussions were between Navy Regional and
24 Norfolk, you know. But Norfolk became more of a supportive role
25 and they demote their ranks back out. So, they did send a couple

1 of other folks out, you know, throughout that night they asked for
2 help, Navy Regional did, okay.

3 But, anyway, so that's what the command course does, all
4 right, where the five and a half day course is really -- and don't
5 get me wrong, we -- in five and a half days, we cannot train
6 firemen to be, you know, 100 percent marine firefighters, right.
7 We try to give them the information, the baseline, the foundation
8 so they could take it back to their agency and jurisdiction, and
9 also give them an idea of really how well we work here in the port
10 to bring all these resources and these capabilities together,
11 okay.

12 Q. So that command course was -- has been in existence for
13 approximately how many years?

14 A. Three. We've only -- no, I'm sorry. We're coming up on our
15 third year; we've done two.

16 Q. So could we get a copy of the syllabus for that course?

17 A. Yes, I could give you an agenda, what it would look like,
18 sure.

19 Q. Yes, that's fine. So, you had mentioned a couple of
20 individuals, but you named them by position and not by name. So,
21 battalion chief 3 Norfolk, do you recall who that was?

22 A. You know, I know his face. Is it -- I think it's Williams
23 (ph.), is that his last name, I think?

24 Q. I don't know. I'm going to put Williams, question mark.

25 A. Okay. And the other was assistant chief. Again, folks, I'm

1 so exposed to so many people I can't -- I'm horrible with names,
2 right, and he was the assistant chief from Navy Regional.

3 Q. Okay. And you're not sure who that is?

4 A. Not his name, no.

5 Q. Okay. Do you recall if any of these leaders in the
6 firefighting operation had attended the command course?

7 A. Good question.

8 Q. I mean, prior to this event?

9 A. The command course?

10 Q. Yes.

11 A. I think some of the battalion chiefs who showed up, right, to
12 help support the incident command may have, but no. None of the
13 ICs that were there attended the command course.

14 Q. And then when you're talking about, you know, deploying fire
15 water into the engine vents and so forth and you mentioned the
16 word direction, who is giving direction? Overall for this
17 operation at about that time, who was directing the firefighting
18 operation?

19 A. It was one of those two.

20 Q. Meaning Norfolk --

21 A. Or Navy Regional.

22 Q. Are you aware of the individuals in the fire team, the foam
23 attack team lines, were they going in with like a foam inductor?
24 How does that apparatus work?

25 A. Well, that's what we try to eliminate is the use of

1 inductors. Chesapeake Fire has invested and has a significant
2 amount of foam capabilities, okay. That -- what we've come to
3 learn if you want to start a foam operation on a marine event, you
4 have to bring all your resources and get them all ready to go,
5 because if you don't it's going to end up in a failure, right.
6 Because you put foam then you back up, I water you. Put foam,
7 back up, I water. This is what history has shown if you don't
8 have all your resources there.

9 So, the chief decided to wait for Chesapeake Fire to get
10 there, and they had I think two totes of about maybe 200 gallons
11 of foam concentrate in each tote, right. And so what they would
12 do -- and that's where your inductor is is on a trailer. They
13 will take a line from there and now you're getting your foam
14 directly and it goes into a fire truck, an engine. So they are
15 pumping foam solution right out of the hose lines and not having
16 to worry about dragging an inductor near the engine room or onto
17 the vessel.

18 Q. Okay. So, that foam line that went into the vessel, was it a
19 single line that went in?

20 A. As far as I know it was single. That's all I saw was one
21 line that went on board.

22 Q. And typically in that type of firefighting operation, is
23 there someone that's in command of a line?

24 A. Correct. You'll have an engine company officer or a
25 designated engine company officer with each team.

1 Q. Do you have any idea who that was for -- when they made that
2 initial approach onboard the vessel?

3 A. For the second team I believe it was the captain on Engine 12
4 from Norfolk Fire.

5 Q. Meaning the follow-up to the recon?

6 A. Correct.

7 Q. So, does bunker gear or turnout gear, do you know if they
8 contain any kind of web cameras at this point leading up to the
9 fire?

10 A. No, not that I know, no.

11 Q. And the radio communications -- well, let's go to the unified
12 command conversations that took place and some of it was over the
13 phone with a, you know, the responsible party. Do you know if
14 there are recordings of those meetings somehow captured by
15 microphones or recorded telephone lines?

16 A. No.

17 Q. Do you know if anyone has debriefed in any way the personnel
18 that went aboard with that foam line?

19 A. Their own agencies have. That's what I've been told.

20 Q. And my final question. So, you mentioned the Bonhomme
21 Richard fire in San Diego.

22 A. Correct.

23 Q. From your position in the MIRT, have you been able to look at
24 how that went from the standpoint of either the investigation
25 report or other documentation, and incorporate -- there were some

1 -- you mentioned there were some issues with personnel being
2 endangered by the fire and they sent everybody off the vessel and
3 so forth. Have you been able to look at that fire and incorporate
4 any of those lessons learned into your operation?

5 A. Well, from a bigger perspective, we have a very good
6 relationship from Navy Regional fire, okay. So much so that we
7 have been asked, because big Navy, they've come down with some
8 pretty stringent requirements now due to the fact of the loss of
9 the attack submarine Miami up in Portsmouth, New Hampshire, to the
10 loss of that vessel in San Diego, all right, and a couple of other
11 fires that have happened where the shipyards, in particular
12 Norfolk naval shipyard, at the naval base and including Newport
13 News shipbuilding, they have to run drills now, exercises with the
14 fire that will not only include the ship's forces, but also Navy
15 Regional fire. And now they want to see the integration of the
16 professional fire departments outside of the gates of these
17 facilities to engage, right, just like San Diego would or that we
18 will to help them.

19 And they've got some pretty stringent -- for instance,
20 they're trying to find -- they want to see 200 firefighters on
21 scene, right, during these exercises. That's the boots on the
22 ground they want to see. So anyway, to make a long story short,
23 we've been assisting Navy Regional. As a matter of fact, just the
24 20th of this month, we had our command unit at the naval base for
25 an exercise aboard one of their ships, okay. We attend the

1 exercises at the shipyards, like when they -- on the attack
2 submarines or whatever submarines are on dry dock, we participate
3 in those exercises, okay. And I think Chief Janey in Navy
4 Regional, they really help rely on us to help provide the support
5 and the coordination to help them meet their mission standards to
6 help support the Navy, okay.

7 So, what we're trying to do during the command class, we have
8 a lot of Navy Regional participation in the command class, all
9 right. During the marine firefighting school now, we have at
10 least anywhere from 8 to 12 attendees every year in that course
11 from Navy Regional, all right. So, that's how we're trying to
12 help them and even us to be more -- to help them from their -- the
13 military instruction side, right, to help bolster their response
14 and to help to assist the Navy. I hope that answers.

15 Q. So, can you recall approximately when the last exercise was
16 of -- the Navy type exercise prior to June 7th and the *Spirit of*
17 *Norfolk* Fire?

18 A. It was aboard the Warner -- submarine Warner. I don't have
19 the date, but it's been within the past 6 to 8 months, okay, at
20 the naval base. And prior to that, we were aboard the submarine,
21 the Maryland, we had an exercise on that. And there's one coming
22 up either in November or December for the one in Newport News
23 shipbuilder. We'll be part of that.

24 Q. Thank you, sir.

25 MR. FAWCETT: I'll now turn it over to party-in-interest, Mr.

1 Abel.

2 MR. KARR: How about the --

3 (Crosstalk)

4 MR. FAWCETT: Oh, I'm sorry, pardon me.

5 MR. KARR: That's right, it did.

6 BY MR. KARR:

7 Q. I'm Mike Karr with the NTSB.

8 A. Okay.

9 Q. Who asked you to talk to the boats?

10 A. The incident commander from Norfolk.

11 Q. All right. You described the flash over -- I know you
12 weren't there, but did anyone tell you what that was when --

13 A. All I was told, because I'll be honest with you, when I heard
14 mayday I said -- you know, I thought what is going on, right. I
15 just didn't -- because what I was seeing initially, no smoke,
16 nothing, no listing of the vessel, and they should have been just
17 right there on the main deck where the hatch was, right. I said
18 what's the reason for the mayday, but you never question a mayday,
19 all right. What I was told by them was they -- when they opened
20 up the door, they were hit with like a 4-foot wall of water and it
21 flashed on them. That's all I was told.

22 Q. And a flash --

23 A. It flashed on them.

24 Q. Did they describe what the, you know, could you describe what
25 the flash?

1 A. No, I can't. That's all they said. So from me, my
2 experience in the fire service, I would consider that was flame
3 and smoke over the top of their head, you know, a quick reaction
4 of that, right.

5 Q. And did you recommend the recon?

6 A. Yes.

7 Q. And who did you make that recommendation?

8 A. To the incident commanders.

9 Q. And which -- to the incident commanders?

10 A. The two gentlemen standing right there. I said hey, guys,
11 right -- hey, guys, we need to get a recon. We need to check our
12 boundaries, we need to find that hatch. That was before -- and I
13 need -- and I'm sorry -- and we need that fire control plan.

14 Q. And then how did they -- I mean, you talked to two people,
15 two incident commanders. So, how did they react, did --

16 A. They said okay, we'll get it done, right. So, then I
17 transitioned over to the dock. Then they -- however they issued
18 those orders or however they worked together to develop, number
19 one, getting that ladder over to the vessel, right, as the gangway
20 for lack -- or the brow. And then however they made their
21 assignments, to whoever the host teams were or the companies,
22 that's what they did, right. And so --

23 Q. So you were talking -- help me understand any human
24 observations you may have witnessed. How were they working
25 together? Did -- I mean, did you direct it to both of them, did

1 you direct it to one of them? How did they interact personally?

2 A. What, the two incident commanders?

3 Q. Yes.

4 A. I mean, they seem to be okay, right, if that makes sense.

5 There was no fighting or no I'm not doing that, we should do it
6 like that. I did not see or hear any of that, okay. And you have
7 to understand if there's one thing that I'm going to say what Bill
8 Burket needs to do next time, is I need to keep my backside at
9 that command post or behind standing, you know what I mean.
10 Because again, I'm not part of their system in making decisions,
11 right. But if I could see something that's starting to boil to
12 the surface, maybe I can make a recommendation to help steer it
13 another way. But based on me keeping an eye on what's going on on
14 the vessel to come back to give them recommendations, it kind of
15 took me out of that.

16 So, from that perspective, I didn't see any discontent
17 between the two, right, but I don't know how they came to the
18 conclusion on how they were going to put their engine companies
19 together and have them deployed.

20 Q. Were there -- were you aware of -- did you participate in any
21 discussions about -- any thoughts on how it could be dewatered,
22 and I'm talking about the, you know, prior to 1600 on day one?

23 A. What we discussed about dewatering is, number one, from my
24 knowledge of the vessel, really the only way to dewater it is to
25 get to the engine room or through the hatch that went to the

1 engine room, right. I will say that there's -- from what I
2 remember, after the engine room there's another void space and
3 then I think after that there's the steering -- the lazarette for
4 the steering, okay. My thought was -- and now this was maybe
5 after 1600 when she's really starting to squat at the stern -- I
6 said maybe -- I even mentioned to the salvors, hey, have we
7 thought about maybe opening up a hole here, right, to get a line
8 into that space there. But -- and it sounds like they were
9 correct, because no water had flooded that space, if that makes
10 sense. That was still intact. So that's really the only
11 discussions I had about dewatering, other than knowing until we
12 get a hose either through that watertight door or through that
13 hatch, we weren't getting to the engine room.

14 Q. Any thoughts about sticking a hose down the vents?

15 A. No, and I don't know if one would have fit, to be honest with
16 you. I don't know. I don't know what the diameter of those
17 ventilations were, the -- what the vent structure looked like. I
18 don't -- water was able to get there, so -- but we did not discuss
19 trying to get a hose through the vents.

20 Q. And back to human relations issues. So, at that 6:00 meeting
21 with Captain Stevens or at the meeting where Captain Stevens said
22 who's in charge, how did the incident commanders react to --

23 A. Well, you still have both departments inside of the command
24 post, right. I would not -- you know, you still had Chief Brooks
25 and Norfolk Fire, and then you have Chief Janey or maybe it was

1 Tony, his deputy. I can't -- but Navy Regional was in there,
2 right. And in my opinion, that still was not -- you know, it was
3 not said hey, this is Navy Regional's call, right. And that
4 really -- you really knew that it had been decided once Norfolk
5 Fire was demode, okay, and you had Navy Regional left there.

6 Q. When -- you know, details. When Captain Stevens said okay,
7 who's, you know, something like who's in charge here, did two
8 people speak up or --

9 A. No, he didn't. No, two people did not speak up. I mean, it
10 was odd. I'm just saying it was odd, okay. I know who should
11 have spoke up, but they didn't, let me put it that way.

12 Q. All right. That's all the questions for now, thanks.

13 A. All right.

14 MR. FAWCETT: Thank you, sir. So, Mr. Abel, are you
15 interested?

16 MR. FLAHERTY: Yes, this is David Flaherty on the phone if I
17 can be included as part of the questioning, too, please.

18 MR. FAWCETT: Yes, sir. Go ahead, Mr. Flaherty.

19 MR. FLAHERTY: Oh, okay, great.

20 BY MR. FLAHERTY:

21 Q. Sir, I appreciate you coming down here. Could you explain
22 what foam does to a fire?

23 A. Well, it depends on which type of foam you're using. Some of
24 it's high expansion, right, where, you know, it kind of like fills
25 the void or the space, right. You also have other that's a class

1 A foam that's really designed to deal with ordinary combustibles,
2 such as wood, furniture and those type of things. And what class
3 A foam does is almost what they call like a slick water. It
4 basically reduces the friction -- the surface friction of water
5 and allows it to penetrate quicker into whatever you're trying to
6 put out. It's very effective on like a lot of bulk stuff, like
7 you could -- some type of fabrics or we've used it for like big
8 debris fires and those type of things where you really want that
9 water to be absorbed and saturated.

10 Class B foam was means -- I mean, class B is mainly for
11 flammable liquids and class. All right. And it's designed to
12 provide a coating over the surface. It really doesn't cool it.
13 It helps, separates that barrier, reduce the oxygen, all right,
14 because in most cases, in particular a main engine room fire,
15 something like that, you really need to cool the space before you
16 introduce the foam if you don't want to have that problem where --
17 because literally the fire could be so hot it will evaporate the
18 foam even before it reaches the surface. So, I kind of hope that
19 helps -- and then once the foam is all on the surface, it kind of
20 provides that blanket, that layer protection that really helps
21 suppresses vapors and prevent a reflash.

22 Q. At the time, which foam was going to be applied to the
23 vessel?

24 A. It was a class B.

25 Q. And for a class B foam to be successful, is there an

1 advantage point or its infusion that the applicator has to be in
2 in order to be effective at smothering or covering the area?

3 A. Well, it depends. Yes, I mean, if you're using a hose line,
4 there are some foams that require a certain type of nozzle, right.
5 It could be a fog nozz (ph.), it could be a lob tube (ph.). It
6 depends on what type of foam concentrate you're trying to use.
7 But I'll be honest with you. Our thought was stretching a two and
8 a half inch hose line to have what you call a cellar nozzle on,
9 okay. A cellar nozzle is a device that attaches to the end of the
10 hose and when the water is being discharged through these multiple
11 holes that are around the cylinder, it spins, okay, almost like a
12 lawn sprinkler does but it's inverted, right.

13 And in this case, if we were able to get that hose line or
14 that cellar nozzle in that hatch -- through that hatch and allowed
15 that to spin, there's a very good chance that that foam stream
16 would have struck the sides of the bulkhead of that engine room
17 and a lot of machinery, then it allows that foam to run off that
18 deflection. Because especially in an engine room, if the fire's
19 in the bilges, you got to get the foam to the bilges, and if you
20 have a lot of deck plates --

21 Q. Right.

22 A. -- in place around the engine, you've got to strike the
23 bulkheads or underneath the main engines to allow that foam to get
24 into the bilges, if that makes sense to you.

25 Q. All right. So, was that the plan to use that type of

1 applicator to put the foam --

2 A. Yes.

3 Q. -- into the *Spirit* of -- all right. So, for that applicator
4 to be used, you have to be at a high vantage point. Correct?

5 A. Correct.

6 Q. So, the escape hatch from the engine room, that would have
7 provided a better advantage point than the access hatch on the
8 deck below?

9 A. Right. So to help, when I say hatch I'm referring to the
10 escape hatch that was through the main deck on the starboard side
11 of the *Spirit of Norfolk* just inside the door, about 30 feet up on
12 the starboard. The watertight door was the entrance into the
13 engine room at the level of the galley, okay.

14 So the plan -- what my recommendation was then to go to the
15 hatch and drop the line just through that hatch to let that cellar
16 nozzle work. Now, don't get me wrong. Since that was at the high
17 point of the engine room, when we open that hatch, could we have
18 gotten the super-heated smoke and gases immediately into you? The
19 answer is yes, we could have, but the engine room vents were
20 already wide open. The fire was already, you know, free burning
21 directly out to the outside anyway. So, that was a little -- I
22 mean, that was of concern, but not -- it wasn't a huge concern, if
23 that makes sense.

24 Q. So -- just so I could summarize, your recommendation was to
25 use the -- I hope I'm saying it right -- the cellar applicator for

1 the foam and to approach the fire from the emergency escape hatch
2 on the main deck?

3 A. That's correct.

4 Q. Do you know if that was the actual direction that was
5 provided to the fire team?

6 A. I did not hear the commands from the incident commander. I
7 did not hear the brief from the incident command to the hose
8 teams, okay, the team that went aboard, all right. And the only
9 thing I could say is I'm still confused -- or I'm not confused --
10 I mean, what's another word? Somehow a mistake was made and those
11 -- that team went to that watertight door and not the hatch.
12 That's the -- I don't know how else to describe it. I don't, you
13 know.

14 And again the incident command said they told the teams what
15 to do was go through the hatch, but, you know, I don't know what
16 the hose teams were -- excuse me -- what they were saying after
17 the brief. You know, I cannot confirm for what the hose teams on
18 what they were told, if that makes sense. I don't know, okay.

19 Q. Okay. So, you weren't there at the brief. Who did you --
20 you showed someone the plans. Correct?

21 A. I did. I showed both of those teams that fire control plan,
22 okay. Now, hey, let me just -- now I hope I'm not setting myself
23 up for failure on this one -- what --

24 (Crosstalk)

25 A. What technically happens when you have a big fire like this,

1 all right, and these incident commanders initially -- one is a
2 battalion chief and the other's an assistant chief. Well, before
3 you know it, and I've been there because I was acting battalion
4 chief for almost two years, and at these big fires, you sort of
5 turn around and you look behind you. And your fire chief and
6 everybody in between the fire chief and you are standing there
7 looking over your shoulder, okay.

8 Q. Right.

9 A. They are. And unfortunately, and it did happen in this case,
10 sometimes commands were given that I observed that the incident
11 commander may not have been aware of, right, because he had his
12 leadership standing over, hey maybe we should be doing this. So,
13 that just didn't happen here. That's a very common occurrence in
14 the fire service, okay, just FYI.

15 So, no, I did not hear what they said to the hose teams or
16 team.

17 Q. Did the fire plans, from what you recall, did they have all
18 the -- was it one piece of paper containing all the levels of the
19 ship?

20 A. No, I think it was a multiple-page document, because I
21 remember -- yes, I had to lift up one page because to be able to
22 see the main deck and then the space, the deck below that showed
23 the engine room and those type of things. Because -- I'm almost
24 sure, you know, because I had to unroll the document, right, so it
25 could have been multiples pages or, heck, it could have been one.

1 But I immediately got to the area that I was looking for. I said
2 hey, okay, I said all right here's your hatch and here's -- I
3 think I mentioned, hey, this is the watertight door, but we want
4 to go through the hatch, all right. So, anyway.

5 Q. All right. So, the guys who entered, you didn't brief them
6 directly. They were briefed on the location by the battalion
7 chief?

8 A. It either could have been the commander but there also could
9 have been -- I think they had another chief or somebody was
10 accountability or somewhere near the vessel that was maybe what
11 you would call an ops or fire tact? And I'm not 100 percent sure
12 about that, but I don't know who briefed it, but it was not me
13 that briefed.

14 Q. Okay. Well, I guess, if you don't mind I'll ask it this way.
15 What are some of the lessons learned that you would communicate in
16 your course if you were to use this as an example of a
17 firefighting incident?

18 A. Okay, lessons learned. One is that single IC needs to be
19 well-communicated -- well-identified and well-communicated to all
20 the folks on scene, okay.

21 Q. Um-hum.

22 A. And by the way, I hope -- there will be lessons learned and
23 there will be things taught about this incident. There's no doubt
24 about it, okay. These are very capable young men and women who
25 are doing the best -- I mean, we had so much equipment on the dock

1 you could hardly even move. All right. So, our abilities to give
2 firemen and equipment and everything there is -- that wasn't a
3 problem, all right. There was that -- like we've already talked
4 about -- having that one IC, okay.

5 Then the other could have certainly supported that IC and
6 they did support, other than who was the IC, right. So, it's
7 going to be identified. Also everybody needs to understand the
8 complexity that a marine incident brings to the command and
9 control perspective, all right. From where the vessels out here
10 in stream and transitions from Norfolk city limits, now it becomes
11 a Navy Regional issue. It easily could become a --

12 Q. Right.

13 A. -- City of Hampton or Portsmouth, all right. And here's the
14 other thing. If you've already started a firefighting strategy
15 and tactics on that vessel at stream and you go to another
16 jurisdiction, I've never experienced that before but we're going
17 to have to figure out and talk through to transition. Maybe it
18 stays with that IC, right, unless you do it. But then you're in
19 somebody else's jurisdiction so you've got to be -- and by the
20 way, please, this area boundaries are almost non-existent when it
21 comes to cooperation, coordination and supply and support, you
22 know, and that type of stuff. So, that's really not an issue
23 here, okay.

24 But the other thing is I think it's very important that folks
25 understand the Coast Guard's role in this, all right, and it's a

1 very important role as the captain of the port, and we do stress
2 this in our command classes. As it actually happened on the
3 *Spirit*, say you know what, chief, yes you may be the one in charge
4 of the firefighting, right, strategy and tactics. But guess what
5 buddy, or young lady, be aware that you may be told no, all right,
6 because there could be whatever you're -- let's suppose you, for
7 example here, you want to move the vessel from point A to point B.
8 But for whatever reason, due to the safety of the port and
9 environmental perspective and that decision may be struck down,
10 all right. I'm just using that as an example. But --

11 Q. Right.

12 A. So those types of things. So, in my opinion, it's the
13 command and control making sure the folks really understand. And
14 here's the other thing. The question's already been asked. Have
15 these folks there, have they attended the training before? Right.
16 Over 30 years, if you figured that we've trained 100 people --
17 what's that, 30 years, about 3,000 maybe, 15 -- whatever it is,
18 all right. Of those 1,500, half of those have been an actual
19 fireman here in the area. And that's over 30 years. And so that
20 transition rate of in and out of the fire department or from
21 special ops or wherever else you want to go, so it's an ongoing
22 battle.

23 And for the most part, the folks that have been attending
24 this training have been the folks assigned to the fire boats. But
25 guess what? When you show up in your fire boat, typically you're

1 not the one that comes off the fire boat to fight the fire. It's
2 just folks from the engine companies --

3 Q. Yes.

4 A. -- and the ladders. So, I've already had several fire
5 departments come up to me and says, Bill, are we sending the right
6 people? No. We need the broadness aspect. Are they sending the
7 right people to the command class? In most cases they are, but
8 you know, we've only done two. So -- and by the way, we try to
9 limit that class and over half the class comes from out of the
10 Commonwealth. They're coming from Jacksonville, they're coming
11 from -- when I say Navy Regional, they're the bases all up and
12 down the East Coast.

13 So, people are hungry for this information. Just that we're
14 trying to do our best to get it out to them, all right. And the
15 other thing that I will strive to ask these folks to do, and again
16 in most cases it happens, when you need to be willing to allow
17 folks outside your organization to come in and help you, okay,
18 take that help when it's being offered, right, and in most cases
19 they do, all right. But in this case, it seemed to be -- I seem
20 to get a little bit of pushback on that, okay, just a little.
21 Hey, I got it, I got it, right. We got enough environmental --
22 okay, I got it. I mean, I literally could have shown up with
23 engine companies or trained marine fire fighters shown up to help
24 and do overhaul, whatever else they needed to do. But, you know,
25 and they did have enough staff, okay.

1 But those are some other things that we will definitely be
2 revisiting the working for.

3 Q. All right. I appreciate that. I have no further questions,
4 thank you.

5 MR. FAWCETT: Thank you, sir. Mr. Abel.

6 MR. ABEL: Third time, I'm ready now.

7 BY MR. ABEL:

8 Q. The emergency hatch you were talking about, the escape hatch
9 out of the engine room, you described kind of in passing pretty
10 quickly exactly where it was. I realize you got drawings of the
11 vessel. Can you just once again describe, generally, where was
12 that hatch located?

13 A. On the *Spirit of Norfolk*, she had an after door, okay, on the
14 stern. If you walk through that door and headed forward, all
15 right, there's a set of bathrooms right there in that starboard --
16 aft corner, quarter right there. As soon as you pass those, right
17 there on the starboard side, very close to a window or near the
18 window in that area, about I would say 30 feet up, that's when
19 you're going to come encounter the hatch.

20 Q. Okay. And that hatch is in the overhead from the engine
21 space to kind of an out?

22 A. Right.

23 Q. Okay.

24 A. That's why I -- now I'll be honest with you. How that hatch
25 looked from down below, I don't recall. But, you know, most of

1 them are near a bulkhead, you know, with the ladder access to get
2 you --

3 Q. Right.

4 A. -- out.

5 Q. Earlier you described that once she was alongside the dock at
6 the naval base in Pier 4, you had drafts being taken by the boats
7 that were able to -- we see it from the waterside and that she
8 seemed to be settling (indiscernible) pretty quickly. She, you
9 know --

10 (Crosstalk)

11 A. She was squatted at the stern, because remember we had two
12 master streams flowing. And let's just say each stream has the
13 capability of flowing up to 1,000 gallons a minute. Now again,
14 not all that water was going in there because it was hitting the
15 louvers and running down the side of the hull, right. So --

16 Q. So, on that occasion -- so this is before you put the
17 (indiscernible) border or any of this -- while you're in the
18 initial phases and you're seeing a squat like that, was she
19 squatting on an even keel?

20 A. Yes.

21 Q. Okay.

22 A. She was squatting pretty even.

23 Q. Okay.

24 A. I mean, she might have been, you know, favoring a little bit
25 to port, but for the most part, both port and starboard, yes.

1 Q. Okay. And then I believe you said when the -- kind of about
2 the time the mayday got called, she took a pretty substantial port
3 list.

4 A. Yes.

5 Q. I realize it's an estimate. Are we talking 5 degrees, 10
6 degrees?

7 A. I would say five.

8 Q. Five-degree port list? Okay. And just to confirm what I
9 think you said before, the mission of the recon team was to
10 retrieve the fire control plan, locate the hatch that we talked
11 about, the escape hatch, and to check the boundaries of the fire.
12 Was that correct?

13 A. Yes, and we weren't -- because I would say, you know, of
14 course the side has a compartment of six sides, stop bottle,
15 whatever. And don't get me wrong. I could stay on the dock and
16 look through the main deck and see there was no smoke up there.
17 So, I had a pretty good high level of confidence that the fire was
18 still in the engine room.

19 Q. Right.

20 A. Right. Now, I don't know what that deck above looked like,
21 even though I haven't seen the active fire coming off the upper
22 deck -- I mean, on the main deck that was above the engine room,
23 right. And so that's what we were asked to do.

24 Q. And the recon team that had that mission, were there any, I
25 guess, limits as far as I don't want you to access this space or

1 that space. It clearly went into the interior of the vessel,
2 right?

3 A. What I communicated to command, just very similar like I did
4 with the second hose, I said hey, you need to get the fire control
5 plan, check the boundaries and make sure that they can get to that
6 hatch.

7 Q. Okay.

8 A. That's all I said. What they did beyond that, I don't know
9 or what they were told.

10 Q. And then the second team that actually ended up calling the
11 mayday -- I just want to make sure I understand this correctly --
12 they were the ones carrying a single foam line in with them? The
13 plan was they were going to attack it --

14 A. Right.

15 Q. -- through the hatch is what you had in mind with the foam
16 line?

17 A. Right.

18 Q. Okay.

19 A. But they went to -- somehow, they went to the watertight
20 door.

21 Q. Okay.

22 A. I don't know how.

23 Q. I don't have any further questions. Thank you.

24 MR. FAWCETT: Thank you, sir. Counsel for Captain Nadeau?

25 MR. WARNER: No questions, thank you for your time.

1 MR. FAWCETT: Thank you. Mr. Denley for Hornblower?

2 MR. DENLEY: Yes, I do have a few questions, thanks.

3 BY MR. DENLEY:

4 Q. Very nice to meet you and appreciate all the work that the
5 MIRT does and working with the *Spirit of Norfolk* here in port.
6 So, the Hampton Roads maritime fire fighting contingency plan, are
7 like communities that responded, the units, the Navy, Norfolk --
8 I'm sorry, Navy Regional and Norfolk, are they a party to this
9 document? Are they --

10 A. Their resources are listed in there, as much as you can list
11 resources. You know, they change by the minute, right. But I'm
12 going to honest with you. That document is like most of the other
13 plans that sit on shelves. Unless you talk about it or somehow
14 bring them out and wave them in front of somebody -- anyway, I
15 don't know what else to --

16 Q. Yes.

17 A. -- you know.

18 Q. Do they -- so, I mean, do those responding fire units, they
19 have a copy of it or they're at least -- do they train with it
20 or --

21 A. Well they -- we train with it when we are doing our exercises
22 in the marine firefighting school. As a matter of fact, everybody
23 that attends that command school gets a copy of that document,
24 like you see right there. And it was updated, what, October 2020
25 and it's not -- one thing it doesn't have -- or the maps, the GIS

1 maps that show city boundaries in the waterways, okay. But that
2 will be updated for this class coming up in October.

3 Q. So, you indicated that when the *Spirit of Norfolk* was being
4 brought in --

5 A. Yes.

6 Q. -- to Pier 4, I believe you said, you know, initially there
7 really wasn't a whole lot of smoke.

8 A. No.

9 Q. And then all of a sudden, you know, you start seeing more
10 smoke, you start to see fire.

11 A. Yes.

12 Q. And then they started applying water --

13 A. Right.

14 Q. -- to the -- can you say by the time this recon team went in
15 and by the time the access team went in to put the foam, what
16 would you say the status of the fire was or at least what could
17 you observe --

18 A. All that I could really observe was smoke --

19 Q. Okay.

20 A. -- heavy smoke.

21 Q. Okay.

22 A. Okay. I can't remember if I recall any actual flame that I
23 saw at that point, but I could -- I will say I would, you know, if
24 something was still burning in there, but it was contained -- it
25 was still contained to the engine room.

1 Q. Okay. Was there less smoke, more smoke as the afternoon kind
2 of went on towards this recon?

3 A. No, I mean, what happened was the smoke stayed the same, all
4 right, throughout the recon and even during the second team that
5 went on. Then after their mayday and we got them out of there,
6 right, they flowed a little bit more water and all of a sudden
7 smoke stopped, okay, and it stayed that way. That's why for a
8 minute I'm thinking, hey, you know, hopefully whatever water they
9 had flowed in there, right, they had put it out. But then we got
10 something like we had a reflash and away it went.

11 Q. Before the recon, did you ever say or was there any
12 discussion about filling the engine room up with water?

13 A. There was -- someone made a comment where they felt like that
14 we could fill the engine room up and not sink it, right, but we
15 never got there, if that makes sense to you.

16 Q. Okay.

17 A. Yes.

18 Q. Did -- was that Captain Stockwell? Do you recall?

19 A. It was somebody from the Coast Guard. I don't know if it was
20 Captain Stockwell directly or not.

21 Q. In her previous testimony, she said that they had done the
22 SIRC calculations --

23 A. Okay.

24 Q. -- that they could completely fill the engine room and there
25 would not be stability concerns.

1 A. Okay.

2 Q. So, you say you heard. Was that communicated to the
3 firefighters, to the two ICs?

4 A. I don't know. I did not communicate that to them.

5 Q. And was it ever discussed that that was a potential fire
6 tactic since you could fill -- since the Coast Guard knew and
7 presumably the incident command knew that you could fill the
8 engine room up.

9 A. From my perception or take on it, it was like, okay, you know
10 what, we could fill this thing up and not sink it, right. That
11 was our last resort.

12 Q. Um-hum.

13 A. But the foam line was the major tactic if that made sense.

14 Q. Yes.

15 A. That was the major goal, trying to get in there and get to
16 it.

17 Q. Got it.

18 A. Yes.

19 Q. So, at the time that the recon team went in and then the
20 access team went in to try to put the foam line in, was the engine
21 room totally full of water?

22 A. I would say it was totally full of water.

23 Q. About four feet maybe?

24 A. Well, according to the folks, between the recon team and that
25 team, they said when they opened up the door, they had four feet

1 of water.

2 Q. And so based on that estimate, less than half of the engine
3 room was -- had been filled at that point in time?

4 A. That's what I would assume that would be the case, yes.

5 Q. And so from a stability perspective, you've got less than
6 half the water, you know, at least in theory. Granted things
7 change when water spreads to different compartments, but at least
8 in theory, there's half the water that you could conceivably put
9 on that boat contained in the engine room had been dispersed.

10 A. Well, but I didn't know, like with most bilges, were there
11 any openings that would allow that water to move forward or aft.
12 Does that make sense?

13 Q. Yes.

14 A. All right. Because like -- what is underneath the decks are
15 the galley, right. Because here's the other thing. When she
16 listed to port as quickly as she did, within a half an hour or 45
17 minutes, she leveled back off, okay.

18 Q. So --

19 A. So that tells me something, the water's going somewhere other
20 than the engine room.

21 Q. So, at 1600, about, she had leveled back out?

22 A. Correct.

23 Q. Okay. And at that point, you weren't putting any more
24 firefighting water on it.

25 A. That's correct.

1 Q. And you weren't putting any more people on it?

2 A. That's correct.

3 Q. But it had leveled out?

4 A. Well, what I mean is to list to port and leveled out. She
5 was still squatting --

6 (Crosstalk)

7 Q. Understood. I guess as you -- you know, you've been very
8 kind to spend so much time and talk about hotwash. Based on the
9 plan and based on your knowledge of who the IC should have been,
10 do you --

11 (Crosstalk)

12 A. They got a Navy vessel burning in Jacksonville right now and
13 they're calling for help.

14 Q. Oh, wow.

15 A. So, I mean --

16 Q. Does that mean --

17 A. Not me. But I'll tell you here, I might need to take two
18 minutes. I'm just supposed to -- expecting a call from FEMA at
19 1500, but I can bump them off another half an hour.

20 Q. Okay.

21 A. Do you think we'll be done in half an hour?

22 Q. Probably.

23 BY MR. FAWCETT:

24 Q. Just real generally, how much more involvement did you have
25 with a fire event after the 7th?

1 A. That was -- I would come and make sure the command unit was
2 up and running. Like, it would be like an hour each day.

3 Q. Okay.

4 MR. FAWCETT: We'll hold there. The time is --

5 MR. DENLEY: Is it all right -- I have some more questions.

6 MR. FAWCETT: No, I know, but --

7 MR. DENLEY: Okay.

8 MR. FAWCETT: -- we'll take a break, so --

9 MR. DENLEY: Oh, good, yes.

10 (Crosstalk)

11 MR. BURKET: Let me -- but do you think I'll be done by 1530?

12 MR. FAWCETT: Yes. If not we'll have to do --

13 MR. BURKET: No, I hope you --

14 (Crosstalk)

15 MR. DENLEY: I'll be done by 1530.

16 MR. BURKET: All right, that's all -- yes.

17 COMMANDER ROY: Okay, two short questions.

18 MR. FAWCETT: Okay. So, the time is, you know 1458 and we'll
19 take a recess in place for -- recorders are going to stay on and
20 just be cognizant of that, everyone. And we'll resume when Mr.
21 Burket completes what he's doing.

22 COMMANDER ROY: Pausing recorder.

23 (Off the record)

24 (On the record)

25 MR. FAWCETT: Eastern time, and we've let the recorders run,

1 but we're resuming the testimony of Mr. Burket with MIRT. Mr.
2 Denley.

3 MR. DENLEY: Thank you, I appreciate it.

4 MR. FAWCETT: No worries.

5 BY MR. DENLEY:

6 Q. You started off by saying -- I wrote it down, it's a good
7 quote -- you said in the world of firefighting, the IC is the IC.
8 And then you went on to describe some things that you admit were
9 weird, odd, different --

10 A. Yes.

11 Q. -- about this particular situation. Did you feel like it was
12 the role of the MIRT to sort of establish the IC in accordance
13 with the plan as part of this operation?

14 A. Maybe I could have been a little bit more assertive.

15 Q. Sure.

16 A. But the answer is -- well, you know, for the most part, you
17 know, they do let me participate, to be part of the stuff that's
18 going on, but no, officially, it's not my role.

19 Q. Sure.

20 A. Okay.

21 Q. Now this plan exists under the Coast Guard's area contingency
22 plan. Is that correct?

23 A. Yes, it's an annex of that.

24 Q. And so, for example, if another agency were to show up and
25 they're a party to this plan, do you feel like it's kind of their

1 role to say or role to sort of -- if there's confusion about the
2 IC, to sort of have clear -- to clearly establish the IC?

3 A. Well, I can tell you, best case world where -- if -- how can
4 I put this? If other agencies were to show up, that probably
5 would have been where the IC, whoever it was, turn to me and says
6 Bill, we need MIRT help here, right. We need -- so that's when I
7 would reach out -- Tracy and I, we'd start to organize that
8 response from other folks, right, kind of a coordinated effort and
9 work with that and also take into consideration operational
10 periods, right, who's showing up, where, when and how, okay. And
11 then -- but they would still be underneath the direction of that
12 incident commander, because it's his or hers --

13 Q. Right.

14 A. -- thing. And just like with the Coast Guard, the Coast
15 Guard is not in the firefighting business. We understand that.
16 The Coast Guard looks to that incident commander. And I'll tell
17 you, one thing that I learned that -- what I saw from this, in my
18 opinion, even though I truly believe they were kind of working in
19 a unified fashion, those two were, right, or those two agencies.
20 But that unified, you know, fashion in my opinion is meant to be
21 in that official unified command, all right. If that's Navy
22 Regional fire, Navy Regional should be taking the lead, saying all
23 right, this is what we're going to do. And if I was the Norfolk
24 Fire battalion chief, I'll look and said chief, this is yours,
25 what help do you need from us, right.

1 Q. Yes. You said that when the access team -- well, I'm sorry
2 -- when the access team went on, there were two people from Navy
3 Regional and two people from Norfolk Fire.

4 A. Correct.

5 Q. Do you think that's because you have these two ICs that were
6 working together?

7 A. It could very well be. I don't know how else to explain it.
8 That very well could have been.

9 Q. You said that the access team was made up of three of the
10 people that were on the --

11 A. First group --

12 Q. Yes --

13 A. -- the recon.

14 Q. The recon. All right, thank you. So, the three of the four
15 people were on the recon group. So, do you know who the fourth
16 person was?

17 A. No, I do not. I don't know what agency was to relieve the
18 other for that fourth person, if that makes sense.

19 Q. Do you know if that fourth person was the one that opened the
20 door?

21 A. I do not know that.

22 Q. Do you know who opened the door?

23 A. I do not know who opened the door.

24 Q. Do you know from what agency the person came from that opened
25 the door?

1 A. No, I do not know. I don't.

2 Q. Okay.

3 A. I wish I did, but I don't.

4 Q. When Captain Stevens arrived on scene and kind of circled the
5 wagons, was Captain Ryan Nadeau brought in as the vessel master?

6 A. I don't know if Ryan was brought in or -- he might have been.
7 I don't know.

8 Q. Was Captain Nadeau -- was he brought in and sort of consulted
9 as the master of the vessel when the plans to do the recon and the
10 access with the foam hose, was he brought in?

11 A. Well, he and I -- and again, that wasn't inside the PAC unit.
12 That's still on the pier, right, that's kind of behind the command
13 units, right. And I think I might have had a quick conversation
14 to say hey, this is what we're thinking, right, or this is what
15 we're going to try to do, that type of thing, you know. That was
16 me to him and --

17 Q. Did the ICs reach out to him?

18 A. I don't know. I mean, Ryan was in the vicinity, so hopefully
19 that they did. I don't know that for 100 percent.

20 Q. You mentioned that for about an hour and a half after the
21 recon and the access event and the mayday --

22 A. Yes.

23 Q. -- you said about 30 minutes after that the vessel
24 stabilized. She settled back over --

25 A. Right, she leveled out.

1 Q. She leveled and there wasn't that excessive list. And then
2 you said for, you know, another hour, I guess, there was no
3 smoke --

4 A. No.

5 Q. -- no fire. Was there any discussion of firefighting efforts
6 during this hour and a half period of time when the vessel had
7 stabilized and you were getting cool temperature readings and the
8 smoke had started to diminish. And was there any talk of trying
9 to put a blanket of foam down at that point in time?

10 A. No, because the reason why we -- they were still operating
11 under the direction nobody goes on board, no water goes on the
12 inside, which includes foam, of course as foam is water, right.
13 And we need to really find out what the stability calculations
14 are, okay, right before they let anybody back on board. And not
15 knowing the stability status, it's what drove the fact that
16 nobody's going back on board.

17 Q. Going a little bit back on that, but you knew -- the Coast
18 Guard had told you that you can flood 100 percent of the engine
19 space.

20 A. And it would not sink.

21 Q. And it would not sink.

22 A. Right.

23 Q. And you knew that you did not have -- you had a lot less than
24 100 percent of the engine room space flooded at that point in
25 time.

1 A. That's true. They had the four feet of water they said that
2 they had. Agree, yes.

3 Q. Okay. And then you also made the comment that Captain
4 Stockwell made the call that there was not going to be any
5 additional firefighting. This was kind of a little bit later
6 when, I think they were having some additional discussions a
7 little bit later, like, there's -- I think it started to smoke
8 again, you said that there started to have some additional
9 evidence that the fire wasn't out, that, you know, they were
10 getting some reflash. And you said at some point in that point in
11 time there were some additional discussions about potential
12 firefighting measures that could be --

13 A. Yes, to get another team on there.

14 Q. Yes.

15 A. But she stopped it because we didn't have an answer on the
16 stability issue.

17 Q. Okay. Was she the right person to make the call per the
18 plan, the marine firefighting plan, on that firefighting tactic?

19 A. From that perspective, I would say she's -- yes, okay. From
20 being -- representing the captain of the port and from the time
21 that that whole unified decision was made, even though it was
22 before Captain Stevens got there, right, she was there on his
23 behalf, right. And her making that -- because from the stability
24 perspective and the safety perspective, in my opinion the answer
25 was yes. Maybe somebody didn't agree with it, but hey, again it

1 is what it is.

2 Q. Yes. You commented about the mistake, you don't know why the
3 door was opened. But given what you knew about the tactical
4 situation, that water was being put into the engine room space and
5 the recon didn't happen, was there any tactical firefighting
6 reason to open the quick-acting watertight door between the engine
7 room and the galley on the *Spirit of Norfolk*?

8 A. The tactic was to keep it closed.

9 Q. Okay.

10 A. All right. But that was the mistake. They went to that
11 door.

12 Q. But -- right, but given the situation, was there any tactical
13 reason to, like, to open that door? I understand that wasn't the
14 direction that was given, but given the situation, was there any
15 reason to open that door based on the way the fire had been fought
16 up to that point and based on the fact that the fire was contained
17 in the engine room?

18 A. Well, let me just tell you this. If I was asked to check --
19 I mean, based on the -- hey we're going to go through the hatch,
20 right. We're going to go through the hatch and knowing that the
21 only other way in that engine room was through that watertight
22 door -- the quick-action watertight door. Correct? And knowing
23 that that is a secured boundary right now that if we were going to
24 compromise the boundary, it would be through that watertight door,
25 right.

1 Then my whole thought was -- and this is Bill Burket thinking
2 why -- I said hey, I made the recommendation, let's go through the
3 hatch with the foam line. Because what it would do is give us
4 time to get a good foam blanket in there, maybe even get some
5 observation from that hatch to confirm -- an imager down there, to
6 allow us the opportunity then to go safely through that quick-
7 action watertight door to get into the engine room.

8 Because eventually that's where we got to get not only to
9 make sure the fire's out, but also to properly dewater that thing,
10 you need to get in there to get those suction hoses to certain
11 parts of that bilge or wherever the water may be contained. I
12 mean, don't get me wrong --

13 Q. Okay. That would have been after the fire, right?

14 A. Yes, that's after we had a good knockdown and we were sure
15 that the fire was out, then we would want to go -- that was the
16 plan. But then there's sometimes -- let me give you an example.
17 Suppose the vessel had a fixed system, okay, and it came
18 alongside. We're able to scan and get an idea what's going on.
19 Then that might have been the opportunity to go through that
20 watertight door, right. But --

21 Q. That's a hypothetical?

22 A. Hypothetical.

23 Q. Yes.

24 A. That's correct.

25 Q. Yes.

1 A. But I'm just saying, that was what was in my mind --

2 Q. Yes.

3 A. -- okay, when I recommended that.

4 Q. So, during that hour and a half period of time after the --
5 well again, just to go back just to be clear -- the boundaries
6 were checked by the recon team --

7 A. Right.

8 Q. -- during the recon event, not during the access event when
9 they were going to put the foam hose.

10 A. Right.

11 Q. Okay. During that hour and a half period of time after you
12 had the mayday and the vessel's kind of becoming a little bit more
13 stable, if you could stand on the pier and could you estimate how
14 many feet the access hatch, as the crow flies, away from the,
15 like, pier. Like so, I mean, we got pictures. I mean, I think
16 there's a picture of you kind of standing next to the boat on the
17 pier --

18 A. Right.

19 Q. -- right around, you know, the windows and midship.

20 A. Yes.

21 Q. So, if you were standing on the pier, about how many feet was
22 it, as the crow flies, like through one of the windows or
23 whatever --

24 A. Right.

25 Q. -- like you'd have to go through a window, but --

1 A. Right and that's what they did.

2 Q. But so, as the crow flies, if you're standing on the pier and
3 you went through one of those windows, how many feet is it to the
4 top of the emergency hatch?

5 A. From the pier to the top of the emergency hatch?

6 Q. Yes, like if you were to just think of -- you know --
7 (Crosstalk)

8 A. Let's suppose you're where the hatch is and I'm standing on
9 the dock.

10 Q. Yes.

11 A. All right. I would say that width from me to you is probably
12 that stretch from the pier to get over top of the Yokohama
13 fender --

14 Q. Um-hum.

15 A. -- to get to the width of whatever the vessel made that was
16 to the house, through the windows. So what is that?

17 Q. 15 feet.

18 A. Yes, and then -- let's say, yes, 10 to 15 feet. Then you
19 drop another, what, 4 feet from the bottom of the window to the
20 top of the hatch.

21 Q. Okay. So, 10, 15 feet --

22 (Crosstalk)

23 A. 15 to 20 feet.

24 Q. And so, during that hour and a half period of time, how many
25 firefighters were standing 15 feet away from that access hatch?

1 A. On the dock?

2 Q. Yes.

3 A. A bunch of them.

4 Q. Yes.

5 A. Yes.

6 Q. So, being -- just in terms of showing people where the access
7 hatch was, having -- like being able to clearly understand and
8 point to where the access hatch is, there was ample opportunity,
9 ample ability to kind of clearly do that?

10 A. But you'd have to get on the vessel to do that.

11 Q. Understood.

12 A. Do you know what I mean?

13 Q. Yes.

14 A. Right. Which means that the way they had access to the
15 vessel was through the second deck --

16 Q. Yes.

17 A. -- go across, had to come down a ladder, then to go forward
18 inside the house.

19 Q. Was there any discussion of breaking a window and going 15
20 feet instead of through the stern?

21 A. No, there was no discussion about that.

22 Q. Okay.

23 A. Okay. And again, the big reason, in my opinion, is once --
24 from the firefighter's perspective -- once the mayday -- that
25 mayday changed the whole complexity of that evolution.

1 Q. Understood.

2 A. I won't -- there's no other way to describe it, right? Now,
3 we're not going to hurt anybody to save the vessel from sinking or
4 to impact the environment. That's -- we didn't want it to sink,
5 right, but at the same time, we couldn't put water inside of it
6 because we couldn't get to that hatch for dewatering. So -- I
7 mean, how's -- I mean, because even in the class we teach them
8 hey, there's a point where all right, what is your risk, first
9 thing. And please don't take this, but they are assured, okay. I
10 don't know how else to put it, right.

11 So, we have to -- the incident commander has to evaluate
12 those risks in order to make those decisions. And look, man, I
13 could tell you right now, if I could have gotten on there and done
14 it myself, I would have done it. But that was a risk that I
15 wasn't willing to take, okay, because the big thing about with the
16 stability issue was she listed to port as quick as she did. Yes,
17 she might have been okay before that, but just that list and that
18 ability to possibly, for worst case scenario, to capsize, you know
19 what I mean. Even though I know that was highly unlikely, but
20 still it just wasn't worth it.

21 Now, what could have made it more worth if we had gotten the
22 stability calculations back. It did flood the engine room, right,
23 don't get me wrong. What about the other spaces, what's our
24 critical list of port or starboard? We knew this, that she was
25 sitting on the stern. I really think that if that information

1 could have been gotten in a timely fashion, maybe some other
2 decisions could have been reevaluated. And that's just the
3 problem, we didn't have that.

4 Q. Yes, sure. No, I understand. Kind of the same scenario, I
5 just want to -- there was, you know, there was ample opportunity
6 for any of the firefighters that were either doing recon or that
7 were accessing the vessel. I mean, they could stand 15 feet away
8 from the boat and see, you know, visually see where they would
9 make entry, the deck where the -- the deck that the access hatch
10 was on.

11 A. Um-hum.

12 Q. They could visually see it, they could, you know, compare it
13 with the fire control plan if they were to do that or if they
14 could --

15 A. Well, here's another thing. If we would have spun the vessel
16 around and have port side to instead of starboard side to, then we
17 would have had that port door that they board passengers in and
18 out the whole time, right, but that was outboard, okay. If that
19 would have been spun around where you had to -- you could step
20 right from that dock right inside and gone on, that's another --
21 that could have been a different option, but that just wasn't
22 presented. And we were not in a process where we could spin it
23 around or do it anything like that.

24 Q. Fair enough.

25 A. Yes.

1 Q. I don't have any further question, thank you. I really,
2 really appreciate it.

3 MR. FAWCETT: Any Coast Guard follow-ups for the June 7th
4 day. I know we're --

5 COMMANDER ROY: I got two really quick ones.

6 BY COMMANDER ROY:

7 Q. Commander Roy here. You mentioned about Engine 12, that the
8 Engine 12 captain was the senior person on the entry team. Was
9 that Norfolk Engine 12 or --

10 A. That was Norfolk Engine 12, not Navy Regional.

11 Q. Okay. And then you also mentioned about the ICs. Were the
12 ICs the senior chiefs there from their departments or were there
13 other senior people there?

14 A. No. The ICs were not the senior officers that were --

15 Q. For either department?

16 A. For either department.

17 Q. Got you, thank you.

18 MR. FAWCETT: NTSB?

19 MR. KARR: No.

20 MR. BURKET: If you read a manual word for word, the most
21 senior arrived is supposed to take command. But that really
22 doesn't happen.

23 UNIDENTIFIED SPEAKER: They don't have to.

24 MR. BURKET: They don't have to, exactly right. Yes, sir.

25 BY MR. KARR:

1 Q. Mike Karr with the NTSB. The nozzle that the team went
2 onboard with, was that -- could it only be a foam nozzle or could
3 it also be used with water?

4 A. It could be -- all right. I actually didn't see the nozzle,
5 but I'm assuming this is what they set up, it could be used for
6 water and/or foam.

7 Q. All right.

8 A. Okay.

9 Q. And we were just talking about how close, you know, being
10 able to see the hatch from the dock. During -- was it possible to
11 be on the dock and to be able to look in the area of the engine
12 room escape hatch?

13 A. No, that was obstructed because, you know, you had the
14 combing or the side of the house that came out to the bottom of
15 the windows, right. I could not physically see the hatch standing
16 on the dock, right. I just knew in the vicinity of where it was
17 based on the fire control plan, you know.

18 Q. But --

19 A. But I could not see it.

20 Q. But if I was standing on the hatch, would you have been able
21 to see me?

22 A. Oh, yes.

23 Q. Did anyone monitor -- was anyone in the part of the
24 firefighting response watch that team go on board and watch where
25 they were going in the vessel?

1 A. I don't. I'm -- I know I didn't because I was kind of busy
2 doing other things, just looking at stuff like that. So, from
3 what I understand -- and I don't know this for sure -- I would be
4 surprised if there were not somebody standing from that dock
5 either from Navy Regional or Norfolk Fire monitoring that entry
6 team.

7 Q. All right. That's all my questions.

8 A. But you have to understand, that was difficult to do, all
9 right. Because you can see them walk across ladder -- Norfolk
10 Ladder 7, get on the second deck, walk down the ladder. But once
11 they entered the house, it was difficult to see them.

12 Q. But would I have been able to see them standing on the hatch?

13 A. Oh, yes. You should -- you can look through the windows,
14 don't get me wrong, all right. Maybe I should correct myself.
15 You'd have to look through the windows, okay. But I could tell
16 you from where I was standing, I could not see them.

17 MR. FAWCETT: Mr. Flaherty?

18 MR. FLAHERTY: I have no other questions.

19 MR. FAWCETT: Thank you. Mr. Abel?

20 MR. ABEL: Nothing further.

21 MR. FAWCETT: Counsel for Captain Nadeau?

22 MR. STILLMAN: No questions.

23 MR. FAWCETT: Any follow-ups on their --

24 UNIDENTIFIED SPEAKER: No, thank you.

25 MR. FAWCETT: Go ahead, Mr. Karr.

1 BY MR. KARR:

2 Q. Mike Karr with the NTSB. Early on, was there any discussion
3 about letting the fire stay contained and burn in the engine room?

4 A. Well, I mean, the -- what, just let it burn out of the engine
5 room?

6 Q. Correct. You mentioned that the --

7 (Crosstalk)

8 A. I mean, that could -- I didn't think about that. My thought
9 was based on what we knew, the foam line through the hatch was
10 probably the easiest thing to do, at least I assumed it would be,
11 okay. But you know in thinking about that, the number of
12 reflashes that we ended up having -- I'm talking about playing
13 backseat quarterback at this time -- I was just amazed at the
14 number of reflashes we had in there, whether it was
15 (indiscernible) letting go, you know, from the fuel tanks. I
16 don't know whether it was lube oil issues, I don't know.

17 But it was just, man, where's all this -- where's this fuel
18 coming from, you know. And so I know there's hydraulic systems on
19 there, don't get me wrong. A lot of different things. But, you
20 know, we could have contained it, but we just -- we thought this
21 was, in my assumption, foam line in there, knock it down from up
22 top, close it, let it set for a little bit and then we'll go in
23 there after and open up that watertight door. Yes, sir.

24 Q. Well, when you had that -- when you made that recommendation,
25 I mean, were there any other alternatives discussed?

1 A. No.

2 Q. Okay. That's it.

3 A. Not that I'm aware of.

4 MR. DENLEY: I do have one question.

5 BY MR. DENLEY:

6 Q. At the time that that was all discussed, what you just
7 described, the sort of the proposal, at that point in time, you
8 did know from the Coast Guard that you could flood the entire
9 engine room?

10 A. I did not at the time.

11 Q. Okay.

12 A. Did not know that. Okay. But hey, water going on a vessel,
13 you always got to be concerned about it, and you better start
14 preparing for it now.

15 Q. Sure.

16 A. All right. And one thing I failed to mention, if you don't
17 mind, Captain Ryan and his team, I can't speak highly enough about
18 what they did, how they worked. Everything that they did was
19 really -- was the core of the success for that mass rescue, okay,
20 and even the firefight. I mean, you know, 108 folks rescued. We
21 had a near miss with the maydays. That ended up being okay, you
22 know. Yes, the vessel burned but we didn't have an environmental
23 issue nor did it sink.

24 So, and again one thing to always please keep in mind here is
25 we were at a Navy pier, big Navy, okay. And sinking that at the

1 pier -- you never want to sink a vessel -- but sinking it at a
2 Navy pier, you know, I just think it would have more
3 repercussions. So --

4 BY MR. FAWCETT:

5 Q. So, just trying to figure out how we can proceed, but I know
6 we're up against a time constraint here. Just in very general
7 terms, you mentioned that on subsequent days, could you just talk
8 about what you did on subsequent days in a very, very briefest of
9 terms and we'll decide where we need to go.

10 A. What do you mean? I'm sorry.

11 Q. Well, in other words, after the 7th was finished, you came --
12 you mentioned you came back to the --

13 A. Oh, well you had the whole salvage and overhaul issue, all
14 right. Because, you know, the fire really wasn't declared out
15 until 1:00 that Friday. The problem was you got to get people in
16 there to start digging through the stuff, right, because you had
17 all the debris from the galley and the refrigerator, and all that
18 dropped down and that fire's not going to go out until you get in
19 there and you pull it apart. And that's where class A foam really
20 becomes into play where you could wet it down with that class A
21 foam and it just soaks it up and helps to make sure you don't get
22 any rekindles.

23 But, you know, Navy Regional got to the point where, you
24 know, I talked to Chief Janey about it. I said hey, the salvor
25 needs help to get the salvage and overhaul done. So, that's when

1 they started to work with the salvor and started reinitiating
2 that. So, other than checking in with Captain Stockwell, checking
3 in with some of the folks just to see whatever assistance I could
4 provide from the MIRT perspective and discussing the overhaul.
5 And I had three engine companies lined up to assist Navy Regional
6 if they needed the help with the overhaul. I had one from
7 Chesapeake, one from Virginia Beach and one from Suffolk.

8 Q. So, on the subsequent days, your physical presence or your
9 assistance that you provided were either an hour a day, two hours
10 a day?

11 A. Yes, that was it. And really it's just to make sure we're
12 not -- I wasn't requested. I just showed up.

13 MR. FAWCETT: I think what we'll do is if we have subsequent
14 questions for you, we'll determine whether we do a subsequent
15 interview or we take interrogative questions and have you answer
16 them for the team just to finish that up.

17 So, the things that we talked about, just so I have it
18 correct, we were going to ask for a copy of the area contingency
19 plan -- we'll send you an email so we --

20 MR. BURKET: Yes.

21 MR. FAWCETT: -- and then you can review it. The agenda for
22 the schools --

23 MR. BURKET: Right.

24 MR. FAWCETT: -- the command and the marine firefighting.

25 Any video and images that you might have of the event, and then

1 any images of the equipment that you have available, such as your
2 response truck, your --

3 (Crosstalk)

4 MR. FAWCETT: -- truck. And does anybody in the room
5 remember anything else that we were going to ask for?

6 So, the time is 3:32 Eastern time.

7 Any other comments before we wrap it up? Okay. We're
8 turning off the recorder and thank you very much, Mr. Burket, for
9 your time and your contributions to the event, the fire on the
10 *Spirit of Norfolk*.

11 MR. BURKET: Okay.

12 (Whereupon, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Bill Burket

ACCIDENT NO.: DCA22FM022

PLACE: via telephone

DATE: July 29, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

*

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Interview of: CHIEF WARRANT OFFICER DANIEL BUTIERRIES
United States Coast Guard

via telephone

Thursday,
July 28, 2022

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I N T E R V I E W

(8:30 a.m.)

LT. COMMANDER EMMONS: Before we begin the initial introductions, do you have any questions?

CWO BUTIERRIES: I don't.

LT. COMMANDER EMMONS: All right. For the record, can you just acknowledge that the tape recorder is on and running?

CWO BUTIERRIES: Yes, I see that the tape recorder is on.

LT. COMMANDER EMMONS: Thank you. So, we're here -- we're doing a joint investigation. The Coast Guard's the lead agency. We're conducting it jointly with the NTSB.

CWO BUTIERRIES: Okay.

LT. COMMANDER EMMONS: We also have some parties-in-interest and counsel involved as well. They are on the line as well. Mr. Denley here will do formal introductions after this. But the date is July 28th, 2022. The time is 8:30 a.m. We're in an interview with Chief Warrant Officer Daniel Butierries at the Portsmouth Federal Building in downtown Portsmouth in the D5 Prevention conference room.

Again, we're here conducting an interview to examine the events surrounding the fire and subsequent loss of the vessel, the *Spirit of Norfolk*, which occurred on June 7, 2022.

If we could just go around the room and we'll start with you, sir, and if you could just state your name, your affiliation and then spell your last name for the record, we'll go around the do

1 the same.

2 CWO BUTIERRIES: Chief Warrant Officer Daniel Butierries.
3 I'm with Sector Virginia command center. I'm the assistant chief
4 there and the capacity I was filling that day, I was an IMD or
5 IMDO, Incident Management Duty Officer. And last name's spelled B
6 like in boy, u-t-i-e-r-r-i-e-s.

7 LT. COMMANDER EMMONS: I'm Lt. Commander Nicole Emmons, last
8 name E-m-m-o-n-s and I'm part of the D5 Formal Investigation Team.

9 MR. DENLEY: I'm Eric Denley, D-e-n-l-e-y. I'm with
10 Hornblower and City Cruises, the *Spirit of Norfolk*.

11 MR. KARR: I'm Michael Karr, K-a-r-r with the NTSB.

12 COMMANDER ROY: Commander Eric Roy, R-o-y, and I'm part of
13 the D5 Formal Investigation Team.

14 LT. WHALEN: Lt. Tom Whalen, W-h-a-l-e-n, and I'm with the D5
15 Formal Investigation Team.

16 LT. DANIEL: Lt. Paulina Daniel, D-a-n-i-e-l. I'm counsel
17 for Coast Guard.

18 LT. COMMANDER EMMONS: And parties-in-interest, for Captain
19 Nadeau.

20 MS. GALITOU: Magdalini Galitou, G-a-l-i-t-o-u, with Phelps
21 Dunbar for Captain Nadeau.

22 LT. COMMANDER EMMONS: Okay. And the parties-in-interest,
23 for Bay Diesel?

24 MR. STILLMAN: Dan Stillman, S-t-i-l-l-m-a-n with the law
25 firm of Willcox & Savage.

1 LT. COMMANDER EMMONS: Parties-in-interest for Hornblower on
2 the phone?

3 MR. WEIGEL: This is Alan Weigel, Blank Rome, spelled W-e-i-
4 g-e-l, representing Hornblower and City Cruises.

5 LT. COMMANDER EMMONS: Coast Guard members on the phone.

6 COMMANDER WADDINGTON: Yes, Commander Randy Waddington.
7 Waddington is spelled W-a-d-d-i-n-g-t-o-n. I'm the District 5
8 Formal Team lead.

9 LT. COMMANDER EMMONS: Is that everyone on the phone or did I
10 miss anyone?

11 MR. FLAHERTY: Hi, this is David Flaherty, last name F-l-a-h-
12 e-r-t-y, with the National Transportation Safety Board.

13 LT. COMMANDER EMMONS: Thank you, Mr. Flaherty.

14 All right, just a few ground rules. If you could avoid
15 acronyms and if you do use them, just spell it out so we know the
16 acronym. You may change, modify any of your statements or if you
17 want to go back and change something you said, we can, you know,
18 change the record. We'll create a report of investigation at the
19 end of this investigation and you have the right to appeal
20 anything in the report of investigation. And if you want more
21 information about the process of what we're doing, the Marine
22 Safety Manual, Volume 5, spells out the District's formal
23 investigation process.

24 CWO BUTIERRIES: Okay.

25 LT. COMMANDER EMMONS: And with that, we'll go ahead and

1 begin.

2 INTERVIEW OF CHIEF WARRANT OFFICER DANIEL BUTIERRIES

3 BY LT. COMMANDER EMMONS:

4 Q. I'll just ask you to kind of go through your history in the
5 Coast Guard and your background (indiscernible).

6 A. Okay. Coming into the Coast Guard, I came in as -- bootcamp
7 to A school, I was part of the "A" school, which was a
8 (indiscernible). From there I went to the Coast Guard Cutter
9 Mellon 378 out of Seattle, Washington, where I worked in the
10 combat information center for two years. After that I remained E-
11 5 on the ship and then E-6 while transferring. At that time, I
12 became an OS-1, operations specialist first class. Went to St.
13 Pete, Florida as an operations unit controller. I did SAR there
14 for four years. And then after St. Pete, I came to Virginia at --
15 to Sector Hampton or Sector Hampton Roads at the time. I was an
16 operations unit controller there, made chief, became a command
17 duty officer there. I was also the comms chief there while I was
18 stationed there.

19 Following four years at Hampton Roads, I then went to the
20 Coast Guard Cutter Northland, where I was the combat information
21 center chief there. I did -- I only did a year there because of
22 shore tour, then I came here to the Portsmouth Federal Building in
23 land 62 (ph.) as the assistant CSO, as the chief, for three years.
24 Made E-8. Following that tour, I went to the communications
25 command down at Chesapeake, Virginia. Was an E-8 and then did

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1 three years there, promoted to warrant, leaving there. And now
2 I'm currently at Sector Virginia. Been there for a little over
3 three years now where I'm a command duty officer, SAR mission
4 controller, as well as many other hats that I may wear depending
5 on the situation. That's my history.

6 Q. Can you kind of describe -- you said command duty officer.
7 Can you kind of describe your position at Sector Virginia, your
8 day-to-day?

9 A. So, as command duty officer, you're in charge of the watch
10 team. You have the comms watchstander, you have the operations
11 unit control and the situation unit watchstander. So, there's
12 your -- you made up your core watch team and within the sector you
13 have various student positions that you work with and/or are
14 subject matter experts in their field.

15 Command duty officer, your role is to basically oversee the
16 watch, keep that higher level picture of everything that's going
17 around in the Virginia's AOR and then having (indiscernible) as to
18 what's going on in other AORs and how they impact your operations.
19 You're not solely directed at one mission. You're multi-mission
20 as a command duty officer and a direct representative of the
21 captain of the port.

22 Q. And on the day of June 7th, 2022, what was your role that
23 day? Can you describe that?

24 A. I was actually just there day working, working on something
25 else. And where my office sits in the command center, I can

1 pretty much hear everything that's going on. I heard fire on the
2 *Spirit of Norfolk*, they had people embarked. One of the ensigns
3 came in and said, yes, there's a 100 -- there's over 100 people
4 onboard.

5 And so I came out and I talked to the SMC, who was Lt.
6 Commander Pulliam. Generally, when we have major incidents where
7 ICP is being stood up, our best practice is to get someone on
8 scene to kind of cut through the filter or be a filter where
9 information is flowing through, because in a command center you're
10 getting phone calls, you're getting radio calls, and then
11 sometimes information's not clear. So, I asked Commander Pulliam,
12 I said, do you want me to go and she said yes. So, in that
13 capacity I was responding as an incident management duty officer.

14 Now, I know it's not an official Coast Guard title by any
15 means. It's just something -- it's the best practice in Sector
16 Virginia where we use -- get someone on scene who has a little bit
17 of experience in multi-mission to provide the information back to
18 the command center.

19 So, I believe that call came in roughly around -- somewhere
20 around between 12:00 and 12:15 on the 7th. And I asked
21 Ms. Pulliam, I said, do you want me to go. She said, yes, let's
22 go. Had a quick pow-wow with Captain Stockwell. I believe
23 Captain Britten (ph.) was there as well in the hallway just to
24 kind of identify what our priorities were at that time till I
25 arrived on scene.

1 Q. And can we talk about when you on scene, can you kind of talk
2 about what those priorities were?

3 A. So, priorities were immediately safety of life. We needed to
4 confirm everybody was safe, ensure the SAR aspect of the situation
5 was contained, safety of the waterway and the vessel, pollution.
6 Those were kind of the priorities, you know, the people, property,
7 environment.

8 Q. When you kind of get there, we'll have follow-up questions
9 for you, I'm sure. But can you kind of go through -- I know you
10 briefly described speaking with Lt. Commander Pulliam. Can you
11 kind of go through from the time of that 12:00 or 12:15 when you
12 got notified, and as much detail as you can, just kind of go
13 through your day, arriving on scene, what you witnessed and just
14 be detailed as possible, just kind of bring us through that day.

15 A. Okay. I was sitting on the Mac in my office. I heard over
16 the radio that a vessel was on fire and they said the *Spirit of*
17 *Norfolk*. I'm pretty sure it was Ensign Nelson who came back and
18 said yes, we got a fire. Because generally at that time, if
19 there's day workers on staff, we search the launch and help out
20 with phone calls and anywhere we can assist.

21 But as information was coming in, they said the *Spirit of*
22 *Norfolk* was on fire with 108 people. Ms. Pulliam was standing in
23 the front getting the brief from the OU and the CDO, and I asked
24 her -- I said do you want me to go. She thought about it for a
25 second then she said yes, let's get someone out there because

1 information was coming in so rapidly. We had already -- I believe
2 they were in the process of launching Station Portsmouth to get
3 them out there.

4 I don't believe at that time we knew the American Rover was
5 on scene yet. We just knew it was on fire, there were tugs on
6 scene and we knew it was right off of Norfolk naval base there.
7 They said they mentioned Pier 4, so that's when I asked if she
8 wanted me to go, she said yes. Captain Stockwell concurred and
9 provided -- we went outside to the hallway to kind of get out of
10 the noise of the command center. We had a conversation in the
11 hallway about, you know, what our priorities are, determine who
12 the IC was on scene, and just get an overall situation.

13 Bill Burket, who is our maritime incident response team there
14 with the Virginia Port Authority, was our port partners who we
15 work very closely with because they're pretty much firefighting
16 search and rescue. They're a godsend, really. They help us out a
17 lot. So, I knew Bill was going to be -- he was actually enroute
18 to Sector Virginia for a separate meeting. We had Harbor Fest
19 coming up so we had -- he was coming to Sector Virginia for that.
20 Then we passed other.

21 So, I got in my vehicle, set my GPS to Pier 4, Norfolk Naval
22 Station. I went that way. I saw Bill in passing him on the road;
23 he was headed to Sector Virginia. At that point, I tried -- I
24 think I tried calling him but no answer because he was probably
25 going through the gate at the base. So, took the route to the

1 downtown tunnel over to -- I don't know what street that is -- but
2 towards the naval shipyard. Right at the naval shipyard, I wasn't
3 sure if I was going to be able to get through the gate or not
4 because I'm assuming there was probably a lot of response assets
5 there.

6 But the gate crew knew I was Coast Guard. They directed me
7 right to where the incident was happening. So, I pulled up to the
8 parking lot. I saw there was numerous fire trucks from multiple
9 agencies already on scene on the pier. I arrived down to the pier
10 and I asked someone on scene where's the IC and they pointed me
11 down to the truck with the flag on it that said ICP. I arrived at
12 the ICP on or around 12:30 to 12:45, somewhere in that timeframe.
13 I spoke with the IC. He kind of pushed me back a little bit
14 because he didn't know who I was, like, I kind of need everyone to
15 stand back here because they were still trying to figure out the
16 situation.

17 I can see the *Spirit of Norfolk* was actively smoking. There
18 were no visible flames when I was there, but I told the IC, look,
19 I'm from the Coast Guard, I'm an agency rep. I'm here to confirm
20 safety of life and he standby. He put me in contact with somebody
21 else and they said yes, there's -- they transferred 106 people to
22 the American Rover. And it wasn't a ferry at that time. It was
23 an American Rover or *Victory Rover*, very similar sounding names
24 that operate in the same area because we thought it was the
25 sailing vessel, American Rover. Obviously, how that transfer went

1 was definitely in our mind. But once we confirmed it was the
2 *Victory Rover*, it made sense.

3 So, as the -- I can see the tugs assisting the *Spirit of*
4 *Norfolk*. They were actively putting water on the vessel. From
5 what I could see, they were shooting it down the stacks to kind of
6 minimize the smoke and doing exterior cooling while putting water
7 down the stacks. I talked to IC, I said the *Victory Rover's*
8 headed to Waterside, which is down in Norfolk, to disembark the
9 passengers. Then we got word that there were children on board on
10 a school trip. We wanted to confirm that there were no injuries
11 to the children or the passengers. We did confirm that.

12 We also wanted to find out who was still on the *Spirit of*
13 *Norfolk*. I got passed that there were still two crewmembers on
14 the *Spirit of Norfolk*, but they were currently disembarking into
15 the tugs. And I believe that was Captain Nadeau and I can't
16 remember the other crew member's name. I'm pretty sure it was a
17 (indiscernible), but they had disembarked.

18 So, as I was there, they were bringing the *Spirit of Norfolk*
19 over at Pier 4 at Norfolk Naval Station. The fire trucks were set
20 up on the pier to begin firefighting operations. So, I relayed
21 that back to the command center. I made numerous calls back to
22 the command center. I'm sure you probably heard all the calls; I
23 can't recount every single one, but I called them. My main
24 priority was to let Ms. Pulliam know that all passengers were safe
25 and disembarked, which provided them confirmation because they

1 were getting conflicting reports.

2 So, I did confirm that 106 were on the *Victory Rover* enroute
3 to Waterside. I made the recommendation to have someone from
4 prevention, since our prevention office is in downtown Norfolk, to
5 have someone from the prevention office meet them down there so we
6 can confirm that all passengers made it off safe. Because one
7 thing we did want is wanted a crew manifest or a passenger
8 manifest. We found out that they don't keep a manifest. They
9 just -- it's a headcount only, so definitely some concerns on that
10 one, too, especially with little kids, you know, it could be
11 shifted around. So, we had someone meet them at Waterside.

12 While at Waterside, I got confirmation that the *Victory Rover*
13 had 106 onboard. When the *Spirit of Norfolk* moored up, I made
14 contact with Captain Nadeau and confirmed the two made it off
15 safely. So, at that point I confirmed with Ms. Pulliam in the
16 command center that the safety -- everyone was safe and off the
17 ship at that time. Keep going?

18 Q. Sure. Keep -- if you are on -- can I just -- I don't want to
19 interrupt, but when you were talking about the incident -- ICP --

20 A. Incident Command Post, yes.

21 Q. -- the IC, the incident commander, who was that you were
22 talking to? Who was the designated on scene incident commander?

23 A. It was a little blurry at that time, because I believe
24 Norfolk fire and the tie-in chief from the naval station Norfolk's
25 fire team, the naval fire department, they were both wearing IC

1 vests. So, the person I talked to be the Navy Mid-Atlantic
2 (indiscernible) chief with the IC vest on, the incident commander
3 vest on.

4 Q. And when you were talking in the hallway with Commander --
5 Captain Stockwell --

6 A. Yes.

7 Q. -- at the time and you were discussing who was going to be
8 the incident commander, what was said during that conversation?

9 A. It was just trying to identify who was taking the lead on the
10 scene at that time for the firefighting operations.

11 Q. And what was the discussion on?

12 A. There really wasn't much discussion on who was taking it. It
13 was just to determine who was taking that initial on-scene -- who
14 was in charge, who's leading the charge down there. So --

15 COMMANDER ROY: I need to (indiscernible). So, since you're
16 already talking about it.

17 LT. COMMANDER EMMONS: Sure.

18 COMMANDER ROY: This is Commander Roy, Coast Guard, for the
19 people on the phone.

20 BY COMMANDER ROY:

21 Q. So, what was the exact -- what was the discussion, was it who
22 was actually taking it or just to identify, like, when you get on
23 scene to identify who was going to be there? Was it a discussion
24 like who should be or --

25 A. No, there was no discussion on who should be. It's just who

1 is currently leading the operations right now, the firefighting
2 operations right now. Just who can we -- what button do we need
3 to push, who do we need to talk to. And that was really --

4 Q. Was it to find out who to talk to or --

5 A. Right.

6 Q. -- was it a discussion of who should be -- I'm trying to --

7 A. There wasn't a discussion on who should it be. It was just
8 talk to whoever was leading --

9 Q. Okay, got it --

10 (Crosstalk)

11 A. -- at this time --

12 Q. -- got you.

13 A. Because we were -- because in the command center you're going
14 through Norfolk, because it's in their jurisdiction, but you're
15 also going through the Navy battle watch. So, the Navy battle
16 watch has got to go down to whoever's on scene. And, so, it's a
17 game of -- it's a phone game. So, we're going through
18 dispatchers, we're going through -- so we wanted a contact on
19 scene. But I ended up being that contact on scene, and so the
20 rest of them are Coast Guard team to get there.

21 BY LT. COMMANDER EMMONS:

22 Q. Did you go ahead and after you verified all the passengers
23 that disembarked, continue (indiscernible)?

24 A. Sure. So, that was roughly around 1300 when I confirmed 106
25 were on the American Rover. Simultaneously, another incident was

1 happening at the same time. The *Spar Lyra*, I believe, was a bulk
2 carrier had lost propulsion just north of where the *Spirit of*
3 *Norfolk* was on Pier 4 and ended up hitting a buoy. And the other
4 tugs on scene were able to push it away, because it was about to
5 have a collision or a lead in with the Navy pier. So,
6 simultaneously, we're working that situation.

7 But once they were -- I spoke with Captain Nadeau, so the
8 next priority was to confirm how much product was on board. We
9 confirmed that they had -- with Captain Nadeau had 5300 gallons of
10 fuel on board, so I relayed that back to our command center who
11 subsequently relayed that to our pollution responders team, our
12 FYCRs (ph.), so they have an idea of what was going on there.

13 I continued to observe the firefighting operations. They
14 were working on getting the foam trailer down there. It looked
15 like they started applying foam. They had -- the trucks I
16 observed were from Norfolk Chesapeake. I can't remember who else,
17 but the Navy response they had actually probably an overwhelming
18 number on board from other ships or from the base just standing
19 by, passing out waters, making sure the people had access to
20 whatever they needed.

21 So, they moored it up. I believe it was -- they moored it up
22 starboard side to the south side of Pier 4. They attached the
23 lines. The lines appeared to be holding. When I observed the
24 *Spirit of Norfolk*, it didn't seem like it was riding well at that
25 time. They were continuing to pour water on it. There was

1 discussion -- I believe -- I don't have it written down in my logs
2 when the rest of our team started arriving -- but I know Captain
3 Stockwell, Captain Britten arrived on scene; our IOs and Mis
4 arrived on scene.

5 Our IO actually then had a lengthy conversation with the
6 captain and started his investigation. Our investigating officer
7 had started his conversation. That was Lt. Alex Conye (ph.). I'm
8 trying to think who else was on the scene. I believe the police
9 responders arrived a little bit later. But at that point, I just
10 continued just passing information if the captain needed
11 information. So, at that point, it kind of shifted from me to the
12 captains. Some of the information that we wanted to know was the
13 captain of prevention was now issuing a captain of the port order.

14 We needed to get a hold of a qualified individual, who I
15 think had written down as John Blake (ph.), a qualified individual
16 for the pollution aspect of it. Then I have written down at 1520,
17 somewhere around there or before there, they were attempting entry
18 into the vessel. You could see the fire teams devising a plan to
19 make entry to the back hatch on the aft end of the ship. When
20 that happened, you could visibly see the ship, the *Spirit of*
21 *Norfolk*, shift to port hard. The lines went very taut and you
22 heard a loud explosion or a loud noise. I'm not sure if it was an
23 explosion or not, but it was later explained it was a backdraft
24 when they opened that hatch. At that point, all the sirens,
25 everybody was yelling get off the ship, get off the ship, because

1 it did appear like it was going to roll at that time.

2 So, it was kind of a high tension moment there, and then I
3 believe that IC made the call to pull everybody off the ship at
4 that point. But there was some trouble as if somebody went down,
5 one of the firefighters went down in the ship. So, it took them a
6 second to get him off. Once they got everybody off -- I was not
7 privy to the conversation, but I'm pretty sure there was a
8 conscious decision not to send anyone back onto the ship because
9 of stability issues.

10 At that point, you know, there were discussions about what
11 hazardous materials were still on the vessel, and obviously we
12 went back to the 5300 gallons of fuel. They wanted to meet with
13 the salvagers. I can't for the life of me remember who the
14 salvage team was that was contracted by the *Spirit of Norfolk's*
15 company to come down to develop a salvage plan. But it went
16 through that night, at 8:15 that's when they held a unified
17 command meeting hosted by Captain Stevens, who did arrive.

18 Captain Stevens, who was the sector commander at the time,
19 hosted the parties that were there. It was Captain Stevens, the
20 Coast Guard, you know, Coast Guard representatives, the Navy --
21 the two captains from the Navy. So, VM -- Virginia Fire Emergency
22 Management, Department of Environmental Quality and City Cruises
23 was also there, Norfolk EOC and the Navy EOC were online as well,
24 as well as our command center were on that call. They were just
25 discussing the events throughout the night. I believe Norfolk

1 Fire was going to pull out and the base firefighting team was
2 going to remain on scene for the firefighting operations. At that
3 time, I believe it was a conscious decision just to continue hull
4 cooling, keep the hull cool -- try to let the fire consume itself
5 and go out throughout the night.

6 That's day one.

7 Q. And did you continue to stay on the scene throughout the
8 night or --

9 A. No, I think I departed around -- after 2200. When I was
10 leaving, you could see visual flames coming out of the starboard
11 side windows. I went home. I went back; I believe I got on scene
12 around 7:30 the next morning. It was still afloat. I met with
13 our PR team there just to confirm if anything needed to happen or
14 if I was needed anymore. I was looking at demoting (ph.) probably
15 around 1000 after the morning conference call with everybody to
16 see if there's anything else that I needed to do or if I could
17 provide any value.

18 But at that point, we had a full IC -- our full ICS team
19 stood up. We had people called in from -- IM teams, the incident
20 management team, from the Coast Guard. They responded to assist
21 with situation briefs and just documentation altogether to help us
22 out, because at that time we were -- we had operations going on in
23 multiple places at that time. So, Sector Virginia team was
24 stretched pretty thin at that point. But our pollution
25 responders, they remained on scene throughout the night, as well

1 as the next morning. So, they had continuous monitoring of the
2 situation. So, at that point, I was really no longer needed.

3 Q. Thank you. Before I pass it to Commander Roy, I just had one
4 follow-on question. When the firefighting efforts were happening
5 on board the *Spirit of Norfolk*, were you witnessing that? Did you
6 witness them go on to the vessel --

7 A. Yes.

8 Q. -- and -- which -- was it the Navy, was it Norfolk Fire, do
9 you remember?

10 A. I couldn't tell who was who. It was hard. From where -- it
11 was probably 25 yards, 50 yards off the stern off the *Spirit of*
12 *Norfolk*, so they were all wearing the same gear. I couldn't
13 really tell who was going on.

14 Q. Thank you. I'm going to pass it to Commander Roy.

15 BY COMMANDER ROY:

16 Q. Okay. Good morning. All right. Let's -- I'm going to go
17 back a little bit here. You mentioned the IMDO, incident manager
18 duty officer, you said that wasn't -- is that an actual position
19 at Sector or is that just -- is that a duty position or is it just
20 something you guys call whoever was the lead on scene?

21 A. That's something we just call who the liaison going on scene.
22 It could be a variety of people from different departments. It's
23 just someone who can get on scene to the incident command post and
24 just kind of act as -- really it's just an agency rep --

25 Q. Okay.

1 A. -- an organization rep.

2 Q. Okay. So, it's not a duty position?

3 A. Correct.

4 Q. Okay. I'm not sure I (indiscernible). When you said that
5 the IC pulled everyone from the ship when the firefighters made
6 entry to the ship, what IC was that? You have two ICs, right?
7 You have a Mid-Atlantic, you know, Norfolk. Do you know which one
8 of them was the one --

9 A. I couldn't tell which one was doing it. It was --

10 Q. Okay.

11 A. -- pretty much the entire -- all the firefighters were
12 yelling get off.

13 Q. But you spoke to -- your contact was the Navy --

14 A. Correct.

15 Q. -- senior officer on scene? Okay. So, were you part of all
16 the meetings that you said you were going to -- you talked about
17 several meetings, the 2015 meeting and you said that there was
18 another one in the morning. Were you part of those meetings?
19 Were you there?

20 A. I was there, yes, I was -- I wasn't there for the morning
21 meeting, but I was there for the 2015 meeting.

22 Q. So, the morning meeting you were not on the morning
23 conference call?

24 A. I was on the call, but where I'm sitting, I was sitting
25 outside -- so the truck we used, the Virginia Port Authority PAC-

1 1. It was tight for everyone to get in there. So, I sat outside
2 with our pollution responders and we listened on the phone. It
3 was hard to hear because we're outside, diesel generators running
4 everywhere.

5 Q. Okay. So, you were on the 2015 meeting. You were on the
6 call. Were you in person at 20 --

7 A. I was in person.

8 Q. Okay. During that call, who was the lead from Coast Guard?

9 A. Captain Stevens.

10 Q. Captain Stevens took over?

11 A. Yes.

12 Q. Okay. So, Captain Stevens. And before that, who was the
13 lead for the Coast Guard?

14 A. Captain Stockwell.

15 Q. And how do you know that? I mean, what -- was there
16 something that happened that kind of shifted that?

17 A. They did a pass down. We -- I'll say it right around what --
18 we'll call it dinner time. Captain Stockwell was there, the
19 captains I remember they had a media interview, I want to say
20 around 1800. Captain Stockwell kind of took that lead on the
21 media interview. I can't recall what time Captain Stevens, but I
22 know they had a pow-wow about continuity of operations, about who
23 was going to stay on the team, when, between Captain Stevens and
24 Captain Stockwell. I wasn't there for that, but they did a full
25 rundown, and then Captain Stevens took over and Captain Stockwell

1 was going to leave, and then she was going to come back in the
2 morning.

3 Q. Did Captain Stevens stay throughout the night, do you know?

4 A. I don't know how long he stayed because he was there after I
5 left.

6 Q. Got you, no worries. So during -- let's go back to the --
7 again about the first meeting on the 2015 meeting, was a position
8 identified or not as to who was going to serve what role in the
9 incident management team?

10 A. So, yes and no. It was attempted. I believe Commander Elfin
11 (ph.) was kind of facilitating that. Commander Elfin, who was --
12 she was our REH at that time.

13 Q. Okay.

14 A. She pleaded out from IMD -- REH. She tried to facilitate
15 that but the Navy wasn't very up on ICS -- incident command
16 structure. They were like I don't know what that is. They really
17 didn't understand that. They tried informing, like, they needed a
18 safety officer and tried to get logistics and all these other
19 things. They really didn't understand and they did provide --
20 yes, they did identify who was going to be fulfilling some roles,
21 but it was very flexible for ICS.

22 Q. Do you know who filled the major roles, like claims section
23 chief, ops section chief after that call? Were they identified?
24 Do you remember?

25 A. I can't recall.

1 Q. Okay. Was it Coast Guard people, was it --

2 A. It was a discussion where -- so the -- I know the UC was made
3 up of Coast Guard, Captain Stevens/Captain Stockwell, the Navy
4 captain -- the Navy's two captains, as well as City Cruises.

5 (Crosstalk)

6 Q. How many captains were there?

7 A. So, it was Captain --

8 Q. Do you know the roles? Like what --

9 A. The base -- it was the base CO and the deputy base CO --

10 Q. Okay.

11 A. -- and the XO -- she was XO.

12 Q. Okay.

13 A. I want to say ops was Commander Elfin, but I'd be
14 speculating.

15 Q. Okay. And who else in the Coast Guard was in that meeting
16 besides you, Commander Elfin.

17 A. There was a lieutenant from IMT. I can't remember her name,
18 but she was from IMT and she was going to kind of fill that civil
19 role situation, you know, role. We had our pollution responders
20 team was on the line as well, Lt. Pope. I know they were back in
21 the office working on a captain of the port order. Lt. West
22 (ph.), she was on the line from EMFR risk management, force
23 readiness. She was on line as well. Virginia Port Authority,
24 obviously. Bill Burket, Tracy Friedman (ph.) were on scene. I
25 don't believe Norfolk Fire was on the line at that point.

1 Q. Were they on the scene still?

2 A. I believe they were demoting at that time.

3 Q. Okay. Do you remember a discussion about a safety zone at
4 any time?

5 A. Yes. So, immediately we established a safety zone -- I'm
6 sorry, well back into the immediate operations just because there
7 was a fire going on right there in Norfolk harborage town, it was
8 a (indiscernible). So, captain did approve a safety zone there,
9 we placed it in effect. It was relaxed once it got near the pier.
10 I remember that call from the command center that said hey, do we
11 still need this now that the waterway is open. I talked to
12 Captain Stockwell and she said yes, we can go ahead and stand down
13 that safety zone for traffic coming down the waterway. We talked
14 -- it was talk with the firefighters and the tug operators to make
15 sure boats passing by isn't going to cause any affect to you and
16 then it was nil at that time.

17 So, we reopened or stood down the safety zone, but we did end
18 up implementing a slow speed zone, because as one boat -- it was
19 actually the Army Corp of Engineer's boat -- came by, kind of
20 caused a little wake to the *Spirit of Norfolk*. So, we just
21 reiterated that with all the port partners, hey, slow down your
22 speed boat through here.

23 Q. Did your order (indiscernible)?

24 A. No, they were using slow speed going through that area
25 anyway, so.

1 Q. Was that broadcast as well?

2 A. Yes, it was, the safety marine information broadcast.

3 Q. And you said you had notes or log or file sheet. You said
4 you had -- did you take notes while you were there?

5 A. I did my best to take notes, kind of shorthand. I try to
6 write the times down, but during the initial response, some things
7 -- it got busy at some point, so I apologize.

8 Q. At some point, did you have any pictures or anything like
9 that?

10 A. I did have pictures and videos.

11 Q. That's one thing, if you can get us those at some point --

12 A. Sure.

13 Q. -- provide notes and pictures, that would be great.

14 LT. COMMANDER EMMONNS: And you can get back to us --

15 COMMANDER ROY: Yes.

16 LT. COMMANDER EMMONS: Same with -- if we can just get a copy
17 of the notes --

18 (Crosstalk)

19 CWO BUTIERRIES: Sure.

20 COMMANDER ROY: That would be awesome. I think that's -- all
21 I have (indiscernible).

22 LT. COMMANDER EMMONS: Any questions (indiscernible)?

23 BY UNIDENTIFIED SPEAKER:

24 Q. Sir, just one question. With regards, so you had mentioned
25 that they intended -- the firefighters made their way onto the

1 vessel to try and fight the fire on board the vessel. You said
2 that they tried to access the aft hatch. Do you know specifically
3 which hatch they were trying to access?

4 A. I don't know which specifically. My understanding was that
5 it was on the aft side of the ship, the aft of the ship.

6 Q. Okay. Was it on the main deck or was it below decks?

7 A. I believe it was below deck, because you can see them go on
8 down to the main deck, and I believe there was a hatch right here
9 on the main deck. I didn't actually take a look at the schematics
10 of the ship or anything like that.

11 Q. Were they out of view?

12 A. Yes, they were out of view --

13 (Crosstalk)

14 Q. From where you were out on the stand? How long were they in
15 that thing -- inside the vessel for, roughly?

16 A. I mean, maybe 5, 10 minutes. It wasn't very long. I mean
17 you could -- so, we had the ladder across the stern and so they
18 started staging on -- near the aft of the ship when they were
19 staging. And then they made -- they all went down and you can
20 tell when they made entry because you heard the boom. At that
21 point, I did record -- right after the boom, I recorded a video of
22 it.

23 Q. And then how long before they then exited?

24 A. It was probably maybe 3 to 5 minutes they're getting
25 -- we saw people started coming off and then they started going

1 back on. Because then we later learned that someone had went down
2 in there.

3 Q. Did anybody have any stories or when they come off and say
4 we, you know, from -- did anybody talk to you about it or --

5 A. I just heard the recap later on, you know, they made entry
6 and someone -- it was when they opened the hatch, it must have
7 shifted water and it caused the, you know, air to come in and
8 cause a backdraft. That's what I recall hearing. I can't
9 remember specifically -- it might have been the Dover captain that
10 was talking to us about it from the Virginia Port Authority.

11 Q. Were they able to resecure that hatch?

12 A. I'm not sure if they actually re-closed -- resealed the hatch
13 or not. I'm not sure on that one.

14 Q. Thank you.

15 A. Yes.

16 LT. COMMANDER EMMONS: Mr. Karr. We'll go to the NTSB.

17 MR. KARR: Mike Karr with the NSTB.

18 BY MR. KARR:

19 Q. At that time that you're describing, were there -- did you
20 see flames on the vessel?

21 A. So, specifically when the hatch opened or when they --

22 Q. At that time, at --

23 A. I didn't --

24 Q. -- 1520?

25 A. I don't recall any visible flames at that time.

1 Q. And in that time thereafter, you know, 1520, 1525, 1530?

2 A. I don't recall flames at that time. I know just large
3 amounts of smoke. I know there's periods were less smoke and then
4 you kind of see where there was a lot more dark smoke. It was
5 very black smoke at that time, so it appeared to be a
6 (indiscernible) fire at that time.

7 Q. You said there were -- you said you saw flames coming out the
8 windows. What time was that?

9 A. That was right around when I was leaving, so 2100, 2200,
10 somewhere around that timeframe.

11 Q. And those windows were -- can you describe those windows so
12 we can get an idea of where on the vessel they were?

13 A. It was on the starboard side main deck from what I remember.
14 I know someone sent me a picture of it later on that night from
15 Facebook. So, yes.

16 Q. And those pictures, you said -- and those -- that'll be a
17 picture that we'll receive from you?

18 A. Yes.

19 Q. Okay, all right. Some other follow-up questions. When you
20 passed -- I'd like to know the factual information -- I'm
21 interested in how the passengers were accounted for, so when you
22 pass on the factual information to the command center that all was
23 accounted for, what in your mind did you use to say the passengers
24 are accounted for?

25 A. So, I talked to Captain Nadeau and the -- I can't, I wish I

1 can remember his position -- the other crew member that was on
2 there. And I wanted to know if they had a manifest, a passenger
3 manifest and they said no, they just use a head count method. I
4 confirmed with our team at waterside the number 106 and they also
5 confirmed that the chaperones for the children all confirmed they
6 had their kids with them. So, that's the method we used to
7 account for everybody.

8 Q. All right, thank you. Back to the 1520 attempted entry, were
9 you part of any discussion about that entry onto the ship?

10 A. No, I was not.

11 Q. Could you overhear anything?

12 A. I did not.

13 Q. Okay. And at that 2015 unified command meeting, was the
14 incident commander on the call?

15 A. Yes.

16 Q. And at that meeting, was there any detailed discussion about
17 how they were going to address the fire?

18 A. They were going to continue exterior cooling throughout the
19 night, allow the fire to consume itself to keep it cool. I
20 believe they were going to take temperature readings and once the
21 temperature readings were proper, they were going to try to make
22 reentry again to potentially overhaul it -- overhaul the fire.
23 But there was a conscious decision that, you know, they needed to
24 ensure its stability, too, before they put people on there.
25 Stability -- so I believe the salvagers were consulted about how

1 much free board draft they needed in order to make entry to ensure
2 the vessel was stable for entry.

3 Q. And at that time, was -- can you describe whether there were
4 -- can you describe where any flames may have been?

5 A. I don't recall seeing flames prior to going into that
6 meeting.

7 Q. All right, thank you.

8 LT. COMMANDER EMMONS: Mr. Flaherty with the NTSB on line, do
9 you have any questions?

10 MR. FLAHERTY: Sorry about the delay.

11 BY MR. FLAHERTY:

12 Q. I do have a couple of questions. Did anyone -- who responded
13 -- were they provided with vessel plans?

14 A. So, yes, eventually the vessel plans did arrive. I wasn't in
15 there. I just saw that they brought out the paper copies and they
16 were looking at them and they were trying to give -- I believe,
17 actually, it was our marine inspector. So, they worked with
18 somebody and they were showing the firefighters where all the
19 spaces were. But I can't recall for certain at what time that
20 happened or -- I remember it occurred on the south side of the
21 pier near our truck. That's all I remember.

22 Q. Okay. Were the firefighters who went on board, do you know
23 if they were briefed and shown the plans?

24 A. I can't recall that.

25 Q. All right. And outside of going on board and keeping the

1 flares -- the cools and taking temperature, was there any
2 discussion of using foam or any other fire methods to try to
3 extinguish the fire?

4 A. So, yes, in the beginning stages, they were using foam and
5 putting it down through the exhaust vents on the port -- or the
6 foam was coming in through the starboard side and the tugs were
7 providing cooling on the port side.

8 Q. Do you recall what time the foam was applied?

9 A. Not a specific time, no. It was -- no, I couldn't recall
10 what time the foam was applied.

11 Q. And so, how many firefighters were on board at the time that
12 the hatch was opened?

13 A. If I looked in my video on my phone, I could probably give
14 you a good estimate. But from memory, probably maybe 10.

15 Q. Okay. And do you know what directions were given to them
16 specifically about going below decks?

17 A. No, I wasn't involved in that conversation.

18 Q. Was anyone from the Coast Guard involved in that?

19 A. I know our marine inspectors were involved because they had
20 done the inspection on the *Spirit of Norfolk* recently, I think, a
21 month or two prior before getting in service. So, they provided
22 some information about the space to the firefighters.

23 Q. And so your position -- you were representing the Coast
24 Guard, the command. Is that correct?

25 A. Initially, just to get on scene to establish, you know,

1 safety of life and wherever we're going to do. Once the rest of
2 the team arrived on scene, I really fell back into a, you know, a
3 support role.

4 Q. And at what point did the team show up and who among that
5 team took that role from you?

6 A. I don't have it written down, but it was pretty much when
7 Captain Stockwell arrived on scene -- Captain Stockwell and
8 Captain Britten arrived on scene. It wasn't very long after I
9 arrived on scene. I probably estimate they were on scene maybe
10 around 1330, somewhere around there, 1300.

11 Q. So, Captain Stockwell took that (indiscernible) as far as
12 you're aware?

13 A. Correct.

14 Q. And then what time did the firefighters board the vessel?

15 A. I have it written down as around 1520.

16 Q. And then how -- just to get the timetable -- how long after
17 they went on board at 1520 did you hear noise and then the orders
18 were being given to get people off the vessel?

19 A. It was really quick. It was -- they staged on the aft. When
20 they made entry, you could hear the boom and the vessel shift, and
21 the -- it was pretty quick, maybe 10, 15 minutes.

22 (Crosstalk)

23 Q. So, you're saying made entry. So, I know you weren't
24 directly involved, but the way you're describing it, that was a
25 planned entry?

1 A. Correct.

2 Q. All right. So, are you aware as it was -- if that was part
3 of the plans to open up -- to go down below and enter the engine
4 room?

5 A. No, I was not aware that that was the plan.

6 Q. Okay. All right. No, that's all the questions I have, thank
7 you.

8 A. Okay.

9 LT. COMMANDER EMMONS: Before we go to the parties-in-
10 interest, I just have one quick question.

11 BY LT. COMMANDER EMMONS:

12 Q. The marine inspectors on scene, who were the marine
13 inspectors on scene?

14 A. I honestly can't remember. I can't recall which ones it was.

15 Q. Do you know how many were on scene?

16 A. At least two or maybe three.

17 Q. Okay, thank you.

18 LT. COMMANDER EMMONS: We'll go to the parties-in-interest.
19 We'll start with Mr. Denley.

20 MR. DENLEY: Thank you.

21 BY MR. DENLEY:

22 Q. Thanks so much for coming here and providing the testimony.

23 A. Absolutely.

24 Q. Maybe just a couple of follow-up questions. You indicated
25 that when you initially arrived at Pier 4, I believe you stated

1 that there were, like, IC flags or incident command flags?

2 A. Correct.

3 Q. And you said that it was a little bit blurry about who was
4 the incident commander?

5 A. Correct.

6 Q. And why -- maybe -- why was that blurry?

7 A. Well, because there was two of them wearing the vest and
8 so --

9 Q. Okay. I believe you said the Navy and the Norfolk?

10 A. Correct?

11 Q. Okay. Did that -- did it become less blurry as the, you
12 know, I believe you said you arrived around 12:30, 12:45?

13 A. Correct.

14 Q. Did it get less blurry as the afternoon went on?

15 A. It did. It seemed to kind of shift. Norfolk was kind of
16 more on the -- to me working with Norfolk, well, it seemed like
17 they had a better idea of what to do and then it kind of shifted
18 more to the Navy, the Navy Mid-Atlantic, specifically the
19 firefighting operations. He was wearing an IC vest, but once
20 Captain Stockwell -- once they established the unified command,
21 then it was really clear who was making the decisions. They were
22 making it as a collaborative at that point. That didn't happen
23 until later on.

24 Q. That was like 2800?

25 A. Correct.

1 Q. Okay. So, it was at -- what was it -- at the 2015 ICP
2 meeting, it became clear who was --

3 A. Correct.

4 Q. And then -- but what about at 13 -- I think you said Captain
5 Stockwell arrived around 1330?

6 A. Somewhere around there.

7 Q. What happened then? Did she -- was she the incident
8 commander?

9 A. She was getting up to speed on everything, on where the
10 firefighting efforts were. She was working with Bill Burket and
11 the MIRT, Maritime Incident Response Team. And they were
12 collaborating what the plan was. I believe they were in
13 discussion of how they were going to make entry, what the
14 firefighting efforts were going to be. I wasn't privy to that
15 conversation.

16 Q. Okay. So, I believe you said Bill Burket?

17 A. Correct.

18 Q. Captain Stockwell?

19 A. Correct.

20 Q. Somebody from the Navy with the IC vest on?

21 A. Correct.

22 Q. Somebody from Norfolk with an IC vest on?

23 A. Correct.

24 Q. Anybody else involved in that?

25 A. Maybe the captains from the naval base, but I can't recall

1 who was involved in that.

2 Q. And would you say at that point -- so what time would you say
3 that was? Captain Stockwell arrived around 1330; entry was made
4 around 1520. It's just kind of that two-hour period, between
5 there?

6 A. I can't recall. Maybe it was a long -- there were in
7 constant discussion in getting everything established and set up
8 and continuing to put water on the vessel, water on the exterior
9 of the vessel. So --

10 Q. So, at that time around 1520, could you describe how the
11 *Spirit of Norfolk* looked? I think we knew it was more of
12 starboard side, too. We know there was firefighting water. Was
13 it stable, listing?

14 A. It was riding lower in the water than it normally would, but
15 it wasn't listing at that point.

16 Q. And can you talk about the smoke right around the 1500 time?

17 A. Black plumes of smoke.

18 Q. So, when the firefighters went on, there was still black
19 plumes of smoke?

20 A. That I can't recall if it was a heavy -- I'd have to look
21 through my picture log and otherwise I can't recall,

22 Q. Okay. So, do you remember when you observed the firefighters
23 going on board, do you recall if they carried any equipment with
24 them? Did they have hoses, did they have --

25 A. They did have hoses because I know they were cooling the

1 hatch prior to opening it.

2 Q. Okay. How do you know that?

3 A. Someone had said that on scene that -- I believe it was
4 Mr. Burket who said that they were going to cool the hatch before
5 their entry.

6 Q. Did they say anything else about what the plan was?

7 A. No, not that I can recall. I'm sure they did, but I'm just
8 not recalling.

9 Q. Okay. Do you recall any other equipment that the
10 firefighters had?

11 A. Not from memory. I'm sure I have it on video and pictures.

12 Q. So, you commented that there was a noise from the -- at 1520
13 they make entry. There was a lot of noise and there's a list to
14 port, hard list to port?

15 A. Correct.

16 Q. I believe you said that the mooring lines became taut.

17 A. Um-hum.

18 Q. Did the mooring lines stay taut?

19 A. Yes, so the aft mooring line -- I couldn't see the fore
20 mooring line or the spring line, but that aft mooring line it was
21 slack and then it went immediately taut, and then to me it listed
22 to port.

23 Q. Okay. And then it stayed listed to port or did it come back?

24 A. It stayed listed to port. Eventually later on, it did kind
25 of level itself out, but yes, it was a hard list to port.

1 Q. And was anything done with the tugs? How many tugs were on
2 scene?

3 A. At least three that I can recall. They were smaller, pusher
4 tugs. There were the fire boats as well.

5 Q. Was anything done with the tugs to help with the stability of
6 the vessel if there was a concern?

7 A. I don't remember. Where I was standing, I was watching the
8 firefighters in the boat next to me. They were suiting up in
9 their dive gear.

10 Q. Do you remember -- one of the things you talked about was
11 that there was a conscious effort to talk to salvage teams or RP
12 salvage teams. Do you remember when the salvage team arrived on
13 scene?

14 A. It was prior to the 2015 meeting or at least one
15 representative was there prior to the 2015. I can't recall
16 specifically what time they arrived.

17 Q. Was it after the 1520 backdraft or --

18 A. Yes.

19 Q. Okay. But before the 2015 --

20 A. Correct.

21 Q. Were there any other discussions or plans made for
22 firefighting interests?

23 A. I'm sure there was, but --

24 Q. Before the 2015 ICP?

25 A. Correct. I'm sure there was, but I wasn't privy to those.

1 Q. Okay. And then can you just describe -- you did it once, but
2 I kind of want to -- do you recall the changes in smoke and fire,
3 beginning at 1520, going up to the -- I guess when you all got out
4 of the ICP meeting?

5 A. I don't recall -- the first day, I don't recall many changes.
6 It was black smoke. I know there was periods where it would be
7 less smoke where we kind of got hope that the fire would
8 extinguish itself.

9 Q. What about right after 1520? Like the -- I know that the
10 vessel listed.

11 A. I'd have to look back on pictures to --

12 Q. Okay.

13 A. -- see or the videos. I can't recall (indiscernible).

14 Q. And then I believe you said that after the ICP meeting,
15 around 2100 to 2200, you saw flames coming out of the windows.

16 A. Correct.

17 Q. Okay. So, that was the change? There weren't any flames
18 coming out of the vessel at 1520?

19 A. Correct. I believe someone had made the comment that it had
20 breached the galley at that point, because I know the galley door
21 was sealed. And there was a discussion about how long those
22 galley doors could withstand a fire for. I can't recall
23 specifically what it was at the time.

24 Q. So, but no flames before the ICP meeting?

25 A. Not that I personally saw, if I remember.

1 Q. I don't have any more questions. Thank you so much.

2 LT. COMMANDER EMMONS: We'll go to Phelps Dunbar, the party-
3 in-interest, for Captain Nadeau?

4 MS. GALITOU: No questions, thank you.

5 LT. COMMANDER EMMONS: And the parties-in-interest, for Bay
6 Diesel, Mr. Stillman?

7 MR. STILLMAN: No questions. Thank you very much, Chief.

8 CWO BUTIERRIES: Thank you.

9 LT. COMMANDER EMMONS: Does anyone else in the room --
10 Mr. Karr?

11 BY MR. KARR:

12 Q. A question. You mentioned Captain Britten. Who is Captain
13 Britten?

14 A. Captain Britten was the incoming deputy sector commander.
15 This was her welcome aboard.

16 Q. And up until -- prior to the 1520 boarding of the vessel by
17 the fire teams, was there any -- can you recall what anyone said
18 was the source of the fire? What was feeding the fire?

19 A. There was speculation that it was the port engine. I believe
20 there was speculation that it was the port engine that was on
21 fire. And when I talked to the captain -- Captain Nadeau and the
22 mate, they said they went down there, they saw flames and felt it
23 better to seal off the compartment.

24 Q. Let me focus the question on what the, you know, the
25 firefighters were dealing with, trying to respond to the fire.

1 The fire's still burning three hours after the original fire. So,
2 was there --

3 (Crosstalk)

4 A. -- at that point.

5 Q. Any details about --

6 A. No, not that I can recall.

7 Q. All right. Was there, at the meeting ahead of the 1520
8 boarding of the vessel by the fire team, was there a City
9 Cruises/Hornblower rep at that --

10 A. They did have a rep on scene. I can't remember what time she
11 got there. It must have been -- it was relatively quick, because
12 she met with Captain Nadeau early on, so I can't remember or
13 recall, like, her role in everything and what exactly she did.

14 Q. Do you remember her participating in the incident command
15 discussions?

16 A. At the 2015, yes, but I don't remember her prior to the 1520
17 event.

18 Q. All right. Last question. You mentioned the galley doors.
19 Can you describe what doors those are?

20 A. Do you want fore or the engine room compartment?

21 Q. So, was it the door going into the engine room?

22 A. Correct.

23 Q. Okay, thank you.

24 MR. KARR: That's it.

25 LT. COMMANDER EMMONS: Commander Roy.

1 UNIDENTIFIED SPEAKER: Oh, I'm sorry.

2 COMMANDER ROY: Do you want -- go ahead.

3 BY UNIDENTIFIED SPEAKER:

4 Q. Did Captain Stockwell or Bill Burket make any comments or did
5 they -- did you talk to them about what happened when the
6 firefighters went on board and there was the hardness to port?

7 A. They gave us a rundown later on that night, kind of like what
8 he thought or -- I don't think anyone knew for certain how, like,
9 what caused it. But from their experience they -- it was the
10 shifting of the one -- you open up an air pocket or a shifted the
11 water that was already on the boat and then caused the oxygen to
12 enter the compartment. That's kind of like -- it wasn't here's
13 exactly what's happening here. It's what they suspect had
14 happened.

15 Q. But, I mean, we could presumably know what happened, right,
16 by talking to the firefighters?

17 A. Actually I didn't talk to the firefighters.

18 Q. Yes. I mean, did Bill?

19 A. I'm not sure what Bill talked to them about. I'm assuming
20 that he did, but I don't know for sure because I didn't see that
21 conversation happen.

22 Q. Okay. And what time did Bill get that rundown? Was that
23 part of an ICP meeting?

24 A. It was sometime before that. I can't recall specifically
25 when. We may have been trying to get a (indiscernible) at that

1 time or (indiscernible) any of that time when we were having that
2 conversation.

3 Q. And who was there when you gave the rundown of what happened?

4 A. I believe the captains were there when Bill was giving that
5 rundown.

6 Q. And that's Captain Stockwell?

7 A. Captain Stockwell and Captain Britten.

8 Q. Okay. Anybody else, other agencies?

9 A. No, it was just our Coast Guard team. I know there were a
10 few other Coast Guard members there, but I can't recall
11 specifically who was there.

12 Q. Okay, thanks.

13 LT. COMMANDER EMMONS: Commander Roy.

14 BY COMMANDER ROY:

15 Q. What is the role of the MIRT?

16 A. Good question. So, the Maritime Incident Response Team, they
17 basically facilitate -- so if you ask Bill, he's not in charge of
18 anything. But he coordinates pretty much responses with the fire
19 departments, the police departments, all of our local agencies to
20 work together in a collaborative piece. He's our (indiscernible)
21 within this quorum. So, we have a major event, we call Bill, they
22 have the PAC-1, Port Authority mobile command post that can set up
23 an ICP pretty much anywhere with the communications and
24 capabilities. But (Indiscernible) experience with firefighting
25 and operations. When anytime we use search and rescue or marine

1 firefighting, he hosts marine firefighting symposiums, work with
2 our local agencies on how to tackle these things. I've sat in
3 meeting with him on one of these container ships that catch on
4 fire, it's a container, you know, in the middle of a stack, you
5 know. We go over lessons on how to best attack that, what the
6 proper protocol should be or, you know, and how to work together.
7 So, basically he's a facilitator.

8 Q. So, he doesn't -- they don't command anything. They just
9 coordinate this whole thing?

10 A. Correct.

11 Q. So, let's go back to the incident commander, firefighter
12 incident commander discussion. So, you said you arrived on scene,
13 you had two firefighters, Norfolk fire department and the Navy
14 fire department, both had an IC vest on. And you were in
15 communication with the Mid-Atlantic Navy fire department incident
16 commander.

17 A. Correct.

18 Q. Okay. Did -- before the 2015 meeting, did it become clear in
19 that time before the meeting that one fire department kind of take
20 the senior role or is this still kind of blurry as who was, like,
21 leading the firefighter portion of the response?

22 A. I guess you could say it was kind of blurred, but it seemed
23 like they were coordinated. To me, I wasn't in the discussions
24 with the firefighting, but to me it seemed like there were
25 coordinated efforts between the two of them, because they were all

1 -- all the firefighters, like I couldn't tell Chesapeake from
2 Suffolk, from Norfolk to the Navy. They all seemed to be working
3 together.

4 Q. Okay. But you never, like, said hey, you know, this fire
5 department's the lead?

6 A. Correct.

7 Q. Okay. You didn't know that?

8 A. Correct.

9 Q. And then you also said at one point part of the discussion
10 was the Navy -- during maybe the 2015 meeting -- the Navy fire
11 department, I think you stated about -- they weren't familiar with
12 ICS. Can you elaborate on that a little bit more?

13 A. We were going to the titles and the positions, and they had
14 numerous questions about what role that meant to take. We got a
15 little uneasy feeling in there from the Navy captains where, well,
16 we should be in charge because it's our base and, you know,
17 Captain Stevens kind of reiterated like what his role and what the
18 captain of the port was. And so, once they clarified that, it
19 was --

20 Q. So, that -- so, when the ICS discussions out from the Navy
21 fire department chief or whoever the senior person was or was that
22 from the senior -- the two captains from the Navy base?

23 A. The Navy captain, but I believe the discussion with the Navy
24 fire chief when they were talking about the safety officer portion
25 and stuff like that. The battalion chief didn't really know what

1 that entailed for ICS.

2 Q. So, the confusion was not from the Navy and OB captains. It
3 was from the fire chief?

4 A. It was both.

5 Q. Both.

6 A. They, all three, were sitting in the line. Two captains were
7 sitting there and the Navy fire captain was sitting on a bench
8 right behind the captains.

9 Q. Let's talk a little bit on the -- you said about the Navy
10 wanted to be in charge. What was that discussion? Were you there
11 when that discussion happened?

12 A. I was. It was mainly about jurisdictions and authorities
13 since it was their -- it was on their pier. They kept referencing
14 back to the Bonhomme Richard fire down in San Diego, about, you
15 know, how that was handled. I didn't really get where they were
16 going with that, but it seemed as if they wanted to kind of have
17 that lead role because since it was on Navy property. But Captain
18 Stevens does a really good job of clarifying things and talking
19 things out, explaining, you know, what Coast Guard jurisdiction,
20 what a unified command does, how we all work together. We're not
21 going to make a decision in a bubble, it's going to be a
22 collective decision and bring, you know, the parties.

23 Q. And after that kind of discussion, how was the -- how do you
24 read the room? Was it better, was it still kind of uneasy?

25 A. No, I think, you know, leaving that meeting everyone shared

1 the same goal and vision, and understood that, you know, the Navy
2 has, you know, national security interests in mind and, you know,
3 as well as public relations. And that was one of the other big
4 topic, the one making sure all our public -- you know, City
5 Cruises, Coast Guard, Navy, public affairs were in sync so that we
6 were conveying the right message about the operations ongoing.

7 Q. You also said that when you left the meeting, it wasn't
8 really clear like who held what ICS position?

9 A. It was following that meeting where they knew who the UC were
10 -- I'm sorry, I can't remember who ops was.

11 Q. But it was clear, but you're just not privy.

12 A. I just can't recall.

13 Q. Okay. But it was clear they had definite roles set up?

14 A. Yes.

15 Q. So, somebody had that information?

16 A. I believe that was one of the objectives.

17 Q. Okay. I think that's all I have.

18 UNIDENTIFIED SPEAKER: Just one follow-up, I appreciate it.

19 BY UNIDENTIFIED SPEAKER:

20 Q. Are you aware if there's a marine firefighting plan for the
21 sector or the port?

22 A. Yes.

23 Q. Okay. Who is the keeper of that plan?

24 A. Marine firefighting plan, like, specifically saying marine
25 firefighting plan. There's contingency plans and the air

1 contingency plan, there's marine pollution. You know, SAR kind of
2 goes into who's -- what -- who should be the IC roles for marine
3 firefighting. But on -- specifically mention tactics, I can't
4 recall only, like, for tactics specifically.

5 Q. So there's -- so you -- is there a plan or is there not a
6 plan or is it kind of talked about from other references?

7 A. It's talked about in multiple references, but one specific
8 plan I, you know, I'm kind of embarrassed to say I haven't seen it
9 or even if one exists.

10 Q. Sure. You commented that the Navy had a concern and voiced
11 the concern about their jurisdiction over the base. Do you know
12 if any of these plans say who has jurisdiction for firefighting?

13 A. So, specifically in the Coast Guard addendum, it does say
14 that when there's active search and rescue ongoing, Coast Guard
15 assumes that incident command, specifically the SAR mission
16 coordinator. But once it transitioned to that, it has to be a
17 qualified marine firefighting officer is the IC on that.

18 Q. Okay. So, your understanding of Coast Guard policy is that
19 once you confirm safety of life, the incident command for
20 firefighting should be a firefighter?

21 A. Correct.

22 Q. Thanks.

23 LT. COMMANDER EMMONS: Yes, Mr. Karr.

24 BY MR. KARR:

25 Q. You mentioned the operations leader. Do you remember from

1 what organization that person was from?

2 A. I'm sorry, say again?

3 Q. The unified command operation section chief, what
4 organization was that person from?

5 A. So, I believe it was Commander Ruffle (ph.) from Coast Guard
6 Sector Virginia, but I can't -- look, I feel like I'm speculating.

7 Q. And then just curious, have you yourself even been through a
8 shipboard firefighting training --

9 A. Yes.

10 Q. -- course. And how many years ago was that?

11 A. I've been through, I think, two or three. One in Washington
12 probably 2003; I think I went to two in Washington, 2002 and 2003,
13 and then I went to one here back in -- on the ship back in maybe
14 2013, 2014 timeframe.

15 Q. Okay, thanks.

16 LT. COMMANDER EMMONS: Does anyone --

17 UNIDENTIFIED SPEAKER: Hi, just a --

18 LT. COMMANDER EMMONS: Yes, sir, go ahead.

19 UNIDENTIFIED SPEAKER: Oh, sorry.

20 BY UNIDENTIFIED SPEAKER:

21 Q. A few questions. You said you heard a loud noise on the boat
22 about the time that the firefighters stepped on. What did it
23 sound like, that noise?

24 A. To me, just trying to recall it, it sounded like a very deep
25 boom. That's what I can recall, but it was also very noisy on the

1 pier but that noise did stand out above all the other noises. You
2 knew something happened. It drew everyone's attention to the boat
3 and then you saw it quickly snap to port.

4 Q. And at the time, you said that you saw there was a rush of
5 air going into the compartment. Is that correct?

6 A. I think that's kind of what I put together later on, just for
7 me. But it could have been an explosion, it could have been a
8 shift in water. I would be speculating at that point.

9 Q. Okay. Well, would it what have been that led to the engine
10 room where they were sealed?

11 A. Not to my knowledge.

12 Q. Again, did you ever see (indiscernible)?

13 A. I did not.

14 Q. And then to your knowledge, have there been any drills
15 involving the Navy and other port partners with the Coast Guard,
16 either a tabletop or some sort of exercise?

17 A. To my knowledge, I can't recall the Navy participating in any
18 of them, but that's not to say it didn't happen.

19 Q. Did the Navy ever -- was the Navy ever present on any type of
20 incident management, port safety committee meetings of any type?

21 A. Port safety? I believe they do hold a maritime safety
22 committee, but as far as like port safety, like a harbor safety
23 meeting, I don't believe I've seen them there, but I could be
24 wrong.

25 Q. Does your unit have any instructions on coordinating with the

1 Navy if there was a fire at the piers, at their facility?

2 A. Specific instructions, no. But if it was a Navy asset, Navy
3 pier, we would be a support role with them.

4 Q. Is there any type of memorandum of understanding between the
5 Coast Guard and the Navy on an -- a response for a Navy assist
6 that is not a Navy asset?

7 A. I can't say if there is or there isn't.

8 Q. All right, thank you.

9 LT. COMMANDER EMMONS: I'm sorry, Mr. Denley.

10 BY MR. DENLEY:

11 Q. You said that if it was a Navy asset on fire at a Navy pier,
12 at a Navy facility, the Coast Guard would be a supporting role?

13 A. Correct.

14 Q. And what would you be supporting?

15 A. Safety of the waterways, establishing that safety zone, if
16 they needed help transporting people or if any of the, you know,
17 safety of life or something like that. We're not -- Coast Guard's
18 not trained to fight fires on the ships.

19 Q. Are you trained to fight fires on commercial vessels?

20 A. Only our own vessels.

21 Q. Thanks.

22 LT. COMMANDER EMMONS: Does anyone else on line have any
23 questions? Okay. Does anyone else in the room have any
24 questions? Okay.

25 We'll go ahead and conclude the interview at 9:44 a.m. Thank

1 you again, Mr. Butierries. We appreciate --

2 (Whereupon, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Chief Warrant Officer Daniel
Butierries

ACCIDENT NO.: DCA22FM022

PLACE: via telephone

DATE: July 28, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: LYNN CHANDLER, Vice President
Bay Diesel

Portsmouth Federal Building
District 5 Prevention
Conference Room
Portsmouth, Virginia

Tuesday,
July 26, 2022

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National Transportation Safety Board

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District 5 Investigation Team, United States Coast Guard

KAREN LEE, Lieutenant Commander
Legal Advisor for District 5 Formal Investigation

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I N T E R V I E W

(8:31 a.m.)

MS. EMMONS: Mr. Chandler, if you could just officially, for the record, acknowledge that the recorder is on and functioning?

MR. CHANDLER: Yes, recorder is recording (indiscernible).

MS. EMMONS: Thank you, sir. So, this is a joint US Coast Guard and DSD investigation, and we're the lead agency, and we're conducting this under the Coast Guard --

(Crosstalk)

MS. EMMONS: -- the investigation. How this will kind of work is, the Coast Guard will ask questions first; then, the NTSB will ask questions; and then, we'll go to the parties of interest. On the phone, we have one, I believe, and (indiscernible) here. And then, what we're going to do first is just do an introduction of everyone. But to start it off, I'm just going to be very official and say that the date is July 26th, 2022. The time is 8:31. We're conducting an interview with Mr. Lynn Chandler, and the location is the Portsmouth Federal Building in the District 5 Prevention Conference Room. And again, we're conducting this interview to examine the events surrounding the fire and subsequent events and loss of a total vessel, of the *Spirit of Norfolk*, that occurred on June 7, 2022.

Just to acknowledge, in the room, the -- your legal representative, if you could just please introduce yourself and spell your last name?

1 MR. ABEL: Sure. Chris Abel, A-B-E-L, Willcox Savage Firm,
2 representing Bay Power Solutions, who employed the witness here
3 today.

4 MS. EMMONS: Thank you, sir. And if we could just go around
5 the room, and we'll start with you, Mr. Chandler. If you could
6 just state your name, everyone. I'm here and on the phone, but
7 we'll go in the room first. If you could just state your name and
8 your affiliation, and then spell your last name for the record,
9 please.

10 MR. CHANDLER: All right. Lynn Chandler, C-H-A-N-D-L-E-R,
11 second vice present of Bay Power.

12 MS. EMMONS: And I'm Lieutenant Commander Nicole Emmons,
13 E-M-M-O-N-S, and I'm with the District 5 investigation team.

14 MR. WEIGEL: I'm Alan Weigel, W-E-I-G-E-L. I'm with the law
15 firm of Blank Rome, and I'm here representing --

16 RECORDING: This meeting is being recorded.

17 (Crosstalk)

18 MR. DENLEY: I'm Eric Denley, D-E-N-L-E-Y, and I'm with
19 Hornblower City Cruises.

20 MR. TAYLOR: Travis Taylor, T-A-Y-L-O-R. I'm with the
21 Traveling Inspection Staff.

22 MR. KARR: Mike Karr, K-A-R-R, with the NTSB.

23 MR. WHALEN: Lieutenant Tom Whalen, W-H-A-L-E-N, and I am
24 with the District 5 formal investigations team.

25 MS. EMMONS: And on the line, please? We'll start with the

1 PII.

2 MS. GALITOU: Magdalini Galitou with Phelps Dunbar,
3 G-A-L-I-T-O-U, for Captain Nadeau.

4 MS. EMMONS: And NTSB on the line?

5 MR. FLAHERTY: Yes. My name is David Flaherty. Last name is
6 spelled F-L-A-H-E-R-T-Y.

7 MS. EMMONS: And Coast Guard representative on the line?

8 MR. WADDINGTON: So, good morning, everybody. My name is
9 Commander Randy Waddington. I'm the team lead for the District 5
10 formal investigation. Last name is spelled W-A-D-D-I-N-G-T-O-N.

11 MS. EMMONS: And is that all on the line? Did I miss anyone?

12 UNIDENTIFIED SPEAKER: We've got one more. 7735.

13 MS. LEE: Good morning. This is Lieutenant Commander Karen
14 Lee, legal advisor for the District 5 formal investigation.

15 UNIDENTIFIED SPEAKER: Good timing, Karen.

16 MS. EMMONS: All right. Mr. Chandler, just to let you know
17 that you can change, modify, and retract anything you say once
18 the, the transcripts will be provided if you want to go back or
19 clarify something. You have the right to change anything you
20 want. You may also appeal the final results of the report of
21 investigation, which is our report at the end of this that will --
22 you can appeal it. There's a process for that. And if you would
23 like to look up the investigation process and kind of know what
24 we're doing, we have what we call the Marine casualty -- the
25 Marine Safety Manual, Volume V, and that kind of explains our

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1 investigation process.

2 And just two ground rules for everyone. If everyone could
3 just silence their phones; and if you're on the phone, if you
4 could mute until your turn to speak. And if everyone could avoid
5 acronyms if at all possible, or if you have to say one, if you
6 could explain what the acronym means. We use a lot of acronyms,
7 so for the record, if you could just kind of spell it out. That
8 goes for everyone.

9 Do you have any questions, sir, before we begin?

10 MR. CHANDLER: No, ma'am.

11 MS. EMMONS: Okay. I'll start with the Coast Guard,
12 Lieutenant Whalen.

13 MR. WHALEN: Thank you, ma'am.

14 INTERVIEW OF LYNN CHANDLER

15 BY MR. WHALEN:

16 Q. Good morning, sir, and again, thank you for joining us this
17 morning. So, if you could please, just to start, can you please
18 tell me what your job title is and what you do?

19 A. Okay. What I -- excuse me. I'm executive vice president.
20 Basically, I'm in charge of all production, which means that I
21 run, and oversee, and manage the service departments that we have.

22 Q. Okay. And what service departments do you have?

23 A. We have the marine department, we have power generation
24 department; and then, kind of help with the sales department just
25 in general.

1 Q. And where are they located?

2 A. I'm based here at Chesapeake, which has the marine department
3 and a power generation division. We also have car generation in
4 Richmond, Roanoke, and Charleston, West Virginia.

5 Q. Okay. And what is your experience? What did you do prior to
6 working for this company?

7 A. Well, I was raised on a farm in Iowa. I joined the US Navy.
8 I was a construction mechanic in the Seabees for four years,
9 stationed in Little Creek, Virginia. There, I worked basically
10 for the last couple of years on the Elevated Causeway, working on
11 the water. From there, I had a couple of small jobs here and
12 there. Worked at Hertz Heavy Equipment Rental as a mechanic,
13 service manager, and then a branch manager for 10 years. And
14 then, I went to work at Bay Diesel, which is the parent company of
15 Bay Power, and I've been there for the last 33 years.

16 Q. That's great. And what's the Bay Power company, like,
17 construct? So, who is -- who do you report to, and who do they
18 report to? Just to kind of get an overview of the whole company
19 itself. And then, break it down to through the marine division,
20 if you wouldn't mind.

21 A. All right. The COO, President Cutler. The, the founder of
22 the company is Scott Wheeler. Then, we have a president,
23 Bob Robins, who does the sales department. And then, I head up
24 the service department, so I report directly to Scott.

25 Q. And then, how many people work for you?

1 A. I have somewhere in the area of 19 technicians and probably
2 five to six work staff.

3 Q. Okay. And those technicians are all marine technicians? You
4 said you do --

5 A. Yeah. I have 19 marine technicians, yes.

6 Q. Nineteen marine technicians? Okay. And do they all -- where
7 is your office -- or, where is your specific office located?

8 A. 3736 Cook Boulevard in Chesapeake.

9 Q. In Chesapeake. And do they all work out of that office, or
10 how does that --

11 A. Yes, sir. Yes, sir.

12 Q. Okay. Okay. So, with your 19 marine technicians, what is
13 their -- do they -- what is their training and competencies? How
14 do they -- do -- can you explain to me how they become trained and
15 qualified? Do they come in trained and qualified, or do you guys
16 help train and qualify them? How does that process work?

17 A. Well, of course, we like to hire people that have
18 qualifications just in case -- because it's less expensive,
19 because they've already gone through schools. In this day and
20 time, that's not really easy to be done because of the lack of
21 labor in the market. So, we take -- excuse me. We have ties with
22 Tidewater Community College, ATI, some of the other tech and vo-
23 tech schools in the area. We offer just like internships for
24 people that are going to ATI. They'll come work for us in their
25 off times, get some experience. But other than that, we have a

1 wide variety of engines that we work on, so we will see what our
2 needs are; we'll take the up-and-coming people that are getting
3 hands-on training every day; and then, we'll send them to a
4 specific school, whether it's Cummins, or John Deere, or --

5 Q. Okay. And then, with -- once they attain those, what did you
6 call them? Qualifications or certifications from?

7 A. Yes.

8 Q. So, once they attain those, do they then specifically work on
9 those engines, or is it -- are they allowed to kind of work -- do
10 they work on engines that they haven't been to school at,
11 basically?

12 A. Yes. Everyone there will work on whatever is coming in or
13 whatever job we have. Now, is we do have a job that is
14 Caterpillar, I will take and send -- especially, the lead man will
15 be a Caterpillar-certified guy or someone that we're very
16 comfortable with doing those engines, because they have worked for
17 some time underneath a certified guide, where we're very
18 comfortable with them doing that work.

19 Q. And so, who does -- who's in charge of scheduling? So, if
20 I'm -- say I'm a vessel, and I need a service. How does that --
21 so, as a customer, how do I get in touch with the tech rep to have
22 him come out, and how do you -- who determines who goes to attend
23 to us?

24 A. All right. Well, the call would come in to the service
25 department just during normal business hours, and he would talk to

1 someone with the service team, but it basically would filter down
2 to the actual service manager, Adam Culpepper, who would direct
3 the proper technician to the job. If we do not have a proper
4 technician for the job, we will say, look, you know, you're going
5 to have to wait a few days until a proper technician does come
6 along. But for general run of the mill, it's, who's available and
7 what their, what their experience is, before we send them out.

8 Q. And you mentioned, was it Adam Culpepper?

9 A. Yes, sir.

10 Q. And he makes that determination on who will attend the
11 vessel?

12 A. He's the main source, yes. We try and have one person in
13 charge of that so we don't get conflicting --

14 Q. Of course.

15 A. -- orders to the techs.

16 Q. And what's his title?

17 A. He's the general service manager.

18 Q. General service manager. Thank you. What types of vessels
19 do you guys do service on?

20 A. We work on anything from small fishboats all the way up
21 through the RORO boats.

22 Q. Oh, the RORO, so the --

23 A. Yes.

24 Q. -- roll on/roll off type --

25 A. Correct.

1 Q. -- vessels? Okay.

2 A. We also work on (indiscernible) some of the big container
3 ships.

4 Q. Okay. So, with those vessels, so, with any type of service
5 that happens, who is it that makes notification to you for a
6 service request?

7 A. Do not understand your question.

8 Q. So, when a service request comes in to Bay Diesel, who makes
9 that phone call? Is that the customer who makes the phone call?
10 Is it the Coast Guard who makes the phone call? Is it a third
11 party? So, who calls to request your services and sets up the
12 (indiscernible)?

13 A. If it's on the commercial side, it's going to be either the,
14 the owner of the vessel, the port engineer, someone with
15 authority. If it's one of the larger vessels, it is a ship
16 management company, usually their port engineers. And if it's the
17 Coast Guard, it can be, you know, pretty much anybody. But
18 normally, it's somebody in contract --

19 Q. Okay.

20 A. -- that we'll call. We do get some calls directly from a
21 boat that we work on, and they're familiar with us, and they'll
22 call up and ask questions.

23 Q. Okay. Do you work often on kind of -- are you familiar with
24 the term, an inspected vessel? So, like a Coast Guard inspected
25 vessel which has a COI, or certificate of inspection?

1 A. Yes. Coast Guard inspected vessels, ABS inspected vessels,
2 yes, sir.

3 Q. Okay. And what is -- do you have a communications
4 relationship with regards to work that's being done on Coast Guard
5 inspected vessels or ABS inspected vessels?

6 A. With who?

7 Q. So, if you were to work on a Coast Guard inspected vessel,
8 would you have communication with the Coast Guard?

9 A. No, sir. Not unless there is -- has been a failure, and the
10 Coast Guard has been called in because of the failure. Then, we
11 will supply service reports and, excuse me, work that has been
12 done, so they can review it before they release the vessel.

13 Q. And who usually -- would your company or your tech reps,
14 would they make notification to the Coast Guard, or would the
15 company that you're working for make the notification to the Coast
16 Guard, to provide those service reports?

17 A. No. Normally, the customer would have us send those to them
18 so they could supply them. On some occasions, we will send them
19 directly to the Coast Guard person that's asking for them at the
20 direction of the customer.

21 MR. WHALEN: Okay.

22 BY UNIDENTIFIED SPEAKER #2:

23 Q. So, how long has Bay Diesel been working on the *Spirit of*
24 *Norfolk*?

25 A. I would have to say, and this is just a rough estimate, I

1 would say 15 to -- 15 plus years.

2 Q. Okay. And for the *Spirit of Norfolk* specifically, you guys
3 typically deal with a single point of contact, as you put it? So,
4 do you know who you deal with usually for that organization or for
5 that vessel?

6 A. For the *Spirit of Norfolk*, it'd be the marine manager, Ryan
7 Nadeau.

8 Q. Marine manager?

9 A. Marine director.

10 Q. All right. And were you guys involved with the engine
11 changeout when they made the shift to the Scantias back at -- this
12 was in 2020 or 19 --

13 MR. WHALEN: 2020.

14 UNIDENTIFIED SPEAKER #2: 20?

15 MR. WHALEN: 20.

16 MR. CHANDLER: No, sir. At that point, we know about the
17 change, because we are Scania dealers, but that was all handled
18 through Hornblower's home office and Mac Lorey (ph.) of
19 New Jersey.

20 BY UNIDENTIFIED SPEAKER #2:

21 Q. Okay. And so, I've got a series of service reports. I'm
22 sure -- if you want to look at them, but these are the ones that
23 we requested, I think, through. And looking at the service
24 reports, I've got them dating from May 15, 2022 through May 26,
25 2022. And so, in looking through these, just a couple of things

1 that jump out to me, but one is the -- on 5/17/22, there was a
2 recommendation to replace the left bank turbo, and then replace
3 both the turbo supply lines. So, when something like that comes
4 out, from a machinery background, and yours is much more extensive
5 than mine, but that jumps out at me as -- and can you kind of go
6 through the process that you guys use to review a comment like
7 that and look at if there's significance in that comment for you,
8 having the more extensive mechanical background, and kind of how
9 your technician relays that information through the series of
10 personnel at your office?

11 A. Okay. This specific service report was done after we did the
12 repair to the front cover that had an erosion hole in the cooling
13 system. Our technicians reviewed everything on the engine. They
14 do inspections on everything other than what we were working on
15 before they would have fired it up, and they noticed, on this
16 specific engine, that the left bank turbo was janked up and
17 slobbering a lot of oil. So, he wrote that up as a
18 recommendation. And then, he also noticed that the turbo supply
19 lines, which were of the rubber hose type, they were steel with
20 rubber hose in the middle of it and go back to a steel fitting,
21 were burnt. The casings were burnt, and brittle, and cracking,
22 which would lead to a potential burst, and it's (indiscernible)
23 hot housing, so it would potentially cause a fire. So, with that
24 said, that's why they wanted both of those lines replaced; and
25 subsequently, we did do that.

1 MR. WHALEN: I'm sorry, you said you did do that?

2 MR. CHANDLER: Yes, sir.

3 MR. WHALEN: Thank you.

4 BY UNIDENTIFIED SPEAKER #2:

5 Q. When a service report comes in like that, Mr. Chandler, is
6 there -- and again, the specific -- what are the implications
7 of -- I've got to kind of -- so, the implications of that oil
8 slobbering from the -- around the turbocharger, what are the
9 implications of something like that potentially?

10 A. Well, what that does, is, it tells you that that turbocharger
11 is failing.

12 Q. Yeah.

13 A. The oil can, depending on where it's leaking -- this was
14 noticeable on the intake side, so that would potentially go into
15 the engine, come up the aftercoolers, which turn to air. And if
16 it really failed drastically, it could actually pump engine lube
17 oil into the intake, and the engine could possibly run away,
18 because it will run on lube oil.

19 Q. Right. So, if that were the case, is there a communication
20 that the technician is advised to give the owner of the potential
21 when something like that happens? Do you guys have kind of a
22 policy for that, or maybe --

23 A. Well, it's, I guess, second nature to us, but yes, we would
24 contact the person that was responsible. In this case, it'd be
25 Captain Ryan. And tell them what we have found, what we're

1 recommending, and to get their approval to go ahead and proceed
2 with that, which would be outside our scope that we would have
3 already been doing.

4 Q. Okay. And in this particular case, from this service report,
5 you said that this was addressed. How was this addressed? I know
6 there was a rebuild that came up on this engine after, so was
7 there something done before the rebuild, or -- you know, I've,
8 again, got the series of reports, but can you kind of go through
9 what you -- the action you guys took and how this was corrected?

10 A. All right. Excuse me. The recommendation was made on 5/17.
11 On 5/18, it looks like we were -- yes, we were authorized to
12 proceed with that repair.

13 Q. Yeah.

14 A. So, the left bank turbo, which is the outboard turbo out of
15 the port main, was removed. And as the service report tells you,
16 the exhaust pipe was broken off and had to be drilled, and tapped,
17 and so forth, and so on. And along with it, when we do that
18 turbo, we do the both of the turbos' high pressure lube oil lines.

19 Q. No, that's it. Yeah. So, there was a problem; the problem
20 was addressed --

21 A. Yes, sir.

22 Q. -- to everyone's satisfaction?

23 A. Yes, sir.

24 Q. Okay. So, for a diesel engine's service life, from back at
25 the time when I used to service diesel engines, we would take the

1 engine to a certain number of hours; and then, we'd to maintenance
2 at that interval. Since -- the strategy has changed a little bit
3 in the industry in some places. So, instead of maintenance at an
4 interval, they use testing and analysis to develop trends; and
5 then, they do maintenance based on the results. And I'm kind of
6 summarizing a little bit, and correct me if I'm wrong here, but --
7 so, what it does is, it saves the customer money, and it also
8 ensures that a potential problem is addressed as a maintenance
9 prior to a repair. So, that's the intent, and that's based on --
10 is that a good --

11 A. That's a very accurate description, yes, sir.

12 Q. So, is that the approach that you guys -- or, what approach
13 does -- I guess, Hornblower uses you guys to do all their
14 maintenance on those engines on the *Spirit of Norfolk*? And I
15 don't know if that's the best question for you, but to the best of
16 your knowledge, you guys are the only ones that work on those?

17 A. I would say we're the primarily people, yes.

18 Q. Okay. And do you guys take an approach from maintenance, or
19 does the company call you guys when they need you? How does that
20 work?

21 A. They call us when we're needed.

22 Q. Okay. Let me make a little note. So, from -- does anyone
23 look at the service reports, Mr. Chandler, and go on back through
24 the series of reports for a certain owner to see if they are
25 trends developing that might potentially indicate a problem? Is

1 that something you guys do as a standard when you service engines
2 on a regular basis, to look for those trends that might be
3 developing maintenance or repair issues?

4 A. Yes. We do -- whether we're there for a minor service or a
5 major service, we will do an overview of the engine to make sure
6 that everything is as it should be, because that's our job.

7 Q. Yep.

8 A. The results of that are shared mainly with the customer.
9 They are written up on the technician's daily work request, which
10 is turned in every afternoon, which is then reviewed by the job
11 manager that's assigned to that to oversee it. And then, there is
12 phone calls throughout the day if, say, for this turbo, we see it,
13 and the captain says, yes, go ahead and replace it. That call
14 will be made during the day before this report gets back so the
15 parts can be ordered and so forth to try and keep the vessel up
16 and running as quickly and as most efficiently as possible.

17 Q. And is it -- whose responsibility is it specifically to
18 discuss this with -- you know, would the technician be transferred
19 and -- if there was urgency to replace a part, or does the service
20 manager get involved on a --

21 A. The, the technician has the responsibility to inform the
22 people on the vessel if there's someone there of authority.

23 Q. Yeah.

24 A. But then, their job is to let the job manager or service
25 manager know so that, then, that can be relayed to -- say, if

1 Captain Nadeau was not on the boat in this instance, then they
2 would either talk to the, the lead mate or whoever was there, tell
3 them; but then, they would immediately call Adam, who would then
4 call the captain to say, hey, you know, this is what's going on.
5 There are some cases where -- because we've worked with them so
6 long, they may have Captain Nadeau's number in their phone, so
7 they'll just give him a quick call versus playing phone tag around
8 the, the circle.

9 UNIDENTIFIED SPEAKER #2: Okay. I think that's all we have,
10 Tom.

11 MR. WHALEN: I don't have any follow-up questions, really.

12 BY MR. WHALEN:

13 Q. So, we had mentioned the trends based upon testing
14 (indiscernible) however, you know, however that's done. Had a
15 trend been identified on the *Spirit of Norfolk*?

16 A. I would say -- a trend?

17 Q. Maintenance. Like, you know, a regular maintenance item
18 needed attention? Was something failing quicker than it should
19 have?

20 A. Well, this specific vessel, the *Spirit of Norfolk*, because of
21 COVID and so forth, they had not really run for about the last
22 two, two and a half years.

23 Q. Oh.

24 A. And seeing as how the engines were put in just prior to that
25 and commissioned by Mac Lorey, we had no history on these engines.

1 So, we would not have had any trending at all, and -- unless there
2 was trending prior to the engines coming to the vessel, because
3 they were taken out of another vessel. The *Spirit of Norfolk* crew
4 wouldn't have had any information on their past, and their
5 maintenance history, and/or training, or (indiscernible). Yeah.

6 Q. Had there been -- while Bay Diesel was working on those
7 specific engines on the *Spirit of Norfolk*, had your employees or
8 your members conducting any other turbo work, any changeouts, any
9 supply lines?

10 A. No. This was the first time we'd actually been called for
11 anything other than, you know, (indiscernible) filters or
12 something like that. We really hadn't done anything of any note
13 before this.

14 Q. On the *Spirit of Norfolk*?

15 A. On the *Spirit of Norfolk*, yes.

16 Q. Okay.

17 A. For, for these -- for this -- for these engines.

18 Q. For the -- okay.

19 A. For, for the new engines.

20 Q. Okay. When, in the technician report, when you -- or, when
21 the technician had changed out the left bank turbo and the supply
22 lines, he had made a recommendation for the crew to keep an eye on
23 the right bank turbo, to change out when replacement had come in.
24 Is there a reason why he would believe that the right bank turbo
25 needed to be replaced?

1 A. Because during sea trials, there was a slight (indiscernible)
2 of lube oil that was noted on the cold housing, the intake, which
3 could have been residual from the repairs that were done, lines
4 being removed. The compressor wheel in the cold housing was kind
5 of scrubbing. It rubbed the shaft, and the turbine assembly
6 rotated freely. But given the hours on the engine and so forth --
7 well, think back. They went and did their sea trials, and when
8 they came back, the oil had not come back. It had a very small
9 amount. But due to the hours on the engine, we assumed that the
10 turbos had the same service duration, that they'd both been
11 running for the 10,000 hours that were on the engine, and it was
12 prudent at that time to say, look, you know, it's running fine,
13 but we would like you to watch it, and would really recommend that
14 you go ahead and replace it at this time.

15 Q. You mentioned that you're a Scandy technician dealer -- or,
16 not dealer. I'm sorry that I used that term. But what's a
17 typical, as per manufacturer, recommendations for turbos to be
18 changed out? How long will they run for properly without needing
19 replacement?

20 A. That's a, that's a very subjective question, there.
21 Depending on your maintenance, running conditions, environment
22 that you're running the engines in, how hard you run them, there
23 is no -- to my knowledge, there is no Scania-scheduled maintenance
24 time frame for those. There are, I'm sure, in the service manual,
25 specifications when it reaches so much radial clearance and axial

1 clearance in play that they're going to recommend, you know, if
2 it's over that, you know, replace. But to my knowledge, there is
3 not an hour limit where they recommend.

4 Q. Okay. Have you ever been on the *Spirit of Norfolk* in a
5 technical capacity? Have you ever gone there for -- to do service
6 or to oversee any type of work?

7 A. I've been on board in, in the engine rooms many times, yes.

8 Q. Okay. And just -- so, we went -- so, just to break down the
9 timeline, so, I believe it was on the 15th, is when we had the
10 jacket water leak. On the 17th, it was -- on the 15th, that
11 jacket water leak was corrected. They went underway on, well, I
12 believe it was the 17th, for a sea trial from that correction.
13 There was -- it was another jacket water leak or from the same
14 component. To where they then came back out and corrected it. On
15 the 18th is when the technician had then identified the turbo
16 issue and made the recommendation; is that incorrect?

17 A. I would have to look at the timeline.

18 Q. Okay. So, from -- so, we had the 15th for your initial
19 jacket water. 17th, we had a secondary jacket water leak. 18th
20 was, -- then the turbo leak was identified; was then corrected on
21 the 18th. And then, from that point, from the 18th, between the
22 18th and the 26th, Bay Diesel conducted an overhaul of the port
23 main engine.

24 A. Correct.

25 Q. Correct. What -- from the 18th to the, I believe it was the

1 20th or -- I believe -- I don't know when the overhaul began. But
2 what led to that overhaul, and why did that overhaul -- was that
3 recommended?

4 A. Okay. After -- I understand now.

5 Q. Okay. Sorry.

6 A. No, that's fine. After the front cover repair was done, the
7 vessel was sea trialed. It was running properly. When they
8 actually put the vessel to work, they noticed that they were
9 having increasing base pressure. When I say base pressure, you
10 have -- they were getting a lot of blowby past the rings into the
11 base of the engine, which was then venting out into the engine
12 room, to the point what they were not wanting to run
13 (indiscernible) further, because if they did, they knew they were
14 going to -- they were very smart people, that they would probably
15 incur a casualty and it would cost a lot more than -- I'll say,
16 the *Spirit* folks are very conscious of their maintenance and
17 keeping their equipment in good order.

18 MR. WHALEN: Okay.

19 BY MS. EMMONS:

20 Q. I just have one quick follow-up. Regarding the last
21 recommendation for the right bank turbo replacement, it was
22 recommended that you were going to order, or (indiscernible) was
23 going to order, the replacement. That's the last report we have
24 from, I believe it was, the 26th. Did that replacement ever come
25 in and get put on the vessel, or --

1 A. The replacement came in, but it was not put on the vessel.
2 There hadn't been any other signs of problems or failure with the
3 turbo as the crew was watching it and noting it. So, in some
4 conversations between my service manager, Adam, and the captain,
5 because of the vessel's schedule, that we had seen what happened
6 when we did the opposite bank turbo, and broken studs, and so
7 forth. So, he decided to wait on that until they had their down
8 day, some down time.

9 Q. And when you say he?

10 A. He, the captain. I'm sorry. Captain Nadeau. And so, we
11 were basically standing by with another replacement turbo for the
12 proper (indiscernible) to go and do it.

13 Q. And did he give you a time frame of when that down time would
14 be, or just (indiscernible)?

15 A. I would not be able to tell you that. I believe that he was
16 -- he had told Adam or my service manager that -- because they're
17 very good at giving us their schedules, and he was like, you know,
18 we've got two to three cruises a day for the next four or five
19 days, and then -- yep. So, it was tentatively scheduled, but it
20 was out a little bit.

21 MS. EMMONS: Thank you.

22 MR. CHANDLER: (Indiscernible)

23 BY UNIDENTIFIED SPEAKER #2:

24 Q. So, Mr. Chandler, you said that the vessel crew noticed the
25 excess crankcase pressure, and they decided not to run, that they

1 called you guys back in to do a repair; is that correct?

2 A. Correct. I would have to look at our notes. I'm sure that
3 we had a little bit of blowby when we finished our repair, but it
4 hadn't really presented itself as major as yet. But yes, the crew
5 is what saw the excess base pressure and notified us. And
6 actually, I think Captain Nadeau, one evening, had some
7 correspondence back and forth by text with, with Adam, and was
8 asking for some rough numbers of, you know, what it would cost and
9 so forth, were the parts available, and so forth, so on, because
10 of the coming cruises that they had scheduled, so that a repair of
11 this magnitude could be done in the next -- in the quickest manner
12 as possible.

13 Q. Right. So, you have blowby in the cylinders, which means
14 probably cylinder liner kit, so something fairly extensive, not an
15 entire rebuild, but I think they replaced four cylinder liner
16 kits; is that the --

17 A. To my knowledge, they did all of them.

18 Q. Okay. They did all of them?

19 A. I believe so, yes.

20 Q. So, when you look at something as extensive as a rebuild, do
21 you guys in normal protocol try to determine the cause for that?

22 A. Yes, sir.

23 Q. And did you do that in this case?

24 A. Yes, sir.

25 Q. And what did you determine -- or, your service person,

1 determine was the cause in this case for that failure?

2 A. Well, because we knew that the engine had been overheated, we
3 were strongly suspect of scoring and so forth in the liners. And
4 then, when we came down to the vessel, first thing that they do is
5 (indiscernible) what we do is, we do an investigation ourselves
6 into the engine as to why. So, they dropped the oil pan and were
7 actually able to look up into the engine, into the bottom side of
8 the liners, and see the scoring. And in this situation, with
9 10,000 hours on it really wasn't much of a question in our
10 technician's mind, and that's what was relayed to the customer,
11 that they should go ahead and do what we call a game (ph.) frame
12 overhaul.

13 Q. Scania's four-cycle diesel or two-cycle?

14 A. It's four cycles.

15 Q. Okay. Okay. And so -- and again, what was -- was there a
16 clear determination of cause? Was that --

17 A. It was from heat.

18 Q. The overheating?

19 A. It was overheating.

20 Q. Okay. Okay.

21 UNIDENTIFIED SPEAKER #3: Sorry.

22 BY UNIDENTIFIED SPEAKER #3:

23 Q. So, you had said that the crew identified elevated pressure.

24 How would they identify those elevated cranking pressures? Was

25 it --

1 A. It would be visual.

2 Q. Explain to me that.

3 A. There's crankcase vents on the top of the engine coming off
4 the valve covers, I --

5 Q. Yeah.

6 A. -- believe, on this engine, and it's very visual. It's
7 like -- looks like a white cloud being shot out. It's very
8 noticeable.

9 Q. Was the -- were the engines -- or, was the *Spirit of Norfolk*
10 outfitted with like an engine control? Did it have an electronic
11 monitoring system up in the pilot house?

12 A. I do not know.

13 Q. Okay. If a vessel -- and Captain -- when he, at the time, on
14 the 7th, experienced an alarm for loss of port control, what would
15 cause that? Would that be an internal engine issue? Would that
16 be an electrical issue for like the electrical pulse up to the --
17 like losing power? What would something -- what would that be for
18 diagnostically-wise? What would cause that?

19 A. Well, I'm not familiar with the gages and alarms that were on
20 these engines, since we hadn't had anything to do with their
21 installation and commissioning. So, to answer your question,
22 though, he would have -- one of his primary things would be his
23 RPM page, which tells us what speed the engine is rotating so if
24 it starts dropping off. He would also then have gages for water
25 temperature, gear pressures, and so forth. And from that, he may

1 be able to tell something to do with the pilot house. I don't
2 know. But like I say, the boats that we've worked on for *Spirit*
3 have had good instrumentation and good alarms on their stuff, on
4 their engines.

5 Q. All right. Just one final question, and thank you again.
6 After the rebuild was conducted, and you said they conducted a
7 power trial, or --

8 A. Yes.

9 Q. -- they got underway for a power trial, what would your
10 technician who was onsite, what would they do for a power trial?
11 And was -- do they verify those with the design verification
12 testing procedures, the DVTPs, that are approved from the engine
13 for the Coast Guard wise? Does that come into account? So, the
14 first question is, what would you do for (indiscernible)? Sorry.

15 A. Okay. Power trial, we would do -- first, we do dock trials,
16 which is starting up the engines, checking for proper pressures
17 and temperatures. That would have -- that would go on for a
18 period of time of a half hour to an hour to make sure everything
19 was good. They would probably run a little bit of a varying of
20 RPM up and down just to, you know, look for (indiscernible)
21 controls and proper operation. Then, they would get underway to
22 put some actual load on the engines. And then, they would run the
23 engines usually in increments: 25 percent load, roughly; 50
24 percent load; 100 percent; then, wide open, to put the engine
25 through its paces, which also helps in seeing the rings and the

1 liners, which is (indiscernible) that's when they are wearing into
2 the liners and becoming -- have more positive sealing
3 characteristics. And then, we always tell the customer, you know,
4 do a rebuild, you're going to need to change the oil within 100
5 hours or so.

6 After we did the power trial, we came back. They tested
7 safeties, which, safeties are properly set. In this case, the
8 safeties were not properly set. Well, let me rephrase that. It's
9 not that they were not properly set, but they were set higher than
10 they would have liked the to be. And after talking to the
11 captain, he agreed with us. As our recommendation, we lowered the
12 setpoints on, I know, water temperature. Actually, we did it on
13 -- we did this on both (indiscernible). But it was set high, just
14 like 220 degrees, and we like to see that alarm go off at like 210
15 or something --

16 Q. Yeah.

17 A. -- of that nature.

18 Q. And all of that was conducted on the *Spirit of Norfolk*, the
19 engine?

20 A. Yes, sir.

21 Q. Okay. Was there a Coast Guard member present during any
22 testing?

23 A. To my knowledge, no. I know that they have said that a Coast
24 Guard person came down to do a quick compression before releasing
25 the vessel back to service.

1 Q. After the test, after the sea trials --

2 A. That's, that's my understanding, yes.

3 UNIDENTIFIED SPEAKER #3: Okay. Thank you.

4 MS. EMMONS: -- the NTSB, did you want Mr. Flaherty? Are you
5 Mr. Flaherty?

6 UNIDENTIFIED SPEAKER #4: I would. Mr. Flaherty will ask
7 questions.

8 MS. EMMONS: Mr. Flaherty, are you on the line?

9 MR. FLAHERTY: Yes, I am. Can you hear me?

10 MS. EMMONS: Yes, sir. Go ahead, please.

11 MR. FLAHERTY: Right.

12 BY MR. FLAHERTY:

13 Q. Sir, appreciate you coming in and answering our questions.
14 You mentioned that the diesel engine, it was the port diesel
15 engine, had 10,000 hours on it?

16 A. Correct.

17 Q. Is that from the time of the manufacturing of the engine, or
18 from like the last maintenance period?

19 A. I don't know the answer to that question, as I don't have any
20 history of this unit. It would be my educated guess that that was
21 from being new.

22 Q. Okay. And you mentioned that the turbocharger, when it was
23 discovered that it was having an oil leak, did they describe how
24 extensive the oil leak was?

25 A. I don't know if it was described in detail in the service

1 reports. We do have pictures of it that basically is better than
2 any writeup they could have done.

3 Q. Okay. And when you discover something like that in a
4 mechanical sense, what has failed with the turbocharger to cause
5 that?

6 A. Turbocharger has seals in it to keep the oil from going into
7 the intake side, which would have a little bit of a vacuum, or
8 into the exhaust side, which would have a little bit of pressure.

9 Q. Right.

10 A. And after a period of time, wear, and so forth, they will
11 start allowing some oil to go by, and that's what we're looking
12 for.

13 Q. Now, from your experience, well, as this turbocharger is
14 original with the engine, would that problem with the oil leaking,
15 would that be associated with a diesel engine that has -- in that
16 type of diesel engine, of course, but a diesel engine that has
17 10,000 hours on it?

18 A. At the 10,000-hour mark, it would not be unusual to see a
19 turbocharger starting to, to leak oil.

20 Q. Okay. And you mentioned that the engine was overhauled
21 because it was having blowby. Can you describe what your
22 technicians would have to do for the type of overhaul that
23 occurred to the engine?

24 A. All right. So, what we had to do -- this was what we term as
25 an in-frame overhaul, which means that we didn't lift the engine,

1 we didn't go behind the rear covers, we didn't put the gear
2 trains. But because of the physical characteristics of where it
3 sat and so forth, it was very easy to drop the lube oil pan. A
4 technician actually got down in a bilge under the engine and was
5 able to look up into the engine to review everything. The
6 cylinder head would have to come off; and then, the cylinder kits
7 would come out. They also inspected the crankshaft. They looked
8 at the main bearings, the rod bearings, for unusual wear and,
9 and/or any issues. None were seen.

10 Q. Okay.

11 A. Then, the engine was reassembled with new, new bearings; new
12 cylinder packs, which are liners, pistons, rings, piston pins; new
13 cylinder heads (indiscernible). These were rebuilt exchange heads
14 from Scania. Replacement injectors; and all associated gaskets,
15 and seals, and so forth that go along with that.

16 Q. At any time, would the technicians who were there have to use
17 a chain fall to lift any heavy pieces of the engine off?

18 A. In this case, no. These were single cylinder heads. I would
19 say their weight was less than 40 pounds. So, there really wasn't
20 what we call rigging involved, to my knowledge. The lube oil pan
21 is aluminum, so it, it didn't have any major weight to it. So, I
22 would say, you know, on this particular repair, we did not need to
23 use any, any heavy-lifting chain falls and/or come alongs.

24 Q. Okay. Did you have to use any torch to loosen anything, that
25 you're aware of?

1 A. No, sir. There should not have been any hot work done while
2 we were on board from, from our people, because, number one, we
3 didn't have a gas-free certificate, and that's something that
4 we're, we're very cautious of.

5 Q. Okay. Also, you mentioned that you had been in the engine
6 room, correct?

7 A. I have been in that engine room, yes, sir.

8 Q. Okay. So, looking at the diesel engines, and when they were
9 installed -- and I know you weren't there. It was before your
10 company got involved. But from your experience as a mechanic and
11 an engineer, would the diesels come in as parts, or would hot work
12 have had to been involved to open up a soft patch to get parts
13 into the engine room?

14 A. I do not know if the *Spirit of Norfolk* had a soft patch. I
15 do not know if there was any hot work done, as we weren't involved
16 in that at the portion of --

17 Q. Right.

18 A. -- the engine replacement. I would say that most likely,
19 because of access, the engine was not taken down there in parts,
20 because I don't even think the cylinder block would have been able
21 to make it through the watertight door going into the engine room.

22 Q. Okay. And you mentioned safeties. Now -- and you
23 discovered, for example, that the safety for the engine
24 temperature, pulling temperature, was relatively high. Was that
25 also true with the starboard engine?

1 A. Yes, sir.

2 Q. Okay. Oh, before -- could you explain what other safeties
3 that (indiscernible) engine had?

4 A. Well, to my knowledge, since I did not work on these
5 directly, but you would have water temperature, you would have
6 lube oil pressure. There should be an alarm, pre-alarm, for that.
7 I do not know, because these are electronic, if they had an
8 overspeed feature of a safety or not. But for the engine, that's
9 the big three. You have water temperature, oil pressure, and
10 overspeed.

11 Q. Okay. And outside of the reports, did your technicians ever
12 pass anything like either concerning the engine or that
13 (indiscernible) was, you know, for 10,000 hours, that it was in
14 okay shape or good shape? Did anything (indiscernible) past you
15 concerning the engines?

16 A. No, sir. Again, our gentlemen are trained not to look a just
17 what they're fixing, but the overall engine, so they would have
18 looked at the camshaft, the camshaft lobes, the cam followers, as
19 long as they were not kept in the inside of the engine where you
20 couldn't see them. And again --

21 A. Right.

22 Q. -- you know, they looked at the crankshaft. They
23 (indiscernible) terminals to make sure that there wasn't scoring
24 or anything there. Made sure everything was clean and so forth.
25 So, no, they give the engine a pretty good overall view, because

1 the last thing that we want to do is repair an engine, and it goes
2 back for something that was overlooked.

3 MR. FLAHERTY: Okay. All right. Well, thank you. I really
4 appreciate your time.

5 MR. CHANDLER: No problem.

6 MS. EMMONS: Did you have any questions, Mr. Karr?

7 MR. KARR: No questions.

8 MS. EMMONS: We'll go around the room, and we'll start with
9 the PIIs.

10 Mr. Abel, would you like to go last, or have you
11 (indiscernible)?

12 MR. ABEL: I would like to go last.

13 MS. EMMONS: For Hornblower, Eric?

14 MR. DENLEY: Yeah, I -- do you have some questions?

15 UNIDENTIFIED SPEAKER #5: Yeah.

16 MR. DENLEY: I do, too. Could --

17 MS. EMMONS: Just one, from what I understand, right?

18 UNIDENTIFIED SPEAKER #6: Yeah.

19 MR. DENLEY: Okay. Just one.

20 UNIDENTIFIED SPEAKER #5: Okay. You go ahead.

21 MR. DENLEY: Okay. You sure?

22 UNIDENTIFIED SPEAKER #5: (No audible response.)

23 MR. DENLEY: Okay.

24 BY MR. DENLEY:

25 Q. So, nice to meet you.

1 A. (Indiscernible).

2 Q. I'm Eric with City Cruises. I believe you said -- does your
3 company work on (indiscernible)?

4 A. Yes, we have in the past.

5 Q. Okay. And it would be similar type of engine work?

6 A. Yes.

7 Q. Okay. So, overhauls, repairs?

8 A. Majority of the Coast Guard stuff were, were overhauls on
9 the -- I think it was -- it's called the IBCT line, which are the
10 buoy tenders.

11 Q. Okay. So, the engine repairs and engine overhauls?

12 A. Yes, sir, yeah.

13 Q. Okay. You commented earlier, you were talking about what
14 could happen with a turbocharger, I believe, and I believe, so
15 please correct me if I'm wrong, but I believe you said sort of the
16 ultimate failure would be indicated in an engine runaway; is that
17 what you --

18 A. That is, that is, that is a possibility, yes, sir.

19 Q. Okay, okay. And if an engine runs away, would you have an
20 indicator? Would the indicator be RPMs? Is that --

21 A. There would be an indicator of RPM, yes, sir.

22 Q. Okay. So, if an engine runs away, and there's an RPM
23 indicator, you're going to see that in --

24 A. Correct.

25 Q. -- in elevated RPMs?

1 A. Yes, sir.

2 Q. Okay. Going back to the -- I believe there's the service
3 report that talked about a small bit of oil on the turbocharger.

4 A. Correct.

5 Q. And just to be clear on the timeline, this was after the
6 overhaul had been completed?

7 A. Yes, sir. It was during your dock trials.

8 Q. Okay. And after -- was the oil indicated after they
9 completed their dock trials and their sea trials?

10 A. No. This was at the beginning of the dock trials. Steven,
11 the technician, who you'll be seeing tomorrow, said that he
12 noticed it. It wasn't really significant, but it was enough to
13 pay attention to. He actually wiped it up with a rag, wiped it
14 off with a rag, and then continued to monitor it throughout the
15 sea trials and so forth. And it was his report that it did not
16 return, which was a good indication that it still had some life
17 left.

18 Q. And in your opinion, based on what was observed on the sea
19 trials and based -- that putting the engine into service was a
20 logical or was an appropriate --

21 A. Oh, yeah.

22 Q. -- step based on --

23 A. Yes, sir, absolutely.

24 Q. Okay. Why?

25 A. Because the engine was running properly. It was running

1 smooth. I think the analogy that the men gave was, it was running
2 like a sewing machine, which basically tells me that everything
3 was in proper order and in good condition. Also, I want to add,
4 if it had not been, we would not have released the boat.

5 Q. And then, finally, just so that I'm clear, you provided, you
6 know, comments throughout about what was done on board, and just
7 to be clear, your comments are based on talking with your
8 technicians, reviewing reports? I mean, what are you using to
9 kind of make your statements here? Because that -- you weren't
10 on -- I mean, were you on board for the sea trials?

11 A. No. I was not on board. I'm relying directly to
12 conversations with the technicians --

13 Q. Yeah.

14 A. -- with my service manager, and reviewing their service
15 reports.

16 Q. Okay. Was the tech who did the overhaul, was he a Scania-
17 certified technician, or was he Scania-qualified?

18 A. Yes, sir. Charles Wyatt attended Scania school and holds a
19 certificate for the Scania engines, and has access to all the
20 Scania technical literature and updates, which he used basically
21 because there was an update on the turbo lines that he found,
22 also.

23 Q. All right.

24 A. Okay.

25 Q. So, he has access to all the written --

1 A. Yes, sir.

2 Q. -- tech manuals. Does Scania publish like procedures for
3 doing overhauls?

4 A. I would have to ask Charlie about that.

5 Q. Yeah, yeah.

6 A. I'm assuming that there are some -- European engines have a
7 little bit more of a vague description of some of those things,
8 but there are certain steps and procedures that have to be done,
9 because this is -- every engine has its own little quirks.

10 Q. Okay. And then, was the same -- did the same technician
11 perform the work as was involved with the certification process
12 afterwards, kind of the testing, and the sea trials, and the
13 verification?

14 A. Yes. Charlie Wyatt was on board. He actually did the repair
15 for the front cover. And then, he was on board for the entire
16 overhaul procedure and sea trials.

17 Q. Okay. So, for the overhaul procedure, was he supervising it?
18 So, were there other technicians that were kind of doing some of
19 the labor and some of the work, and --

20 A. Yes, sir.

21 Q. -- was Charlie in more of a supervisory role?

22 A. No -- well, he was a working supervisor.

23 Q. Fair.

24 A. He and Steve Hanna, who's a very competent young man, did the
25 in-frame overhaul, and Charlie oversaw everything and made sure

1 that -- because he had his -- Scania's all in electronic, so
2 everything was on his laptop and they were able to refer to that
3 throughout the whole (indiscernible) that was used.

4 MR. DENLEY: Okay. Thank you. I don't have any further
5 questions, and thanks --

6 MR. CHANDLER: Oh, you're welcome.

7 MR. DENLEY: -- for joining us. Really, really appreciate
8 it.

9 MS. EMMONS: (Indiscernible) on the line, Phelps and Dunbar
10 for the PIIs for Captain Nadeau, do you have any questions?

11 MS. GALITOU: No questions. Thank you.

12 MS. EMMONS: Okay. Mr. Abel, (indiscernible)?

13 MR. ABEL: I don't have any questions, either.

14 MS. EMMONS: All right. Anyone else in the room, any follow-
15 up questions? Okay. We'll go ahead and end the interview at
16 9:39, and I'll stop the recording.

17 (Whereupon, at 9:39 a.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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Lynn Chandler

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, Virginia

DATE: July 26, 2022

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.



Lisa D. Sevarino
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

*

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Interview of: STEPHEN HANNA, Mechanic
Bay Diesel

Portsmouth Federal Building
District 5 Prevention
Conference Room
Portsmouth, Virginia

Wednesday,
July 27, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

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ALAN WEIGEL, Law Firm of Blank Rome
Counsel for City Cruises

ERIC DENLEY, Deputy General Counsel
Hornblower Group, City Cruises, *Spirit of Norfolk*

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United States Coast Guard

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National Transportation Safety Board

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District 5 Investigation Team, United States Coast Guard

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United States Coast Guard

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National Transportation Safety Board

MAGDALINA GALITOU, Phelps Dunbar Law Firm
Counsel for Ryan Nadeau

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1 I N T E R V I E W

2 (8:30 a.m.)

3 MS. EMMONS: Just to give you a little background, this is a
4 US Coast Guard investigation, but we're conducting it jointly with
5 the NTSB. So, we're the lead agency, and we'll be conducting it
6 under Coast Guard -- from their rules and regulations. But
7 everyone here will get a turn to ask questions, and we'll go
8 around the room, and start with the Coast Guard, and then go to
9 the NTSB, and then the parties of interest (indiscernible). We
10 will introduce the parties after I do the official start of the
11 interview, which:

12 The date is July 27, 2022. The time is 8:30 a.m. We're in
13 an interview with Mr. Stephen Hanna, and the location is the
14 Portsmouth Federal Building, the District 5 Prevention Conference
15 Room. And again, we're conducting this interview to examine the
16 events surrounding the fire on board the *Spirit of Norfolk* that
17 occurred on June the 7th of 2022. If your legal representative
18 could introduce themselves and spell their last name, please?

19 MR. ABEL: Sure. I'm Chris Abel, A-B-E-L, with the Willcox
20 Savage Firm here in Norfolk. We represent Bay Power Solutions,
21 the employer of Mr. Hanna, and (indiscernible), just known as Bay
22 Diesel here in this area.

23 MS. EMMONS: And before we go to your introduction, just for
24 formality and for the record, can you just acknowledge that like
25 the tape recorder is on and you've heard it's recording?

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1 MR. HANNA: I heard it's recording.

2 MS. EMMONS: Thank you, sir. So, if you could -- we'll just
3 start with you, Mr. Hanna. If you could just state your name and
4 your affiliation, and then just spell your last name; and then,
5 we'll go around the room; and then, we'll go to one of them.

6 MR. HANNA: Name is Stephen Hanna with Bay Diesel. It's
7 H-A-N-N-A.

8 MS. EMMONS: Okay. I'm Lieutenant Commander Nicole Emmons,
9 E-M-M-O-N-S, and I'm with the District 5 Formal Investigation
10 Team.

11 MR. WEIGEL: Alan Weigel with the Law Firm of Blank Rome. I
12 represent Hornblower and City Cruises.

13 MR. DENLEY: Eric Denley, D-E-N-L-E-Y, and with City Cruises,
14 *Spirit of Norfolk*.

15 MR. TAYLOR: Travis Taylor, T-A-Y-L-O-R. I'm with the Coast
16 Guard Traveling Inspection Staff.

17 MR. KARR: I'm Michael Karr, K-A-R-R, with the NTSB.

18 MR. WHALEN: Lieutenant Tom Whalen, W-H-A-L-E-N, and I'm with
19 the District 5 Formal Investigation Team.

20 MS. EMMONS: Okay. And can we go to Coast Guard members on
21 the phone?

22 MR. FAWCETT: Yes. This is --

23 MS. GALITOU: Magdalini --

24 MR. FAWCETT: -- Keith Fawcett.

25 MR. WADDINGTON: Commander Randy Waddington, last name

1 W-A-D-D-I-N-G-T-O-N. I'm the District 5 lead investigator for the
2 formal investigation.

3 MS. EMMONS: Mr. Fawcett?

4 MR. FAWCETT: Yes.

5 MS. EMMONS: Mike, can you --

6 MR. FAWCETT: -- Keith Fawcett, F as in Frank, A-W-C-E-T-T,
7 District 5 Formal Investigation.

8 MS. EMMONS: And can you introduce yourself with the NTSB?

9 MR. FLAHERTY: Sure. David Flaherty, F-L-A-H-E-R-T-Y, the
10 NTSB.

11 MS. EMMONS: And the parties of interest for Captain Nadeau?

12 MS. GALITOU: Magdalini Galitou with Phelps Dunbar, G-A-L-I-
13 T-O-U.

14 MS. EMMONS: And is there anyone else on the phone line that
15 I missed? Okay. Thank you. Mr. Hanna, this is being recorded,
16 and a transcript will be provided. So, at any time, even in the
17 future, that you want to retract, or change, or modify your
18 statement, you can let us know through your Counsel, and we can
19 change the record. When we're done with the investigation, we'll
20 (indiscernible) investigation, and you have the right to appeal
21 any (indiscernible) investigation. And for more information on
22 how we conduct these formal interviews and the process, we have
23 the Marine Safety Manual, Volume V. You can look that up online
24 if you'd like to look into the process. Do you have any questions
25 before we --

1 MR. HANNA: No, ma'am.

2 MS. EMMONS: -- begin? All right. And just ground rules
3 again, if everyone can just turn off their phones on silence, and
4 if you can mute yourself if you're not speaking on the phone, and
5 just, everyone, try to avoid acronyms as much as possible. If you
6 do use an acronym, please just spell it out and say what the
7 acronym is, and -- okay. Well, with that, I'll turn it over to
8 Lieutenant Whalen.

9 MR. WHALEN: Thank you, ma'am.

10 INTERVIEW OF STEPHEN HANNA

11 BY MR. WHALEN:

12 Q. Good morning, Stephen. Thank you for being here with us
13 today. If you could just start out and tell me a little bit more
14 about your own personal background?

15 A. I've been working for Bay Diesel about four and a half years
16 now. I went to Tidewater Community College for their diesel
17 program. That was right out of high school. And I've really been
18 working all over the place for Bay Diesel. And that's about it.

19 Q. Okay. And what division do you work in for Bay Diesel?

20 A. Marine service.

21 Q. Marine service? Okay. Do you have any previous experience
22 before Bay Diesel, before college, working on marine engines?

23 A. Just around the house, working on diesel trucks and stuff
24 around the house like that.

25 Q. Okay. And do you hold any certificates or have any

1 qualifications for any specific types of engines?

2 A. I've got some training. I don't have any certificates for
3 completing training. I got a certificate for CF production
4 (indiscernible).

5 Q. Okay. And what types of trainings have you been involved in?

6 A. Online training. I got general, general training that they
7 do online. Then, hands-on, other than doing it out in the field.

8 Q. Okay. And what's the -- where do you fall in with regards to
9 the company with the company construct? So, you know, like who do
10 you report to, do you have a boss, or how does that work?

11 A. So, Lynn Chandler would be my boss. Under him, our service
12 manager, Adam Culpepper, who used to be in the field. Those are
13 really the two that I report to. It's kind of scattered
14 (indiscernible). The owner of the company, Mr. Scott Wheeler, we
15 don't really report to him. Everything goes to Lynn, and Lynn
16 handles everything about that.

17 Q. Okay. And what types of vessels have you done work on?

18 A. Tugboats, we've worked on Navy ships, done a few Coast Guard
19 vessels. I do a lot of work for the FAA on backup generators and
20 radar towers. Really, I do a lot of -- most everything as far as
21 marine service goes. USNS ships, stuff like that.

22 Q. And who determines what type of vessel or what vessel you'll
23 work on for that day?

24 A. So, that would be up to our service manager, Adam Culpepper.
25 He does our scheduling. Sometimes, Lynn will say, hey, we need so

1 and so on this job; but mostly, it's all Mr. Culpepper.

2 Q. Okay. And in your four and a half years with Bay Diesel,
3 have you done a lot of work with the *Spirit of Norfolk*?

4 A. We've done a bunch of work with *Spirit of Norfolk* and other
5 Hornblower vessels.

6 Q. Okay. Did you work on the vessel prior to the engine
7 changeover?

8 A. I have, yes, I have performed some work on the boat engines
9 and done work on the generators that were on the *Spirit of*
10 *Norfolk*, did some thermostats, and some other little leaks that
11 they needed fixed.

12 Q. Okay. What type of work have you done on the new engines,
13 the new Scania ones?

14 A. On the new engines, I (indiscernible), which led me to do the
15 overhaul, and I performed the overhaul, along with Mr. Wyatt.

16 Q. Okay. Is that the most extensive work you've done on the
17 vessel?

18 A. Yes, sir. Due to the time that they had the engines on the
19 vessel, they had had a whole lot of issues, requiring us to do
20 work on the vessel.

21 Q. What other types of work have you done on the main engines?

22 A. The overhaul is the only work I had personally done on those
23 main engines.

24 Q. Did you do any other work on the boat besides the generators?

25 Did you guys do any other service thing on the vessel?

1 A. We, Bay Diesel, had serviced the generators, we've, of
2 course, the main -- the overhaul on the previous main engines, and
3 we've also done work on their bow thruster.

4 Q. Okay.

5 A. Then, other engine work, we -- that's out of our purview.

6 Q. Okay. And so, you -- can you tell me how you were involved
7 with -- you said you conducted an inspection?

8 A. So, we received a -- Mr. Culpepper received a video from
9 Captain Ryan of extensive base pressure blowing a bunch of steam
10 out of the (indiscernible) engine. So, I was scheduled to go down
11 there to try to diagnose what was causing that base pressure, and
12 first thing I do after an engine has overheated like it has on the
13 (indiscernible) water pump failure, I pull the oil drain to see if
14 there's any coolant in the base of the engine, and there was. So,
15 that led me to lowering the oil pan, and I had found coolant
16 leaking from the cylinder liners past the pistons. So, we then
17 decided that, due to the leaking waters and the amount of scoring
18 I could see from the bottom looking up into the bottom of the
19 cylinder liners, that we would need to perform an overhaul,
20 because the cylinder liners were beyond repair. And once we
21 removed the cylinder head, that's when we found the liners were
22 cracked.

23 Q. And so, how did the -- can you explain to me the mechanics on
24 how the coolant would get into the pan?

25 A. So, your cylinder liners fit down into the (indiscernible),

1 and they have a sealing surface, because coolant flows around the
2 outside of the cylinder liners. It's called -- which is called a
3 wet liner. And with those liners getting cracked, the coolant on
4 the outside of the liner would leak in and run down by the piston,
5 down the liner, into the crankcase.

6 Q. Okay. And what would -- what do you believe caused that
7 crack?

8 A. I believe, due to the coolant loss from the failure of the
9 water pump previously repaired by Mr. Wyatt, the amount of heat
10 could have caused the liners to warp; and then, once they began
11 running the engine, they already had some stress cracks, and they
12 had cracked all the way through, is what I can guess.

13 Q. Okay. And is the -- are the engines raw water cooled, or do
14 they have a keel cooler?

15 A. So, the engines are keel cooled.

16 Q. Okay. And what components does the jacket water system cool?

17 A. So, the jacket water system cools the cylinders/cylinder
18 heads, and has a wet exhaust manifold so the manifolds are cooled.
19 The turbos are not cooled. The -- it has a separate circuit for
20 the aftercoolers for the intake air, and it has an oil cooler in
21 the big engine, and that's really the only thing that gets cooled
22 by the jacket water.

23 Q. Is it a fuel cooler?

24 A. It does not.

25 Q. And so, there was the jacket water failure, which caused the

1 engine to overheat, correct?

2 A. (No audible response.)

3 Q. Which, in turn, in your opinion, is why the cylinder liners
4 cracked. Are there any other components that could cracked or
5 become warped or broken?

6 A. The components that could have -- that would have suffered
7 from that. We replaced the cylinder heads with the OEM cylinder
8 heads from Scania. Based on the liners and the pistons, we
9 checked the rods. We replaced -- I might be mistaken, but I
10 believe we replaced four connecting rods and inspected the rest
11 because they weren't available. And when we had everything apart,
12 we took measurements and inspections, like measured the projection
13 of the liner that sticks out past the back of the cylinder block
14 just so we know we don't have any liners (indiscernible) the
15 block. Everything was in spec. And we really inspected
16 everything we could inspect while we had (indiscernible).

17 Q. And you had mentioned earlier that you don't have any
18 certificates or -- for this engine, any qualification or
19 certificate that you went to school for that engine, for these
20 types of engines, correct?

21 A. No, sir, I do not have any certificates with Scania, but
22 Mr. Wyatt does.

23 Q. Okay. And when you guys completed this overhaul, what was
24 your role in completing the overhaul?

25 A. So, my role, I handled (indiscernible). Really, we both

1 played the same role. I'm more familiar with engines as a whole,
2 so I would say I would have -- I took the lead on it. Just,
3 engines are engines. They're all pretty much the same principal.
4 And everything was followed to the manufacturing spec that was in
5 the book, specification that was in the book. And so, we pretty
6 much both shared the same, same role.

7 Q. In this book, the manufacturer specification book, is it a
8 hard copy book, is it a --

9 A. It is on the computer.

10 Q. Okay.

11 A. So, there's a program that Scania has that, it contains all
12 your service information. It's also got all your parts
13 information and software to connect to the engine room to monitor
14 the parameters when we when we sea trial and all that.

15 Q. And the -- when sea trial -- I want to jump ahead to the sea
16 trial. Does it give you a printout? Is it digitally, is it
17 saved? Like, how does that work, the parameters that you plug
18 into?

19 A. We monitor it, and really, we look for anything that's out of
20 the ordinary. There might be a -- there might have been a
21 recoding on it. I don't remember if that was a capability, to
22 record. Some manufacturers allow you to record the screen as
23 you're taking the parameters. I cannot give you an answer yes or
24 no if that was available. But we closely monitor everything, and
25 I'm going to tell you everything was normal.

1 Q. All right. How long did the overhaul take?

2 A. I believe we started the overhaul on a Tuesday. We worked
3 that week, we worked that Saturday, and we were done by the
4 following Thursday, I believe.

5 Q. That's quite a job.

6 A. And we were also overhauling the engine while the vessel was
7 underway (indiscernible) so they wouldn't have to cancel their
8 cruises.

9 Q. Did that affect your -- that can't be the best working
10 atmosphere, but how did that affect your --

11 A. All the -- we -- most of the time, we were taking it apart at
12 that point, so we weren't doing any putting back together or
13 measuring and inspecting it while we were underway. So, I do not
14 believe that would have affected the quality of the engine going
15 back together.

16 Q. And you said you were in charge of the equipment service
17 reports, which, we have all of them --

18 A. Yeah.

19 Q. -- here, I believe. What's your -- what do you put in those
20 reports? Do you put everything you do? Do you put the major --
21 like, what do you put in those reports?

22 A. I try to put everything that we do, anything that we find.
23 And when I talk with the customer, which would have been
24 Captain Ryan, would have been in the reports. And I also put the
25 specifications. The torque specifications and our measurements

1 would be in the reports.

2 Q. Okay. So, you did the full overhaul. Everything was
3 complete and buttoned up. At that point, what notifications did
4 you make once you guys were complete prior to sea trial and prior
5 to any other notifications?

6 A. So, once we were finished and we were ready to run the
7 engine, I called Service Manager Adams and said, we're ready to
8 run the engine. Of course, every day, I'd give them an update,
9 this is where we're at today, this is where we're going to be
10 tomorrow, this is where we plan to be tomorrow, if, and if we're
11 on schedule or not on schedule. So, I called him and told him,
12 we're ready to run the engines. Then, Captain Ryan told them we
13 were going to run the engines. When he came down, he checked over
14 all the, all the valves, and we usually have them start the
15 engine, the customer. So, we ran the engine, and they had the
16 Coast Guard come down to inspect it before we did our sea trial.

17 Q. And what did the Coast Guard inspect?

18 A. She looked over the engine, I believe, just to make sure
19 everything was in good operating over to get the go-ahead to be
20 able to sea trial without having an assist from a tugboat.

21 Q. Okay. Did she -- did you guys run it at the dock?

22 A. We ran it at the dock. We had it running while she -- before
23 she was there. She came and looked at it as it was running.
24 Actually, we had both main engines running at that point. And she
25 came down and looked at it, and she gave Captain Ryan the go-

1 ahead.

2 Q. How long was she there for, roughly?

3 A. I would say she was there roughly 30, 45 minutes.

4 Q. Okay. And did she have you guys do anything with the engine,
5 anything? Did she have you like engage the engine? Did she have
6 you, you know, take anything off, look at it?

7 A. She did not, she did not really have anything to say to us.
8 It was mostly to the captain.

9 Q. And did she perform, or have you or the captain perform, any
10 tests on the engine?

11 A. She did not have us perform any tests, no, sir.

12 Q. Okay. So, Coast Guard clears and says you're good to go and
13 do a full power trial. What did you guys do for the power trial?

14 A. So, the boat's usual cruise is towards Naval Station
15 (indiscernible), so what we did was, we went that direction. Once
16 we got (indiscernible), then I had them do full power to put a
17 load on the engine so we could break it in, wear everything in.
18 And we went -- I believe we went past Pier 2 at Naval Station
19 Norfolk. At that point, I walked up to the top deck to ensure
20 that we didn't have any exhaust smoke or anything unusual coming
21 out of the exhaust. Everything was good. So, I went and talked
22 to Captain Ryan. I said, we're good to go. Turn around and head
23 back to the dock. And that's when we turned around and went back
24 to the dock. So, it was about two hours at the minimum we were
25 out.

1 Q. Okay. And what was your, you know -- everything was okay?
2 Was there any issues with the engine, any issues with it running?

3 A. The engine ran fine. Really couldn't have asked for an any
4 better outcome. Usually, we'd have a little leak here and a
5 little leak there. Other than that little drop of oil at the
6 bottom of the turbocharger that we wiped and it never came back,
7 that was the only thing that -- the only type of leak or anything
8 that showed up.

9 Q. And that leak on a turbocharger, where do you believe that
10 came from?

11 A. So, I guess, going back to when the engine had the high base
12 pressure, you've got all that (indiscernible) that goes in, and it
13 goes through your crankcase ventilation, and it goes back into the
14 intake. That, that could have been residual oil that had sat
15 inside of the turbo on the compressor cartridge of the turbo,
16 compressor housing of the turbo. And usually, when you get oil on
17 that side, it will leak, leak past the seal and come drop out
18 where the compressor has the bolt to the cartridge. And we wiped
19 it away early in the sea trial, and it never came back.

20 But being that the other turbo had failed previously, I
21 recommended to the captain that we should go ahead, we'll get a
22 turbo, put it on. That way, everything's good. We don't have to
23 worry about anything. I don't feel that there was any issues with
24 that turbocharger, but just to do it, let's go ahead and replace
25 it. And we (indiscernible). I showed him where the leak was, and

1 I advised him, I said, let the guys go down in the engine room.
2 They make their rounds every 30 minutes, I believe, is when they
3 would make their rounds to check out the engine room and log other
4 stuff, that the guys would put an eye on it just to make sure they
5 could work while they were doing the cruises. When the boat had
6 downtime, we'd replace it once the turbo came in, because there
7 weren't any available at the time.

8 Q. Okay. And you said the -- you had mentioned previously
9 changing out the other, the left bank turbo?

10 A. Yes.

11 Q. Were you involved in that?

12 A. I was not. That would have been Mr. Wyatt. He did the water
13 pump replacement, and that turbo, and also did the updated turbo
14 oil feed lines to the engine, and that's before the overhaul.

15 Q. Okay. Mr. Wyatt had mentioned that the water temp alarms
16 were not correct according to his specifications. Were you
17 involved in the resetting of those?

18 A. So, when we were doing our sea trial, we're looking, we were
19 looking through other alarms, and the coolant alarm -- the
20 temperature of the coolant alarm, that seemed high. So, we called
21 back to the office and said, hey -- I mean, to Mr. Culpepper, and
22 we said, hey, what do you think about these setpoints that they
23 have for these alarms? And we all agreed that we should lower
24 them. That way, they would get an alarm a little sooner. Because
25 under the normal operating conditions, it wouldn't have affected

1 anything to lower that setpoint. It would give them a little more
2 time to acknowledge something was going on.

3 Q. Okay. And do you remember what you set it from and to?

4 A. It is in the reports. I do not remember off the top of my
5 head.

6 Q. Okay. And did you -- how did you test that once you reset
7 it?

8 A. So, usually, you can test it by the computer; but with the
9 Scania's, you can't really do that, and the coolant setpoint for
10 the coolant temperature probe is well behind a bunch of
11 components, so we couldn't really get to it to remove it and test
12 it externally after we were done.

13 Q. Okay. Could you test the alarm?

14 A. Without moving the sensor, you couldn't test the alarm.

15 Q. Have you ever tested any alarms on the engines?

16 A. Not on these engines, I have not.

17 Q. Okay. Did you talk to Captain Nadeau regarding the casualty
18 when they had the jacket water leak?

19 A. As far as?

20 Q. As far as just what happened? You know, like, how long did
21 it run? You know, just trying to figure out -- you had stated
22 that you guys were, you were discussing, and kind of trying to
23 figure out, you know, the extent of the damage, and, as an
24 engineer, one of the questions he may ask is, how long did it run
25 at this heat? You know, just to kind of get the --

1 A. So, the night that the water pump failed, nobody was
2 available to go out there, so Adam, Mr. Culpepper, went out there,
3 our service manager, and as he found that the water pump had
4 failed, instead of -- they thought they had a fire, and it wasn't.
5 It was just steam from the water pump. Because it was back behind
6 a cover, you can't really see. And they had discussed with him
7 how hot everything got, and I believe there was a good period of
8 time after they called him, he went out there, and he said it was
9 still at 170 or maybe 270. It was hot. And there wasn't any
10 coolant in the engine room. So, that would -- it ran the coolant
11 out, and then ran to get -- overheat significantly afterwards.

12 Q. Do you know how they identified that? Was there an engine
13 alarm?

14 A. That would be a question for the captain, if he --

15 Q. Okay.

16 A. -- heard an alarm.

17 Q. Do you know if the *Spirit of Norfolk* is fitted with alarms
18 for the engine in the pilothouse?

19 A. That would be something that Matt Warren (ph.) would have did
20 when they installed the engine and the control system.

21 Q. And who was that you said?

22 A. Matt Warren.

23 Q. Is that a company?

24 A. That's the company that installed the engines.

25 Q. Okay. What type of digital readouts are there down in the

1 engine room?

2 A. So, they've got a digital gage they'll actually have pictures
3 of --

4 Q. Okay.

5 A. -- of the gage panel itself. They have a digital gage panel,
6 and they've got the control, the module, we'd hook up with Pier 2,
7 and you can read more parameters.

8 MR. WHALEN: Okay. (Indiscernible). Nope. I'm good for
9 right now.

10 MS. EMMONS: Okay. I'll go to Mr. Flaherty, unless you have
11 questions, Mr. Karr?

12 MR. KARR: (Indiscernible).

13 MS. EMMONS: Okay. Mr. Flaherty, do you -- questions for the
14 NTSB?

15 MR. FLAHERTY: Yes, thank you.

16 BY MR. FLAHERTY:

17 Q. Sir, I appreciate you coming in and talking with us. So, do
18 you know why the water pump failed?

19 A. As far as to why the water pump had failed, I cannot tell you
20 that. My best guess I could give you is corrosion on the aluminum
21 housing, and over time, it got a leak and blew out, and that's
22 what happened, all the coolant lost from that hole, blowing up.
23 But that is my best guess, because I can't give you a certainty on
24 that.

25 Q. Okay. And when you -- you were involved in changing out the

1 cylinders during the overhaul and all that, correct?

2 A. Yes, sir.

3 Q. Now, you mentioned that the cylinders had cracks in them.

4 How many of the cylinders had cracks?

5 A. Actually, I can tell you exactly which ones it was. It
6 was -- there was three cracked cylinders: number two left bank,
7 number three left bank, and number two right bank were cracked.

8 Q. Okay. And did the others show any other sign of potential
9 wear that would be concerning?

10 A. So, all the other cylinders showed severe scoring due to the
11 cylinders, you could see the swelling with the high heat that they
12 experienced, and the aluminum transfer from the piston skirts to
13 the cylinder liners was severe, is which is why we replaced all of
14 the cylinder liners with OEM --

15 Q. Okay.

16 A. -- components.

17 Q. And just to clarify about when the water pump failed, you
18 mentioned that steam had come out and the engine was still very
19 hot, was there any water left in the engine, or was it completely
20 gone?

21 A. That was -- Mr. Culpepper, our service manager, was the one
22 that went out there for that initial call. I wasn't involved --

23 Q. All right. So, the --

24 A. So, the --

25 Q. Right. So, you -- please, go ahead.

1 A. I was not involved with the engine until the water pump and
2 turbocharger had been -- issued had been resolved and they had
3 high base pressure. That's when I became involved, to go diagnose
4 that, which led to the overhaul of the engine.

5 Q. Sure. And outside of the cylinders, was anything else on the
6 engine significantly affected by the loss or coolant and the
7 overheating?

8 A. From us disassembling the engine, we did not find any other
9 components that were -- visually appeared to be damaged. The
10 cylinder heads were replaced; the piston liners were replaced; and
11 some of the rods were replaced, I believe four, and the rest were
12 inspected due to us not being able to get them at the time that we
13 needed to be able to have the engine completed.

14 Q. Okay. Now, you mentioned that the water temperature alarm
15 was set too high?

16 A. Yes, sir.

17 Q. What was the original temperature?

18 A. I would have to look through the reports. It is in the
19 report. I cannot remember off the top of my head right now.

20 Q. And do you remember what you set it to?

21 A. Not off the top of my head, but it is in our reports.

22 Q. Okay. And just to clarify that, was the temperature setting
23 recommended by the manufacturer?

24 A. The temperature setting that was -- would have been set by
25 Matt Warren, who set up the engines in the vessel.

1 UNIDENTIFIED SPEAKER #1: (Indiscernible).

2 MR. HANNA: And I've got my report right here. The high
3 coolant temp upper limit was set to 100 degrees Celsius, and the
4 lower alarm limit for too high a coolant temp was set to 93
5 Celsius.

6 BY MR. FLAHERTY:

7 Q. And what was that changed to?

8 A. That, that is what it was changed to.

9 Q. Oh, it was changed to the 93?

10 A. Correct. So, there's two limits for the -- for an alarm.
11 You've got a lower limit for high coolant temp, and you have an
12 upper limit. Our lower limit was -- for a high coolant temp alarm
13 was 93 degrees Celsius, and the upper limit for high coolant temp
14 was 100 degrees Celsius.

15 Q. Good. Just so I understand, were both of those adjusted?

16 A. Yes, sir. That is what we had set them both to.

17 Q. Okay. So, you don't know what the original setting was?

18 A. I believe that there's a -- Mr. Wyatt has that. He is the
19 one that did reset it.

20 Q. Okay. Now, just to clarify, the new setting that you put
21 them at, that was in accordance with the manufacturer's
22 recommended temperature settings?

23 A. We lowered them -- I do not believe that they had the
24 recommended setting in the manual. We --

25 Q. Okay.

1 A. -- we discussed with our experience of, of the engines over
2 the years. We set it to a lower level that would not harm
3 anything, but it would give more time, being that a high coolant
4 event would occur, that the least amount of --

5 Q. Okay.

6 A. -- damage would be done to the engine without having nuisance
7 alarms go off from too low of a coolant setpoint.

8 Q. Right. Okay. Are you aware that Hornblower ever contacting
9 your company to tell them that the overheating alarm -- or, the
10 high temperature alarm, excuse me, had gone off on the vessel
11 after that adjustment was made?

12 A. The only -- after the adjustment was made, I don't believe we
13 heard anything as far as that goes other than when the fire
14 occurred.

15 Q. Okay. And you made the same adjustment to the starboard
16 engine?

17 A. We did not mess with the starboard engine, I do not believe.
18 That would be a question for Mr. Wyatt, if he had gone and --

19 Q. Okay.

20 A. -- did that.

21 Q. Okay. And -- let's see. When you were doing the operational
22 test, everything was fine?

23 A. Yes, sir, everything really couldn't have gone any better as
24 far as a sea trial. We had no issues other than that little bit
25 of oil on the turbo that we -- I don't believe was a failure of

1 the turbo. I believe it was residual. But we recommended it to
2 be replaced, anyway, just the fact of the work we did, the failure
3 on the other turbo before the overhaul had occurred.

4 Q. Right. Okay. Overall, what did you think of the condition
5 of the engine?

6 A. The condition of the engine after we performed the overhaul,
7 I believe to be in top operating condition.

8 Q. And did you look at the starboard engine at all just so --
9 since you're down there and you are looking around, did you
10 examine it just to see if there's anything concerning with that?

11 A. As far as that engine, really, the only thing, I did take
12 some pictures of that engine just so we can have a better idea of
13 how lines and cables, everything, was routed, so we could route it
14 the same way. But we did not have time, due to the ship's
15 schedule, to really mess with that engine. I know we had
16 discussed some maintenance between (indiscernible), but nothing
17 really came about doing anything to that engine.

18 Q. And was this the first time you'd worked with that type of
19 engine before?

20 A. Yes. Yes, it is the first time --

21 Q. Okay.

22 A. -- I'd worked with the Scania's.

23 MR. FLAHERTY: All right. That's all the questions I have.

24 Thank you.

25 MS. EMMONS: Okay. We'll go to a Hornblower party of

1 interest.

2 BY UNIDENTIFIED SPEAKER #2:

3 Q. So, Mr. Hanna, you mentioned using the online manuals for
4 doing the work?

5 A. Yes, sir.

6 Q. Is that something that you were referencing yourself
7 personally, or was that something that Mr. Wyatt was referencing
8 until you --

9 A. We would both reference it.

10 Q. Had you ever -- you said this is the first time you'd ever
11 used -- worked with a Scania engine?

12 A. Yes, sir.

13 Q. Had you ever done any other engine repairs where you had to
14 use an online manual instead of a printed manual?

15 A. Many. Many times, I have had to use online.

16 Q. And what, in your opinion, was the -- how easy was it to use
17 the Scania manuals to do the repair, to reference the work you had
18 to do for the repair, as opposed to, say, any other system that
19 you used in a previous job?

20 A. I would say the Scania system was easier. It's -- because
21 everything, everything's right there. It was -- as with every
22 program, there's a learning curve that you have to, you have to
23 get over to do it, but once you play on it for a few minutes, it's
24 not really hard to navigate. And everything's right there, and
25 there was no issues of using that software.

1 Q. Okay. How about in terms of when the procedure would say,
2 remove a certain part? Was it clear either how to remove that
3 part, or was there another procedure you could have referenced to
4 actually know how to remove that part, or was it something you had
5 to just figure out without reference to a manual?

6 A. So, as far as disassembling the engine, there's -- from
7 working on engines, there's really not a need to reference the
8 manual for disassembly, because this was straightforward on how to
9 disassemble it. There's nothing that you could really damage from
10 doing what we did. As far as going back together, you always
11 reference a manual. If they don't -- if you don't -- you don't go
12 just do stuff without referencing the manufacturer's
13 specifications.

14 Q. And was there a time when you were putting the engine back
15 together again where it told you to do a certain step, but that
16 step wasn't explained in detail, and you had to just use your
17 knowledge or have to go to another place to find out how to do
18 that?

19 A. If there was, it would -- it was more common sense, I guess
20 you could say. I guess it's just hard to put it, having a
21 background of doing this kind of stuff. But really, everything
22 goes together pretty much the way the manual says it. All the
23 fasteners have a spec that the manual calls out. It either calls
24 it out as a special torque specification or it has a list of
25 standard torque specifications that you could go by if it's not

1 listed in the manual.

2 UNIDENTIFIED SPEAKER #2: Okay. So, that's a good example.
3 It's kind of the answer we're looking for. Okay. I think that's
4 all. Yeah, that's all I have for now.

5 MS. EMMONS: And, the parties of interest for Captain Nadeau,
6 Phelps and Dunbar, do you have any questions?

7 MS. GALITOU: No questions, thank you.

8 MS. EMMONS: Okay. Did you have any?

9 UNIDENTIFIED SPEAKER #3: No questions.

10 MS. EMMONS: Okay. Yes.

11 BY UNIDENTIFIED SPEAKER #4:

12 Q. Okay. Do you know if the vessel -- you'd mentioned that they
13 had alarms, engine alarms. Do they have any automatic shutdowns?

14 A. That would have -- as far as the shutdowns go, I don't
15 believe they did, being a main engine on a vessel. Usually, they
16 have alarms. They don't usually have a shutdown. That would have
17 been something that -- I believe we looked at that on the
18 computer, and there was none, but I could be mistaken. But
19 normally, there's not a shutdown on a main propulsion engine.

20 Q. Okay. And what's your -- you said you had been on the *Spirit*
21 *of Norfolk* many -- a number of times. What was the condition of
22 the engine room?

23 A. For a vessel like that, the condition, it was -- they kept it
24 up to what they had the ability to keep it up to. I mean, there's
25 always room for improvement, but it was, I would say, one of the

1 nicer engine rooms, cleaner engine rooms, but that's coming from
2 mostly working on tugboats, and commercial fishing vessels, and --

3 Q. I understand, I understand. And then, so, on the outboard of
4 the port engine was a shelving unit. What did they keep on that
5 shelving?

6 A. So, on that shelf, they had their spare filters, spare Racor
7 filters. They had spare air filters for their HVAC system. They
8 had spare stuff, boxes. They had a couple of totes and stuff
9 (indiscernible) they could look through it. But some plastic
10 totes, some cardboard boxes. I guess, general storage for
11 mechanical system stuff, I guess you could say.

12 Q. Was there any liquids or anything on there that you recall?

13 A. There might have been some on the bottom shelf. There might
14 have even been some in some of those tubes, but I can't guarantee
15 that. I don't remember off the top of my head.

16 Q. Okay. And did the engine room have like an oily rag
17 disposal? What was -- so, when you guys came on and did your
18 work, what did you do with your oily rags? I know it makes a
19 mess. A lot of cleanup on them.

20 A. So, we had a trash can we did, we put them on, but the crew
21 had taken the trash off the vessel --

22 Q. Okay.

23 A. -- what there was.

24 Q. And do you know, when they do their rounds, as you said they
25 do, as we know they do, every, supposedly, 30 minutes, if they

1 wipe something up, do they have like a workstation, you know,
2 where -- like an oily rag disposal, and where was that located?

3 A. So, up against the rear bulkhead, in between the two engines,
4 there was -- behind the switchgear panel, there was a workbench;
5 and then, they had one of those little red cans for their oily
6 rags and stuff. As far as I know, they would have disposed them.
7 I don't know how much wiping that they would do, because they were
8 all in their uniform for the cruise, which is the white shirts. I
9 don't know if they would really do much wiping.

10 UNIDENTIFIED SPEAKER #4: Yeah. Appreciate that. I don't
11 have any further questions. Thank you.

12 MR. HANNA: Okay. Thank you, sir.

13 UNIDENTIFIED SPEAKER #5: Just a couple short ones.

14 BY UNIDENTIFIED SPEAKER #5:

15 Q. You mentioned that there were no shutdowns on this engine.
16 Is it unusual not to have like an overspeed shutdown on an engine
17 like this?

18 A. As far as I know, I don't believe there were shutdowns. With
19 a main engine, there may have been an overspeed shutdown. I
20 can't, can't tell you exactly for sure. But usually, you don't
21 have a shutdown on a main propulsion engine, because if you lose
22 your engine, you have no mobility. You can't move the vessel.

23 Q. Okay. And going back to the computer that you hook up to the
24 engine control module, is that -- do you use the same computer for
25 all the jobs that you do?

1 A. We have -- so, we have this computer that's for Scantias.
2 We've got a computer, separate computer, for John Deeres, a
3 separate for Cats, separate one for -- we've got many computers
4 that do separate manufacturers. Usually, you cannot have the same
5 program for two manufacturers on the same computer, so they're --
6 we've got quite a few different ones.

7 Q. So, the computer that you use to do this job for *Spirit of*
8 *Norfolk* was a stand-alone, we'll call it the stand-alone Scania
9 computer; would that be a good way to say it?

10 A. We, we call it our Scania computer.

11 Q. Okay. And is that maintained back at the shop?

12 A. Yeah. So, we've got a locker that we put all our computers
13 in. That way, if somebody else needs it, we don't have it in our
14 truck, and they can use it.

15 Q. Do you know if there's been another job on a Scania engine
16 since the overhaul?

17 A. We don't work on Scantias --

18 Q. So --

19 A. -- so that was really our only -- I think, I think that boat
20 was the reason why we got our Scania license, actually.

21 Q. So, as far as you know, that computer is still in the locker
22 and has been in the locker since --

23 A. It, it is --

24 Q. -- you've had the overhaul?

25 A. -- yeah.

1 UNIDENTIFIED SPEAKER #5: Okay. All right. Well, no other
2 questions.

3 MS. EMMONS: Anyone else in the room have any questions?
4 Does anyone else online, on the phone, have any questions? Okay.
5 With that --

6 UNIDENTIFIED SPEAKER #6: No, I'm fine, thank you.

7 MS. EMMONS: Okay. With that being said, we'll conclude the
8 interview at 9:19 a.m.

9 (Whereupon, at 9:19 a.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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Stephen Hanna

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, Virginia

DATE: July 27, 2022

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.



Lisa D. Sevarino
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

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Interview of: ENSIGN WYATT NELSON

United States Coast Guard

via telephone

Thursday,
July 28, 2022

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United States Coast Guard

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DAVID FLAHERTY
National Transportation Safety Board

JUSTIN WARNER, ESQ.

ALAN WEIGEL
Blank Rome on behalf of Hornblower

DAN STILLMAN
Willcox Savage

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I N T E R V I E W

(11:01 a.m.)

LT. COMMANDER EMMONS: If you everyone would just make sure that they're on mute if you're on the phone and if you have a cellphone, make sure your cellphones are on silent, please.

Mr. Nelson, if you could just acknowledge that I turned the recorder on and we are recording this.

MR. NELSON: The recorder is on.

LT. COMMANDER EMMONS: Okay. So, this is a joint U.S. Coast Guard, NTSB investigation. The Coast Guard's the lead agency and we will be conducting this interview (indiscernible). The date is July 28th, 2022. The time is 11:01. We are in an interview with Ensign Wyatt Nelson at the Portsmouth Federal Building in the District 5 Prevention conference room. And again we're conducting this interview to examine the events surrounding the fire and the subsequent loss of the vessel, the *Spirit of Norfolk* that occurred on June 7, 2022.

And we're just going to go around the room (indiscernible) on the phone if everyone would just introduce themselves. So, if we could start with you, if you could just state your name, your affiliation and spell your last name for the last record.

MR. NELSON: Ensign Wyatt Nelson, N-e-l-s-o-n, assigned to Sector Virginia as a command duty officer.

LT. COMMANDER EMMONS: Okay. Lt. Commander Nicole Emmons, E-m-m-o-n-s and I'm with the District 5 Formal Investigation Team.

1 MR. DENLEY: Eric Denley, D-e-n-l-e-y. I'm with Hornblower
2 Group and City Cruises, the *Spirit of Norfolk*.

3 MR. KARR: Michael Karr, K-a-r-r with the NTSB.

4 COMMANDER ROY: Commander Eric Roy, R-o-y, and I'm a member
5 of the D5 Formal Investigation Team.

6 LT. DANIEL: Lt. Paulina Daniel, D-a-n-i-e-l, counsel for
7 Coast Guard.

8 LT. COMMANDER EMMONS: And other Coast Guard members on the
9 line?

10 COMMANDER WADDINGTON: Commander Randy Waddington, District 5
11 Formal Team lead. Waddington, W-a-d-d-i-n-g-t-o-n. Thank you.

12 LT. COMMANDER EMMONS: And NSTB members on line?

13 MR. FLAHERTY: Hi, this is David Flaherty, F-l-a-h-e-r-t-y,
14 with the NTSB.

15 LT. COMMANDER EMMONS: And parties-in-interest, for Captain
16 Nadeau?

17 MR. WARNER: This is Justin Warner.

18 LT. COMMANDER EMMONS: Can you spell the last name?

19 MR. WARNER: Yes, W-a-r-n-e-r.

20 LT. COMMANDER EMMONS: Okay. And parties-in-interest, for
21 Bay Diesel? Do we have any other party-in-interest for
22 Hornblower?

23 MR. WEIGEL: This is Alan Weigel from Blank Rome. It's
24 spelled W-e-i-g-e-l.

25 LT. COMMANDER EMMONS: Thank you, sir. And is there anyone

1 else I missed on line?

2 MR. STILLMAN: Hi, Commander, this is Dan Stillman.

3 LT. COMMANDER EMMONS: Thank you, Mr. Stillman. Can you
4 spell the last name, please.

5 MR. STILLMAN: S-t-i-l-l-m-a-n.

6 LT. COMMANDER EMMONS: Thank you, sir.

7 Mr. Nelson, just to let you know, a few ground rules. Please
8 try to limit the use of acronyms.

9 MR. NELSON: Okay.

10 LT. COMMANDER EMMONS: If you do, if you could just spell it
11 out so we understand the acronym. You may change, modify, delete,
12 anything of your statement --

13 MR. NELSON: Okay.

14 LT. COMMANDER EMMONS: -- after the fact. If you do, just
15 contact Lt. Daniel and we can put that on the record if something
16 comes up where you want to change something. You may also appeal.
17 We'll create a draft of the recorded investigation after the
18 investigation is complete. You will have the right to appeal
19 anything --

20 MR. NELSON: Okay.

21 LT. COMMANDER EMMONS: -- in that report. And for more
22 information on our process and (indiscernible) start on the
23 investigation -- formal investigation in the safety manual, Volume
24 5, which explains that process. Do you have any other questions?

25 MR. NELSON: Not at this time.

1 LT. COMMANDER EMMONS: Okay. We'll go ahead and start.

2 INTERVIEW OF ENSIGN WYATT NELSON

3 BY LT. COMMANDER EMMONS:

4 Q. If you could just kind of give us the background, your Coast
5 Guard background.

6 A. Okay.

7 Q. And what you do currently.

8 A. Okay. So, I enlisted in 2012, September 11, 2012. I spent
9 two years in the honor guard right after boot camp where I went to
10 EMA school. From there, I went to the Coast Guard Port Huron,
11 Michigan where I was an EM3/EM2. I went to Sector Charleston
12 after two years there. I spent three years at Sector Charleston
13 when I was picked up with OCS. And then following OCS, I went to
14 Sector Virginia, where I've been assigned to the command center as
15 a command duty officer.

16 Q. And can you explain your duty as a command duty officer?
17 What is your position? What do you do at Sector Virginia?

18 A. So, I'm one of the staff in the command center's day-to-day
19 operations, manage the watch team in there so the -- just general
20 command center management. And then as a command duty officer, I
21 am the watch supervisor on a 24-hour shift where I supervise the
22 team, make sure we have everything that we need, make sure we're
23 on (indiscernible) according to policy and act on behalf of the
24 captains. So, that's what it is.

25 Q. Do you have any other qualifications in the command center or

1 that you do other than command duty officer?

2 A. Yes, I started out as an operations unit watchstander. I did
3 that for the -- for my initial break-in process and then from
4 there I went and sort of break-in command duty officer and that
5 finished up in February -- January or February of 2022.

6 Q. Okay. We'll go the date of the *Spirit of Norfolk* fire on
7 June 7, 2022. Can you, with just as much detail as you can, take
8 your time if you need to think through that day. From the time
9 what you're doing before you received that initial call and just
10 kind of bring us to that day at the command center
11 (indiscernible).

12 A. Up to that point, we didn't have any major operations or
13 cases. I think it was roughly around lunchtime, I think we were
14 getting ready to just kind of have lunch out on the watch floor.
15 And then we received a call for there being a vessel fire on board
16 the *Spirit of Norfolk*, so everybody kind of engaged in those
17 operations. We got our initial report, gathered as much
18 information as we could and issued an urgent marine information
19 broadcast to try to get as many responding agencies on scene. We
20 launched Station Portsmouth and Station Little Creek, and I
21 believe I was contacted Mr. Bill Burket, the director of the
22 Maritime Incident Response Team here in Norfolk.

23 Following that, he basically just said he was coming on the
24 base and he would assist us with our response operations. If I
25 had enough information, I briefed it up to district and initiated

1 a critical information call up the chain. District
2 (indiscernible) for me and then I can't remember all the parties
3 that were on at the time and it was back area (indiscernible).
4 Some of the other major commands gave them my initial brief and
5 they wanted to have a follow-on call. I confirmed that it was
6 (indiscernible) follow-on call. I think it was roughly an hour or
7 so later.

8 And then from there we just monitored operations. We ensured
9 that we treated it as SAR first and then as a rescue operation so
10 we wanted to make sure all the people were getting off. That was
11 our primary focus. Once we had confirmation that all 108 people
12 were off, we found out that the Navy had tugs on site and they
13 were taking it over to LB (ph.). We got confirmation that they
14 were cleared to moor, I believe, Pier 4. So, they got the vessel
15 over there and got it secured and from that point, it was really
16 just tying up the firefighting operations.

17 During that period, we had also shut down the waterway to
18 ensure that no vessel traffic would interfere with the response
19 operations. I think initially we just put it out an SMIB
20 broadcast with a 500-yard safety zone and I believe we secured
21 waterways one mile north and one mile south of the operation or
22 the incident location.

23 And then throughout the day I had two follow-up CIC calls
24 where we passed information and everybody was off the boat and
25 accounted for, that they had disembarked from the American Rover

1 over at the far side park over in downtown. And just that the
2 vessels over there continued firefighting operations. I think
3 after the third CIC call, they secured it and then we set up the
4 incident management team and just continued to monitor operations
5 throughout the day until I was relieved the next day.

6 It was -- I mean, if there's any clarification or on any of
7 the points that you would like clarification on, please let me
8 know.

9 Q. Yes, well, actually we'll go around the room --

10 A. Okay.

11 Q. -- and ask follow-up questions. But can you elaborate your
12 (indiscernible) of the briefs. I'm sure you did a lot of briefs
13 that day.

14 A. Yes.

15 Q. Can you kind of go through and what was that and who it was
16 sent to, the in-person briefs, while you were in the command
17 center? Did you speak to anyone while you were in the command
18 center or did you walk out of the command center? Everybody want
19 to like just kind of talk about (indiscernible) personal
20 (indiscernible)?

21 A. I don't -- (indiscernible) running the command center. We
22 had a lot of other cases that came in throughout the day as well,
23 so I really didn't have a lot of time to get up. But the RSMC
24 came in, Lt. Commander Pulliam, pretty shortly after we started
25 launch operations. I had walked into our staff offices, which

1 were in the back, to let Mr. Butierries, our warrant officer, know
2 that we have a pretty large case going on. I think it -- he had
3 left to go over to the scene. Since he was on the scene, he was
4 able to give us additional information.

5 Our senior chief was also on the watch floor at the time, so
6 he assisted with making a couple of phone calls and, like,
7 gathering information. So, we kind of served as the watch floor
8 so we had additional personnel and then the captains came in. I
9 can't remember if both were there or not. I know Captain
10 Stockwell was provided -- or I think Captain Britten (ph.) was
11 there as well, so I provided them with the initial brief on the
12 incident. And then from there, they departed to go
13 (indiscernible) to help standby -- I'm sorry, I'm drawing a blank
14 -- the incident management team over there.

15 Q. Can you kind of elaborate on the SAR mission coordinator, Lt.
16 Commander Pulliam, and you're the command duty officer.

17 A. Yes.

18 Q. Can you kind of elaborate on the roles and, like, how you
19 work together or what -- how you're different?

20 A. Yes, absolutely. So, as a command duty officer, I primarily
21 watch -- run the watch floor and monitor all operations that are
22 going on. But when it comes to SAR specific cases, I brief the
23 SAR mission coordinator. So, it was a (indiscernible) operation,
24 so she was involved in the briefing process for that. She's also
25 the command center chief and for this case we were (indiscernible)

1 on the watch floor, so she kind of had a little hat for holding
2 the case.

3 But there -- the next level up and the sergeant in command.
4 From there it goes to District -- oh, sorry, to ACTSUS and then
5 District, so. An ACTSUS is generally held by one of the captains
6 in the sector. It's an active search suspension authority.

7 Q. And you said you were at the command center throughout the
8 night?

9 A. Yes, it's a 24 hour watch and I assumed watch at 0830 that
10 morning, and then I was relieved at 0830 the following morning.

11 LT. COMMANDER EMMONS: Commander Roy.

12 BY COMMANDER ROY:

13 Q. When did you arrive in status sector? When did you first go
14 on board Sector Virginia?

15 A. I reported July or June 14th of 2021, kind of.

16 Q. Excuse me. June of 2020? Okay.

17 A. 2020.

18 Q. Okay. Do you remember what time your first SMIB went out?
19 What was the --

20 (Crosstalk)

21 Q. Yes.

22 A. So, the first -- do you want the UMIB or SMIB?

23 Q. SMIB.

24 A. SMIB. Let's see, it looks like we updated the -- there it is
25 -- so, roughly 1640 Zulu, that's 12:40 local.

1 Q. And that's the first one?

2 A. That's what we have in MISLE. I'd have to defer to the comps
3 logs as well to see what time they actually issued the broadcast
4 if you wanted a more specific time. But MISLE has it at 12:40
5 local.

6 Q. Yes, if we could get that when all the SMIBs when out and
7 when they were cancelled.

8 A. Sure.

9 Q. And then what the times were and what the (indiscernible)
10 was.

11 A. Absolutely.

12 Q. And you'll have a log, right, with the actual SMIB?

13 A. We do. We maintain those as well.

14 Q. Okay.

15 A. And I believe in the *Spirit of Norfolk* audio log teams page,
16 you'll hear the actual broadcast.

17 Q. Yes, if you can -- yes, if you're going to take the verbiage
18 and the actual SMIB paperwork.

19 A. Absolutely, sir.

20 Q. And then when they were also cancelled.

21 A. Okay.

22 Q. If you can do that.

23 A. All right.

24 Q. Awesome.

25 UNIDENTIFIED SPEAKER: (Indiscernible).

1 COMMANDER ROY: Yes, everything. Everything we ask for goes.

2 MR. NELSON: Absolutely.

3 BY COMMANDER ROY:

4 Q. Yes. Do you remember how many captain of the port orders
5 were issued to the *Spirit of Norfolk*?

6 A. I believe it was 20 captain of the port order while I was on
7 my watch, and then we also issued a -- I also signed for the
8 (indiscernible) statement. I think it was a decision memo about
9 the captains. That was the only other --

10 Q. But you did process a captain of the port order on June 7th
11 when you were on watch?

12 A. Yes, I can defer to the log that we have where we signed --
13 where we issued our captain of the port orders.

14 Q. Yes, if you could do that --
15 (Crosstalk)

16 Q. If there was one issued, if we could get that one as well.

17 A. I believe there was, but I will -- I can get you the --

18 Q. Double-check on that one as well.

19 A. Absolutely, sir.

20 Q. So, what actions do you guys start taking as far as your MRO
21 plan? Like what assets were you starting to get underway? What
22 were you starting to think about as far as getting the search and
23 rescue piece, getting assets moving?

24 A. So, initially, we launched Station Portsmouth and Station
25 Little Creek because Portsmouth, I believe, was down at the time

1 for a 45, so we issued -- so we had Little Creek go as well the
2 UMIB, which we had a very good response. Generally, the UMIBs
3 have the support of Norfolk, so it was I believe Norfolk fire was
4 responding and then MERG (ph.) would have been my next call if he
5 had not called me. It was great at getting all the local
6 departments engaged.

7 I also had other (indiscernible) assets and contacted the
8 Navy to -- since it was so close in proximity -- see if they could
9 send some of their security forces.

10 Q. So, did you start through the process of getting air assets
11 or --

12 A. We didn't make it that far. We -- the SAR wrapped up
13 extremely quickly on this.

14 Q. Okay. But that was part of that conversation?

15 A. It was, yes.

16 Q. Okay.

17 A. We were -- with mass rescue (indiscernible) we were also --

18 Q. Okay.

19 A. -- (indiscernible).

20 Q. Okay.

21 UNIDENTIFIED SPEAKER: Could you clarify what UMBI --

22 MR. NELSON: UMIB.

23 COMMANDER ROY: UMIB.

24 MR. NELSON: It's Urgent Marine Information Broadcast. It's
25 a distress broadcast that we can push out to notify anybody

1 listening on channel 16 that there's an incident and basically
2 keep them away from the area where -- to elicit a response.

3 BY COMMANDER ROY:

4 Q. Do you remember how many times that broadcast went out?

5 A. I'd have to defer to the logs.

6 Q. Can you get that as well?

7 A. So, we issued a 16 send secure at 1841, that's Zulu time.

8 So, roughly a two-hour broadcast, but I can -- I'll get you the
9 exact --

10 Q. Okay, great.

11 (Crosstalk)

12 Q. And if any of the verbiage changed or things like that, just
13 the actual verbiage from both SMIB and UMIB, if you can give us
14 the times it went out and then what the verbiage was, and then
15 when they were all secured.

16 A. Great.

17 Q. I think that's all I have at the moment.

18 LT. COMMANDER EMMONS: Okay. Mr. Karr.

19 BY MR. KARR:

20 Q. Mike Karr with the NTSB. When you were at Sector Charleston,
21 what were your duties there?

22 A. I was an electrician's mate. I was in the EM2 and EM1, so I
23 worked primarily on the electrical side of (indiscernible) and
24 smaller stations within our area.

25 Q. Did you have any collateral duties when you were there?

1 A. I was. I was a collateral JV government vehicle manager, so
2 then 19-20 vehicles that I managed. And I was also in charge of
3 (indiscernible) for the sector.

4 Q. Thank you.

5 A. Yes, sir.

6 Q. Your day, 8:30 to 8:30, did you get any sleep that day?

7 A. Not as much as I'd like, but there was -- I think there was a
8 period where I was able to get to the rack. We had one case later
9 on that night where there was an individual who was suspected to
10 have walked off a dock into the water. I think that was the final
11 case of the night, and that wrapped up a little after midnight. I
12 was able to get some sleep until -- I can't remember the time I
13 woke up in the morning. I think it was earlier for potentially
14 another case.

15 Q. Well, could you tell me when you would have been outside of
16 the command center?

17 A. On a normal day?

18 Q. No, on that day, on June 7th going into June 8th.

19 A. June 7th into June 8th would have just been for head briefs.
20 And then that night when I finally went to the rack a final time
21 -- well, so I had gone to the rack and then we got an update that
22 she was located safely. And I think I came back down to get final
23 verifications, which had the final text page and then I went to
24 the rack, which was a little after midnight, I believe.

25 Q. All right, thanks.

1 A. Absolutely.

2 Q. Can you -- in your -- can you walk through your -- what did
3 you call it, a critical incident --

4 A. Communications.

5 Q. Communication briefings.

6 A. Yes, sir. So, the initial one, after I requested through
7 District 5 and I gave them a brief on the case, the first one I
8 did --

9 Q. Let me -- specifically, I'd like to know what key information
10 did you pass in each one. So if you could walk me through, this
11 is what I passed in number one, this pass number two, this is pass
12 number three.

13 A. Absolutely. I'm going to defer to some of my notes.

14 Q. And those notes are in MISLE?

15 A. They -- I don't know the specifics, but I think it's in rough
16 -- so I just did an initial brief, which would have just been
17 incident, location, incident type, number of people reported
18 onboard. I think I would have provided that the boat was -- there
19 was a fire onboard and the boat was reported dead in the water,
20 that there was a vessel alongside disembarking passengers. And
21 then I would have to defer to the audio logs to see exactly what I
22 said, but that was the gist of it. And that they were enroute to
23 the naval based on Pier 4.

24 And then the second one was that all people have been
25 accounted for, safe, and that the fire is or that the fire is

1 ongoing and they were moored up over at the naval base. I believe
2 the third one was a similar update and at that point, there was no
3 need to do a follow-on CIC calls.

4 I would defer to my audio -- to the audio log for specific
5 verbiage.

6 Q. So, the audio logs include your side of the conversation for
7 each one of those critical incident briefings, it includes the
8 whole conversation between you and whoever was on the phone?

9 A. Yes, sir, yes. All parties were on those calls.

10 Q. That's all I have, thanks.

11 LT. COMMANDER EMMONS: Mr. Flaherty with the NTSB on the
12 phone. Do you have any questions?

13 MR. FLAHERTY: Yes.

14 BY MR. FLAHERTY:

15 Q. Can you tell me how many other cases were occurring at the
16 same time as the *Spirit of Norfolk*?

17 A. So, throughout the day, I would have to defer to my log for
18 specific -- but the initial, we had a container vessel that was
19 coming through that struck a buoy, so we treated that marine
20 safety. And I'd have to defer to my logs to figure out exactly
21 how many cases were going on at the time, sir.

22 Q. Were they all SAR cases or were there other types of cases as
23 well?

24 A. No, there were other types of cases. One was a marine
25 casualty, I believe there was one other SAR case. Throughout the

1 entire day, I guess it depends on what timeframe you'd like.

2 Q. Approximately the time from the *Spirit of Norfolk* until the
3 following day, I guess.

4 A. I have all my notes for the *Spirit of Norfolk* case, but I can
5 get you that answer if you'd like, sir, and provide it at a later
6 time.

7 Q. Yes, that would be helpful. During this time period, did
8 extra personnel come to assist with the case workload?

9 A. Yes, we -- so, it's a normal workday, and we also had a --
10 where we have additional watchstanders, some of the staff that
11 work in the back offices. So, our senior chief was there, we had
12 our warrant officer as well. I believe our -- I also had a -- it
13 was a swing watch day where we have an additional watchstander on.
14 So, I had an additional watchstander or maybe she was breaking in
15 at the time, I can't remember. I had an additional OU, and then
16 we had a training evolution going on. So, I had multiple other
17 OUs to pull and communication unit watchstanders to pull the --
18 assist with operations.

19 Q. All right. Thank you.

20 LT. COMMANDER EMMONS: Okay. We'll go on to Mr. Denley.

21 MR. DENLEY: Okay, great.

22 BY MR. DENLEY:

23 Q. How are you doing?

24 A. Good, sir.

25 Q. Just a couple of questions. You indicated that a captain of

1 the port order was issued?

2 A. Yes.

3 Q. So, did you issue that?

4 A. I would have signed for it, yes, and we would have done a
5 brief where the captains would give their verbal to sign. And
6 then I signed on their behalf by signing the book, saying hey, I'm
7 signing on behalf using your stamp and then --

8 Q. Okay --

9 A. -- issue it.

10 Q. -- okay. What -- why was the captain of the port order
11 issued or what did it say? What was the order that you were
12 giving?

13 A. I'd have to defer to whatever the captain of the port order
14 says. And I want to confirm whether it was -- if it was issued on
15 that day or the following day as well. I honestly can't remember
16 if I issued one at the end or not.

17 Q. Okay.

18 A. But I will find out.

19 Q. You know you issued one, but you don't recall what it was
20 for?

21 A. I believe I issued one that day.

22 Q. Okay.

23 A. I know I issued the statement -- the captain decision memo.
24 I know I did sign it. Whether I signed the captain of the port
25 order that night or that was the following day's watch, I'd have

1 to defer to that.

2 Q. And then what was the decision memo?

3 A. I believe we -- your agency was one of the recipients of it,
4 but I can -- do you need it for the documentation?

5 Q. I'm just wondering what it is, like what --

6 (Crosstalk)

7 A. That based on the concerns for the vessel at that time, the
8 stability and to make it the safest operations that we were going
9 to maintain the vessel's location over at Pembly (ph.) so that --
10 and it was the captain saying, I believe, briefing the Navy and
11 City Cruises on that memo.

12 Q. So, it was an internal Coast Guard memo or --

13 A. It was a Coast Guard memo that was also provided to the Navy
14 and to, I think, City Cruises.

15 Q. Okay.

16 A. (Indiscernible).

17 Q. And the contents was that it was going to --

18 A. That Captain Stevens had decided that the boat was going to
19 stay based on the totality of the circumstances, for it to be at
20 the safest operations to maintain it over there at the naval base.

21 Q. Okay. And so was there -- I guess I'm interested in what the
22 need for the memo was? Was there some talk of moving it, was
23 people wanting to shift the berth, move it?

24 A. It was a -- there was a period where the Navy -- where we
25 talked to naval command and they had wanted an update whether this

1 vessel was going to be moved or not. I'd defer to the audio logs
2 and offer the exact verbiage, but I can check my timeline and tell
3 you if that came after the call or when I issued the --

4 Q. Okay, sure.

5 A. So just a moment.

6 Q. Thanks.

7 A. So, I signed the decision memo at 0240, and the conversations
8 with the Navy -- so the Navy Operation Command Center was Captain
9 John Hewitt (ph.). He was the chief of staff over there. We had
10 a conversation with him with our chain of command at 1919 Zulu.
11 And following that is when I signed the decision memo. So, then
12 later on -- after that conversation with the Navy.

13 Q. Can you help me on that conversion?

14 A. Four hours.

15 Q. Okay. So --

16 A. Four hours prior to --

17 Q. Yes, earlier, right. Thanks. So, that's -- all right --
18 1519 local?

19 A. For the time that I had that conversation?

20 Q. Yes.

21 A. Yes, sir.

22 Q. So, that's 15 -- about 1520 the decision memo was signed?

23 A. The decision memo was signed later than that.

24 Q. Okay. The conversations with the Navy?

25 A. Was roughly -- yes, 19 or 1520.

1 Q. 1520. And the conversation was essentially the Navy was
2 asking the Coast Guard to move the boat or was the Navy just
3 asking what the Coast Guard's position was?

4 A. I believe it was --

5 Q. What was the reason for the conversation?

6 A. So, the chief of staff -- we wanted a status update and to
7 see if there was a potential to move the vessel. He was not
8 directing the vessel to be moved. He just wanted to see if it was
9 a possibility and then that's when we had the conversation with
10 Captain Stockwell, who was taking the lead on that for passing the
11 information over to the Navy, that based on everything that was
12 going on, it was not feasible to move the vessel at the time.

13 Q. Where were they discussing they wanted to move it or where
14 did the Navy want to move it? Just not at the Navy base?

15 A. I believe, yes, not at the Navy base was the main
16 conversation. I don't know if they ever got to the point where
17 they were discussing moving to another location.

18 Q. Okay.

19 A. But I can defer to the audio logs, too, if --

20 Q. Sure.

21 A. -- for more specifics.

22 Q. Sure, thanks. I don't have any further questions. Thanks.

23 A. Yes, absolutely.

24 LT. COMMANDER EMMONS: The parties-in-interest, for Captain
25 Nadeau, do you have any questions?

1 MR. WARNER: No questions.

2 LT. COMMANDER EMMONS: Okay. The party-in-interest, for Bay
3 Diesel. Do you have any questions?

4 (No audible response)

5 LT. COMMANDER EMMONS: Okay. I'm not hearing anything, so
6 no. Does anyone in the room gets the (indiscernible), please.

7 BY UNIDENTIFIED SPEAKER:

8 Q. I got a couple of follow-on. Can we -- you said there was a
9 bunch of extra people using the command center that day. Can we
10 get an exact number of people that were in there? Do you think
11 you could back to --

12 A. I can defer to the logs.

13 Q. Okay.

14 A. I can see who uses the MISLE. So, there was a briefing with
15 the operations specialist, (indiscernible) master chief that day
16 where -- and they were doing that out on the -- it was the
17 (indiscernible) conference room just outside the command center.
18 So, I believe we pulled a lot of -- we didn't pull people but
19 there was other people available to us. So -- it's going to be
20 hard to give you the exact number, but I'll work --

21 Q. I need just a range, like three or four. I mean, I'm okay
22 with that. I'm just trying to think how many people are you
23 pulling to help out with all the stuff going on.

24 A. Absolutely.

25 Q. And if it's a range, I'm okay with that, too.

1 A. Okay.

2 Q. You know, is it one or is it 15.

3 A. I can -- absolutely, it's probably in the 3 or 4 --

4 Q. Okay.

5 A. -- ballpark. But I will give you that number.

6 Q. And the notes you're referring to, is that MISLE stuff or is

7 that something different?

8 A. It's all MISLE and then my -- I had them defer to my

9 scribbled chrono notes.

10 Q. Okay.

11 A. But they're also in MISLE.

12 Q. So, all your notes you've taken are all in MISLE right now?

13 A. Yes, sir.

14 Q. Your hand chronological sheets and then --

15 A. And then everything that was documented --

16 Q. Okay.

17 A. -- in timelines. Yes, sir.

18 Q. And then you mentioned the vessel that had -- that ran over a

19 buoy. Can you talk me through that? Like, what -- do you

20 remember that case? I know it's probably not --

21 A. So --

22 (Crosstalk)

23 Q. -- now, but do you remember that?

24 A. I think I put the text page in here as well, because it

25 happened during this case. Text page reads, Sector Virginia

1 received a notification that the Norwegian flag bulk carrier *Spar*
2 *Lyra* struck the Elizabeth River lighted buoy number 9 and dragged
3 it with them to the G-4 anchorage. The vessel is now reported to
4 be taking on water. Pilot is onboard, reports that buoy broke
5 free from vessel at G-4 anchorage. We issued an SMIB,
6 (indiscernible) waterways prevention, chief of inspection
7 division, the investigating officers, port of state control and
8 the (indiscernible) manager. We also diverted the Coast Guard
9 cutter Frank Drew to assist.

10 Q. Do you remember how you were notified of that -- how the
11 command center got notified of that?

12 A. I believe it was the pilot that notified us.

13 Q. Okay.

14 A. I believe there was a pilot onboard at the time.

15 Q. Did they ever say why they hit the buoy? Do you remember?
16 (Indiscernible).

17 A. It might have been a marine casualty.

18 Q. Do you guys have a separate case on that?

19 A. Yes, I can give you the MISLE number right now. If I could
20 or provide --

21 Q. But you don't remember what --

22 A. I can't remember if they had an engine issue that affected
23 navigation or if they just collided with it.

24 Q. Okay.

25 LT. COMMANDER EMMONS: Mr. Karr.

1 BY MR. KARR:

2 Q. Mike Karr with the NTSB. That captain decision memo, who was
3 that to?

4 A. I believe we sent it to the Navy regional operations commands
5 and then to City Cruises as well. But I can -- we could pull the
6 emails as well.

7 Q. And last question is when -- you're the command duty officer,
8 when did you hear that the fire had expanded outside the engine
9 room?

10 A. It was probably from a brief that happened from one of our
11 departments over -- I could give you specific time.

12 Q. Well, I --

13 A. And --

14 Q. When did you, as the command duty officer, get word that the
15 fire had expanded outside the engine room?

16 A. I can check my notes to see if there's anything in there for
17 that.

18 Q. The (indiscernible)?

19 A. I don't have the specifics. I can refer you to my audio
20 logs, because that's where I would have gotten a notification,
21 from one of the phone calls from one of the parties on scene.

22 Q. All right, thanks.

23 A. Absolutely.

24 LT. COMMANDER EMMONS: Anyone else in the room? Anyone else
25 on the phone have any more questions?

1 UNIDENTIFIED SPEAKER: I don't have any more questions.

2 LT. COMMANDER EMMONS: Okay. Not hearing anymore questions,
3 we'll go ahead and conclude the interview at 11:36 a.m.

4 (Whereupon, at 11:36 a.m., the interview was concluded.)
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This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Ensign Wyatt Nelson

ACCIDENT NO.: DCA22FM022

PLACE: via telephone

DATE: July 28, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: LACEY PRICE, Lieutenant, Fire Boat Operator
Newport News Fire Department

via Microsoft Teams

Wednesday,
July 27, 2022

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D.C. Area 301-261-1902
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United States Coast Guard

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United States Coast Guard

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I N T E R V I E W

(1:04 p.m.)

MR. FAWCETT: I've turned on the tape recorder. Lieutenant Price, if you'll acknowledge for the record that we're recording this interview. A transcript will be provided, and you can check that for accuracy. But if you'll just acknowledge that we are recording this.

MS. PRICE: Yes, I understand you're recording it.

MR. FAWCETT: Okay. So, this, as an introduction, is a joint US Coast Guard/NTSB investigation, and the Coast Guard is the lead federal agency. We are conducting this interview under the rules of the applicable Coast Guard regulations. So, today is July 27, Wednesday. The time is 1:04 p.m. Eastern Time. We're conducting an interview with Lieutenant Lacey Price with the Newport News Fire Department via Teams conference. We're conducting an interview to examine the events surrounding the fire and subsequent events aboard the excursion vessel, *Spirit of Norfolk*, which occurred on June 7, 2022 in Norfolk Harbor.

Do you have anybody with you, Lieutenant, in the interview?

MS. PRICE: I do not.

MR. FAWCETT: All right. So, what we're going to do is go around the room, and we'll introduce ourselves for the record, and we'll start with you, Lieutenant Price, and if you would, and each and every one in this call, please announce your name, first and last, spelling of your last name, and the affiliation with the

1 investigation. So, Lieutenant Price, go ahead.

2 MS. PRICE: Lacey Price, P-R-I-C-E, with Newport News Fire
3 Department.

4 MR. FAWCETT: Thank you. My name is Keith Fawcett. That's
5 F-A-W-C-E-T-T. I'm with the United States Coast Guard 5th
6 District Investigations Team.

7 MR. ROY: Commander Eric Roy, R-O-Y. I'm also a member of
8 the D5 Investigations Team.

9 MR. WADDINGTON: Commander Randy Waddington, Waddington,
10 W-A-D-D-I-N-G-T-O-N, and I'm the District 5 formal team lead.

11 MR. FAWCETT: All right. Thank you. And for the parties of
12 interest, representing Hornblower City Cruises, please announce
13 your name, and affiliation, and spelling, please.

14 MR. DENLEY: Sure. It's Eric Denley, D-E-N-L-E-Y. I'm with
15 City Cruises and the *Spirit of Norfolk*.

16 MR. WEIGEL: This is Alan Weigel with Blank Rome,
17 representing Hornblower City Cruises. I spell W-E-I-G-E-L.

18 MR. FAWCETT: Thank you. With -- for Captain Ryan Nadeau,
19 please?

20 MS. GALITOU: Magdalini Galitou, G-A-L-I-T-O-U,
21 (indiscernible) for Captain Nadeau.

22 MR. FAWCETT: All right. With Bay Diesel?

23 MR. STILLMAN: Dan Stillman, S-T-I-L-L-M-A-N, with the Law
24 firm of Willcox and Savage, here on behalf of (indiscernible) Bay
25 Diesel.

1 MR. FAWCETT: All right. Thank you. And NTSB, have you
2 joined? All right. He may join at a later time, and we will
3 announce his joining. Lieutenant, I wanted to let you know that,
4 you know, memory is a dynamic thing, and you have the opportunity
5 to change or modify anything you say in this interview. If you
6 were to look at the transcript which will eventually become
7 available and have new information to share or modify, if you'll
8 let us know, Lieutenant Commander Emmons, who sent you this
9 invitation, will make sure that the record reflects any change
10 you'd like to make.

11 We will produce the Coast Guard a report of investigation.
12 If you see it at some further date and time and have new
13 information or information to modify the contents of the report,
14 same thing. Let us know, and we'll consider the information
15 provide. And finally, there's a document called the Marine Safety
16 Manual that the Coast Guard publishes, and Volume V contains all
17 of the details about the how's and whys of a Coast Guard Marine
18 casualty investigation. It's available for Google Search, and
19 once again, that's the Marine Safety Manual, Volume V. So, I'll
20 start with questioning; and then, my colleague, Commander Roy, may
21 have some follow-ups.

22 INTERVIEW OF LACEY PRICE

23 BY MR. FAWCETT:

24 Q. And I think the simplest way to do it is to have you sit
25 there for a moment and reflect back to Tuesday, June 7. As I

1 understand it, you were on duty. If you'd take a moment to
2 quietly reflect; and then, if you'd give us as much detail as you
3 can about the *Spirit of Norfolk* fire, how you first learned about
4 it, and what you did next.

5 A. Yes. I was on duty. We were out on the James River a little
6 bit north of the James River Bridge. My -- Brian Crispins (ph.)
7 contacted me via cell phone. He, he is the coordinator of the
8 Newport News MIRT team. He advised that there was a fire on the
9 *Spirit of Norfolk* with 100 or so people still on board. We
10 immediately went en route to the location, which, at the time, was
11 the Norfolk International Terminal, I believe. As we got closer,
12 we obviously saw the *Spirit of Norfolk*. It was currently being
13 moved by two tugboats to, I believe it was the Norfolk base at
14 that point.

15 I announced as we approached the scene -- let me go back.
16 Brian Crispins did provide me a TAC channel that they were working
17 on. I don't recall what Norfolk TAC channel it was. But as we
18 approached the scene, I did use that TAC channel and got a
19 response of to become RIT on the port bow area of the *Spirit of*
20 *Norfolk*. We did not -- we weren't able to physically attach
21 ourselves to that current area via pier or the boat, because they
22 had the two tugboats on the port side of the ship at that point,
23 but we stayed within that area. And we weren't given any other
24 orders for the remainder of the incident, so we continued to just
25 post as close as we could to that port bow side. And, I mean,

1 again, we heard some traffic on the TAC channel, but we weren't
2 given any further orders besides to just keep them updated on any
3 listing that we saw on the ship. And that, I mean, that was it.
4 We actually, we weren't given any further orders, and we didn't do
5 anything else.

6 Q. Okay. Thank you for that.

7 A. (Indiscernible).

8 Q. Go ahead, Lieutenant.

9 A. That's all I have. Sorry.

10 Q. Okay. So, I have some follow-ups just on what you shared
11 with us. Are you aware of whether those tactical radio channels
12 are recorded so that someone could play the back later? Any
13 knowledge of that?

14 A. Yes. Specifically, Norfolk, I do not know. In Newport News,
15 they are recorded.

16 Q. And do you or the crew of the vessel have any photos or
17 videos of the fire incident?

18 A. I would have to get back to you on that, because I didn't ask
19 everybody that was on fire boat one -- or, excuse me, fire boat
20 two with me. They could have easily taken some photos and videos.

21 Q. Okay. If you can check on that, and then share with your
22 management if there are photos or videos, and then, you know, work
23 through a process with Lieutenant Commander Emmons, who sent you
24 the invite, the Coast Guard would like to get those.

25 A. Yes. Okay. I can do that.

1 Q. So, you mentioned that you were -- one of your jobs was to
2 report back on listing. How would you have done that if you
3 observed the *Spirit of Norfolk* listing or leaning to one side or
4 the other?

5 A. We were advised by Burket, Bill Burket, to report the numbers
6 on the side of the ship. So, he was keeping track of the -- I'm
7 not using the technical term here. I know it's called something.
8 But the numbers on the side of the ship and on the front.

9 Q. And did you maneuver around -- I know there was a lot of
10 stuff going on, but did you just report, say, the port side, or
11 did you get a chance to observe port and starboard bow and stern?

12 A. Port and starboard is mainly where we -- I mean, sorry, the
13 bow and starboard -- or, port (indiscernible) port and bow is
14 where we were hanging out, because we were told that we were
15 supposed to be in that area doing RIT.

16 Q. And what is that --

17 A. So, what's where we (indiscernible).

18 Q. Yeah. So, the Coast Guard's famous for acronyms. What is
19 that -- you mentioned RIP; what is that?

20 A. That's rapid intervention team, R-I-T.

21 Q. And I know that we had originally asked for a witness from
22 both boats, but was the other boat in general, based on your
23 knowledge, doing something similar to you, sort of standing off,
24 evaluating, and reporting back to Mr. Burket, similarly to what
25 you were doing?

1 A. Yes, and they weren't actually given a task the whole time,
2 so they were pretty much in the vicinity of where we were at, and
3 they were just hanging out and just -- yeah, but they were
4 reporting, like I said, the numbers. We were -- Bill Burket
5 advised all of us that -- to report it, so there was other
6 individuals that were -- I believe it was Norfolk that were on
7 boats out there. They were more on the stern side, I guess. They
8 were also reporting.

9 Q. And you were all on the same radio traffic channel -- the
10 tactical channel?

11 A. Yes.

12 Q. All right. I want to talk a little bit more -- let's start
13 with your boat. How many people were on the vessel?

14 A. Three.

15 Q. And what would you describe as the jobs of the people on the
16 vessel?

17 A. For this particular event, we had a boat operator, and we had
18 myself, and the other individuals would be dressed out as rescue
19 swimmers in case somebody, you know, fell in the water, /boathand,
20 you know, where --

21 Q. Right. And is that a normal compliment? Like, on any given
22 day, do you have three people in the crew?

23 A. At least three.

24 Q. And then, who is the person overall in charge of the vessel?

25 A. It would be myself, being an officer.

1 Q. And was that the same as the other boat?

2 A. No. The other -- I was the only officer from my station
3 there that day, so the other one did not have an officer on it.
4 So, it would most likely be the most senior person or a master.

5 Q. You know, you led right into my next question. Does it
6 require -- the personnel on the fireboats, are they required to
7 have a Coast Guard credential?

8 A. I'm not sure what you mean by Coast Guard credential.

9 Q. In other words, the person that operated the *Spirit of*
10 *Norfolk* had a 100-ton ocean operator or 100-ton master's license.
11 Are you required by your job to have like a marine credential of
12 any type issued by anybody that says you're designated and
13 certified to operate that vessel?

14 A. Yes, through the state. It's what everybody has to have now,
15 a boater operator license. Other than that, we just have a
16 precepting program that we send boat operators through before
17 they're able to operate the vessel on their, you know, on their
18 own.

19 Q. Yeah, so that's an internal Fire Department procedure,
20 policy, and certification; would that be correct?

21 A. Yes.

22 Q. What kind of training do you get to be involved with marine
23 firefighting? Could you elaborate on that?

24 A. Or -- okay, there's a -- let's see. For marine firefighting,
25 they -- I mean, I can think of one particular class, which is

1 the -- I'm drawing a blank on the name. It's shipboard
2 firefighting, and that is put on by Bill Burket, and it's about a
3 week-long class.

4 Q. And is that -- yeah, so, the marine firefighting, would that
5 be held in like the Newport News local area?

6 A. No. It's a -- the last -- well, the one that I went to was
7 in Norfolk, and I know that it's open to people like
8 internationally. I believe he does -- he's done different
9 locations throughout the seven cities, so --

10 Q. Right. So, when you complete the training, do they hand you
11 a certificate?

12 A. Yes.

13 MR. FAWCETT: So, for everybody on the call, Mr. Karr from
14 the NTSB has joined the call, and he'll be following up with the
15 Coast Guard line of questioning.

16 BY MR. FAWCETT:

17 Q. So, talk about the boat. What -- you know, from a marine
18 firefighting perspective, how is the boat outfitted?

19 A. We have a, it's a fire, like a pump, fire pump, so we're able
20 to -- with master stream on the vessel, we have one off the bow,
21 and the, the fire pump runs it. I do not know what the gallons
22 per minute are from that master stream. Other than that, it's
23 a -- I believe it's a 24-foot Metal Shark. But the, like the only
24 difference from the manufacturers is the addition of that pump
25 with the master stream.

1 Q. And does the pump discharge to a fixed -- by fixed, I mean, a
2 bolted-in monitor that the fire operator can adjust the nozzle,
3 the direction, the height, and so forth of the stream?

4 A. Yes.

5 Q. And is it -- are you capable of also dewatering with a pump
6 to pump out a vessel with water in it?

7 A. We are, but it's not on the vessel. It actually would be
8 back at the station on our dive truck. We have a small pump
9 that -- a very small pump that we can operate.

10 Q. Are you equipped with the ability to deduct foam into the
11 fire stream and deploy foam onto a burning vessel?

12 A. No, we don't have foam on that particular vessel.

13 Q. So, at any point, were you aware of who was in charge of the
14 firefighting operations for the -- like, overall charge of the
15 firefighting operations for the *Spirit of Norfolk*?

16 A. I was not aware exactly who was in command. I just addressed
17 them as command on the TAC channel they give us.

18 Q. Have you heard of an individual named Moore, the
19 understanding I understand it to be is M-O-O-R-E, like in the fire
20 service or the incident command service, a Captain Moore or a
21 Mr. Moore?

22 A. No, I do not know anybody with that name.

23 Q. And when you speak about command on the radio channel that
24 you were listening to, the tactical net, did you understand it
25 that that net was being used just for waterborne operations? And

1 were -- I have another question to that, but did you think it like
2 covered everything going on out there with the *Spirit of Norfolk*
3 involving the firefighting and the evacuation?

4 A. I understood that to be the only channel being used for the
5 incident, to encompass all activities going on in the incident.

6 Q. And when you departed the area, was the *Spirit of Norfolk*
7 alongside Navy pier four yet, or was it still being maneuvered to
8 that position?

9 A. It was being maneuvered into that position when we approached
10 the scene. And you said when we left? It was still in the -- it
11 was still attached to the pier.

12 Q. Okay. So, when you arrived, it had been made fast or hadn't
13 been made fast yet? I just want to be clear on that.

14 A. Had not.

15 Q. Okay. And by the time you left, it was either close against
16 the pier or made fast?

17 A. Yes.

18 Q. At any time, did you hear any radio traffic pertaining to the
19 fire, any whatsoever, on a marine radio channel, like Channel 16,
20 13, 22, or anything like that?

21 A. I did not. We had ours to 16 and 22, and I don't recall
22 hearing any traffic pertaining to that incident.

23 Q. And my final question, when you arrived on scene, there was a
24 large loaded deep draft ship that was northbound in the
25 Elizabeth River very close to the scene of the incident. Did you

1 observe that ship pass you while you were there?

2 A. I did not, no.

3 MR. FAWCETT: All right. Lieutenant, that's all I have for
4 you. Commander Roy is shaking his head.

5 Mr. Karr with the NTSB, I don't know how you're rigged in
6 here, but do you have follow-up questions?

7 MR. KARR: I do not, no.

8 MR. FAWCETT: Okay. Lieutenant Price, that's a negative on
9 the NTSB. I'll go now with Counsel for Mr. Nadeau.

10 MS. GALITOU: No questions. Thank you again.

11 MR. FAWCETT: Thank you.

12 MS. PRICE: You're welcome.

13 MR. FAWCETT: For Bay Diesel, Counsel for Bay Diesel?

14 Hearing none, Mr. Stillman, are you still there? I'll circle back
15 one more time before we end it. For Hornblower and City Cruises?

16 MR. DENLEY: Yes. Hi. This is Eric Denley.

17 BY MR. DENLEY:

18 Q. Hi, Lieutenant. I appreciate you joining us, and I do just
19 have a couple of questions. When -- you said you were on scene as
20 the *Spirit of Norfolk* was being kind of maneuvered into position
21 next to the pier. So, you were actually on scene observing the
22 vessel when it was tied up to the pier; is that correct?

23 A. Yes, but our -- I didn't witness the exact activities that
24 were going on the pier, because we were on the port bow area of
25 the boat, so I couldn't really see exactly what was going on on

1 that starboard side.

2 Q. Yeah. No, I understand. Can you just -- but you had a
3 pretty good view of the boat, of the *Spirit of Norfolk*?

4 A. Yes, of, again, of that port and bow side -- or -- yeah, the
5 port and bow.

6 Q. Okay. And you also stated that you were kind of tasked with
7 watching the draft marks on the vessel. Can you generally
8 describe kind of what the boat looked like? Was it stable, was it
9 unstable, did it have a list? What did you observe, I guess, at
10 that time?

11 A. Well, when we first got there, it appeared fine. I mean,
12 fine, I guess, even. Obviously, as we went further into the
13 incident, it began listing to that port side.

14 Q. Okay. So, how long --

15 A. Again, I don't know --

16 Q. Go ahead. Sorry.

17 A. I don't recall what numbers were called in at what time, but
18 it obviously was getting -- listing more and more to the port side
19 as the incident went on.

20 Q. Okay. How long were you scene? When -- I guess, maybe start
21 with like when did you depart, about what time?

22 A. I'd have to pull that report to give you the exact numbers.
23 I don't recall right off, you know, the top of my head, how long
24 we were there or --

25 Q. Was it --

1 A. -- or when we got dispatched. I don't even remember exactly
2 what time that was.

3 Q. Yeah, I understand. Can you estimate, even though you might
4 not know the times, can you estimate, you know, was it hours, was
5 it --

6 A. Yes, I can estimate probably between six and eight hours.

7 Q. Okay. So, you arrived -- is it safe to say you arrived at,
8 you know, approximately, you know, noontime or --

9 A. Yeah, it was around noon, yeah.

10 Q. Okay. And so, you departed at either -- between 6:00 and
11 8:00 p.m. that evening?

12 A. Yes.

13 Q. And so, over that period of time, over those six to eight
14 hours -- so, when the vessel was tied up, there was no list; and
15 then, as time went on, you said that a list to the port -- the
16 vessel started listing to port. Do you recall an incident that
17 occurred that contributed to that list? Do you recall a mayday
18 situation happening at all during that period of time?

19 A. Yes, there was a mayday called during the incident. I don't
20 know what the draft marks were at that time. We -- yeah, I don't
21 know what the numbers were at that time. Sorry.

22 Q. It's okay. Can you describe the mayday?

23 A. All I heard was the radio traffic. Shortly after they, I
24 guess, announced that they were going onto the vessel, really
25 shortly after that, there was a mayday call. There wasn't any

1 real details over the radio.

2 Q. Do you know -- do you recall any details about folks going on
3 board or who went on board?

4 A. I do not, because again, we were on that port bow side, and
5 all the -- they were entering from the starboard side off of the
6 dock, so I have no idea who or, who or what department the people
7 were with that were going on there or what order they were given.
8 Again, I didn't hear any of that over the radio.

9 Q. Got it. Understood. So, there wasn't any kind of -- there
10 wasn't any discussion about that plan over the tactical channel or
11 what --

12 A. Not the technical --

13 Q. -- who would have been on board?

14 A. -- channel I was -- yeah, not the tactical channel I was on.
15 There was -- it was strictly -- they were entering the vessel; and
16 then, shortly after that, a mayday.

17 Q. All right. But so, you were made aware of the fact that
18 there were people going to be going on board?

19 A. Yes, through the TAC channel.

20 Q. Okay. And were you given any tasking associated with that
21 plan?

22 A. No. We just maintained, again, at that port bow side.

23 Q. And --

24 A. But --

25 Q. -- you were there --

1 A. -- yeah, they didn't give us any --

2 Q. I'm sorry. Go ahead.

3 A. I was just -- they didn't give us any further orders the
4 whole incident, so I just maintained a RIT.

5 Q. Okay. And when you say like RIT, like what would you -- what
6 were you there to try to help with or be present for, given the
7 situation?

8 A. If somebody, I guess, bailed from the port side, we're
9 certified rescue swimmers, so we would be able to get them --

10 Q. Okay.

11 A. -- out of the water quickly. And we're, I mean --

12 Q. Got it.

13 A. -- we're paramedics, so if they needed any care, we could
14 provide that, as well.

15 Q. Got it. Thank you. You indicated that you were part of a
16 maritime -- you said MIRT. Is that Maritime Incident Response
17 Team?

18 A. Yes.

19 Q. And you said the Newport News Maritime Incident Response
20 Team?

21 A. Yes.

22 Q. Okay. So, how does that -- does each community have a
23 Maritime Incident Response Team?

24 A. Can you say that one more time?

25 Q. So, does every community, like does every town, have their

1 own Maritime Incident Response Team?

2 A. Some do and some don't. We provide mutual aid to other
3 cities if needed.

4 Q. Okay. Is Norfolk one of the -- do you know if Norfolk has a
5 Maritime Incident Response Team, and is it one of the communities
6 you provide mutual assistance to?

7 A. I'm not sure if Norfolk does. Again, I got the call through
8 our coordinator, Brian Crispins, and we called our battalion chief
9 to get permission to provide mutual aid to other cities.

10 Q. Okay. Got it. So, you got that permission and tasking?

11 A. Yes.

12 Q. Do you participate in any kind of like, you know, maritime
13 firefighting drills or -- within the port?

14 A. I myself have not participated in any drills. I know that
15 they have been done before between cities. I believe it's --
16 everything that we would participate in is ran through Burket.

17 Q. Okay. And do you have -- does Newport News, does the Newport
18 News MIRT have like a marine firefighting contingency plan, or is
19 there some kind of a planning document that you have associated
20 with that MIRT?

21 A. No, we do not.

22 MR. DENLEY: Thank you so much for your time. I don't have
23 any more questions. Appreciate it.

24 MS. PRICE: Okay. Thank you.

25 MR. FAWCETT: I'll give another opportunity if Counsel for

1 Bay Diesel -- Mr. Stillman, are you there?

2 MR. STILLMAN: Yes, sir, I'm here. No questions. Thank you,
3 Lieutenant Price.

4 MS. PRICE: You're welcome.

5 MR. FAWCETT: Lieutenant, just a few follow-up questions.

6 BY MR. FAWCETT:

7 Q. So, mayday typically is a maritime aviation distress call.
8 Is that typically used in the fire service for an event where it
9 would be a grave or imminent danger to firefighters?

10 A. Yes. Anytime anybody's, I guess, gotten hurt, or they need
11 assistance, or even when somebody, one of the crew members, can't
12 be found, then that's why we would call a mayday.

13 Q. Is there any -- like, do fire companies -- if a mayday's
14 called, and I'll base it on your experience, is there some sort of
15 required investigation into the fact that that type of danger or
16 risk was experienced by firefighters?

17 A. Yes, I believe they do a -- we call it like a hot wash,
18 which, we talk with everybody that was involved in that incident.
19 I'm not sure if upper management does like an official report for
20 every mayday. I know that the state -- I believe that the state
21 will do an investigation if there's somebody that ends up, I
22 guess, dead or -- again, I'm not sure about what Newport News does
23 as far as like a written report.

24 Q. Okay. Have you ever experienced where you've had to prepare
25 documentation or paperwork to submit to -- I don't know who the

1 state agency -- maybe the State Fire Marshal, like to document a
2 mayday situation? Have you ever participated in any documentation
3 like that?

4 A. I have not.

5 Q. So, you know, we've asked you a lot of questions. We talked
6 about photographs and videos. So, if you'll follow up between the
7 boat crews, and then get back after you speak to fire management,
8 share those with us if permitted, that would be great. But, you
9 know, based on what you know about the *Spirit of Norfolk* fire,
10 which encompassed evacuation, firefighting, salvage, and other
11 types of activities. Do you have any recommendations or lessons
12 learned that you could share with the investigation that would be
13 able to maybe help prevent something like this from occurring in
14 the future?

15 A. I do not.

16 MR. FAWCETT: All right. One final go-around with everybody
17 on the call. Does anybody have any follow-ups with Lieutenant
18 Price?

19 All right. Hearing none, the time is 1:41 p.m. Eastern time.
20 Thank you very much, Lieutenant for taking the time out of your
21 day, I know it's a day off, to complete this interview, and we'll
22 be standing by to hear from you about photographs or videos. So,
23 thanks again, and the Coast Guard is turning off the recorder.
24 And once again, we appreciate it, everybody.

25 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

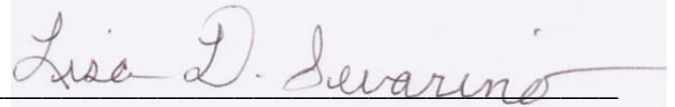
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Lacey Price

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: July 27, 2022

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.



Lisa D. Sevarino
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: MICHAEL AND SHARLYN ROZANSKI, Passengers
Spirit of Norfolk

via telephone

Tuesday,
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I N T E R V I E W

(3:03 p.m.)

MS. EMMONS: -- it's being recorded, please.

MR. ROZANSKI: We acknowledge.

MS. EMMONS: Thank you, sir. And just to give you some background, this is a joint US Coast Guard and National Transportation Safety Board investigation, and the Coast Guard's the lead agency, and we're conducting this interview under (indiscernible) Coast Guard regulations. Again, the date is July 26, 2022. The time is 3:03 p.m. And we're conducting an interview with Mr. and Ms. Mike and Sharlyn Rozanski, and we're doing this by phone via Teams. And again, we're conducting an interview to examine the events surrounding the fire and the subsequent events of where the excursion vessel, the *Spirit of Norfolk*, which occurred on June 7, 2022 in the Norfolk Harbor.

I can try to go around, as well, on the phone call, I would like to go around and start with you, Mr. Rozanski. If you could just please introduce yourself and state your affiliation with the *Spirit of Norfolk* on June 7, and if you could just spell your last name for the record. And then, once you're finished, we'll go around the telecall and do the same, as well, so you know who is on the phone.

MR. ROZANSKI: Hi. I'm Michael Rozanski, R-O-Z-A-N-S-K-I, and Sharlyn, and we were on the *Spirit of Norfolk* on June 7 with our son, Matthew Rozanski.

1 MS. EMMONS: Okay. Thank you, sir. And we'll start within
2 this room. I'm Lieutenant Commander Nicole Emmons, E-M-M-O-N-S,
3 and I'm part of the District 5 Formal Investigation Team.

4 MR. WHALEN: And I am Lieutenant Tom Whalen, W-H-A-L-E-N, and
5 I'm with the District 5 Formal Investigation Team.

6 MS. EMMONS: Okay, and we can start with Coast Guard members
7 on the line.

8 MR. FAWCETT: Yes. My name is Keith Fawcett, F as in Frank,
9 A-W-C-E-T-T. I'm with the D5 Coast Guard Formal Investigation
10 Team.

11 MS. EMMONS: Okay. And if we could go to the NTSB members on
12 the line?

13 MR. KARR: I am Michael Karr, K-A-R-R, with the NTSB.

14 MS. EMMONS: Mr. Karr, are you on the line?

15 MR. KARR: I am. I had the phone on mute. I am
16 Michael Karr, K-A-R-R, of the NTSB.

17 MS. EMMONS: Okay, and we'll start with the parties of
18 interest that are also parties of interest to this investigation.
19 If we could start with Hornblower, please?

20 MR. WEIGEL: Yeah, this is Alan -- oh, go ahead, go ahead,
21 Eric.

22 MR. DENLEY: This is Eric Denley, D-E-N-L-E-Y. I'm with
23 Hornblower and City Cruises.

24 MR. WEIGEL: And this is Alan Weigel from -- W-E-I-G-E-L, and
25 I am Counsel representing Hornblower City Cruises.

1 MS. EMMONS: Then, if we could go to Phelps and Dunbar with
2 Captain Nadeau?

3 MS. GALITOU: Magdalini Galitou, G-A-L-I-T-O-U --

4 MS. EMMONS: And if could go to PII for Bay Diesel?

5 MR. FAWCETT: I do not have anybody on the line for them,
6 Lieutenant Commander Emmons.

7 MS. EMMONS: Thank you. Just a few housekeeping for the
8 (indiscernible) interview. We'll try to avoid, and if you could
9 do it, as well, any acronyms, or, if you do use acronyms, if you
10 could just spell them out so we understand all acronyms. And if
11 everyone, when they're not speaking, could put their phones on
12 mute or phones on silence.

13 And, Mr. and Ms. Rozanski, just to let you know, this is
14 being recorded. If you -- you have the right to change, or
15 modify, or retract anything you say at a later moment, or if you
16 forget something, or you want to change something, just let me
17 know, and we can change the record. We'll also have a report of
18 investigation that will be completed at the end of this
19 investigation, and you have -- you may also appeal the final
20 results of anything on that if you disagree with anything.

21 For the information, more information, about why we're
22 conducting this investigation (indiscernible) how we conduct this
23 investigation, we have what we call a Marine Safety Manual, and
24 it's in Volume V, and it explains the full investigation process.

25 So, we're just going to start. What we'd like for you to do

1 is, if you could just -- and maybe one at a time, or if somebody
2 remembers something and want to interject it for the record, just
3 introduce like who's speaking for the record. But if you just
4 want to go through and just kind of start with before you got on
5 board the *Spirit of Norfolk* that day, kind of like your process of
6 how you got to the vessel and on the vessel; and then, just kind
7 of explain it in as much detail as you can just the events that
8 unfolded that day for you and your son on the vessel, and we'll
9 probably have follow-up questions. What we have been doing, we'll
10 start with the Coast Guard, and then go to NTSB, and any parties
11 of interest after your story if we have follow-up questions. Do
12 you have any questions?

13 MR. ROZANSKI: No questions.

14 INTERVIEW OF MICHAEL AND SHARLYN ROZANSKI

15 MS. EMMONS: Okay. So, please, just go ahead and, in as much
16 detail as you can, kind of describe the events that day.

17 MR. ROZANSKI: Okay. This is Mike speaking. We drove to
18 Norfolk to attend a kindergarten celebration. On the way, we
19 picked up our son, Matthew, from Sunnybrook Day School. And we
20 went, we parked in the parking garage right across the street,
21 basically, from the best of my memory there. And we went on board
22 with his classmates, and (indiscernible) classrooms from
23 Sunnybrook there. We ended up eating a buffet style lunch on,
24 looking at the diagram, would have been the main closed deck.
25 After we finished eating, we went up to the top open passenger

1 area, and we were playing. Played foosball and -- oh, there --
2 let me go back. So, when we were, while we were eating and as we
3 were finishing up eating, just, we're dancing on the dance floor.
4 The DJ was playing music. And then, we went to the open area.

5 And somewhere around noonish, we were in the hallway, and
6 that's where we smelled a funny burning smell and went down to
7 (indiscernible) that main closed deck area where we ate. And when
8 we were there, we could see smoke alongside the windows, and we
9 sat there, not sure what was going on. No fire alarms, no
10 announcement. And then, we got word through family to family
11 passing the word that we were going to be evacuated up to the top
12 open passenger area.

13 So, we went back through the hallway of that top area, and
14 once we got up there, we looked over the railing, and you could
15 see flames coming out the side of the ship and a lot of smoke.
16 And I'm not sure how long we were up there exactly, maybe

17 15 minutes or so, I would estimate. And the smoke got
18 thicker and thicker, and people were coughing and using paper
19 towels and masks, and we were using a *Spirit of Norfolk* heart-
20 shaped fan to wave the smoke, try to like fan it away from our
21 son's face, and we were trying to get as far away in that open
22 area from it as we could, like for under the canopy.

23 And then, we got word that we were going to be evacuated
24 down, because this was smoky, to the middle, closed deck. Once we
25 went there, all the families were in that -- on that level, and we

1 got word that the lifejackets were in the -- it's like, looking at
2 the diagram here, at the men's restroom, somewhere on that corner,
3 somewhere in that (indiscernible) of the ship. And we all filed
4 there, grabbed a lifejacket. We grabbed ours on our own, but
5 there were workers -- there was a crew member that was passing
6 them out, also, I do recall.

7 And then, we filed single file into that stairwell, and from
8 there, the *Victory Rover* was right alongside the ship there, and
9 passengers were handing their children over the railing to *Victory*
10 *Rover*, I believe. And then, we were finally the adults were
11 climbing over after, and it just went group by group until we all
12 evacuated onto there. We were on their closed -- it has two
13 floors, open and closed, and we were on that closed one until we
14 were able to pull away from there. And from there, we could see
15 all the firefighting efforts going on. We pulled out, and went
16 back to the port where we departed from, and went home from there.

17 MS. EMMONS: Okay. Thank you. Did Ms. Rozanski, Sharlyn,
18 did you have anything to add to that?

19 MS. ROZANSKI: I think Mike has summarized (indiscernible) we
20 were kind of confused as to what we should do. There was really
21 no detailed instruction where we should go and what's the next
22 step to do. There were like (indiscernible) waiting, just
23 waiting, and just really looking at one another, and we don't know
24 what to do.

25 MR. ROZANSKI: I want to add to what she's saying.

1 (Indiscernible) we were wondering what, you know, what was next,
2 what was going on, throughout a lot of the process.

3 MS. EMMONS: Understood. I have two follow-up questions just
4 to kind of clarify what you just said. I just want to make sure
5 that we understand. So, when you said -- you had mentioned twice,
6 I believe, that someone -- so, when you got word to evacuate or
7 you got word to go somewhere else on the vessel (indiscernible),
8 was that any time like through a crew member, or was that just by
9 word of mouth?

10 MR. ROZANSKI: Based on what I recall, it was through word of
11 mouth, that there wasn't an intercom system making announcements;
12 it was usually seeing the crew just would tell a family, and then
13 the family would pass the word down.

14 MS. ROZANSKI: And in addition to that, because I'm trying to
15 remember, as much as I don't want to (indiscernible), you know,
16 trying to think about what happened, because it was, it was awful.
17 I don't -- I was looking for any crew from the ship to kind of
18 guide us what to do. I couldn't find anyone, but trying to
19 remember how many there while -- before the incident of the fire
20 or the smoke (indiscernible) there were only like two or three.
21 So, during our lunchtime, there was one server, or waitress, and
22 there was one behind the buffet line, and one at the bar, but the
23 (indiscernible). But when the smoke and fire started appearing, I
24 could not find any crew member, because I was trying to get
25 contact eye to eye to like (indiscernible) what to do, because we

1 have no clue what is going on. And I saw some parents whose kids
2 started crying, so I kind of was like trying to -- really looking
3 for guidance (indiscernible).

4 And so, one crew member, I don't recall (indiscernible). And
5 I right away said, where -- followed her, and she showed us where
6 it is, and she brought some, and I think I took (indiscernible).

7 MR. ROZANSKI: I'll add, where I remember seeing the crew the
8 most, and the most interaction with them, was in the stairwell on
9 our way to the Victory Rover. They were standing there, and even
10 some had lifejackets, down there (indiscernible) by the engine.
11 Everyone in line around us already had their lifejacket. And one
12 of the crew members helped our son. I don't know if he had on his
13 or the (indiscernible), but he did redo the lifejacket and like
14 (indiscernible) up on him before passed him over the railing
15 (indiscernible). I remember that.

16 MS. EMMONS: And so, the crew member that assisted you, and
17 (indiscernible) as you were getting onto the *Victory Rover*, did
18 you -- do you know, were they waitstaff of the *Spirit of Norfolk*,
19 or were they actually crew members? Do you even know if there was
20 a way to tell the difference on the vessel, or --

21 MR. ROZANSKI: Based off of my memory, the uniforms seemed
22 like waitstaff, and the lady was definitely our server. I
23 remember she was (indiscernible) great server, friendly, and she
24 was definitely a server that put the lifejacket on our son and
25 tightened it up and, you know, restrapped it.

1 MS. EMMONS: And at any time that you were on the *Spirit of*
2 *Norfolk* before you got onto the *Victory Rover, Victory Rover*, did
3 any crew member or waitstaff, even, (indiscernible) the waitstaff,
4 did they ever explain what was happening to you?

5 MR. ROZANSKI: Whenever the -- after the (indiscernible)?

6 MS. EMMONS: Correct. From the time you saw smoke to the
7 time you got off the vessel onto the *Victory Rover*, was anyone --
8 did anyone ever inform you of what was happening?

9 MR. ROZANSKI: Not that I can recall. A lot of the
10 information we were getting (indiscernible) was around us in the
11 main area where we were evacuating with the group.

12 MS. ROZANSKI: From what I can recall, the (indiscernible)
13 asking each other, what was that all about? What is happening?
14 What is going on? And again, from the (indiscernible), we can see
15 the smoke coming, and we heard someone, and again, from just word
16 of mouth, that they had to be evacuated to the top open passenger
17 area, and that it was (indiscernible), and we were waiting and
18 waiting.

19 And there was one crew, I remember, standing by the bar,
20 because I was asking for -- and from everybody, if anyone had a
21 map (indiscernible), and nobody had one. So, I looked around,
22 went to the bar area, found (indiscernible) and more like early
23 stages. Like, I know he was very, very, very young. And he asked
24 me, what are you doing? And I told him, I am going to grab
25 (indiscernible) cover my mouth, and my son, and my family. And as

1 soon as I (indiscernible) paper towels, I shared it with everybody
2 and told them, you know, cover your, your nose, your mouth. And I
3 remember the smoke started burning my eyes, and this is when I
4 grabbed another (indiscernible) and just started fanning my son,
5 because I can see him being uncomfortable. I was a little bit
6 uncomfortable, but I was sort of smart enough to step away from
7 the crowd and far away from the smoke while I asked Michael to get
8 (indiscernible) find out what we need to do. We need to get out
9 of here.

10 And that's what I can recall, and I don't know how long we
11 stayed up with the -- up in the passenger area, other than I kept
12 saying, we need to leave. We have to get out. (Indiscernible)
13 getting out the towels. And I kept saying and repeating that.
14 That's all I can remember. And the next thing is, Michael said,
15 okay, we need to move to the middle, closed deck area, and this is
16 when (indiscernible). And we still don't know what's happening,
17 still don't know what's going on, and we're standing around
18 (indiscernible) are crying, and they're lost, and we said, what
19 are we doing? We need to do something. And this is when one of
20 the crew members, a lady, again told us, hey, there's a lifejacket
21 (indiscernible), and I followed her and helped distribute the
22 lifejackets. And we were told that they (indiscernible) that's
23 where all the evacuation took place (indiscernible). But as far
24 as -- was it Amy (indiscernible) if there was one at all.

25 MS. EMMONS: Did you -- you stated that your son was five

1 years old; is that correct?

2 MR. ROZANSKI: Yes, that's correct.

3 MS. EMMONS: Could you kind of just explain his Spirit of
4 mind, his emotions that day? How was he on board the vessel after
5 you saw smoke?

6 MR. ROZANSKI: Well, I'm sorry, I'm going to have to ask you
7 to repeat that. There was a knock at our door just now, and I
8 missed that question.

9 MS. EMMONS: Sure. I was just asking about, we heard kind of
10 his Spirit of mind, what happened. Can you kind of explain what,
11 kind of, your son was going through, his emotions, his Spirit of
12 mind, from the time you saw smoke? How was he handling that?

13 MR. ROZANSKI: I mean, he was worried. He's scared of the
14 fire.

15 MS. EMMONS: That he --

16 MR. ROZANSKI: (Indiscernible) like from him sitting on my
17 lap at times. Whenever we were on that second -- I'm sorry, the
18 middle, closed deck, he was sitting there, and we saw him
19 (indiscernible) and all his classmates just were, you know,
20 scared. We weren't certain what was going to happen next, and
21 what the outcome was going to be at that point.

22 MS. ROZANSKI: Yeah, he definitely was worried, especially
23 with the (indiscernible) most of his friends -- or, some of his
24 friends were -- started crying, and, and distraught. And my job
25 was to kind of comfort him and, you know, told him; to stay with

1 us. Everything's going to be okay. So, I tried to tell him to
2 look away rather than looking at the people or the crowd
3 (indiscernible) situation. So, yeah, he was definitely looking
4 nervous.

5 MS. EMMONS: And I just have one follow-up question before we
6 move on to the others. Mr. Rozanski, you had mentioned that when
7 you were getting off of the *Victory Rover*, you saw the
8 firefighting efforts that were going on around the vessel. Can
9 you describe for us what that looked like, what you saw?

10 MR. ROZANSKI: What I could see, as we were coming over,
11 there was a big Navy type of -- I couldn't tell whether it was
12 Navy, Coast Guard. But they were spraying the fire right there on
13 that side; and then, whenever we boarded the *Victory Rover*, there
14 was another smaller firefighting boat that was like on the other
15 side of the *Victory Rover*. So, we were -- and the *Victory Rover*
16 was in between the *Spirit* and this other one, and they had
17 (indiscernible) looking at where the tugboat was, and they were
18 right there, and those guys (indiscernible) passed around to all
19 the passengers in the -- who'd evacuated. And we were packed in
20 that, on the *Victory Rover*, because they already had people on
21 board, and we were fortunate that they were able to take us all
22 on. And it was so smoky outside, we all had to be in that first
23 closed area, as well, so we were packed in there. Yeah, and also,
24 during that, there was (indiscernible) from what I heard, just was
25 that fire rescue (indiscernible) everyone involved was quick.

1 We're thankful for that.

2 MS. EMMONS: Thank you. I'm going to go and move to -- is
3 there any other, Mr. Fawcett, I'm sorry, questions?

4 MR. FAWCETT: Yes. Thank you, ma'am.

5 Mr. and Ms. Rozanski, you just mentioned you heard the fire
6 and rescue was quick. What do you mean by that?

7 MR. ROZANSKI: I didn't see whenever they first arrived. We
8 were on that first floor, that we weren't over there, but I heard
9 that they were -- they responded quickly from other -- there were
10 passengers, I believe, on that third deck that they, they were up
11 there the whole time, I believe, even when the fire broke out.
12 They didn't have to evacuate up there. They were already there.
13 So, word of mouth on there.

14 MR. FAWCETT: Okay. So, you're talking about how fast the
15 *Victory Rover* got to the vessel to begin transferring people off;
16 is that correct?

17 MR. ROZANSKI: No, I was referring to the tugboats.

18 MR. FAWCETT: Okay.

19 MS. ROZANSKI: I think what he was recalling, I think what
20 Michael was trying to say is, when we saw the rescue boat to pick
21 up evacuated passengers, they were quick to grab us, because many
22 passengers were being evacuated. But as far as the timeline when
23 the incident took place, the smoke, and the fire, and dark, dark
24 smoke, and fire, and more fire, I do not know how long. I knew
25 that an hour after we departed from the port, that

1 (indiscernible); and from the time I -- we got lifted into the
2 rescue boat, I do not know, but I hope you guys can kind of put
3 the time together how long they arrived and rescued us, because
4 that would be a great fact to kind of keep in mind and
5 (indiscernible). Does that make sense?

6 MR. FAWCETT: Yes, I understand, and that's -- the purpose of
7 the investigation is to find all of the facts related to how
8 rapidly the rescue forces arrived, both firefighting and
9 evacuation, and we are delving into that, so thank you for your
10 testimony.

11 I think -- Ms. Rozanski, maybe I misheard you, but towards
12 the end of your last piece of conversation when you finished your
13 story, did you say something about the list developed, meaning
14 that you felt the vessel lean?

15 MS. ROZANSKI: No, I did not say that.

16 MR. FAWCETT: Okay. So, did Matthew, your son -- do you know
17 if he was fitted with a child's lifejacket or an adult's
18 lifejacket?

19 MR. ROZANSKI: No, I do not.

20 MS. ROZANSKI: (Indiscernible).

21 MR. ROZANSKI: We grabbed them ourselves from the stack that
22 was there. There was a staff member that passed them out and went
23 over, but there were also people going and grabbing their
24 lifejackets, also.

25 MS. ROZANSKI: So, when we realized that there is the

1 lifejackets, then I grabbed (indiscernible). Whatever lifejacket
2 I can put my hands on, I just kind of, hey, that's yours, that's
3 yours, and this is when (indiscernible) helped us just to tighten
4 the lifejacket for my son.

5 MR. ROZANSKI: That was already -- that was at the bottom of
6 the stairwell right before we handed them over the railing
7 (indiscernible) the lifejackets passed out. The staff member,
8 from what I recall, was grabbing them, but he was also allowing
9 people to grab their own, too, and was distributing them to some
10 others that were, you know, in the area, also.

11 MR. FAWCETT: So, let's circle back a little bit. Were you
12 aware that the vessel carried adult and child's lifejackets?
13 Before the fire broke out, were you aware of that?

14 MS. ROZANSKI: No.

15 MR. ROZANSKI: I -- no.

16 MR. FAWCETT: At some point when you got aboard, you know,
17 you got comfortable, I guess you went down to the closed main
18 deck, as I think I understand it, did someone do what was sort of
19 the equivalent of an aircraft safety briefing? Like, ask for your
20 attention. Hey, attention, everybody. I'm not sure exactly what
21 they said. But then, make a safety briefing, and could you talk
22 about what you witnessed?

23 MR. ROZANSKI: They did a safety briefing, yes.

24 MR. FAWCETT: And what would I have seen if I were with you
25 on board when you turned your attention to the safety briefing?

1 Do you recall what they talked about?

2 MR. ROZANSKI: I do not, you know, remember at this point
3 what they covered. They covered -- yeah, I don't recall.

4 MS. ROZANSKI: Well, I --

5 MR. ROZANSKI: They did say the lifejacket, but just like
6 they're -- like you said, like similar to an aircraft takeoff, but
7 detail for detail, I don't remember.

8 MS. ROZANSKI: I do remember. I think, as we boarded,
9 (indiscernible) everyone was excited. I do recall that there was
10 some music in the background playing. Again, everyone was
11 excited. I do not recall (indiscernible) about safety, and that
12 is probably because I was excited. So, that's all I can remember.

13 MR. FAWCETT: Okay. So, you -- like, you wouldn't recall
14 whether they stopped the music and used the public address system
15 like maybe down on that level and said, hey, ladies and gentlemen,
16 and then they stopped all distractions, and tried to get your
17 attention, and make some kind of briefing, or not?

18 MR. ROZANSKI: I do know that there was no public
19 (indiscernible) kind of remember they had a microphone on hand.
20 It was right around the time whenever we were either about to
21 start eating or after we all got our plates. Somewhere at the
22 beginning, before we pulled out, I do remember there was like a
23 safety briefing.

24 MR. FAWCETT: Did you at any time from the time you smelled
25 the smoke -- let's talk a little bit what it smelled like. Is

1 there any way that you can describe whether it was like a burning
2 rubber smell or some other type of smell?

3 MR. ROZANSKI: I would say partially burning rubber with a
4 small that I -- no type of smell that I've never smelled before.
5 It was -- I just knew it was unusual. I recall that. And --

6 MS. ROZANSKI: Yeah, it was (indiscernible) smoke. Like, you
7 know, I'm familiar with some smoke, but that type of smoke
8 (indiscernible) paid attention. You had to really pay attention
9 and think of, what was that? What was the smoke? Like, it was
10 very alarming, in my experience.

11 MR. ROZANSKI: It didn't smell like garbage. It didn't smell
12 like a campfire.

13 MR. FAWCETT: And you did smell that -- when you first
14 smelled it, were you on the enclosed main deck, the lowest deck,
15 or was it some other time?

16 MR. ROZANSKI: We were in the hallway when we found the main
17 enclosed deck. I would believe it was somewhere around the,
18 probably the middle, closed deck that we -- the main deck. There
19 was the two other families and kids with us, and their kids
20 (indiscernible).

21 MR. FAWCETT: So, we've asked you to mark up a diagram with
22 some letter codes, and the easiest way to get it back to us so we
23 can share it with everybody on this call is, the easiest way would
24 be just to take a digital picture of it. You don't have to scan
25 it. Just try to take --

1 MR. ROZANSKI: Okay.

2 MR. FAWCETT: -- a nice, clear picture of it. And then, the
3 other final question I have is, at any time aboard the vessel on
4 that day, did you see any crew doing anything that even loosely
5 can be described as firefighting or approaching the fire while you
6 were aboard the vessel?

7 MR. ROZANSKI: No.

8 MR. FAWCETT: And you said when you were on the upper deck,
9 you were leaning over the side, and you saw a fire. When you were
10 going down through the decks to your eventual evacuation, did you
11 feel any -- like, did you see any fire in the lower decks, or did
12 you feel the heat from fire? Like, when you were on the
13 stairwell, did it seem unusually hot, anything like that?

14 MR. ROZANSKI: Thinking back, it was warmer. I didn't know
15 if it was because it was a closed-in space. But no, I didn't see
16 any fire. And --

17 (Crosstalk)

18 MR. ROZANSKI: But no, no, I didn't find the actual ship
19 (indiscernible).

20 MS. ROZANSKI: Some --

21 MR. ROZANSKI: I --

22 (Crosstalk)

23 MR. ROZANSKI: -- looked over the railing whenever we went up
24 top; and then, we stayed --

25 MS. ROZANSKI: Well --

1 MR. ROZANSKI: -- stayed back.

2 MR. ROZANSKI: -- when there --

3 MR. ROZANSKI: There were some other passengers that were --

4 MS. ROZANSKI: When, when I was in the middle, closed deck,
5 there was a window where I can visibly see the dark smoke. And
6 this is before evacuation, because we already know what it was
7 like to see that pop up in passenger area, because the area was
8 just (indiscernible). That's when I -- from the top open area,
9 passenger area, we were evacuated to the middle, closed deck, and
10 there was, again, a window where I can see the smoke coming out
11 from the side of the boat. And yes, it was warmer
12 (indiscernible), because we were nervous, and, you know, close to
13 one another, trying to figure out what to do, what is happening.
14 We're still confused and baffled as to what is really going on at
15 that point. So, there's a lot of mixed emotions and feelings.
16 And yeah, it was somewhat warmer, but while we were in the middle,
17 closed deck, we could definitely smell the smoke, but that's when
18 we were at the middle, closed deck.

19 MR. FAWCETT: So, now, you know, you get down, and you're
20 ready to -- you and your son, Matthew, the two of you and Matthew
21 were about to cross over to the *Victory Rover*, and this is my
22 final question, were the boats fairly tight alongside? In other
23 words, was there a gap between the two bots, or was it -- had they
24 maneuvered the boat so that there was a very minimal gap?

25 MR. ROZANSKI: Based off of what we saw whenever our time

1 came to get closer there, there was some rocking as far as the
2 *Victory Rover* stopped for a second and maneuvered closer, and it
3 was tight from there. And then, you know, whenever I needed to
4 (indiscernible) over the railing, there wasn't a gap at all.

5 MR. FAWCETT: Commander Emmons, I'm finished with my
6 questions. Thank you.

7 MS. EMMONS: Thank you, Mr. Fawcett. We'll go to the NTSB,
8 Mr. Karr?

9 MR. KARR: Yes. This is Mike KARR with the NTSB.

10 Mr. and Ms. Rozanski, can you describe how each of you went
11 from the *Spirit of Norfolk* to the *Victory Rover*? You know, be as
12 descriptive as you can in how you went from one boat to the other
13 after you handed your son over.

14 MR. ROZANSKI: I handed Matthew over to one of their crew
15 members. He grabbed him, put him down. And then, I climbed over
16 right after, and I didn't need assistance. And Sharlyn climbed
17 over right after me, and I grabbed her hand and brought her over.

18 MR. KARR: Can you estimate where you were in the line of
19 people that were leaving the *Spirit of Norfolk*? Were you in, you
20 know, the early -- were in early in getting off, the middle, or
21 towards the end?

22 MR. ROZANSKI: I would estimate somewhere --

23 MS. ROZANSKI: The middle.

24 MR. ROZANSKI: Okay. Earlier to middle.

25 MR. KARR: All right. And how many people, adults and

1 children, were in your group?

2 MR. ROZANSKI: Adults and children, from what I read and saw
3 in the articles that seemed to line up would be nine, I believe.

4 MS. ROZANSKI: Around eight or --

5 MR. ROZANSKI: And there were 108 little passengers. There
6 was another elementary school that had a fieldtrip going on the
7 same day, and there were two kindergarten classrooms, and
8 (indiscernible) families were there, also.

9 MR. KARR: Can you describe how you were accounted for to
10 make sure that -- you know, can you describe how there was any
11 accountability done to make sure no one was left behind on the
12 *Spirit of Norfolk*?

13 MR. ROZANSKI: -- roll whenever they -- everyone was on board
14 the *Victory Rover* right before we pulled out, and they, they
15 accounted for everybody, I recall that, on the *Victory Rover*.

16 MR. KARR: And can you tell me who did it and what they did?

17 MR. ROZANSKI: They were -- you know, the teachers, the
18 staff, they were there in a group. They were some of the last
19 ones to get on the *Victory Rover*, the Sunnybrook staff. And as
20 soon as they came over and they made sure we had everyone, did --
21 they did a roll, they looked and saw who they had, and -- families
22 and --

23 MS. ROZANSKI: The way that I can recall, we were in the
24 early evacuation stage or middle, because as soon as we got into
25 the rescue boat, there was not a whole lot of passengers wearing

1 lifejackets, and we sat there and waited and waited, I don't know
2 for how long, until full evacuation is completed. I know the
3 smoke started coming into our boat, and based on my experience,
4 what I can recall, when I climbed over to the boat, it was really
5 slippery, and I can't understand, because the firehose was
6 directed nearby to our rescue boat. And yeah, (indiscernible) my
7 son, our son, and Mike was trying to get over to the rescue boat,
8 I kind of mentioned, hey, the rescue boat needs to (indiscernible)
9 be close to the boat so there is no big gap, because I was kind of
10 scared to fall. And that's when the rescue boat (indiscernible)
11 handing -- I mean, grabbing passengers and adjusted the gap.

12 MR. KARR: All right. Thank you for that. Next question I
13 have for you is, when you arrived, when you went -- when you left
14 the *Victory Rover*, can you describe the activities that each of
15 you did, activities that you did, interaction with other people,
16 with first responders? Tell me what took place after you got off
17 the *Victory Rover*.

18 MR. ROZANSKI: After we got of the *Victory Rover*, I went and
19 spoke with the news reporter for 13News Now, and Sharlyn stayed
20 with -- she was with the group while this was going on, and we
21 were happy to be back on land.

22 MR. KARR: Did you meet with any Coast Guard personnel?

23 MR. ROZANSKI: We did not. They came on with the forms, and
24 it was just (indiscernible). I do recall them saying that just
25 one per family was all we needed to fill out.

1 MS. ROZANSKI: And I filled out the form.

2 MR. KARR: All right. And then, how did you -- well, I'll
3 stop. I have no more questions. Thank you.

4 MR. ROZANSKI: Okay. You're welcome.

5 MS. ROZANSKI: I think I remember there was a gentleman, I
6 don't remember -- I just remember, based on the -- he came over to
7 our -- to the *Victory* boat and asked everyone if anyone needs some
8 help, medical attention. And we all said, no. But I remember we
9 already stopped, and we still waited there for another 15 minutes
10 waiting to be offloaded. I don't know what was the wait all
11 about. I (indiscernible) get out the boat. There was a long
12 wait. I don't know what it was.

13 MS. EMMONS: Thank you. We'll go ahead and move to the
14 parties of interest. For Hornblower, please.

15 UNIDENTIFIED SPEAKER: Eric, go ahead.

16 MR. DENLEY: Yes. thank you for providing your testimony,
17 Mr. and Ms. Rozanski, and I certainly do apologize that you had
18 the experience on board our vessel. I do have a question.

19 You made a comment that you didn't see any firefighting
20 efforts taking place. Was that surprising to you, given that you
21 also didn't see any fire from this in the area that you were in?

22 MR. ROZANSKI: I'm not sure I follow the question.

23 (Crosstalk)

24 MR. DENLEY: Yeah, I'm sorry. I think one of the -- you were
25 asked whether you saw anybody fighting a fire. And I guess I'm

1 asking you, was that necessarily surprising that you didn't see
2 any firefighting efforts, given that the fire wasn't in the area
3 that you were in?

4 MR. ROZANSKI: Yes. We were not in the area anywhere near
5 the flames, so (indiscernible). Now, if someone was fighting a
6 fire there, we weren't in an area that it would have been visible.
7 We were, you know, (indiscernible) location where the fire was --

8 MR. DENLEY: Sure.

9 MR. ROZANSKI: -- where it was, where it was taking place.

10 MS. ROZANSKI: I remember now, when we were at the -- when we
11 were evacuated from the middle, closed deck to the top, open
12 passenger area, I saw some individuals still taking photos and
13 video while the huge fire is going on, and all I can remember is
14 trying to tell everyone to stay away. I do not recall any crew
15 member or -- at that point, I think we were just focused on our
16 own safety at that time.

17 MR. KARR: Yeah.

18 MR. ROZANSKI: Right. The only thing we see is the
19 firefighting boats.

20 MS. ROZANSKI: The firefighting boats --

21 MR. ROZANSKI: Yeah.

22 MS. ROZANSKI: -- yeah.

23 MR. ROZANSKI: Yeah. Spraying the fire, again,
24 (indiscernible).

25 MR. KARR: Sure. Were you or anyone in your family, were

1 they injured when you got off the *Spirit of Norfolk* onto the
2 *Victory Rover*?

3 MS. ROZANSKI: (Indiscernible), not that I know of.

4 MR. KARR: Not (indiscernible), I mean --

5 MR. ROZANSKI: You're talking about from, going from the
6 *Spirit* over the railing into the *Victory Rover*?

7 MR. KARR: Correct.

8 MR. ROZANSKI: Is that correct?

9 MR. KARR: Yes, sir.

10 MR. ROZANSKI: Yes, my --

11 MR. KARR: Yes.

12 MR. ROZANSKI: We weren't injured climbing over the railing
13 of handing our son over the rail.

14 MR. KARR: Okay. And then, how about with the smoke? And I
15 know you said that there was -- the smoke up on the top open deck
16 was very strong. Have you had any, you know, issues with --
17 following the exposure to the smoke?

18 MR. ROZANSKI: Yes. Following the exposure to the smoke,
19 ended up with a sore throat, coughing, headaches. And a few days
20 after, ended up going to get looked at at the ER just to make
21 sure, see what I had going on, and I was diagnosed with
22 (indiscernible) smoke exposure and sore throat, they could see
23 that my throat -- my airways were irritated. But they did not --
24 I went there to see if I needed to get X-rays done, and also
25 wanted to have like a toxic report, if they could do blood tests

1 and see if there was anything there, but they couldn't do the
2 toxic, and they didn't warrant -- they didn't think that an X-ray
3 was needed, as my breathing was, was okay at that point. But they
4 could see the, you know, the redness in my throat and the
5 irritation, yes.

6 MR. KARR: Sure. I'm sorry that happened. Have you had any
7 additional issues that you've been back to the doctor's for any
8 reason?

9 MR. ROZANSKI: Not related to this incident since.

10 MR. KARR: Okay. And how about anyone else in your family,
11 sir?

12 MR. ROZANSKI: No.

13 MR. KARR: Thank you. I don't have any other questions.

14 MS. EMMONS: Okay. Thank you, sir. And we'll move to Phelps
15 and Dunbar for Captain Nadeau. (Indiscernible)?

16 MS. GALITOU: No few questions, thank you.

17 MS. EMMONS: Does anyone else on the line have any follow-up
18 questions?

19 MR. KARR: This is Mike Karr with the NTSB.

20 Mr. and Ms. Rozanski, a question for each of you. Can you
21 recall what color the smoke was when you first saw smoke?

22 MR. ROZANSKI: Sir, can you please speak up and ask the
23 question again?

24 MR. KARR: What --

25 MS. ROZANSKI: Yes, sorry. It started raining hard here, so

1 we can barely hear you.

2 MR. ROZANSKI: Yeah.

3 MR. KARR: What color was the smoke when you first saw the
4 smoke?

5 MR. ROZANSKI: Black.

6 MS. ROZANSKI: Yes. It was dark and thick, thick and dark.
7 That's all I can --

8 MR. ROZANSKI: And then --

9 MS. ROZANSKI: -- remember. And we saw it from the middle,
10 closed deck before --

11 MR. ROZANSKI: Sorry, the, the main, closed deck, she means.

12 MS. ROZANSKI: I mean --

13 MR. ROZANSKI: That's where we were at first, because --

14 MS. ROZANSKI: Yes.

15 MR. ROZANSKI: -- I believe the middle, closed deck wasn't in
16 use at that -- for this event. There wasn't enough people.

17 MS. ROZANSKI: Right.

18 MR. ROZANSKI: So, they opened that out there --

19 MS. ROZANSKI: The main, right.

20 MR. ROZANSKI: -- the main.

21 MS. ROZANSKI: The main, yeah. (Indiscernible) the main,
22 closed deck. Yeah, it was dark and thick.

23 MR. ROZANSKI: And I do recall, whenever we got up to the
24 third deck after the evaluation, looking over the railing, some of
25 that smoke was like really black.

1 MR. KARR: All right. Thank you.

2 MS. EMMONS: Any other questions before we close the
3 interview?

4 MR. FAWCETT: Yes. This is Mr. Fawcett with the Coast Guard.
5 Given the experience that you've gone through, Mr. and
6 Ms. Rozanski, do you have any thoughts on how you could make small
7 passenger vessel safety improvements? Based on your experienced
8 on the *Spirit of Norfolk*, do you have anything that you'd like to
9 share on how things could be made safer?

10 MR. ROZANSKI: Yes. Starting with fire alarms and intercom
11 system, just the communication. If there's a central loud voice,
12 right, disseminating the information on top of a fire alarm
13 whenever you're smelling smoke to let you know there's a fire; but
14 then, also, if you have an income, then you can direct people
15 where to do so they're not evacuating to the wrong area or there's
16 less panic, would be beneficial. And --

17 (Crosstalk)

18 MR. ROZANSKI: Yeah.

19 (Crosstalk)

20 MR. ROZANSKI: -- yeah, and just, well, more people, more
21 manpower to, to help with the evacuation and just if an -- in case
22 of an emergency, to help handle it on board if possible. And
23 then, if items are outdated, maybe if there's a ship that's
24 carrying people, to maybe disclose that some requirements are
25 grandfathered in, that I would have expected, a, you know,

1 (indiscernible) or something, you know, a fire alarm to go off,
2 but I've read elsewhere that (indiscernible) wasn't a requirement
3 at the time, or maybe to have that disclosure, or just if you're
4 transporting like passengers of the public to maybe change that
5 requirement to make them be up to date with (indiscernible) for
6 cargo, then maybe to grandfather, you know, it's a little bit less
7 of a risk, not -- you know, there were a lot that have been lost,
8 and there was -- I'm not sure what fire equipment was on board at
9 the time (indiscernible) maybe sped up and -- sped up the, you
10 know, the response, that maybe it wouldn't have gotten to the
11 point that it did.

12 MR. FAWCETT: So, both, the two of you, did either of you --
13 you spoke about intercoms. There is a public address system on a
14 vessel like this. Do you recall any public address system
15 announcement that said anything like please move to the top deck,
16 or move to the upper --

17 MR. ROZANSKI: No.

18 MR. FAWCETT: -- open deck? No?

19 MR. ROZANSKI: No, I do not recall, and that would have been
20 part of my suggestion, that that would have been -- we would have
21 been receiving information from everyone at the same time, from a
22 crew member at all times, as opposed to receiving information from
23 other families and groups, other families on board.

24 MS. ROZANSKI: Yeah, we were definitely looking at one
25 another waiting for good news, so if anyone says something, you

1 just follow it. That's pretty much the sort of communication that
2 we had at that point.

3 MR. FAWCETT: Thank you both very much. Commander?

4 MS. EMMONS: Okay. If no one else has any questions on the
5 line, we'll go ahead and end the interview at 4:02 p.m.

6 And, Mr. and Ms. Rozanski, if you could just send the diagram
7 to the *Spirit of Norfolk* at us uscg.mil, M-I-L, that would be
8 greatly appreciated, once filled out. And (indiscernible) end the
9 interview. We really appreciate your time speaking with us this
10 evening. Thank you.

11 MR. ROZANSKI: Okay. And also, thank you. I'd like to thank
12 you all for the coordinated response, rescue effort, and helping
13 us to get out of here -- get out of there alive.

14 MR. FAWCETT: We'll pass that on, sir.

15 MR. ROZANSKI: Thank you very much.

16 MS. EMMONS: Thank you and have a good evening.

17 (Whereupon, at 4:02 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Michael and Sharlyn Rozanski

ACCIDENT NO.: DCA22FM022

PLACE: via telephone

DATE: July 26, 2022

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.



Lisa D. Sevarino
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: CAPTAIN SAMSON STEVENS,
Captain of the Port & Commander, Sector Virginia
United States Coast Guard

via Microsoft Teams

Friday,
July 29, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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I N T E R V I E W

(4:00 p.m.)

CAPT STEVENS: Good afternoon. Captain Stevens online.

MR. FAWCETT: Thank you, sir. Thank you for joining us.
Thank you, everybody.

Are you with anybody, Capt. Stevens, at your location?

CAPT STEVENS: No. In fact, I'm in a vehicle on 95 South as
I return from Washington, D.C. to Portsmouth.

MR. FAWCETT: Understand, sir.

Throughout this interview, if we could stay away from any
acronyms that are unique to the Coast Guard and, if you happen to
use one, I may interject briefly to ask you to explain what that
is.

If everybody would turn off cell phones.

And Captain, would you acknowledge that we're recording this
interview and we are going to produce transcripts through the NTSB
which will be available to the public?

CAPT STEVENS: Absolutely. Acknowledged as such.

MR. FAWCETT: So this is a joint US Coast Guard/NTSB
investigation and the Coast Guard is the lead agency, and we're
conducting this proceedings under the regulations governing the
United States Coast Guard. We're conducting an interview on the
29th of July 2022, Friday, at 4 p.m. Eastern Standard Time with
Capt. Samson Stevens. We're doing it via Teams teleconference.
We are conducting the interview to examine the events surrounding

1 the fire and subsequent total loss of the excursion vessel *Spirit*
2 of *Norfolk* which occurred on June 7th, 2022, in Norfolk Harbor.

3 Captain, I wanted to let you know that the interviews are
4 dynamic and if you remember anything different and want to change
5 anything, modify any of your statements, you are free to do so by
6 contacting your counsel who will then relay them to us. You also
7 may, when you look at the report of investigation, if you have new
8 information or information relevant to the contents of the report,
9 once again, you can pass that through counsel and it'll be relayed
10 to the investigation.

11 And finally, the Coast Guard's *Marine Safety Manual*, Volume
12 5, which is available for everyone, including the general public
13 online through Google search or some similar search, contains the
14 details regarding how the Coast Guard conducts its investigation.

15 So what we're going to do is begin with you, Captain. If
16 you'll give your name, first and last, spelling of your last, and
17 then your affiliation on June 7th, and then the rest of the team
18 will introduce themselves.

19 CAPT STEVENS: Perfect. First name is Samson, S-a-m-s-o-n;
20 middle initial C as in Charley; last name Stevens, S-t-e-v-e-n-s.
21 At the time of June 7th, 2022, I was sector commander for US Coast
22 Guard Sector Virginia, captain of the port.

23 MR. FAWCETT: Thank you.

24 My name is Keith Fawcett, F-a-w-c-e-t-t. I'm with the D5
25 formal investigation team for the *Spirit of Norfolk*.

1 CDR ROY: Commander Eric Roy, R-o-y. I'm also part of the D5
2 formal investigation team.

3 MR. KARR: Michael Karr, K-a-r-r, with the NTSB.

4 MR. FAWCETT: Thank you, sir.

5 On the phone?

6 LT DANIEL: LT Paulina Daniel, D-a-n-i-e-l, counsel for Coast
7 Guard.

8 MR. WARNER: Shelton Warner, W-a-r-n-e-r, Phelps Dunbar on
9 behalf of Captain Nadeau.

10 MR. STILLMAN: Dan Stillman, S-t-i-l-l-m-a-n, with the law
11 firm of Wilcox & Savage, counsel for party-in-interest Bay Diesel.

12 MR. WEIGEL: Alan Weigel from Blank Rome, spelled
13 W-e-i-g-e-l, counsel for Hornblower and City Cruise.

14 CDR WADDINGTON: Commander Randy Waddington. Waddington is
15 spelled W-a-d-d-i-n-g-t-o-n. I am the District 5 formal team
16 lead.

17 MR. FAWCETT: Okay. Thank you all.

18 CAPT Stevens, if you have -- I know you're driving. But if
19 you have used any notes to prepare for this interview, have any
20 photographs, video, or other supporting documents that can assist
21 the investigation, I'd like you to discuss that with your counsel
22 and then deliver those to the investigation through counsel to the
23 investigation, please.

24 CAPT STEVENS: Understand. I don't have any notes prepared
25 for this and will be working from memory. And roger on delivering

1 items pertaining to this as part of the correspondence record.

2 MR. FAWCETT: Thank you, sir.

3 INTERVIEW OF CAPT SAMSON STEVENS

4 BY MR. FAWCETT:

5 Q. So the events that unfolded for the *Spirit of Norfolk* spanned
6 a number of days, and trying to examine -- we're going to examine
7 first the 7th of June, the day the event started. So as
8 background, what were your specific duties in relation to Norfolk
9 Harbor as the day, the 7th of June, started?

10 A. 7 June, I retained captain of the port, sector command
11 authorities, and all the corresponding statutory authorities of
12 the Coast Guard sector commanders. We were 1 week out from change
13 of command, in which Capt. Jennifer Stockwell would be lead June
14 15th. Those duties also comport to the deputy commander.

15 That morning I was traveling to Williamsburg, Virginia where
16 I was actually at Training Center Yorktown. And, but circling
17 back to your question, the duties of the captain of the port, I'm
18 sure you're all familiar with, are to ensure the safety,
19 stewardship, security of the port ensure economic prosperity of
20 the Port of Virginia and surrounding waterways.

21 Q. So without going into all of the aspects of your background
22 and training, can you talk about the training and background that
23 you have that relate to an event such as -- and I'll call it a
24 multipart event, the fire, salvage, dewatering activities that
25 took place regarding the *Spirit of Norfolk*?

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1 A. Sector commanders are all flowed through a pipeline training
2 course that is a 2-week in-resident course at Training Center
3 Yorktown. I embarked on that training in April/May of 2018 prior
4 to assuming the duties and responsibilities of deputy sector
5 commander. For 2 years as deputy, I understudied, so to speak, as
6 an an apprentice (indiscernible) deputy commander under Capt.
7 Kevin Carroll. During that time, obviously involved in numerous
8 port closures, incident responses, maritime fires, oil spill
9 responses, port closures, search and rescue cases, and all the
10 things that are part of managing a port.

11 On June 17th, 2020, I assumed command and practically had 4
12 years of experience as deputy and sector commander leading up to
13 that. Both on-the-job experience managing incident management
14 teams' crisis communications, as well as relying on the experts
15 and professionals, including prevention and response department
16 heads who also go through their pipeline training, to advise
17 sector commanders and consult with on matters of prevention and
18 response policy.

19 Q. So are you a prevention officer? Is that your background?

20 A. No.

21 Q. And what is your background?

22 A. Well, we don't really have military operational specialties
23 as the Army, Navy, and other services do. I would tell you that
24 I'm a joint background between intelligence, sector operations,
25 and defense. I am not a conventional prevention officer, response

1 officer, aviation officer, or service officer according to legacy
2 officer promotion skills. I have a joint background.

3 Q. So starting with -- if you would start with when you
4 initially became aware of the incident and, you know, take a
5 moment to collect yourself. And I think that the best thing you
6 can do is explain how the day unfolded and just stick to June 7th,
7 Captain, you know, in as much detail as possible so that we can
8 understand all of the complicated pieces that you dealt with. And
9 when you're ready -- take a moment and then go ahead and begin.

10 A. Absolutely. June 7th started with a relatively routine day
11 in which I visited with the chiefs of Sector Virginia. I had a
12 commitment at Training Center Yorktown to incidentally talk about
13 crisis communication and incident response regarding a previous
14 month's E-2D Hawkeye crash in Chincoteague, Virginia. I was
15 actually having lunch with several colleagues from Training Center
16 Yorktown who were currently enrolled in the course.

17 It was around lunchtime. I remember we concluded lunch and I
18 received a call from the deputy sector commander, Capt. Jennifer
19 Stockwell, that there was a fire on board the *Spirit of Norfolk* in
20 the vicinity of northwest Sewells Point, Naval Station Norfolk,
21 undetermined related to the cause, however, there were upwards of
22 100 passengers on board. And the fog of that initial report, as
23 Capt. Stockwell was on scene and I was in Williamsburg, was for
24 her to lead as deputy incident commander the on-scene reporting.

25 The initial phone call resulted in our activation of waterway

1 safety, which involved including maintaining and implementing a
2 1-mile safety zone to the north and south of the affected zone,
3 and prioritizing on-scene initiative in command for the direction
4 of the vessel. At that time it was unclear, based on the *Spirit*
5 of *Norfolk* captain and leadership, the tug assists, and Naval
6 Station Norfolk opportunities for berthing, which direction the
7 vessel would go.

8 As I understood the information coming into me at the time
9 from Capt. Stockwell, I made plans to mobilize with CDR Erica
10 Elfguinn, who was accompanying me, our response department head,
11 to head to the scene. At concluding that call, I left it with
12 Capt. Stockwell to return to operating, managing the incident, as
13 she was on scene, to determine the location and a final
14 disposition of where the vessel would be headed.

15 As CDR Erica Elfguinn and I got in a car, continued to bring
16 phone calls online with our command center, the Maritime Incident
17 Response Team, which is a Port of Virginia emergency response
18 capability, and discussed what options existed for safe placement
19 of the *Spirit of Norfolk* to ensure the safety of the waterway.
20 Long-term priorities included whether the vessel would be stable
21 under firefighting efforts to transit to a safe haven, whether
22 that was a pier of choice, to remain in the waterway, obviously
23 affecting the property owner's decision, or whether there would be
24 risk of it sinking in the waterway and then, hence, tying up the
25 marine transportation system for the United States Navy's primary

1 thoroughfare.

2 It was a rather quick evolution of events in which my
3 understanding is that tugboat assists and monitors were able to
4 lay water on the vessel while simultaneously at the same, an
5 evacuation of passengers to the *Victory Rover*, 106 passengers
6 including school children. And it was at that point that it was
7 the naval station commander, Capt. David Dees, who had been
8 brought into the call, who authorized *Spirit of Norfolk* to head to
9 the pier. I can't remember the name -- which pier. I believe --
10 well, it would be Pier 2 or 4, I believe. And his decision, as he
11 articulated to me, was in the uncertainty of whether passengers
12 and crew remained on board, he would make for a safe evacuation at
13 pier side.

14 That evolved in a series of phone calls. Since we were
15 underway, I made the decision to head to Norfolk Waterside because
16 this reporting continued to come in via text messages and phone
17 calls, a variety of different channels. I was aware that the
18 *Victory Rover* had indeed managed 100 percent accountability of all
19 disembarked passengers on board the *Victory Rover*. Two of the
20 members apparently had gone to the naval station and press was
21 beginning to converge and -- or recognized that the *Victory Rover*
22 would be headed to Waterside.

23 As we continued down over the HRBT, en route I was discussing
24 with District 5 public affairs, was discussing with emergency
25 manager of Norfolk, Jim Reddick, meeting at Waterside to ensure

1 that we would be able to provide for any press inquiries relating
2 to the disposition of safety of the passengers.

3 During that time, the incident on scene unfolded under Capt.
4 Stockwell's control, full trust and confidence with her
5 authorities, and I managed the public affairs incident, which was
6 somewhat like -- I arrived at Waterside park in downtown Norfolk
7 with Jim Reddick, the emergency manager for Norfolk, and all the
8 passengers had already disembarked. There was a media crew
9 waiting, and I provided some statements and immediately they all
10 (indiscernible) me to discuss what I knew about a fire, about
11 (indiscernible) of passengers, and about the cooperation of the
12 port, that included US Navy, *Victory Rover*, Port of Virginia
13 coming together to stabilize and maintain 100 percent
14 accountability.

15 At that point we concluded the interview and CDR Elfguinn and
16 I proceeded north to Naval Station Norfolk, when which we arrived
17 we then -- well, as an intermediate, on our way up there, I spoke
18 with Capt. Dave Dees, the Naval Station Norfolk commanding
19 officer, about my decision to implement and sign a decision memo
20 ordering the *Spirit of Norfolk* to remain at the pier. Capt. Dees
21 had been asking about the possibilities of while she was being
22 monitored with water, about removing -- and recognizing that this
23 could be a long term site of emergency management at the pier.
24 And after discussions with my command team, I made the decision
25 under my authorities and documented the decision memo to have the

1 vessel remain there, and communicated that to Capt. Dees. Out of
2 abundance of safety, should her stability have overall capsized or
3 other sink in any of our navigable waterways and affect out
4 significant transportation incident for the port.

5 So as I arrived on scene at -- this was probably by this time
6 at about 15-, 1600 p.m., 07 June 2022, was able to see really a
7 host of commander, Navy Region Mid-Atlantic Fire Department and
8 Norfolk Fire Department trucks, ladder trucks, emergency
9 management trucks, a variety of vehicle and traffic on the pier.
10 And obviously the *Spirit of Norfolk* was smoking quite heavily.

11 Remained on scene for the duration of the afternoon into a
12 unified command call of 2000. At that point, the -- and as I
13 arrived, I received a report from Capt. Stockwell, who had been
14 managing on scene, not firefighting efforts, but on-scene incident
15 command, as is ordered by captains of the port. And she relayed
16 to me at that point that she had had to make a safety call in
17 conjunction with the fire chiefs to terminate onboard firefighting
18 efforts after a near miss and loss of life. As firefighters from
19 both departments had attempted to access a scuttle or a hatch, and
20 due to mounting water pressure that had accumulated beneath and
21 inside the hull in the bilges, as they -- I was not there; this
22 Capt. Stockwell's characterization of the scene -- and as they
23 accessed, the hatch had somewhat blew back and caused the
24 firefighters to fall over, and the resulting reflash really caused
25 a loss of communications for a particular firefighter for a period

1 of time. And I secondarily, after the fact, talked to Mr. Bill
2 Burket about that and he articulated it was a quite tense moment
3 of whether or not they had lost an individual.

4 Capt. Stockwell at that point directed that onboard
5 firefighting should cease given the safety hazards of the reflash
6 and the inability to understand what was going on inside the hull.
7 At that point we also recognized that stability of the hull was
8 severely comprised, as the initial firefighting efforts --
9 obviously marine firefighting is not easy. As you apply water, it
10 douses the fire, but without pumping you have a stability problem.
11 So at that point fire monitors were getting on scene providing
12 exterior hull cooling, both from tugboats as well as from Norfolk
13 Naval Station and Norfolk Fire.

14 That scene continued until a 2000 unified command meeting, in
15 which parties were assembled that included -- and forgive me, I
16 don't have the names of all the different folks. Donjon-SMIT was
17 on scene with a rep qualified individual. At that point in time I
18 don't believe Scott Smith had quite arrived. And the plan at that
19 point was to maintain cooling and to maintain a stability watch
20 for the vessel. Recognizing that any addition of water to a
21 vessel that's already listing to port would potentially compromise
22 her stability, we were making efforts to work with the Salvage
23 Emergency Response Team out of Marine Safety Center, US Coast
24 Guard, to obtain stability calculations for the maximum amount of
25 water that could be applied by which we would have a stability

1 risk. Those calculations continued into the evening.

2 As we set up a fire watch that night, an incident command
3 post had been set up under the Port of Virginia's Maritime
4 Incident Response Team. And the fire at one point reflashd
5 fairly significantly that evening. Again, limited ability to
6 conduct onboard firefighting given the risks; however, attempts to
7 apply foam in through engine vents and exterior hull cooling, we
8 recognized that we were in a position either the vessel will sink
9 at the pier and be an even worse problem, or firefighting efforts
10 will do their best to provide firefighting cooling capability, and
11 and these are the decisions of the firefighters on board advising
12 us as well as the salver.

13 So we went into that morning, there was a fire watch put on
14 place that evening. And there were a variety -- obviously quite a
15 few individuals that set up incident management teams to ensure
16 coverage of Coast Guard personnel onboard liaisons to the salver.
17 No particular actions had been directed per night orders that
18 evening, and we learned, as we moved into the next morning -- I'm
19 going to stop there just to see if there's anything I can clarify
20 and I can roll into then June 8th.

21 Q. Yeah. Thank you, Captain. We have some follow-ups about the
22 7th, and then we'll move on to the 8th.

23 So this is Keith Fawcett with the Coast Guard. So when you
24 drove up to the pier and you got out of the vehicle and came down
25 the pier, based on your background and training, how would you

1 characterize the setup of the incident command post and the
2 incident commanders in terms of the firefighting efforts for the
3 *Spirit of Norfolk*?

4 A. I'd say incident command was as to be expected in the first 3
5 hours of a very complex incident with multiple entities on board.
6 It was quite a bit of activity and there were quite a few chiefs.
7 It was very difficult to communicate with executive level
8 communication among fire chiefs and process owners, as well as
9 work efforts between the sounds of the generators, the pumps, the
10 fire. And there was some tension in tactics and procedures at one
11 point and I think some frustrations about whether or not
12 reaccessing the vessel or placing monitor water on the vessel to
13 put the fire inside out would be warranted.

14 I called for a meeting in the command post at about 1930 with
15 the chiefs of police from Norfolk, Virginia, the Port of Virginia,
16 salvage operator -- the salvage representative, and US Coast Guard
17 to identify the -- my key priority was that there was not one life
18 that was worth saving the *Spirit of Norfolk* for. And that the
19 safety conclusions that Capt. Stockwell had articulated on
20 removing the individual and ensuring that onboard firefighting was
21 terminated until we had safely accessed both the stability,
22 understood the stability of the vessel, and understood the
23 firefighting on board would not put another individual in harms
24 way were fully warranted, justified, and where we were as an
25 incident command. And I asked for and emphasized the support from

1 the team, we coordinate firefighting efforts across unified
2 objectives to achieve safety of life first, followed by safety of
3 property and environmental concerns, second and third.

4 It was at that point that, that evening as we refined that,
5 the command post became a little bit more consolidated and I'd say
6 that individual work efforts from Moran -- I believe it was
7 McAllister or Moran -- I'm sorry. I sometimes -- and that's -- I
8 had to look at my notes. Two fire monitors applying seaboard-side
9 water to the hull and then fire monitors and ladder trucks from
10 the pier side continued basically in a holding pattern to apply
11 water, recognizing that we're highly limited what we're able to do
12 until the heat, fire, smoke, and other safety hazards were
13 remediated, which was largely a it's going to need to burn and we
14 will cool it as best possible so it doesn't affect the pier,
15 damage the naval station, their capability for berthing naval
16 vessels, and at all costs minimize any additional water on board
17 that would cause her to sink in the pier.

18 So command and control was not an easy situation at that
19 point in time. There was an incident command post that was a
20 vehicular trailer type mobile incident command post that we used
21 for those discussions. A unified command meeting was held at 2000
22 virtually as well as in person to articulate those priorities, at
23 which point -- again, I have -- I can make photocopies. Don't
24 worry. I'm in serious traffic here, so as look at my notes I'm
25 doing like 2 miles an hour.

1 Q. Yeah, I -- Captain, don't look at your notes, okay?

2 A. Yeah. Okay.

3 Q. Thank you.

4 A. So that's where we were for June 7th.

5 Q. So this was a complex day. Do the command center personnel
6 at Sector Virginia at the time of the incident, are they able to
7 without permission like issue an urgent marine broadcast?

8 A. Absolutely. Yes, they're entitled that direct authority to
9 operate.

10 Q. And were you aware of the fact that an urgent marine
11 information broadcast was issued related to the *Spirit of Norfolk*?

12 A. I don't have the sequence of command center correspondence,
13 VHF communications, again, times and dates. I would have to look
14 at my records. I know that that was issued. I know that a VHF 16
15 call was transmitted two times, and I have not looked back at
16 those two events. As that event quickly became one of -- we have
17 a variety of events that need to be conducted in the execution of
18 turnover for a change of command. We have a variety of events
19 that need to be conducted to execute this event, make sure Capt.
20 Stockwell is positioned to retain captain of the port authority
21 through the duration of the event should it go past June 15th.
22 And so, yeah, whatever those transmissions are, I had full
23 confidence in the command center to make urgent marine information
24 broadcasts and respond to channel 16 calls. But, and to answer
25 your question, Mr. Fawcett, I don't have the timestamps in

1 relation to the distress call. Over.

2 Q. How about as you're in the vehicle or either that -- because
3 I know this sequence of events happened relatively fast. You were
4 having lunch at Yorktown, I think you mentioned. Talk about how
5 you became aware of the *Spar Lyra* propulsion casualty.

6 A. I'm not familiar with that name or terminal. What is that?

7 Q. Well, it -- a loaded bulk ship moving up the Elizabeth River
8 with a propulsion loss.

9 A. Oh. Check. Yes, I know the incident. I was not tracking
10 the name. I became aware of that incident as I arrived to the
11 pier and conversed with my team, and which it was identified that
12 a bulker moving past *Spirit of Norfolk* had lost propulsion. I
13 think it was one of those constant (indiscernible) days. Not
14 making light of anything at all regarding the significance of
15 this, but I remember the chief of prevention, CDR Matt Meskun, or
16 a command center call where I got a notification that we had a
17 near miss with a loss of propulsion through noncommunication from
18 a bridge operator on board that particular vessel and it was
19 somewhat late and not timely, that was averted I want to say by
20 the tugs on scene. And that is my recall. But again, I don't
21 have firm grasp of that because at that point it had been a --
22 that was a near miss. We're fortunate that it's not an incident
23 now, let's now direct our attention to the thing and we'll come
24 back to that later because she was safely at anchor at that time.

25 Q. And just to clarify, when you said bridge operator, do you

1 mean someone on board the vessel notified the Coast Guard?

2 A. Yeah. My -- yes, my recall of that situation is that a
3 timely notification of a propulsion malfunction had not been
4 transmitted to inform us that there was a concern regarding the
5 operation of the vessel.

6 Q. And my final question before I turn it over to CDR Roy and we
7 begin circling around the rest of the information for the day:
8 What time did you depart the pier that day?

9 A. I composed the notes that evening to my district commander,
10 again, all for the record, Admiral Shannon Gilreath, I want to say
11 at 1208 midnight. So I departed the pier that evening
12 approximately -- it was probably 2300, 2315, somewhere about then.

13 Q. And as you departed the scene, who represented you at the
14 scene, represented the US Coast Guard?

15 A. We had called in -- I'd have to look at my notes for that.
16 It was a member of the prevention department, a marine inspector
17 type, as well as a duty stander. So we had both a marine
18 inspector and chief warrant officer of a more senior rank. And
19 I'd have to consult my notes. I don't remember who represented me
20 at that point in time.

21 Q. And did you give them any direction as to what their duties
22 were throughout the nighttime period until the morning broke?

23 A. Yeah. Direction was to follow the current firefighting team
24 of water cooling only. Under no circumstances was water to be
25 applied to the interior of the hull, given that the list of the

1 *Spirit of Norfolk* had already been compromised and we had no
2 stability calculations that would -- that were providing us an
3 assessment of the vessel's total capacity for water. We had been
4 requesting the salver, *Donjon*, to provide estimates of onboard
5 stability, onboard water estimates, so that we had a
6 (indiscernible) threshold for max water allowed. Without that, we
7 were not confident in the vessel's stability for accessing the
8 hull as well as for the high risk of adding more water and causing
9 her to sink. So it was basically maintain operational safety,
10 maintain site safety, no water additionally applied, and no one to
11 access the interior of the hull -- the interior of the space.

12 Q. And as you headed home and departed the pier, what were
13 your -- I don't want you to talk about what you did the next day,
14 but what was your thoughts about what your plan was for the next
15 day?

16 A. That afternoon I had consulted with Capt. Stockwell as we
17 were in truly a -- Capt. Stockwell, you're about to become the
18 captain of the port. I was simultaneously ensuring that another
19 change of command on June 8 would be able to go out without a
20 hitch. Field units and stations are our operational stations
21 ashore. These are changes in command that are required between
22 one officer in charge and another. So I had a change of command
23 that could have been rescheduled had we been out complete
24 resources. But I talked with Capt. Stockwell and we agreed that I
25 would proceed to Hudgins, Virginia on Wednesday morning so that we

1 could institute a change of command and allow that process to take
2 place and maintain the integrity of Station Milford Haven
3 leadership while Capt. Stockwell would assume incident command for
4 the events at Naval Station Norfolk.

5 My expectations at that point as we matched up with
6 objectives were to once again work with salvage to develop -- work
7 with the RP, Mr. Scott Smith, City Cruises; Donjon-SMIT to develop
8 a salvage plan that articulated what dewatering would look like,
9 firefighting efforts if applicable, develop a tow plan, an
10 underwater hull survey, and all of those elements, that we could
11 be safe and confident that removal from the pier at the point that
12 she was ready would be safe for transit. That was basically the
13 long-haul approach.

14 Short term was maintain firefighting efforts, maintain safety
15 of all firefighting responders, and simultaneous to this evolution
16 we were having environmental units, stakeholder outreach with
17 Department of Environmental Quality, Virginia Department of
18 Emergency Management, Fish and Wildlife, Department of Interior,
19 given the firefighting material entering the water and given the
20 potential for pollution. Again, my notes have the estimated
21 quantity of diesel on board and so there is a pollution hazard
22 that we were looking at. We were unable to place a boom around
23 the vessel. That was an objective that we had articulated moving
24 forward as safety allowed. Obviously placing boom around a vessel
25 while firefighting efforts was going on presented additional fire

1 hazards. It wasn't appropriate.

2 So those were the items that I left that evening and Capt.
3 Stockwell and I -- she left prior to me. I held it down till,
4 like I said, about 2300. My expectation she was going to arrive,
5 we coordinated, around 0600 June 8, that morning. And we were on
6 a unified call again that morning. We had set up a unified
7 command represented by US Navy, City Cruises, US Coast Guard, and
8 Department of Environmental Quality, John Deasy (ph.),
9 representing the state.

10 Had a unified call that morning. I was actually en route
11 Milford Haven via the monitor --

12 Q. Hey, Captain.

13 A. Go ahead, sir.

14 Q. Yeah. Can I hold you up there? Because we're going to go
15 around for the 7th.

16 A. Yeah.

17 Q. Were any plans made on the 7th, in either the afternoon or
18 before you left, talking about the acquisition of a barge and
19 tankage to begin dewatering the *Spirit of Norfolk*?

20 A. I know that objective and that plan was part of the layout.
21 I don't remember if it was that evening or not, or if it was
22 the -- I have to play this -- June 8th, the evening, is when --
23 yes, I know plans were discussed because as I -- and I'm not going
24 into June 8th, but as I play out, but I'm aware June 8th was, I
25 remember, that was the anticipated arrival, late the evening of

1 the 8th into the 9th. So those were plans that had been
2 formulated, I believe, through City Line, Donjon and Capt.
3 Stockwell. Up until my arrival, she had been leading that. I
4 don't have much more specifics about the timing of that, the
5 location from whence it would come, etc. But that's affirmative.

6 Q. And so, the term objectives, is that common terminology using
7 incident command language like if you were in a planning process?
8 Is that how you target activities for a period of time?

9 A. Yes, it is.

10 MR. FAWCETT: Okay, Captain. That's all I have.

11 CDR Roy?

12 BY CDR ROY:

13 Q. Good afternoon, Captain. This is CDR Roy.

14 First question, your ICS training and any quals that you held
15 at the time, sir?

16 A. Type 3 incident commander, planning section chief, operation
17 section chief. So ICS 430, 440 training, incident command system
18 training. 430 and 440 are, respective, ops and planning session
19 chief. Type 3 incident commander had been acquired the spring of
20 my deputy command time of I want to say 2020. ICS training had
21 been through all of the FEMA 100 to 800 series as well as
22 situation unit leader, demobilization unit leader, and resources
23 unit leader, as well as, like I said before, -30 and 440, and as
24 well as in critical incident communication and advanced crisis
25 response at Yorktown, a 1-week crisis coms and internet-assisted

1 training. I don't remember the specific number, whether that's
2 401 or 501.

3 Q. Oh, that's great. Thank you, sir.

4 When you arrived on scene was -- can you describe the
5 firefighting incident command structure and how you knew who was
6 in charge of the firefighting portion of the response?

7 A. I would describe it as confusing. I would describe it as
8 multiple firefighting responders with an aim to ensure that folks
9 were doing the best to put their fire out using the marine
10 firefighting training that they had. It was probably -- I'll
11 continue here for just a brief bit to say that Mr. Bill Burket is
12 a marine firefighting expert who hosts biannual training
13 regionwide for local municipal firefighting departments as well as
14 nationwide fire departments that will come to learn about the
15 intricacies and nuisances as well as major differences between
16 terrestrial and marine firefighting. Bill Burket is not an
17 incident commander, however, he is an advisor and frequently
18 provides recommendations.

19 In marine firefighting, while the captain of the port has
20 ultimate authority to direct marine firefighting efforts in
21 conjunction with -- and those efforts are based on the priorities
22 of the marine transportation system, the property and the
23 custodians where the firefighting may occur, the quantity and the
24 type, the variety and nature of the cargo and its environmental
25 implications, it is the fire chief who is ultimate firefighting

1 responsible for his welfare of the crew.

2 And so, the incident command system is complex in that regard
3 and I relied on the firefighting team and fire chief to articulate
4 what their needs are in order to best access spaces in order to
5 best douse it, and best to monitor and regulate a fire. And it's
6 up to the captain of the port to take the overarching objectives
7 and to determine placement of the vessel, firefighting efforts,
8 salvage efforts, obviously in conjunction with why we do it as a
9 unified command.

10 So when I got there, within those first 3 hours, it surely
11 was two primary firefighting organizations, Norfolk and Navy
12 Region Fire, working I would say separately and somewhat
13 coordinatedly to apply cooling water to the exterior of the *Spirit*
14 *of Norfolk* and cooling water toward the exterior hull, seaward
15 portion, let's say, from the tug side. I do not have awareness of
16 the firefighting coordination and initiative that was conducted at
17 first when this vessel was evacuated and the fire first emerged.
18 That was -- had to have been conducted on water side by the two
19 firefighting monitors aboard the tugs.

20 Q. Roger, Captain. Thank you.

21 Can you go into a little bit more detail -- I know you had a
22 meeting, a coordination meeting with all the stakeholders on
23 scene. Can you go a little bit more into depth on the discussions
24 that you had with them and the outcomes of that, that first
25 meeting you had with the players on scene?

1 A. Yeah. That was a -- the first meeting we had was that
2 afternoon. Let's see, I'm replaying -- yeah, 2000, Capt.
3 Stockwell and I recognized, which is always how incidents go, that
4 if you don't corral the number of one, two, three extraneous calls
5 between (indiscernible) partners, and host a coordinated call,
6 that there is no coordination. It's part of the incident command
7 system is to do that and the Coast Guard is usually the leader in
8 that space.

9 That first call was to identify key positions, and cursively
10 to identify the unified command, who would that be? Would that
11 be -- and so that's where the command composition was determined
12 to be US Coast Guard, myself and Capt. Stockwell; US Navy, Capt.
13 Dave Dees, Capt. Janet Days, DO and SO; Virginia Department of
14 Environmental Quality, Mr. John Deasy and Mr. Tom Jordan; and City
15 Cruises represented by Mr. Scott Smith.

16 During that meeting, two priorities in the playbook, that is,
17 I -- incident command systemwide that's used, it's called the
18 *Incident Management Handbook*, that provides incident management
19 consultation and guidance for any incident to run through
20 objectives that are ordained mutually by safety of life and first
21 responders, followed by property, environmental concern, followed
22 by public affairs and media concerns and governmental and external
23 outreach. So those generic objectives were tailored, agreed upon
24 by the unified command. And objectives regarding the tactics were
25 somewhat generic, and if you're not familiar with the planning

1 process through ICS, that first unified -- excuse me, folks. I'm
2 driving through a rain storm. I can you hear you fine. If it
3 sounds noisy, I -- I've had AirPods on, so you should be able to
4 hopefully hear me.

5 Coms check real quick, though. Can you hear me all right?

6 A. Loud and clear, sir.

7 Q. Okay. So beyond those generic objectives that were tailored
8 for the overarching event management, tactics were discussed,
9 which is somewhat broken apart from the incident command system
10 because of the fog of war. And those tactics, like I said early,
11 were again to not apply any more water in the hull, make sure no
12 ingress to the interior of the hull without express permission of
13 the captain of the port, myself, and Capt. Stockwell, and to
14 maintain continued fire watch, water cooling to the exterior of
15 the hull, while moving forward with those auxiliary objectives, to
16 include salvage response plan development, SERT team, Salvage
17 Emergency Response Team, consultation for final stability
18 calculation, and dewatering efforts, salvage and tow planning.

19 In addition to that, a significant effort had been toward
20 public affairs outreach, ensuring that the methods of the unified
21 command is being broadcast consistently in a unified approach in
22 answering media inquiries rather than reacting to them.

23 I'll stop there.

24 Q. Yeah. Thank you, Captain. Do you recall how many captain of
25 port orders were issued for this event on the vessel?

1 A. There is one captain of the port order with, I believe, a
2 modification or two. And the captain of the port order
3 stipulated -- obviously once she had been pushed into Naval
4 Station Norfolk pier and firefighting efforts had commenced, there
5 was no further movement in the decision memo or signed by me to
6 Capt. Dees to keep her in that position until we could further
7 dispose of -- and I mean dispose of in terms of decisions and
8 objectives, further define what those actions would be. There was
9 not a captain of the port order, but a decision memo under it that
10 management keep tactics, training and procedures.

11 The captain of the port order, I'd have to retrieve it from
12 documentation in terms of the timing, specified that she should
13 not be moved, towed, salvaged until captain of the port and the
14 unified command was able to review the salvage, the tow plan, and
15 dewatering efforts, conduct underwater hull survey, ensure all
16 water ingress points, including propulsion, stern to rudder posts,
17 etc. had been affixed, secured, and a fire watch had been declared
18 out. It's very detailed in terms of what was stipulated to ensure
19 maximum safety of the next movement of that vessel.

20 Q. Roger, sir. Was there a discussion about environmental
21 impact if there was a spill? And, if so, what were those
22 discussions?

23 A. Yes. Environmental impact, again, I'd have to consult my
24 notes. I believe I -- the SITREPs that Capt. Stockwell and I
25 created for the purpose of our district commander notifications,

1 were either once or biweekly, contained some of that information.
2 But we were -- as part of again Coast Guard doctrine, any incident
3 includes environmental component. And so the environmental
4 objectives at that point were to minimize pollution to the
5 waterway, to communicate pollution threats to stakeholders that
6 could be in the form of air monitoring for fire noxious chemicals,
7 etc., firefighting chemicals, and to provide as soon as
8 practicable remediation for a spill.

9 And that included developing the quantity of onboard
10 pollution potential, developing boom strategy to place absorbent
11 and containment boom around the hull and the pier so that those
12 spills that did occur would be contained and/or absorbed, and
13 finally, effective pollution management of dewatered fire water,
14 which would be polluted, hence the ordering of frac tanks and the
15 barge to ensure that dewatering was conducted safely in accordance
16 with environmental standards.

17 CDR ROY: That's all I have.

18 MR. FAWCETT: Thank you, Commander.

19 Mr. Karr?

20 BY MR. KARR:

21 Q. Hi, Captain. Michael Karr of the NTSB. One question. Help
22 me understand that decision memo. What procedure did that fulfill
23 and what was the purpose of it?

24 A. Decision memos are matters of record for captain of the port
25 decisions through an incident specifically with regard to the

1 direction or decision to place a vessel. So unlike a captain of
2 the port order which associates a movement for safety of the
3 vessel itself, this is a decision memo that documented a decision
4 to a naval installation commander that the captain of the port
5 decision was to leave the vessel at the location that it was
6 currently berthed at and not authorize its departure for the
7 safety of the waterway and for the effectiveness of firefighting
8 efforts that would be superior to waterside firefighting efforts
9 considering logistics supply chain compared to pure versus off
10 shore or, shall I say, off pier.

11 And a decision memo is fairly standard in the incident
12 management framework. It's a memorandum on Coast Guard
13 letterhead. It's generated to articulate why you've done what
14 you've done and create a manner of decision for what were you
15 thinking, why were you thinking it, and what were the actions of
16 that decision.

17 MR. KARR: All right. Thank you. That's it. No more
18 questions.

19 CDR STEVENS: Thank you, sir.

20 MR. FAWCETT: Thank you, Mr. Karr.

21 We'll go to the party-in-interest on the phone for Captain
22 Neto.

23 MR. WARNER: No questions. Thank you for your job, Captain.

24 CDR STEVENS: Thank you, sir.

25 MR. FAWCETT: Bay Diesel?

1 MR. STILLMAN: No questions. Thank you, Captain.

2 CDR STEVENS: Thank you, sir.

3 MR. FAWCETT: And now Hornblower?

4 BY MR. WEIGEL:

5 Q. Yeah. Good afternoon, Captain. And thank you for taking
6 time out of your drive to answer our questions. My name is Alan
7 Weigel, and I represent -- as Mr. Fawcett said, I represent
8 Hornblower and City Cruises.

9 You mentioned that -- I think what I heard you say was at the
10 time you have the incident command -- or the unified command call
11 at around 2000, the vessel was listing. Is that -- did I
12 understand your answer, right?

13 A. That is correct, sir. It was listing on its port quarter
14 stern transom. I have photographs and there are -- there are a
15 variety of photographs that should be available collected by many
16 of the responders. But that's affirmative, listing toward the
17 port quarter.

18 Q. And could you give us, and I understand the photographs, just
19 your recollection of how much the list was?

20 A. The list was -- I can't put a degree number on it. And, you
21 know, I was not reading draft marks certainly on the stern
22 quarter, and I would say -- and I said I wasn't going to do degree
23 marks but I'm an engineer by trade so I guess that's
24 (indiscernible). I would say 5 to 8 degrees to the port quarter,
25 and it was down in the stern versus the bow, listing toward the

1 port side. In terms of free surface to the transom and the deck,
2 the first 01 deck, I would have to look at a photograph. I don't
3 want to speculate and use my nonphotographic memory. That's the
4 best I can give you.

5 Q. You said free surface. Did you mean freeboard?

6 A. Yes. I meant the surface of the water in its distance to --
7 yeah, effectively freeboard.

8 Q. Okay. Did there finally come a time when you did get
9 stability information about the vessel?

10 A. We did. And I have some handwritten notes as well as
11 documentation. It was not that evening. I remember we -- Capt.
12 Stockwell and I pressing into both Donjon RP as well as Salvage
13 Emergency Response Team for as expedited as possible engineering
14 schematics, hull calculations, and estimated water on board, to
15 use draft marks for those estimates to be able to give us like how
16 much more can we add, how far are we from potential destabilizing
17 effect, etc. I don't think that came in until -- I don't -- we
18 did not have it that night, hence, we were being conservative as
19 well as safe and prudent with regard to the application of any
20 more water. Without that information we were swimming in the dark
21 and not managing an incident with information.

22 So I believe it came in the next evening. And by that time,
23 the next evening, the list had substantially increased and the
24 freeboard had substantially decreased. And so, without that we
25 had -- and I don't want to jump, but I do remember there are some

1 estimated quantities of water on board that were substantial, in
2 the order of 100,000 gallons or more.

3 Q. Yeah, did --

4 A. That morning, June 8th, it was that night. So as of June
5 7th, that evening, to answer your question, no we did not have
6 calculations at that time.

7 Q. And when did the barge -- did it show up on the morning of
8 the 8th or the morning of the 9th?

9 A. Did not show up until the morning of the 9th.

10 Q. Okay. Under the Coast Guard incident and system model, you
11 have individual incident commanders from different agencies making
12 collaborative decisions. Would that be a fair way to characterize
13 it?

14 A. Not quite. I would say it's not the Coast Guard incident
15 command system; it is the National Response Framework incident
16 command system and it's used FEMA wide, one. And two, while the
17 unified command does have individual incident commanders, each of
18 those individuals has the authority, jurisdiction, and decision
19 capability in many cases for the 51 percent vote. And in the case
20 of the captain of the port while an incident commander and in a
21 collaborative space, captain of the port authorities give the
22 captain of the port, him or her, opportunity to make
23 noncollaborative decisions. And I would say that would be taking
24 all information to bear. It's not the desired outcome at all
25 times, however, you can't have consensus in an incident at all

1 times. The idea behind a unified command is to generate a whole
2 of government unity approach effort, but it wouldn't work if you
3 didn't have environmental constituents across the pollution,
4 across the safety of life, across the other major environmental
5 hazard portfolios without having that 51 percent vote.

6 So I hope that helps, sir.

7 Q. I think I understand. Does this incident command system
8 model allow the Coast Guard on-scene commander -- does it give the
9 Coast Guard on-scene commander the authority to overrule the fire
10 incident commander's firefighting plan?

11 A. Yes.

12 Q. And what authority would the Coast Guard be relying on if it
13 overruled a fire incident commander's plan?

14 A. I would have to ask for help with regard to the actual
15 US Code cite, CFR cite. I know it exists based on the marine
16 firefighting regulations, doctrine. And the reason being simply
17 because if a firefighting action which is independent of the
18 totality of the force effects is conducted without an overseer --
19 for instance, if a captain of the port needs to move a vessel
20 because firefighting efforts are otherwise going to create a
21 downstream larger scale risk, then that captain of the port has
22 that authority to do that. And those come under both the decision
23 memo and captain of the port authorities.

24 It would be not conventional for firefighting TTP, tactics,
25 training and procedures -- we are not firefighters. And so the

1 how and the what and the pressure heads and the hose lines and the
2 orientation of the firefighting is the fire chief's
3 responsibility. Where that 51 percent vote would come in would be
4 if it was either unsafe operation, if they were operations that
5 weren't consistent with the captain of the port and larger
6 waterway or port infrastructure authorities or objectives, i.e.,
7 if firefighting efforts were going to create additional damage
8 that the captain of the port needed to maintain that overarching
9 authority. And that's inherent of the captain of the port
10 architecture that originated in 1915 with the origins of the
11 captain of the port authority.

12 Q. So you are aware -- I think this happened before you showed
13 up. There was an event where a firefighter was in this vessel,
14 opened a watertight door to the engine room and had a flash over
15 into the galley, and then the firefighting water that was in the
16 engine room was then distributed throughout the lower deck.
17 You're aware of that event?

18 A. The second part I did not exactly follow, Mr. Weigel. I was
19 aware of the safety incident that happened and what you said about
20 the first part. But could you say the second part, the
21 firefighting water, what happened?

22 Q. Well, as it was described to us, there was about 4 feet of
23 water -- firefighting water in the engine room and when they
24 opened the watertight door, that all flowed out forward into the
25 forward part of the lower level of the vessel. Are you aware of

1 that, that that happened?

2 A. I'm not aware of the blueprints and which hatch. I know it
3 was an aft hatch. And I actually -- I never stepped onto the
4 *Spirit of Norfolk*. It was the way the actual operational
5 timelines worked, so I did not set eyes on that hatch. I did not
6 see that incident transpire. All I know is that a hatch was
7 accessed that caused a reflash and it caused a firefighter to
8 either be knocked down or something like that. I don't know the
9 sequencing of where water was, from which compartment to where it
10 went.

11 Q. But after that event happened and the firefighters were
12 evacuated, the decision was made to let it burn itself out,
13 correct?

14 A. No. So two questions and two answers. After that event, the
15 first question, a decision was made to evacuate the firefighters
16 based on a concern about firefighting access, safety of the space,
17 and stability of the vessel. I do know as well -- and this may be
18 part of where your information comes in play. As articulated to
19 me by Capt. Stockwell and Mr. Burket, upon the accessing of the
20 hatch, there was a period of time in which the hull went from port
21 to starboard and back to port. And that may be what you're
22 talking about with regards to the release of water that was
23 otherwise contained. So I don't know if that comports with your
24 information or not, but that was a fact that was articulated to
25 me.

1 The decision was made to remove the firefighters and not put
2 any additional water on the vessel given the stability concern and
3 given the fact that we needed to as well ensure that any further
4 accesses to space were conducted safely with the proper gear and
5 with an understanding of whether the vessel was going to roll or
6 not.

7 A decision to, quote/unquote, "let the vessel burn out" was
8 not articulated as a decision explicitly at any particular time.
9 I would say the decision to evaluate whether to have firefighting
10 cooling water or to ensure the vessel does not sink was a
11 constantly and a dynamically assessed event. And while the vessel
12 is likely going to burn because there is no way we could get
13 inside had been articulated, it was not a clear path toward
14 there's nothing further to do. At all times, I know firefighters
15 as well as unified command was looking is there any way that we
16 can get inside, evaluate the situation, and conditions up to the
17 fire -- the final fire, did not allow that. Over.

18 Q. So if I understand what you're saying is you were never
19 involved in any discussion where it's proposed that all we would
20 do is put cooling water on the hull and then let the inside -- let
21 the fire consume all the fuel on the inside of the vessel?

22 A. We recognized that that was a potential outcome, absolutely.
23 And then as we evaluated what will happen if we don't access the
24 hull and if we don't add water to the interior of the hull, the
25 science of firefighting was discussed among the unified command.

1 It's likely that the fire will consume those combustibles. It's
2 likely that the fire will consume any onboard fuel products. And
3 we recognized that with heat intensity that there was unlikely any
4 ability to mitigate that damage, given the conundrum of the only
5 way to mitigate that would be to add water inside the windows,
6 inside the hull, and to access the hull, which was a decidedly
7 unsafe place to go.

8 Q. Now because the windows had blown out as a result of the
9 fire, in fact what happened was you put a lot of more water in the
10 vessel; isn't that correct?

11 A. I don't believe so, sir. The orders to the firefighters were
12 not to flood any of the compartments. So as the windows were
13 obviously now free and open to the air, I do and did see the fire
14 monitors applying water and it was, you know, it was not -- there
15 was mist potentially going in but it was not hoses of water
16 entering shattered window compartments. And that's based on my
17 recall, and I know those were explicit night orders, as everyone
18 by that time was concerned that firefighting water would sink the
19 vessel. And it was clearly a command objective, unified from the
20 Navy, from Mr. Smith, from Capt. Stockwell and myself, and DEQ,
21 that anything we were dealing with above water would be much worse
22 if we had to salvage a vessel that was 50 feet, 40 feet below the
23 pier, now with trying to remediate unknown amounts of pollution,
24 the hull salvage, etc., in addition to tying up a Navy pier. So I
25 do know that that objective was clear. I don't know if, you know,

1 incidental water could have gotten in, but it certainly wasn't a
2 steady flow rate.

3 Q. Well, so the reason I asked the question, because what we
4 heard -- we've heard from other witnesses that overnight between
5 the 7th and the 8th, the vessel basically settled pretty far into
6 the water by the morning of the 8th. Is that your recollection of
7 what happened?

8 A. No, no. It was the morning of the 8th and the 9th.

9 Q. And throughout that -- so I know I'm getting a little ahead
10 of the timeline of your questioning, but so during the course of
11 the 8th, water was still being applied to cool it?

12 A. So, yeah, I can proceed into the 8th if you'd like because
13 that might help to clarify. It sounds like there might be some
14 confusion because it was about 0300 on the morning of the 9th,
15 after I had left on the 8th, that I was presented with photographs
16 showing the *Spirit of Norfolk* in a much more great portside list
17 with water nearly at the transom and then encroaching the transom
18 and onto the 01 deck. That's about 03, 0400. So I just jumped
19 forward to the 9th. But the 8th events may help to understand
20 that timeline. So I'm -- whichever way the team would like to go.

21 Q. Yeah. Oh, I have one other question about the, you know,
22 sort of the event that we're going on. You said you eventually
23 got the stability information from Donjon and also stability
24 information from your salvage team, correct?

25 A. We did.

1 Q. Okay. Can you give me that -- it was salvage -- is that the
2 SERT team, Salvage --

3 A. That's correct, sir. Salvage Emergency Response Team is
4 deployable as well as the high-capacity engineering team that runs
5 out of headquarters entity to provide naval engineering specialty
6 calculations and assessments using ship defined blueprints,
7 drawings, and stability calculations and software. I'm sure D5,
8 the prevention officer, could do a better job, but I do know
9 that's their organic capacity.

10 Q. Okay. And do you know why it took so long for the Coast
11 Guard team to get stability information to the scene?

12 A. I don't, sir. I don't know where that happened. I remember
13 there being some difficulty, I believe, in obtaining drawings.
14 And but beyond that, it would be all speculation. I know there
15 are a number of folks who were working on it, but I don't have
16 that.

17 MR. WEIGEL: Okay. Yeah, I have more questions later, but
18 I'll let the Captain go ahead and continue his narrative.

19 MR. FAWCETT: Thank you, Mr. Weigel.

20 BY MR. FAWCETT:

21 Q. Captain, once again, for June 8, Wednesday, you were going to
22 a change of command. Could you discuss your involvement with the
23 *Spirit of Norfolk* on June 8th, the day following the start of the
24 incident?

25 A. Yes. I awoke and I was on a unified command call that was

1 led by Capt. Stockwell. And objectives as of that morning -- the
2 fire had flashed and abated and flashed and abated through a
3 series of cycles commencing from that afternoon on the 7th through
4 the evening into the morning. And what I recall of the objectives
5 meeting that morning as I was telephonically online was a
6 continuation of the similar, same high-level objectives, but
7 decidedly more pressure towards obtaining the stability
8 calculations, understanding of how much water was too much, where
9 was a danger point for a stability concern, pushing toward the
10 dewatering evolution, which would include the acquisition of the
11 frac tank and barge. Public affairs engagement, as we had many
12 folks who were coming down, to do a press release. And that was
13 all managed, as the deputy and incident command construct allows
14 for, by Capt. Stockwell.

15 I do remember transiting the Monitor-Merrimac Bridge
16 northbound at approximately 8:30 in the morning as I was en route
17 to Hudgins, Virginia for the change of command. And consistent
18 with the reporting, there was a significant reflash that morning
19 and the travel party and myself, as we looked eastward from
20 Monitor-Merrimac, it was a massive plume of smoke emanating from
21 the *Spirit of Norfolk*. And reports were that it was at that point
22 that the fire had taken an uncontrollable turn from the previous
23 day's events. And I don't know to this time what or where or why
24 and what material that could have been.

25 I proceeded north and had a phone call again with Capt.

1 Stockwell prior to and understood that on scene what was going on
2 was in fact what we saw. I was -- I use the word off the grid to
3 say I left Capt. Stockwell with a message, if there's an urgent
4 matter as to the safety of life, if it's the *Spirit of Norfolk*,
5 it's another decision memo, if it's ultimately, you know, my
6 requirement to make a decision as the sector commander, please
7 call me, but otherwise you got it. You got it signifying you're
8 the incident commander.

9 I, change of command, returned probably to the workplace at
10 about -- it's about a 90-minute drive to Hudgins from Portsmouth,
11 Virginia, so I returned to the workplace -- it's a 10:30 or 11
12 o'clock change of command. I probably returned to the workplace 2
13 or 3 o'clock. I really need to look at my notes and I'm not going
14 to do that here. And it was after I changed back into my
15 operational work uniform and transited over to Naval Station
16 Norfolk to relieve Capt. Stockwell and conduct the afternoon, at
17 that point it was clear that the reflash had conducted serious
18 damage and that -- the windows, I don't believe -- like at what
19 point did the windows blow out? There were several loud pops on
20 the evening of the 7th, but it was clear that the damage to the
21 *Spirit of Norfolk* was significant following the morning of 8th
22 fire as I arrived that afternoon on the -- that afternoon.

23 The events that afternoon were -- we had another unified
24 command meeting. Now, I believe we're at 1600, a unified command
25 meeting, and I do believe, Mr. Weigel, we had stability

1 calculations around that time because I remember learning that --
2 it was around that timeframe, and I can clarify this with notes,
3 as required, but we had an assessment and an estimate of the
4 onboard water, which was somewhat surprising to me, and it was not
5 insignificant, on the order of 120-, 130,000 gallons of onboard
6 water based on the positioning of the vessel. And the stability
7 calculations were that no more water should be applied. It was
8 not a clear you can add another 5,000 gallons and you'll be fine.
9 It was, I'd say, a softer, this is in a dangerous spot.

10 Objectives for that meeting were oriented toward now that the
11 fire had largely consumed most of the combustibles, it was really
12 toward ensuring that pollution remediation, accessing the hull for
13 fire watch and full assessment of onboard -- being able to put out
14 all the hotspots was an objective. Post-remediation dewatering
15 the vessel. The longer it sat we weren't entirely sure what the
16 integrity of the underwater form was and whether or not there was
17 ingress under water as well. So all of those facets were applied
18 to the objective that afternoon.

19 By that time the Norfolk Fire Department -- I don't remember
20 the timeline. Norfolk Fire Department had ceased its
21 participation in the activities. The Navy fire department, as
22 really the installation lead fire agency, had taken over. And
23 that was a discussion had by fire chiefs as well as the state of
24 the fire. I don't know the exact timing of that, but it did not
25 impact, in my estimation, the ability to fight the fire. There

1 was an overabundance, again, on site.

2 So back on the 8th, that afternoon/evening, incident command
3 hosted a command meeting to discuss all the various approaches:
4 towing, salvage, captain of the port orders requirements for a
5 dedicated underwater hull survey. And I again relayed to the
6 watch that evening, again recognizing that the following morning I
7 had another unit sector commitment, and the commitment is
8 basically following the spring season, you are sending people
9 away, introducing people, (indiscernible) people. Using the model
10 of that day, I put Capt. Stockwell in charge and preparing for the
11 9th. I was going to be there that morning.

12 I'm sorry if I'm jumping around. I'm not trying to confuse.
13 So the evening of the 8th, Capt. Stockwell and I agreed that I
14 would attend to my sector duties, she would be on scene on that
15 morning. The 8th, I stood watch until once again approximately
16 22- or 2300 there.

17 There were some activities that the -- I don't -- these were
18 the subcontractor Clean Waters, I believe is their name. Clean
19 Waters? Clear Waters. So the subcontractor hired for pollution
20 remediation by Donjon to implement the absorbent and protective
21 boom around the *Spirit of Norfolk* that evening had arrived on
22 scene, and I would have to consult my notes for the gentleman's
23 name.

24 That afternoon we had safely accessed the interior of the
25 hull with all protective breathing apparatus and fire gear under

1 the authorization of Capt. Stockwell and myself. And it was at
2 that point that, once we determined that it was safe to continue
3 to do that, we were attempting to install dewatering equipment
4 pumps so that we would prepare, again, for the receipt of the
5 barge. And let me back up.

6 When I arrived that afternoon, frac tanks had actually
7 arrived at the pier and they had in fact been able to access one
8 of the exterior scuttles to begin dewatering. The frac tank
9 capacity was limiting from the total volume of water on board and
10 they filled rather quickly. The foam had caused more rapid
11 filling than they expected because it expanded in the frac tanks.
12 And the issue became, in order to remove additional water, they
13 wanted to access the interior of the first deck of *Spirit of*
14 *Norfolk*. But we needed to do that safely because we had run out
15 of ability to remove water from the aft compartment.

16 That occurred that evening. They were able to access the
17 hull -- I'm sorry -- the 01 deck, and they began setting up
18 equipment, which included pumps for the arrival of the barge which
19 was supposed to come in the very next morning. I believe it was
20 supposed to come in that afternoon and there were some
21 conversations about the timeline. I'm not aware of those, but
22 there were some frustrations regarding the expediency of the barge
23 on scene.

24 So back to the 8th around 2000, 21-, 2200, Clean Waters
25 representative was attempting to dewater and at one point he

1 approached me and was concerned that there was additional
2 smoldering on board *Spirit of Norfolk* 01 deck, some potential
3 reignition, and he wanted to remove the equipment, and he wanted
4 to protect his equipment and he had asked for authorization to
5 apply water to the hull. I denied that request and consulted with
6 the fire chiefs and asked for clarification of how much water he
7 wanted to for how long and to what end, and whether or not the
8 equipment was being used. He wasn't able to provide that
9 information. After a brief period of time, kind of hastily drew
10 together a 2-minute at 500 gallons per minute, is all I want to do
11 to ensure. And after consulting with the members on scene,
12 realizing that he wasn't actually using the equipment, we agreed
13 that he should in fact remove the equipment instead, see if he
14 could find other ways to remove the equipment. The flash never
15 actually occurred and smoldering subsided.

16 And it was about an hour later, he asked me if he could use
17 the two tugs to pull the *Spirit of Norfolk* off the pier so that he
18 could surround the *Spirit of Norfolk* with protective boom. I
19 denied that request as well, as I had very low confidence that he
20 had developed a plan to do that that included his assessment of
21 what torque lines, pulling on the lines, controls of the tug, how
22 the lines would be tended at the pier, and to what end the
23 placement of the boom would provide actual pollution remediation.
24 And it was really a -- it was not the best work in my opinion. So
25 that effort was denied.

1 And after I made that decision, I let my designated
2 representatives that were Chief Warrant Officer Aaron Wood and --
3 the first night was Mr. -- Chief Warrant Officer Wenciker. That
4 name just came to me. So the night of June 7th, Mr. Wenciker was
5 on scene, chief warrant officer. The second night I was on-scene
6 duty it was Chief Warrant Officer Aaron Wood. Jeff Wenciker,
7 first name, June 7th, W-e-n-c-i-k-e-r; second night Chief Warrant
8 Officer Aaron Wood, just like wood.

9 On June 8th, I left him in charge, again, with the express --
10 this time the orders were to make preps with the connection pipes
11 that were already installed on board to the barge, but to conduct
12 a marine inspection assessment of the barge's readiness for a
13 transfer of contaminated water and basically to monitor the scene
14 for safety and any continued -- by this time at night the vessel
15 had been sitting lower in its port quarter. Mr. Wood was
16 comfortable with those night orders. The fire had -- there was
17 still some slight smoking but largely no event happening.

18 And I received a call at approximately 02- or 0300 in the
19 morning, the morning of the 9th, from Mr. Wood, there was pretty
20 significant concern that the vessel was sinking. He shot me some
21 pictures that showed that the freeboard at the port quarter was
22 practically zero. And I sent a communication to the unified
23 command that I had directed -- at this time the barge was on
24 scene. I had directed to initiate removal of water, whether it
25 would be into the harbor or aboard the barge. At that point I was

1 willing to accept the risk of contamination and pollution of the
2 harbor to save the vessel from sinking. Mr. Wood was able to
3 energize the pumps and work with the onsite team to effectively
4 connect the hoses to get the water into the barge. And that's
5 when dewatering began, on the morning of June 8th.

6 Capt. Stockwell arrived on scene, and my understanding is the
7 vessel continued to squat lower before they actually began
8 dewatering. She arrived on scene around 0530, 0600, along with
9 Capt. Days and Capt. Dees and Mr. Smith. And again, I had alerted
10 the unified command that I made that decision to initiate
11 dewatering to ensure that the environmental stakeholders were
12 aware of potential risk as well. Again, the priority here being
13 that the vessel at this point sinking at the pier would be the
14 least desired outcome.

15 That morning, on June 9th, I proceeded to my engagement at
16 Sector Virginia with my crew, command master chief, and June
17 9th --

18 Q. Hey, Captain --

19 A. Tuesday -- Thursday. Yes. I'll stop there.

20 Q. Yeah, if you would, so we can circle around to any questions.
21 I just have one for June 8th. You talked about the barge arriving
22 to dewater the *Spirit of Norfolk*. Capt. Stockwell talked to us
23 about the delay in the tankermen arrival to supervise.

24 A. Yes.

25 Q. Can you talk about that a bit?

1 A. Not too much, sir. And that's only because I know when I
2 arrived Wednesday, June 8th, afternoon, Capt. Stockwell was
3 frustrated at the tempo and pace of salvage operations and
4 expressed to me that she and Capt. Dees had had to escalate kind
5 of some drive toward making that happen, the delay in the
6 tankermen as well as the delay in the barge that day, and the
7 reason being is that Capt. Dees at the naval station had made
8 every and all efforts, I believe, to expedite the positioning of
9 frac tanks and the positioning of support equipment. Obviously
10 his interest was in removing and rectifying and reaccessing his
11 naval pier as soon as possible. And I do remember some timeline
12 frustration on the afternoon of June 8th. And those were
13 manifested and clearly articulated that evening with the
14 objectives meeting with regard to what is the speed of advance of
15 the barge, where it's coming from, and what's the estimated
16 timeline of the tankermen.

17 And that was also confirmed -- Mr. Wood was a bit frustrated
18 when he called me at 0300 on June 9th because he was expressly
19 making sure it was okay to conduct dewatering without a tankerman
20 on board. The tankermen had not arrived. And that was again why
21 I had said in addition to that decision I authorized discharge
22 overboard if you can't get it set up.

23 So I'll stop there so I can answer further questions.

24 Q. And did Mr. Wood or anybody else call you later after you
25 gave the go-ahead to either discharge over the side into the

1 harbor or into the barge to protect the vessel, did he give you a
2 call back and tell you how that was progressing?

3 A. Yes. It would either be a text or call. I know that I was
4 basically, from that time through the rest of the morning, calling
5 in, conversing with the unified command, calling CAPT Stockwell
6 about whether or not I needed to come up with a secondary plan not
7 to go to the sector that morning or whether she was still capable.
8 And I was prepared to mobilize to go there. Mr. Wood was
9 confident that he -- Mr. Wood's extraordinarily competent,
10 professional, and I'll say this on the record, I believe he saved
11 the *Spirit of Norfolk* that morning by taking action when it was
12 not necessarily clear who would, and I'm very thankful to him for
13 that.

14 But when he took charge and mobilized additional forces there
15 to dewater, I had either a report that all was well and dewatering
16 had commenced. And then Capt. Stockwell arrived on scene I want
17 to say about 05- or -600; it was early that morning on the morning
18 of the 9th, along with Capt. Dees. And we recognized at that
19 point that either it would work or it wouldn't, because we had no
20 additional equipment. And putting additional pumps on board with
21 the stability of the vessel would in and of itself be a safety
22 issue given -- accessing again the deck and the potential outcome
23 of it rolling and compromising a life, it was a risky situation.
24 So they were able to energize and we were able to effectively
25 dewater.

1 I'll stop. Go ahead.

2 Q. So was fatigue taking a toll on you?

3 A. I don't believe so. I had -- I'm used to nighttime calls.
4 It's been 4 years of 2, 3, and 4 o'clock calls. And I'm -- I'd
5 like to say I'm aware through both my family and professional
6 feedback. But at that point I had two nights of approximately 6
7 hours, and the situation in and of itself, I did not feel to be --
8 and I can tell you that with all sincerity, I was mentally
9 stressed, of course, by the amount of events going on, but at that
10 point in time -- had that pace and tempo continued for 3 more days
11 with 3 hours of sleep, I can assure you I would answer yes.

12 MR. FAWCETT: So CDR Roy?

13 CDR ROY: I have no questions.

14 MR. FAWCETT: Mr. Karr?

15 MR. KARR: No questions.

16 MR. FAWCETT: Thank you.

17 We'll go to the PII for Captain Neto?

18 MR. WARNER: No questions.

19 MR. FAWCETT: Thank you.

20 Bay Diesel?

21 MR. STILLMAN: No questions. Thank you.

22 MR. FAWCETT: Hornblower?

23 MR. WEIGEL: Yes. Thank you, Mr. Fawcett.

24 BY MR. WEIGEL:

25 Q. Captain, from the evening of the 7th, say, around 2000 when

1 you had the unified command call to the morning of the 9th when
2 you started dewatering, describe how the vessel changed, how much
3 the vessel's attitude in the water changed, you know, from just an
4 observational point of view. And I don't necessarily -- I know
5 you don't know the numbers, but just tell me what you recall about
6 how much it changed.

7 A. And are you talking, sir, with regard its position or with
8 regarding to its fire and burn condition, or both?

9 Q. Oh, no. I'm sorry. Yeah, that was a very unclear question.
10 What I meant was, on the morning -- I'm sorry, on the evening of
11 the 7th, you described the vessel as listing maybe 5 to --
12 quarter, maybe 5 to 7 -- 5 to 8 degrees.

13 A. Yes. Yes.

14 Q. But, and there was still -- you know, the amount of freeboard
15 was less but not concerning, correct?

16 A. That's correct.

17 Q. The morning of the 9th, early in the morning of the 9th,
18 there was now the worry, the concern the vessel might sink,
19 correct?

20 A. That's correct.

21 Q. So what is it that caused -- what made the vessel squat so
22 much between the evening of the 7th and the morning of the 9th?
23 What caused that? Do you know?

24 A. I don't know. I know an underwater hull survey was conducted
25 concluding the ready-for-tow operation. And I know that from the

1 afternoon of the 8th to the morning of the 9th, very early hours,
2 there was no water applied to any of the interior of the spaces.
3 So I know that was speculation among the unified command about
4 potential compromises to the integrity of the hull, whether it was
5 through heat damage or other -- we do not know.

6 And in answer to your question with regard to the
7 orientation, on the morning of the 9th there was water on the 01
8 deck nearly approaching the aft door into the 01 main space at the
9 worst of its condition at about -- the initial report that I had
10 from Mr. Wood at 2 to 3 worsened before it got better. And there
11 are pictures that document the final state before we were able to
12 effect dewatering. And it wasn't so much of an increase in list
13 as it was a total increase in squat by the stern with water
14 lapping over the 01 deck.

15 Q. And I -- we've been using -- lots of different witnesses,
16 lots of different terms, which deck is which. Not the main --

17 A. The main deck, where -- the main deck.

18 Q. Okay. And as far as you know, you don't know where all that
19 additional water came from; is that correct?

20 A. I do not.

21 MR. WEIGEL: Okay. I'm -- no more questions at this time.

22 MR. FAWCETT: Thank you.

23 BY MR. FAWCETT:

24 Q. Captain, you mentioned on June 9th, which is the Thursday,
25 that you got ready to head out to do some business for the sector.

1 Can you pick up the story from there?

2 A. Yeah. June 9th, I arrived at Sector Virginia after again
3 attending the morning unified command call, situation update, and
4 receiving some pretty bright encouragement that that late morning
5 situation had been ameliorated and was tracking toward a better
6 place. At 0930 or thereabout, all hands with the crew of Sector
7 Virginia of 65 to 70 folks in attendance, which we talk about
8 current policy with Covid issues at -- typical business model for
9 bringing the crew together to ensure they understand the part of
10 commander's duties.

11 That day I transferred a call and I -- this is the site where
12 Capt. Stockwell is there. I need to look at my -- honestly would
13 need to look at my calendar. I remember there is a clear point in
14 time where the unified command recognized not done, not over the
15 hump in terms of emergency response, but we can breathe just a
16 little lighter. And I know the 9th was that day because the fire
17 had largely been extinguished. I'm not saying it was because the
18 next several days Capt. Stockwell worked with the unified command
19 to deliberately and rigorously access every space, and there were
20 a thermograph and thermal imagery. But dewatering had been
21 commencing with positive net result indicated both by the removed
22 water and obviously the refloating. I mean refloating had been a
23 better orientation of the hull.

24 And so, yeah, the 9th, I'd have to look at my calendar. And
25 on top of this, we were jointly preparing for -- I needed to split

1 duties because on Friday we were commencing the annual Norfolk
2 Harborfest operation, Friday, Saturday, Sunday event and our team
3 had largely been divided in addressing this response. Effectively
4 Naval Station Norfolk in planning for both the operational safety
5 zones, harbor patrols, incident command, which was out of
6 Portsmouth Naval Hospital, Hospital Point, for the 3-day
7 evolution.

8 And so, I remember in that space recognizing that I needed to
9 attend to the team that was preparing for a 3-day Harborfest after
10 having been off for a 2-year hiatus due to Covid and engaging with
11 the interagency partners to ensure we're prepared for that
12 operation. So I believe we were in a transition mode from Capt.
13 Stockwell leading that, now moving into salvage response,
14 providing updates to Admiral Shannon Gilreath, as well as I was
15 deliberately moving myself out of those business lines knowing
16 that Capt. Stockwell would be the sector commander in 4 days and
17 that I needed her to have all the connective tissue as I
18 transitioned to my next job.

19 And that 9th/10th period of time was transition in which
20 Capt. Stockwell held *Spirit of Norfolk* and I was largely a
21 Harborfest operator in managing the team there. But I can't
22 recall any more specifics without consulting a calendar on the
23 9th. I want to say at that point I may have visited, but with the
24 situation under control and working aggressively towards the
25 actual salvage plan, and Capt. Stockwell, the team there,

1 providing that overwatch, I can't remember if I did or not.

2 Q. So would the same true through the Friday, Saturday, Sunday
3 periods?

4 A. Absolutely. At that point I was taking part in the calls and
5 Capt. Stockwell was consulting with me. You asked me about how
6 many captain of the port orders had been issued. I know there was
7 one, but there were some -- there were either -- there were
8 revisions or amendments that stipulated exactly what the tow plan
9 would look like. And I was reviewing the tow plan, I was
10 reviewing the salvage plan, and we were reviewing some of the
11 media inquiries. I was participating in some of the unified
12 command calls.

13 I do know on Saturday, I -- after visiting the Harborfest
14 team at Hospital Point, I visited Naval Station Norfolk once again
15 to visit the crew and talk with the responders, and I attended the
16 unified command meeting that afternoon and there was some concern
17 about socializing the actual movement of *Spirit of Norfolk* on
18 Sunday morning as part of the authorized tow plan with media. And
19 all parties, with the exception of Mr. Smith, were agreed that
20 public and transparent media communication had been very effective
21 to date and that not being clear with the *Spirit of Norfolk's*
22 scheduled transition from Norfolk Naval Station to Waterside would
23 not be consistent with that approach.

24 And I know that Captain -- I call him captain, but I know
25 he's a retired captain. Captain Smith, Scott Smith and his media

1 representative consulted offline, and through follow-up briefs
2 with Capt. Stockwell, I understand that the unified command -- and
3 this gets to Mr. Weigel's question about collaborative decisions.
4 The unified command proceeded to basically say this needs to be
5 done, despite Mr. Smith's position that it should be not. And
6 that Sunday morning, I do remember that that was when folks
7 arrived at the *Spirit of Norfolk* to basically tow her to Colonna
8 Shipyard.

9 So long story short, yes, between the 9, 10, 11, 12,
10 Harborfest weekend, tow plan, I had been on scene but really
11 largely in support mode for the responders to make sure they were
12 doing okay for their crew endurance, their safety and their
13 overall well-being. And then transitioned that management to
14 Capt. Stockwell, recognizing that we also had been notified at
15 that time that there would be quite a few additional events
16 happening, namely this investigations, and ensuring ultimately
17 that she made safe transit without any further events
18 (indiscernible).

19 Q. So -- this is Keith Fawcett. Do you recall any other events
20 in those span of days, to be fair with the story, that you can
21 share with us that you might've omitted related to the *Spirit of*
22 *Norfolk* or any operations relating to it?

23 A. I'm thinking here, Keith.

24 Q. Well, I'm just saying, Captain, any other thing -- you know,
25 take a minute, because I'm asking you to compress all that story

1 into a short period of time. Just take a minute to reflect if
2 there's anything else related to the *Spirit of Norfolk* during
3 those last days.

4 A. I will. Something's nagging at me. I'm just trying to
5 recall it. If I -- I'm sure if I went through my email
6 correspondence there may be just a couple of contextual pieces
7 that help to frame a couple things that I may have said.

8 But I would just say that -- and I've said this numerous
9 times over, and it's just important to note, I remember talking to
10 unified command about this, about the team, that between the
11 McAllister tugs, between the *Victory Rover*, between *Spirit of*
12 *Norfolk's* initial actions, between US Navy and Capt. Dees
13 willingly and openly being a port partner, between the Port of
14 Virginia, Norfolk Fire, Navy Region Fire, US Coast Guard teams,
15 that could've been the worst day of all our people's lives with
16 the amount of people that were safely recovered. And whether it
17 was the positioning of the *Victory Rover* with the assistance of
18 the tugs in the gangway and effective evacuation of 106 people, I
19 believe, a lot of children, to the immediate decision that
20 emanated from Capt. Dees to say come here, to the captain saying
21 we'll go there to the pier, to initial efforts to try to contain
22 the fire, there was no one burned, there was no one injured, there
23 was no one maimed. It's a remarkable event that all of those
24 things happened in the places that they did because there are a
25 number factors that day do not always line up. Had it been

1 further out to sea, had the *Victory Rover* not been available, had
2 it been a smaller platform, maybe it was a passenger boat that
3 could only take 8 people, had it been a more serious fire -- and I
4 play a lot of that through and I look at all the different places
5 and ports and branches in that, and I'm glad that everyone's
6 alive, including our responders. And that's a testament I'd say
7 to folks who trained for this, and training for this is hard
8 because training is not the real thing. And the real thing always
9 demonstrates how much harder the real is than the training.

10 And I'm just -- I would say there's a lot of phrases. I know
11 this is kind of like not related to the facts, but it does play in
12 my mind a lot with regard to the cooperative collaboration between
13 the US Navy, between the Coast Guard, between the port, between
14 environmental quality, a unified command approach, Mr. Smith on
15 board. And so, that's what I'll conclude with. And if there are
16 other things that you need follow-ups with or certain things that
17 I said that don't match up with additional statements, I'm happy
18 to go back into my notes and furnish any -- there are also things
19 that counsel here, with Ms. Daniel requests.

20 Q. Yeah. So thank you, Captain. We would like to get a copy of
21 your notes.

22 So my question is, Mr. Smith, what was his reticence in the
23 unified command regarding the tow plan and transparently
24 communicating to the media that the vessel was going to be moved
25 as part of the final actions of taking care of the vessel?

1 A. I would be -- I will say what factually he said and not try
2 to speculate, as obviously he had conversations. And his public
3 affairs representative was also online. And I'd say the
4 overarching sentiment was there was reluctance to have this become
5 an attraction point for public onlookers and media to broadcast
6 what ultimately was quite a tragedy for *Spirit of Norfolk* in terms
7 of a significant increase in media and video material beyond which
8 already existed. That's in my estimation where it came from.

9 And many of our counterpoints were that the media already had
10 substantial imagery and video from the pier that was granted --
11 the pier space that was granted access by the Navy on the other
12 side, from onlookers who were passing Naval Station Norfolk. It
13 was not a secure space. It was not a restricted video space. And
14 our approach up to that point had been full disclosure and we
15 granted the media a town hall.

16 I, again, just relayed that what was said was it was just a
17 concern that it would become a media event that would place
18 unnecessary additional material in mainstream press. And our
19 position was that denying that would make it worse than what they
20 thought it already was.

21 Q. So you had mentioned --

22 A. I believe what was agreed then, and as -- what was agreed as
23 an outcome is I think they wanted to place either media on a
24 tugboat and have like live camera footage and they did not want to
25 have it become a parade of, you know, the travesty that struck the

1 *Spirit of Norfolk*. I believe the eventual outcome was to tape it
2 and they posted imagery after the fact. And I'd have to go back
3 into the actual sequences and press release. On Sunday morning
4 and Saturday afternoon, it was handled by Capt. Stockwell and --
5 but I'm sorry to interrupt you. Go ahead.

6 Q. No, that was very helpful, Captain. So I just have a couple
7 of sort of general questions and then we'll go around following up
8 on the sequential days. But during your time at Sector Virginia,
9 either as sector commander or deputy sector commander, did you
10 have any mass evacuation drills that incorporated excursion
11 vessels into the scenario or exercise?

12 A. No, I did not. The summer that I arrived, in July of 2018,
13 we did conduct as per part of our area maritime security plan, a
14 mass rescue operation tabletop, full-scale exercise that actually
15 involved the *Spirit of Norfolk* as a vessel. I was not present. I
16 was on annual leave. But that took place 2018.

17 Beyond that, we did not conduct operationally or exercise
18 wide -- I'm just -- try to replay specific mass rescue operations.
19 I'd say the only thing that came close, and it wasn't mass rescue,
20 it was just because of a difficult incident, was the crash of the
21 E-2D Hawkeye off of Assateague Island. That was three members,
22 one deceased. We have had a couple of bulk carrier groundings of
23 concern; however, they were either refloated or we were able to
24 establish -- certainly not like the *Golden Ray* in Brunswick Sound.
25 So -- and I'll stop there because there has been nothing else.

1 Q. How about drills, tabletop exercises related specifically
2 within the Sector Virginia AOR while you were there related to a
3 salvage or stability event?

4 A. And real quick, Mr. Fawcett, before I -- you made me cue on
5 marine firefighting, so I'll answer that in just a sec. We also
6 do conduct the annual search and rescue forum called the Todd
7 Dooley Search and Rescue Forum. And we conducted number 13, 14,
8 15, and 16 in February or March of '18, '19, '20 and -- I'm
9 sorry -- '19, '20, '21, and '22 while I was here. Those have
10 incorporated past rescue -- I don't remember which specific dates,
11 but there's usually a significant drill component on the Thursday
12 and Friday of the week-long event that includes, whether it's a
13 significant search and rescue case or mass rescue and marine fire.
14 And so this happened annually as well, along with port partners to
15 build capacity in the region.

16 But to your question, stability drills, we conducted a
17 tabletop exercise in spring of 2019 with the Port of Virginia DEQ,
18 Wilhelmsen, the car carrier company, to simulate a *Golden Ray* type
19 stability incident. And the Salvage Emergency Response Team is
20 actually a key contributor to that, and they had been part of the
21 *Golden Ray* stability calculations and salvage.

22 We have had other events, and usually Bill Burket
23 conducts -- not usually. Bill annually conducts, in addition to
24 the search and rescue forum, he has three major events per year,
25 and these are conducted for a total of 12 events in the past 4

1 years: Marine firefighting symposium, which is a weeklong event
2 for marine firefighters from around the local region as well as
3 international and national firefighters. He includes
4 presentations and training from Salvage Emergency Response Team
5 during that forum. He also has a marine firefighting command
6 symposium, which is dedicated toward the incident commanders, not
7 the tacticians, once again, to review marine firefighting tactics
8 training, legal authorities, captain of the port authorities, and
9 again, salvage and stability issues. And then obviously the
10 search and rescue forum. So those three events annually were held
11 for a total of 12 times from '18 to '22.

12 And over the past 20 years, Bill's done probably more than 50
13 of those, because those have been ongoing for -- well, since Bill
14 started it since about 25 years ago.

15 MR. FAWCETT: Thank you, Captain.

16 CDR Roy?

17 CDR ROY: No.

18 MR. FAWCETT: Mr. Karr?

19 MR. KARR: No questions.

20 MR. FAWCETT: I'll go to the party-in-interest for Captain
21 Neto?

22 MR. WARREN: No questions.

23 MR. FAWCETT: Thank you.

24 For Bay Diesel?

25 MR. STILLMAN: No questions, Captain. Thank you very much

1 for your time.

2 CAPT STEVENS: Yes, sir.

3 MR. FAWCETT: Hornblower?

4 MR. WEIGEL: Thank you, Mr. Fawcett. I have no questions.

5 Again, Captain, thank you for spending time with us this
6 afternoon.

7 CAPT STEVENS: Yes, sir.

8 MR. FAWCETT: Captain, this is Mr. Fawcett. I have a final
9 question.

10 BY MR. FAWCETT:

11 Q. Thinking about your role as the officer in charge of marine
12 inspection, do you have any suggestions for enhancements for small
13 passenger vessels to improve fire protection or prevent an event
14 such as occurred with the *Spirit of Norfolk*?

15 A. I do. I don't have the technical specifics. I reviewed the
16 vessel documentation of the class vessel that is the *Spirit of*
17 *Norfolk* that was grandfathered in under previous provisions,
18 talked extensively with my prevention department head, Capt.
19 Stockwell, who is a prevention officer, and understand that the
20 role and place of the firefighting system plays a critical role in
21 averting situations that might otherwise become uncontained.

22 I do not know, and I know that's a subject of the
23 investigation, any of the details regarding the source,
24 progression or characteristics of this particular fire. So
25 generically, I would say any provision that provides for increased

1 safety in the event of an uncontrolled fire that is in an unmanned
2 space or otherwise undetected space that eliminates the reliance
3 on people to do firefighting or a quick response force and relies
4 on machinery and/or systems is a good thing. And that's really a
5 very generic way of saying yes.

6 MR. FAWCETT: Thank you, Captain.

7 Before we finish up, does anyone have any final questions?

8 (No audible response.)

9 MR. FAWCETT: Captain, thank you very much for making your
10 time available as you're driving.

11 The time is 5:56 Eastern Standard Time, and we have just
12 completed our interview of Capt. Samson Stevens.

13 Thank you very much, sir.

14 (Whereupon, at 5:56 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Capt. Samson Stevens

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: July 29, 2022

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.



Kay Maurer
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: CAPTAIN JENNIFER STOCKWELL, Deputy Commander
Sector Commander of Sector Virginia

Portsmouth, Virginia

Thursday,
July 28, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
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I N D E X

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1 I N T E R V I E W

2 (2:01 p.m.)

3 LCDR EMMONS: Officially for the record, you see that I've
4 turned the recorder on and am recording the interview.

5 CAPT. STOCKWELL: Yes, the recorder is on and you're
6 recording the interview, yes.

7 LCDR EMMONS: Thank you, Captain. This is a joint U.S. Coast
8 Guard/NTSB investigation but the Coast Guard is the lead agency so
9 will be conducting the interview and the investigation under Coast
10 Guard applicable rules and regulations.

11 CAPT. STOCKWELL: Okay.

12 LCDR EMMONS: Just to start the interview, it's July 28,
13 2022, the time is 2:01 p.m. We're in an interview with Captain
14 Jennifer Stockwell at the Portsmouth Federal Building in the
15 Prevention Conference Room, and we're conducting this interview to
16 examine the events surrounding the *Spirit of Norfolk* fire and loss
17 of an inspected vessel that occurred on June 7th, 2022.

18 What we're going to do now is we're going to go around the
19 room and just introduce ourselves so you know who's here, who's
20 online and we'll start with you, Captain, if you could just state
21 your name, your affiliation with Sector Virginia and if you could
22 just spell your last name for the record, and we'll go around and
23 do the same?

24 CAPT. STOCKWELL: Sure, I'm Captain Jennifer Stockwell, I'm
25 the current Sector Commander of Sector Virginia. I was the deputy

1 during the time of the event.

2 LCDR EMMONS: Thank you. Lieutenant Commander Nicole Emmons,
3 E-M-M-O-N-S, and I am with the District 5 Investigation Team.

4 MR. DENLEY: Eric Denley, D-E-N-L-E-Y, I'm with Hornblower
5 Group, City Cruises.

6 MR. KARR: Michael Karr, K-A-R-R, with the NTSB.

7 CMDR ROY: Commander Eric Roy, R-O-Y, and I'm a member of the
8 D-5 Formal Investigation Team.

9 MR. FAWCETT: Keith Fawcett, F-A-W-C-E-T-T, with the Coast
10 Guard D-5 Formal Investigation Team.

11 LT. DANIEL: Lieutenant Helena Daniel, D-A-N-I-E-L, I'm
12 Counsel for Coast Guard.

13 LCDR EMMONS: Okay. Coast Guard members on the line?

14 CMDR WADDINGTON: Commander Randy Waddington, Waddington
15 spelled W-A-D-D-I-N-G-T-O-N, I'm the District 5 Panel, the Lead
16 Investigator.

17 LT WHALEN: Good morning, I'm Lieutenant Whalen, W-H-A-L-E-N,
18 and I am from the District 5 Formal Investigations Team.

19 LCDR EMMONS: Okay. NTSB personnel on the line?

20 MR. FLAHERTY: Hi, this is David Flaherty, F-L-A-H-E-R-T-Y
21 with the NTSB.

22 LCDR EMMONS: Okay, and Parties in Interest for Captain
23 Nadeau?

24 MR. WARNER: Yes, this is Justin Warner with Phelps, that's
25 W-A-R-N-E-R.

1 LCDR EMMONS: Okay. And Parties in Interest for Bay Diesel?

2 MR. STILLMAN: Hi there, this is Dan Stillman, S-T-I-L-L-M-A-
3 N, with the law firm of Wilcox and Savage.

4 LCDR EMMONS: Okay. And Parties in Interest for Hornblower
5 on the line?

6 MR. WEIGEL: This is Alan Weigel with Blank Rome, spelled W-
7 E-I-G-E-L.

8 LCDR EMMONS: Is there anyone else on the line that I missed?
9 (No audible response).

10 LCDR EMMONS: Captain, at any time after the interview or
11 anytime you can change, modify, subtract, add something to the
12 record, just let Lieutenant Daniel know and she will make the
13 record -- accept that in the record.

14 Our report of investigation that will be drafted after the
15 investigation, you have the right to appeal anything in the report
16 of investigation and we're conducting this according to the Marine
17 Safety Manual, Volume 5, if you need any background in that.

18 CAPT. STOCKWELL: Got it, thanks.

19 LCDR EMMONS: And just for everyone in the room, just please
20 silence your cell phones. If you're online please stay on mute
21 until you're speaking. And if we could all avoid acronyms or if
22 you need to use an acronym just spell out the stated acronym, and
23 that goes for everyone in the room just try to minimize the use of
24 that, and with that I'll turn it over to Mr. Fawcett.

25 MR. FAWCETT: Thank you, thank you, Lieutenant.

1 INTERVIEW OF CAPT. JENNIFER STOCKWELL

2 BY MR. FAWCETT:

3 Q. And so you have notes.

4 A. Yeah.

5 Q. And the notes that are relevant to the investigation and the
6 incident, we'd like to get a copy of those and you can work with
7 the Lieutenant to get those at some point.

8 A. Sure.

9 Q. And you can use them to refresh your memory for the events
10 because it's --

11 A. That's why I have them here, yes.

12 Q. Yeah, I know, it spans multiple days, I know that.

13 A. A few days and sleepless nights, yes.

14 Q. So I want to set the stage for Sector Virginia for June 7th.
15 Other than routine operations at the sector were there any
16 activities or situations that affected sector operations on that
17 day?

18 A. It was a fairly normal sector day; Captain Stevens was going
19 up to Yorktown to give a presentation along with Commander
20 Elfguinn so they were going up to speak to one of the classes up
21 at Yorktown. So he was out of the office, the deputy and I, the
22 new deputy, we were doing a relief week, it was her second day on
23 the job, so that day we had planned to be in the office to do in-
24 briefs with all of our staff.

25 So fairly normal, nothing, nothing that was otherwise

1 planned. We had Harbor Fest that was planned for the end of the
2 week, which is our largest maritime marine event during the year,
3 so we were getting prepared for that, so the staffer was working
4 on finalizing the logistics and the details to support it so, but
5 other than that I'd say a fairly routine sector day.

6 Q. So looking at the fire and salvage events, I won't ask you to
7 go over your career, but what in your background prepared you or
8 trained you or certified you for a fire event and a salvage event
9 or a dewatering event, the events that affected the *Spirit of*
10 *Norfolk* that day?

11 A. Well, I'm a marine safety professional, that's my career, so
12 I've done 20 years within either marine safety offices or sector
13 offices in the prevention field so I have done a number of salvage
14 operations both small and large, so I understand sort of the steps
15 you go through and the kind of (indiscernible) response process,
16 you do the initial stabilization, your safety of life
17 stabilization and then sort of a planned response.

18 So I've done a number, like I said, a number of salvage
19 efforts including raising barges and crane barges, bringing
20 bulkers off of beaches, so a lot of like large events. For marine
21 firefighting, you know, I've seen a couple fires, vessel fires;
22 they've luckily gone out very quickly. It's generally a landslide
23 fire that's affecting a vessel.

24 One was a fire, they were transferring, then there was
25 gasoline and the gasoline caught on fire and the ship was able to

1 pull away but that was, you know, I saw that from the Coast
2 Guard's perspective not the firefighting perspective.

3 And for this specific fire, I think what really helped me as
4 well as understanding vessel inspections and, you know, vessel
5 operations -- our, you know, our requirements so that while I've
6 never been on the *Spirit of Norfolk* previous I understand the
7 small boat regulations.

8 I understand that, you know, I have a T-boat qual, a small
9 vessel inspector qualification, understand also the challenges
10 with old T and, you know, this vessel really is a K-boat in
11 today's standards, so I think come together with my experience
12 over the last 20 years really in, you know, prevention, marine
13 safety, inspections specifically, when it comes to this sort of
14 vessel understanding the layout and structural fire protection,
15 understanding that simplified stability calculations were
16 available.

17 Those were some of the first questions I asked my staff to
18 pull together, so that's kind of culminating. Again, I was very
19 fortunate in my career, I've done a number of responses, I guess
20 unfortunate or fortunate, but that kind of all helped build to
21 where the 7th I was able to pull on a lot of knowledge and other
22 people's experience to know who to call on.

23 Q. So have you had any marine firefighting training like multi-
24 day courses?

25 A. I did a shipboard firefighting course when I was an ensign so

1 and that was a multi-day course but that was, that was for me as
2 an ensign, a student engineer on a cutter. It was, I think, a two
3 or three day course. So, yes, I've had, I've had shipboard
4 firefighting classes but that was only for my utilization onboard
5 a Coast Guard cutter, not for commercial firefighting, no.

6 Q. I understand. How about have you been stationed at the
7 Marine Safety Center?

8 A. I have not.

9 Q. How about have you had experience, based on what you've told
10 us, experience like calling on the Coast Guard Salvage Emergency
11 Response Team?

12 A. Yes.

13 Q. And just in general what would you expect to get in terms of
14 assistance if you picked up the phone and contacted that
15 individual, what would that individual provide for you?

16 A. There's generally a form we fill out. We call them say, hey,
17 we've got a situation, whether it be fire, flooding, grounding,
18 sinking, and they'll send us a form to fill out with as much of
19 the vessel particulars as possible, you know, as we have.

20 So that and then we ask them for, we ask them for the
21 assistance that we're sort of looking for, so whether it's -- you
22 know, does this salvage (indiscernible) and they'll either review
23 a salvage plan or to help us determine the stability of the
24 vessel, so it all depends on kind of the situation.

25 But they have a variety of kind of skills that they can help

1 bring to bear. They're the Naval engineering experts of the Coast
2 Guard.

3 Q. So if one of the watch standers work for you would they have
4 like a quick response sheet or a check sheet to follow for a fire,
5 fire event?

6 A. I don't think we have one specifically broken out for a fire.
7 We have a marine casualty one which includes fire, but I can get
8 back to you on exactly what quick response cards we have. We have
9 one for a mass rescue operation, we have one for a vessel casualty
10 but I'm not sure of one specifically for fire.

11 Q. Could you, could you also check and see if we have one in
12 terms of Sector Virginia has one for salvage, a salvage event?

13 A. Sure.

14 Q. Which drills down into, you know, the specifics which would
15 include, for example, contacting the salvage emergency response
16 team or something like that?

17 A. Sure.

18 Q. So at 11:00 on June 7th were you over at Sector?

19 A. I was.

20 Q. Okay. So what I'm going to ask you to do is take us through
21 and once again you can use your notes, your story day-by-day.
22 We're not going to try to interrupt you. At the end we'll ask
23 clarifying follow-up questions.

24 So, you know, you might want to take a minute just to gather
25 yourself and talk about from the moment you first were -- you

1 first understood --

2 A. Uh-huh.

3 Q. -- that there was a situation aboard the *Spirit of Norfolk*?

4 A. I'm just grabbing my phone for the calendar because it was
5 all a blur.

6 Q. Which was Tuesday the 7th.

7 A. It was, yeah, I wrote it down.

8 Q. Right.

9 A. Tuesday the 7th, yes.

10 Q. Right. We'll take you through subsequent days individually
11 if that will be helpful.

12 A. Let's see, all right. So, let me just get to the calendar
13 because you're right they do kind of move together. Okay. So on
14 Tuesday like you said 11:00 timeframe. So the call came in at
15 12:00 on Tuesday. I was sitting in my office and the Command
16 Center Chief came in and said, the *Spirit of Norfolk* is on fire
17 off the Naval base and there's 108 people onboard.

18 Captain Britton was there as well, so we both got up and
19 walked down to the Command Center, which is just down the hallway
20 from us, so we got the exact location, and the Command Center
21 Chief then gave me the kind of specifics, the reporting, vessel's
22 on fire.

23 We have, you know, these stations are -- you know, she said
24 which stations were en route. She said there are other vessels
25 were en route, you know, tugs. And I said, okay, what's going on

1 with the passengers? So it was like, you know, we all were
2 focused on really getting the passengers off.

3 So at that point I was in the Command Center, I said, you
4 know, it's right off the Naval base, let me call the CO of the
5 Naval station. So I called and I step outside and I called the
6 Base CO, Capt. David Dees and I said, hey, can we bring the
7 passengers to your pier?

8 We were just honestly looking for -- I was -- in my mind, at
9 that moment, I was looking for somewhere safe to bring the
10 passengers. I didn't know how many times we were going to have to
11 shuttle people back and forth to get them off. He said, I'm
12 driving down the pier right now, I see it, my fire chief's with
13 me, yes, bring the passengers here, not a problem. We're opening
14 the barriers right now. So in my mind I was like, oh, thank
15 goodness.

16 At that time we got word, I got word that we have a maritime
17 incident response team in the port and it's led by Bill Burket.
18 He has an assistant, Tracey Freeman, so Bill and Tracey, you know,
19 are like this two man army that kind of coordinate all of our OGAs
20 in the region for all hazardous response.

21 So we said, hey, Bill's coming here to the sector. And we're
22 like, well, that's weird, he normally goes straight to the scene.
23 So we said, okay, we'll wait until three, we'll wait until Bill
24 gets here and then we'll, we'll figure out what's going on next.

25 At that time we went our CWO Dan Butierries straight to the

1 scene, right to the Naval station because we were like, okay,
2 we're either -- the people are going to be brought to the Naval
3 station, we want to start doing accountability. You know, number
4 one was really accountability and personnel safety.

5 I called Capt. Stevens because he was up at Yorktown at that
6 time and I told him explicitly this is not a drill, The *Spirit of*
7 *Norfolk* is on fire and, you know, kind of gave him, you know, the
8 quick, short summary of the actions that we were taking. At that
9 time we decided to close the waterway to all traffic just so we
10 could stabilize the situation because we didn't know how it was
11 going to kind of unfold.

12 So that was about 12:15 when we closed the waterway
13 thereabouts and at around 12:30 I found out that Bill was actually
14 on scene because his -- because Tracey actually came to the
15 Command Center with a radio so we could talk between the scene and
16 the Command Center.

17 Since Tracey was on scene, I was like, well, or since Bill
18 was at the Naval base and they said they were bringing the *Spirit*
19 *of Norfolk* to the Naval base, Capt. Britton and I then went
20 straight, straight to the Navy base. I was on the phone; we were
21 talking about public affairs right away.

22 We called D5 or I called my PAO, the Sector Public Affairs
23 Officer, and had them coordinate with our District Public Affairs
24 Officer. We were told the *Victory Rover* at that point had all the
25 passengers onboard and only two crew were left on the *Spirit of*

1 Norfolk and they were all being taken back to Town Point Park, so
2 we were trying to get our investigators down to Town Point Park,
3 as well as anybody else we could to help with kind of crisis
4 management.

5 We didn't know what sort of shape those kids were going to be
6 in so we were working on getting chaplains down there or really
7 anyone to provide sort of that emotional support post-crisis. So
8 that was kind of en route to the Navy base. I was talking to
9 Captain Stevens as well; he was on his way back from Yorktown and
10 asked me where he should go.

11 I recommended he go to Town -- he went to Town Point Park to
12 talk to the media and also to try to -- we had, we had a vision
13 that it was not -- that the kids were going to be staying around a
14 lot longer, so it could have been kind of a lot more media
15 interest than it was.

16 At that time -- let's see, I got on scene, walked down the
17 pier and there were firetrucks. There was Norfolk Fire and Navy
18 Region Mid-Atlantic Fire and one of the Suburbans was that the
19 back opened and it was like the command post had had a fire plan,
20 I remember taking a picture of the fire plan, oh, en route.

21 So while we're driving as well, I call my team in prevention
22 and I said, how much of this thing can we flood without losing it?
23 I remember distinctly saying; get the simplified stability for
24 that vessel so we know if the fire's in the engine room can we
25 flood the engine room?

1 How many spaces can we flood before we lose the stability of
2 the vessel? So because at that point all they were doing was
3 flooding water onto that boat and I didn't -- I was very concerned
4 we were going to capsize. So I remember calling en route Dr.
5 Javorski (ph.) and CMDR Lawrence to get that. They were working
6 on that so they were pulling the file on that one.

7 I get on scene, again, I see Navy and Norfolk Fire
8 Departments and it was kind of a mess, but like it's sort of like
9 that first arrival on scene, there was trucks lined. They were
10 fairly well organized. You could still pass up and down the
11 middle

12 Met Capt. Dees and Captain Days who are the CO and XO of the
13 base, they were on, they were on the pier. There was smoke
14 billowing out of the *Spirit of Norfolk* and they were putting water
15 onto and into from tugs, so they had at least, I think it was two
16 or three tugs are on the outside of Moran, so these are Moran tugs
17 but they're actually contracted by the Navy.

18 And the Chief Pilot of the Navy was controlling them so Capt.
19 Billy Moore was on scene as well, he's the chief of the Docking
20 Pilots for the Navy and he was kind of directing action of the
21 tugs based on the direction of the Fire Teams, you know, the pier
22 side team.

23 Some point in there I got a call. Pretty early on I got a
24 call back from Mike Lawrence who said, we can fully flood the
25 engine room and maintain stability of the vessel and I was like,

1 great. So I walk over and I told two fire chiefs that because
2 there were two fire chiefs, there was Norfolk and Navy, and I told
3 Bill as well, Burket, because he helps integrate on scene.

4 I said, you can completely flood the engine room and still
5 have stability of the vessel and they're like great. So at that
6 point they were putting water into the ventilation of the engine
7 room and then cooling the side of the vessel.

8 So at that point there was -- they still had the windows on
9 the main deck and the 01 deck, so they were cooling the outside
10 and they were putting water into the engine room from the vent.
11 They also had a ladder truck over to the 01 deck and they had fire
12 fighters crossing over on the ladder truck onto the 01 deck like
13 accessing, accessing.

14 Right around 1400 thereabouts because my notes say 1412
15 Chesapeake Fire Department came on scene, they have our regional
16 supply of firefighting foam and the plan at that point was to
17 access the engine room hatch to dispense the foam.

18 This is where my times are a little bit off, I have some
19 times written down but not 100 percent. So the plan that I was
20 told was they were going to access the hatch on the main deck and
21 drop a line down in and spray foam in the engine room. That was
22 the plan that I was told but at this point I was, I was there,
23 yes, I was a senior Coast Guard member there.

24 We were just kind of making sure that everyone was
25 maintaining like a safe environment. I remember thinking we were

1 really, we were just really happy we got everyone off. I mean, we
2 were actually thrilled we had no lives lost.

3 So right around 1500 so about 1412 foam arrives on scene. It
4 took a while to get rigged and ready. About 1500 though we had
5 kind of a significant -- we started to list to port. Pretty -- it
6 was noticeable.

7 This is where my times are a little bit off. So they made --
8 they went to make entry. The Fire Team went to make entry to drop
9 the line. I was standing right on the pier, right on the stern of
10 the vessel watching, not too far away. I was standing right next
11 to a Fire Chief from Norfolk, right next to Bill Burket and
12 watching the teams go on.

13 We were watching them pass the line over and it took some
14 time. We were watching it and then all of a sudden we heard a
15 boom and the boat violently listed to port and at that point my
16 heart stopped. I thought we were capsizing the boat and losing
17 that Fire Team.

18 I remember reaching over to -- or reaching -- going, jumping
19 down and Chief Brooks was with Norfolk Fire and I remember, I was
20 like, Chief, get those guys out of there right now, because I was,
21 I was extraordinarily worried something had happened that we'd
22 lost the stability of the vessel.

23 We didn't have a dive team on scene. We were actually just -
24 - I mean, it was so scary, I was like where's the closest dive
25 team we can get if we have to get these people out? Chief, so I

1 yelled at Chief Brooks who was -- he's a battalion chief with
2 Norfolk, he walked over and right at the same time he walked over
3 to the other, the Smyrna, and the Navy Fire Chief and the other
4 Norfolk Fire Chief to pull them out, a Mayday came over the radio.

5 And a Mayday is in my understanding, I'm not a firefighter,
6 is when just kind of like in maritime terms they need help. So
7 they had a team stuck and they needed help. They had a medical
8 emergency from one of their firefighters getting out and this was
9 as the, this was as the boat was -- you know, had heeled
10 significantly to port.

11 We got everyone off. The vessel did stabilize but it had a
12 significant heel to port. We got everyone off and we all, we all
13 huddled as leadership. So as Norfolk Fire, Navy Fire, myself and
14 Bill Burket, there were probably four or five fire chiefs, the
15 Base CO, myself and Bill, and Chief Brooks, we all -- he went
16 around, he's like, we're not going back on.

17 He's like and we're not going back on. Is everyone in
18 agreement, is everyone in agreement? We're like, yes, we're not
19 going back on. So at that point it was somewhere -- I don't even
20 know what time it was but it was late afternoon when, when we made
21 the decision not to go back on.

22 Shortly thereafter Donjon, a Naval architect from Donjon
23 arrived on scene and he and I had -- and he was trying to
24 orchestrate a second entry into the vessel. It was, it was a very
25 -- he was, yeah, he was trying to orchestrate a second entry into

1 the vessel. He was like, we can get it, we can get it, we can get
2 it, and I remember telling him or asking him, where are the
3 stability calculations? Show me that this vessel is safe based on
4 the -- you know, the draft marks or any sort of stability
5 calculations we have.

6 I go; we've lost the engine room. We were fairly confident
7 we lost the water tight envelope of the engine room, so I had no
8 idea what was going on with stability. I knew if I -- I knew if
9 we kept the structural integrity of the engine room we could flood
10 the engine room but at that point, no idea what was going on with
11 the structural integrity -- or stability, sorry.

12 So I, at that point, my assumption was because we came out of
13 it that they had not accessed the hatch, they had accessed the
14 engine room door on the galley deck. So that and they couldn't
15 close it when they made entry so now we didn't have any boundary
16 between the engine room and the galley space.

17 So again this, so the Naval architect was on scene from
18 Donjon, he was trying to orchestrate a second entry at that time
19 of the night, explicitly I shut it down. So at 1850 I wrote it
20 down in my notes, I shut down a second entry attempt because there
21 was no plan, there was no stability calculations and I was not
22 confident that we would not lose a firefighter.

23 So at that point the risk of losing a responder was greater
24 than it was worth because at that point we were -- we had saved
25 all the lives and we were fighting a fire, so that there was --

1 the decision was made as a group to cool the vessel out from the
2 exterior until we could figure out how much the water could take
3 or how much water she could take before we could capsize or it's a
4 sink. Because at that point our job was just to keep it afloat.
5 So we didn't want to risk any lives, we wanted to keep it afloat.

6 In the middle there before the -- right before the Mayday I
7 had a conference call with the Chief of Staff from the Navy Region
8 Mid-Atlantic, so Navy Region Mid-Atlantic is basically the boss of
9 Norfolk Naval Station so they're overseen by a two star flag
10 officer.

11 Their chief of staff called, wanted to have a conference call
12 and said, hey, what's the possibility of moving this vessel? And
13 it wasn't confrontational at all, it was very like, here's the
14 situation, here's where we are, we're actively firefighting, we
15 have no control over it.

16 So we said we'd -- we're going to -- our plan is to leave it
17 here and fight the fire here and they agreed. Capt. Stevens
18 signed a decision memo somewhere around this time to actually
19 state we were not moving the vessel so that there was, you know,
20 that we're sort of assuming the risk there.

21 It was just -- the vessel was in no way in no state to move.
22 It was -- and the pier that was actually fairly well, it was an
23 empty pier and the risk was pretty low to the Navy. So that was
24 kind of leading up to the after -- the early evening; again, I
25 shut -- like I don't know how the conversation -- we didn't, I

1 didn't allow the second entry attempt.

2 Again, there was no plan, there was just -- it really was,
3 well, I've seen this 100 times, that's what the Donjon guy told
4 me, I've seen this 100 times, we can do this. And I was like,
5 show me the calculations where it's going to be closed, where it's
6 going to be safe, and he couldn't do it.

7 So at that point we just -- we, we slowed down the response
8 to keep everyone safe. Throughout that evening the fire
9 progressed. We held a, we held a unified command meeting sometime
10 that evening as well. Again the time is a little wonky but it
11 was, it was about 9:00 at night was when we held the unified
12 command meeting.

13 Capt. Stevens pulled everyone in, all the fire chiefs, the CO
14 and XO of the base, the Donjon Reps that were on scene. I think
15 City Cruises had -- I know City Cruises had a representative there
16 as well and said, look, we have to do this together. We have to
17 respond together, we have to stop fighting each other and start
18 working together.

19 So he had a meeting, we were all present and because at that
20 point he's the captain of the port, you know, to really, to get
21 everyone to focus and move and make decisions together. So that
22 was -- it was really, it was good, it was needed because at that
23 point we were all sort of responding at our own agencies and we
24 hadn't really jelled as team so but at that point we kind of said,
25 okay, here we go.

1 So, after -- right around that time of the meeting, right
2 around 2100 that's when the windows blew out on the main deck of
3 the *Spirit*. I remember standing on the pier and it just happened
4 and it was, it was intense, and then the fire just, just, just
5 started blowing straight across the pier.

6 Somewhere in that evening timeframe, afternoon timeframe was
7 we officially requested assistance from MCERT but that was
8 something that my team had was working on. So Mike Lawrence, Matt
9 Meskun and Dr. Javorski were working the MCERT angle for me. I
10 was like, hey, we need to understand where we are for stability.

11 We also requested assistance from the IMAT, Incident
12 Management Assist Team, yeah. There we go thanks. We knew we
13 needed to stand an in IMT, Incident Management Team, and my staff,
14 they could -- they were -- we were going to do it for our staff
15 but knew we needed help on the planning side.

16 And then right around 20 -- no, right around 9, 10:00 at
17 night it was Capt. Stevens, Capt. Britton and I and CMDR Elfguinn,
18 we were all standing on the pier going, okay, how are we managing
19 our team together, so we started figuring out what is the Coast
20 Guard's footprint and response look like to the operation.

21 So we had a lot of other -- we were a week away from our
22 change of command, we were five days away from another major event
23 with Harbor Fest and we were trying to figure out how to manage
24 the team and not burnout three Captains and a Commander. So we
25 had worked on kind of shifts, we talked about dividing and

1 conquering and really worked.

2 So, that night is kind of when we figured out kind of how we
3 were going to do that. It wasn't written down, it was kind of
4 like I was going to be lead on scene at the *Spirit of Norfolk* and
5 then CMDR Elfguinn was going to focus back on the unit and then
6 Capt. Britton was going to kind of play in between to help where
7 she needed.

8 So that evening honestly it was kind of like we left. I left
9 right around 11:30, 12:00 at night and it was, it was on fire. We
10 were in, we were in basically the passive firefighting mode at
11 that point, we were just making sure no one was hurt and were
12 cooling the boundary as much as possible.

13 The Naval engineer was working on calculations to see, you
14 know, the stability, how much she could take before we were kind
15 of, kind of in trouble. So then the next morning I --

16 Q. I'm going to hold you right here, Captain, because --

17 A. That's Day 1.

18 Q. I know.

19 A. Yeah.

20 Q. Yeah. So since there's such granularity of detail and you
21 had such excellent notes, I think I'll open it up to follow-up
22 questions for that day.

23 A. Sure.

24 Q. Because we'll lose track in the -- so this is Keith Fawcett
25 of the Coast Guard, just can you clarify who Captain Britton is?

1 A. Captain Peggy Brittan is now the Deputy Commander at Sector
2 Virginia, she, Monday the 6th was her first day reporting to
3 Sector Virginia as the deputy.

4 Q. Okay.

5 A. So my replacement.

6 Q. So you mentioned in talking that you got word about the MCERT
7 when you first started talking about that, were you aware and had
8 done exercise planning with the MCERT while you were here at
9 Sector Virginia?

10 A. Yes, extensive. They, they're great. So we do three, three
11 main types of training with them. We have a marine firefighting
12 symposium, an annual marine firefighting symposium that we do with
13 them, an annual search and rescue forum and an annual dive
14 conference, so we train and use them every day.

15 Like a search and rescue case goes off today I will likely be
16 using one of our MCERT representatives and the MCERT is an
17 organization, it's an MOU, a Memorandum Of Understanding with over
18 20 different jurisdictions in this region, so different cities,
19 different counties, folks that have resources and basically says
20 that if we're -- if we need help we can call on you as a team.

21 The MCERT itself helps provide funding and resources across
22 the region and they really manage and execute the training
23 operation, so the MCERT, like Bill and Tracey, are the folks that
24 actually coordinate and execute the marine firefighting symposium
25 so that team, like those two gentlemen and their team of admin are

1 the ones that actually execute that but Sector Virginia has always
2 been part of that.

3 Q. So I've heard it described that they have sort of a mobile
4 command post?

5 A. Uh-huh.

6 Q. Do they have any other equipment that they bring to the scene
7 that you're aware of like substantial equipment like could they
8 bring fire palms (ph.) or do they rely on the local fire teams?

9 A. It's a good question. I think, we call it Pac 1, it's the
10 mobile command post, that's their -- that's one of the things we
11 got, we would use from them directly, but most of the other
12 equipment is mutual. Basically, think of it as like a mutual,
13 mutual aid agreement but it's an MOU with different agencies.

14 But they don't, I think, own, that's actually their shtick, I
15 think Bill will tell his shtick is I don't own anything, I just
16 help.

17 Q. So taking you through the day, late in the afternoon, early
18 evening the Donjon-SMIT Rep, Mr. Ken Adgar arrives on the scene.
19 How did he represent himself to you, in other words, if I walked
20 up what would I say to you if I were him?

21 A. He didn't, I had to go up to him.

22 Q. Okay and then what did he say?

23 A. Well, it started off on a fairly confrontational -- I was
24 like what -- I'm like, you know, I introduced myself and I said,
25 what's your plan? He's like, we're going to make access and that

1 -- I was like, well, hold on, let's talk this through and he's
2 like why?

3 It was fairly confrontational and we each pushed it. We
4 pushed each other's buttons a couple times. I know he's
5 experienced and that wasn't, that wasn't the case. I know his
6 intention was to get folks onboard because he thought -- he and he
7 might have been successful fighting that fire.

8 But there wasn't a discussion, there was no conversation, it
9 was like, we're going onboard but I'm, I'm doing this because I've
10 done it 100 times. There was no plan and that was not
11 satisfactory. We were -- we needed a plan, you know, from in my
12 view the Coast Guard's overall responsibility was to ensure the
13 responder safety so, you know, that no matter who's the lead in
14 charge of firefighting, my job is always to keep people safe.

15 So that piece was where we had, like I said, I wrote down the
16 time because I was like, this is going to come up later, so 1850
17 he, I told him, you're not going onboard and then I called Captain
18 Stevens to let him know that's exactly what I did so --

19 Q. So I guess what I'm getting to also is not the character of,
20 you know, the confrontation but did he introduce himself and say
21 I've been retained by the owners of the vessel representing
22 Hornblower and I'm here as a salvage expert to assist you,
23 anything like that?

24 A. I don't recall how the introduction was. He was wearing a
25 Donjon shirt so I -- and it -- I don't think he ever said who he

1 was retained by. I had made an assumption that he was retained by
2 Hornblower, the *Spirit of Norfolk* City Cruises Agency.

3 But he said he was a Naval, he was like, I'm the Naval
4 architect, you know, architect you're been waiting on. I was
5 like, great, great, glad to meet you, we need your expertise but
6 that was kind of it. He did not say he was the lead salvage guy,
7 he never said that.

8 Q. Did he have any drawings, blueprints, documents to support
9 the operations?

10 A. No. We were working; we were all working off the same fire
11 control plan that came off the *Spirit of Norfolk* at that time.

12 Q. So looking at that plan when you expressed there was sort of
13 confusion about what the -- I'll call it the attack team was going
14 to do when they went onboard the vessel and went down to engage
15 the fire initially. When you all did the planning for this, did
16 you have plans that showed significant detail so that you could
17 point to the plan and say, this is the escape hatch, it's a 24
18 inch scuttle, you lift a handle and turn it and lift it and you
19 have access to the overhead in the engine room? I mean, were the,
20 were the plans that detailed?

21 A. So, let's see, I have it.

22 Q. Because we have the vessel schematics general arrangement.

23 A. So I, so I have this. I took a picture of the fire control
24 plan.

25 Q. Okay, let me, let me just for the record --

1 A. You can see it. That's all right, go ahead.

2 Q. Yeah. For the record, the Captain is showing a marked up
3 diagram and the markings were put on it by?

4 A. I don't know.

5 Q. Okay. But anyway they marked the escape hatch to the engine
6 room, and I'll pass that around. Is that okay?

7 A. Yes, please.

8 Q. So they show what appears to be a water tight scuttle or
9 hatch that is --

10 A. Just inside the aft foyer.

11 Q. Right. So now you're, you're huddled around and you're
12 looking at this fire control plans and --

13 A. Well, let me step you back.

14 Q. Okay.

15 A. So I was told that they were -- the Fire Teams were making an
16 entry to do this, I wasn't part of the deliberation because in my
17 mind I wasn't part of the firefighting response process because we
18 were -- it was a vessel fire being fought by a competent shore
19 side SE (ph.) and that and they have leading.

20 The shore side firefighters have lead, we were shore side, so
21 to me I was standing there saying, do you have any maritime
22 questions? I know, I know vessels, I can answer your questions
23 but I was not directing firefighting efforts.

24 From the phone perspective, you know, yes, that's an
25 environmental concern and as FOSE I definitely have, you know,

1 concerns about that but not when your primary concern is trying to
2 stabilize the situation so.

3 UNIDENTIFIED SPEAKER: Locked out.

4 BY MR. FAWCETT:

5 Q. Could you unlock that, Captain?

6 A. Oh, yeah, of course.

7 Q. Thank you. Okay.

8 A. Just 1,2,3,4,5.

9 Q. Yeah, I understand that. So do you know who made the
10 decision to approach the vessel and apply foam through that --
11 apply firewater to make the initial?

12 A. I do not.

13 Q. Okay. And then you mentioned a competent shore side
14 authority directing firefighting operations that based on your
15 experience with this fire, who was that person that was
16 overarchingly involved as the director of operations?

17 A. If you asked me that question at 1300 that day I would have
18 said Norfolk Fire, if you ask me now it's Navy Region.

19 Q. Okay. And then we'll go over the subsequent days and see if
20 there was a shift, but during that initial event you thought it
21 was Norfolk Fire?

22 A. It was confusing, I'm not going to lie, so I walk on, walk on
23 and there was, as you can imagine, firefighters and then from
24 Navy, from Norfolk. You had chiefs, you had -- I mean, you had
25 chiefs and chiefs and chiefs. We had two gentlemen that incident

1 commander vests on, one from Navy, one from Norfolk and neither
2 one in my mind was in charge.

3 So you had two firefighters that had incident commander vests
4 on that were really not the incident commander from that
5 perspective. I was talking to Bill because he's my firefighter
6 translator, as I like to tease him, he was a career firefighter.
7 So I can be like, all right, what, you know, how can I help, I
8 step in, I introduced myself to the fire chiefs and said, let me
9 know what questions you guys have, my team is here to support.

10 I can tell you what you want -- any questions you have about
11 this vessel. I have guys coming that just that were just on it a
12 couple weeks ago. I'm like, they can -- you have the Captain
13 here, what questions? I was trying to facilitate their knowledge
14 but in short to your question, I don't -- like I said, my
15 assumption, but that's Jen Stockwell's assumption was Navy was in
16 charge because Chief Brooks, he was taking charge.

17 UNIDENTIFIED SPEAKER: Chief Brooks is from what part, if I
18 may ask?

19 CAPT. STOCKWELL: Navy, or I'm sorry, Norfolk.

20 UNIDENTIFIED SPEAKER: Okay.

21 BY MR. FAWCETT:

22 Q. And he was the gentleman in the press conference, the initial
23 press conference wearing the white hat?

24 A. Oh, no, no. That was Navy that was Chief Tony -- what was
25 his last name?

1 Q. Yeah, that was a different individual; it wasn't --

2 A. No, Norfolk Fire had their public affairs person in the first
3 press conference. Chief Brooks, yeah, he's a battalion chief.

4 Q. Okay.

5 A. He's the gentleman I went to and said, pull them out.

6 Q. So Captain Meadow was there that could have provided
7 technical assistance with identification of the vessel components
8 and so forth?

9 A. Yeah and we asked him a couple times, yeah. We wanted to
10 make sure we were all talking the same language and we understood.
11 He told us how much fuel was onboard at that time. He's like;
12 I've got 5,300 gallons of diesel onboard. And we knew it had a
13 9,000 capacity. Like we knew. He was very helpful. He was
14 remarkable. He saved lives.

15 Q. So a plan was formulated to approach the engine room and then
16 and it seemed to take longer and then the repercussions of that
17 were the Mayday call and then the explosion and the significant
18 shift of trim, listing to port, correct?

19 A. Correct.

20 Q. Later on you had mentioned there was -- the Navy Chief of
21 Staff called you about shifting the vessel. Is that where the
22 Sector Commander at the time wrote up a document using force
23 majeure as justification to leave it where it was or something
24 similar?

25 A. I actually, I actually never read the memo so he was dealing

1 with that. He's like I'll do a decision memo and worked with
2 district legal, D5 legal on the decision memo. So I just was
3 answering questions to the Navy Region Mid-Atlantic leadership
4 about kind of what was happening, the situation.

5 I think there was a lot of -- you know, it was like the
6 telephone game, right. So they were getting a lot of bad
7 information and I called. We had a conference call, we were
8 connected and he asked me like, I don't know, 12, 15 questions. I
9 answered all of them, he's like, thanks, this is perfect, Jen,
10 because again we know each other, work together.

11 And he's like; I have no concerns, really appreciate. And we
12 really appreciated what the Navy was doing because they assumed
13 the risk by bringing that vessel, allowing that vessel to go
14 straight to the Navy base.

15 Q. So the incident commander, like two incident commanders
16 walking around and what you saw, was that a typical incident
17 response based on your experience or was it -- you had mentioned
18 it was disjointed and there were some issues, would you
19 characterize it that way?

20 A. Yeah. I'll just say the first portion of any response is
21 never clean and clear or perfect and I think that was part of it
22 was everyone was trying to do the right thing and we hadn't quite
23 figured out all the, all the pieces yet. So, yeah, we made -- you
24 know, mistakes were likely -- like occurred.

25 I think everyone again had their best interest in heart, they

1 wanted to save that vessel and fight a fire, it just was not clear
2 that first 12 hours, not even 12, it was the first bit of time was
3 very, very -- I'd say until we made the decision not to make entry
4 again as a team, that was, that was the part where it was --
5 wasn't clear to me.

6 Q. So like my final area on the day, a very complex day was the
7 interaction with both ships or Myra coming up the Elizabeth River.
8 Could you talk about your knowledge of that? I'm only concerned
9 really to the point where it safely passes the scene of the
10 activity. I'm not concerned with the subsequent getting close to
11 the Navy base.

12 A. Gladly.

13 Q. Well, I'm concerned with the casualty but not where it like
14 points up towards the Navy base, just getting by the *Spar Lyra*,
15 getting by the *Spirit of Norfolk* scene.

16 A. Yeah. So I'll give you two perspectives, one was me standing
17 on scene and I have two forms of (indiscernible) come over and tap
18 me on the elbow and he goes, by the way that boat just lost power.
19 As it's coming by he's like -- and I was like, what? And, like,
20 yeah, or he's like, yeah, and they grabbed a buoy and it's
21 dragging the buoy but it has tugs on it.

22 And I was like; you've got to be kidding me. So I was
23 standing on the pier when I -- and I wrote down, it's in my notes,
24 *Spar Lyra*, lost propulsion, Buoy No. 9, so that's actually, you
25 know, wrote this down. I called back the Command Center to make

1 sure they knew and then I called the President, the Vice-President
2 of the Pilots, one of the two.

3 I called the pilots, one of the leadership in the Pilots
4 Association and said what do you know about this? Because there
5 was a pilot onboard that boat. So at that -- my perspective on
6 that pier was making sure that that was -- that marine casualty,
7 my Command Center was aware of and there was an active management
8 involved.

9 I had no idea, at that moment I did not realize that tugs
10 went out and safely corralled that thing so, but, you know, now
11 going back from the other perspective the whole hindsight and I'm
12 able to now complete, put all the pieces together, that vessel
13 departed pier before we closed the waterway down. It departed
14 pier 15 minutes before we closed the waterway down for the *Spirit*
15 *of Norfolk* response.

16 And then it lost power, full power, the winding wouldn't let
17 go on one of the generators and went full black ship, emergency
18 generator came onboard but then it took a bit of -- it took about
19 five to 10 minutes to get power. In that time Navy self-diverted
20 tugs to go catch it and really deflect it away from the Navy base.

21 And while it was doing that it caught a buoy and drug it off
22 station and they anchored it in one of our auxiliary anchorages.
23 Luckily it was a smaller bulker and could fit in one of our aux
24 anchorages right out there. So that was *Spar Lyra*.

25 MR. FAWCETT: Right. All right, well, thank you for that.

1 That's all I have from my perspective. CMDR Roy may have follow-
2 ups about June 7th and we'll go around the room and we'll go to
3 the next day.

4 CAPT. STOCKWELL: Great.

5 BY CMDR ROY:

6 Q. Good afternoon, Captain. All right. I don't know where to
7 start here. Chief Brooks, he was -- you said he was Norfolk Fire
8 and but he wasn't the one wearing the -- Norfolk Fire Chief
9 wearing the incident commander vest, correct?

10 A. He was not, no.

11 Q. Okay.

12 A. I have a picture of the two gentlemen wearing the --

13 MR. FAWCETT: And we'd like to get that too, Captain.

14 CAPT. STOCKWELL: Okay.

15 MR. FAWCETT: Any photos or videos that you have relevant to
16 the casualty.

17 CAPT. STOCKWELL: Sure.

18 BY CMDR ROY:

19 Q. So during the unified command meeting I think it was like
20 2015 or so in the evening, when you said you had a conversation
21 outside of who was doing what. Who from the Coast Guard if anyone
22 was assigned like an ICS position, do you remember that, Captain,
23 at all?

24 A. I don't think we formally designated ICS positions --

25 Q. Okay.

1 A. -- at that time.

2 Q. Do you know when that happened, do you know?

3 A. Day 2.

4 Q. Okay so the next day?

5 A. Yes.

6 Q. Okay.

7 A. That's when we got our team then to really, I'd say formally

8 start the incident command system. We, Captain Stevens sent out a

9 Sitrep that night out to Coast Guard leadership summarizing the

10 day and the future actions.

11 Q. Okay.

12 A. And that's when we requested the IMAT.

13 Q. Okay. So the next day, okay. Do you know what fire, what

14 fire agency made access onboard when they did that entry, you

15 know, what was it Navy or --

16 A. It was a joint team, it was Navy and, and Norfolk.

17 Q. Okay. Do you know who had the lead like what --

18 A. I do not.

19 Q. Okay. Do you know whose decision it was to bring the vessel

20 to the Navy Chair; do you know who made that call?

21 A. I believe it was Captain Dees, the CO of the Naval base.

22 Q. Okay. Do you know how that -- are you familiar with how that

23 happened like what the conversation, you know, like --

24 A. He was on the pier.

25 Q. Okay.

1 A. I think he was also under the impression -- again, he was --
2 he said it was just coincidental. He was driving down the pier to
3 visit another vessel, like another neighboring pier and saw the
4 vessel off Norfolk Naval Station on fire. With his fire -- he was
5 sitting in the car with his fire chief, like complete coincidence.

6 Because they were going to deal with a fire lane issue on
7 another pier and he, he then started directing his team to open
8 the security barrier of the Naval station because at that time no
9 one knew if we had people onboard or not. So his thought was, I'm
10 going to be a good neighbor, I'm not going to stand there and let
11 -- I'm not going to take inaction, if it's -- even if it's at risk
12 to the Navy to let these people die.

13 So he, I know, he directed opening up the Naval barrier and
14 then I'm fairly confident -- like he and I chatted. He's like; I
15 directed them to bring them to Pier 4.

16 Q. Okay.

17 A. Because again at that point by the (indiscernible) we had
18 idea if we had everyone off.

19 Q. Okay.

20 A. And I wasn't on scene yet so he had done that. This was all
21 his actions, this was not requested by us, this was, you know,
22 like it was, you know, Moran, *Victory Rover*, they took lead and
23 they took this initiative on their own, it wasn't anything we were
24 directing. We were -- you know, we were working to assist.

25 Q. You and Captain Stevens had a conversation obviously like,

1 you know, kind of parties of work, who was going to do what, so
2 was it your, was it you were kind of taking the scene lead for
3 Coast Guard, is that third?

4 A. After the first day, yeah.

5 Q. Yeah. So you kind of were the on scene Coast Guard Rep and
6 Captain Stevens kind of stayed --

7 A. Yeah.

8 Q. The big picture stuff?

9 A. This is sort of my career so I understood, you know, I
10 understand marine salvage, I've dealt with salvage before. It was
11 definitely --

12 Q. Sure.

13 A. -- you know something I was stronger at than he was.

14 Q. Do you recall how many captain of port orders you guys issued
15 for that vessel?

16 A. I think just two, the initial one on Day 1 --

17 Q. Okay.

18 A. -- and then the update when we allowed our (indiscernible) to
19 go on us.

20 Q. So one was issued Day 1?

21 A. One was issued Day 1, yeah.

22 Q. Okay.

23 A. Yeah.

24 Q. I'm trying to find that one.

25 A. Oh, I have it.

1 Q. Okay, awesome.

2 A. So it was -- we issued a verbal captain of port order
3 directing activation of the vessel response plan, no further
4 movement as well as the development of a salvage plan.

5 Q. Okay, great, awesome.

6 A. So, yeah, I have that captain of port order.

7 Q. Great. After the unified command meeting was there somebody
8 identified as a lead firefighting agency after that meeting, did
9 it kind of get cleaned up a little bit after that?

10 A. Yes, it was, it was Navy at that point.

11 Q. Okay. So, after that meeting Navy was in charge?

12 A. Yeah, it wasn't during that meeting that we figured that out,
13 it was kind of right -- it was before.

14 Q. Okay.

15 A. And there was kind of a -- it was definitely a conversation
16 that was being had on the, on the pier so that Norfolk and Navy
17 were having that conversation kind of separate from the rest of
18 us.

19 Q. Okay.

20 A. Figuring out, because the question was asked, do we even --
21 does Navy -- Norfolk even need to be there any longer?

22 Q. Okay. So sometime before that meeting where they kind of
23 figured out that Navy took the lead?

24 A. Correct.

25 Q. Okay. Do you know like how long, like was it an hour, two

1 hours?

2 A. It probably was -- it could have been minutes before.

3 Q. Okay. So it was just before?

4 MR. FAWCETT: Which meeting, the unified command meeting?

5 CAPT. STOCKWELL: Yeah, the 9ish, 8.

6 BY CMDR ROY:

7 Q. 2015?

8 A. Sure 2015. Right around that time is where there was -- I
9 know there was conversations with the Chiefs.

10 CMDR ROY: Okay. We're going to do just -- you just want us
11 to focus on the 7th and then we'll go on?

12 MR. FAWCETT: Yes, we'll move on.

13 CMDR ROY: Okay. I'll yield my time.

14 MR. FAWCETT: Mr. Karr.

15 BY MR. KARR:

16 Q. Mike Karr with the NTSB. When, were you privy to any
17 information from the Incident Commander ahead of that first visit
18 to the vessel at about 1500?

19 A. No, I had not talked to the fire department at all. Is that
20 what you're talking about?

21 Q. Yes.

22 A. No, no, I was -- no, we were driving, coming. We knew there
23 was -- we had our Coast Guard member on scene, they had beat me by
24 half an hour to the scene and he was telling us it was an engine
25 room fire but we were fairly confident we knew that already

1 because of the report that came over the radio of the Mayday call.

2 Q. But when it -- so you had not yet arrived when the first --
3 when the team went onboard to open up the hatch to the engine
4 room?

5 A. Oh, I was on, no, I was there. I wasn't -- no, I was there.

6 Q. So my question was, did you -- were you aware, did they brief
7 you to give you a heads up about what their plan was to -- and how
8 they were going to attack the fire?

9 A. Yes.

10 Q. What information did they -- how did they -- what did --
11 please tell me everything they told you?

12 A. It was through Bill Burket and he said they were going to
13 make entry with a foam line into the hatch that was just inside
14 the main deck so they were going to go right in the aft foyer,
15 hook to starboard and the hatch, the engine room, that -- is it
16 Captain Newbaugh (ph.), no, Captain Nadeu.

17 (Whispering)

18 Thank you, Captain Nadeau. Sorry, I just know him as -- he,
19 he actually made sure. He was there pointing to it with the fire
20 chiefs, like this is the hatch, the engine room, where to go.

21 So that was explained to me is they were going to make entry
22 with the team, take a foam line and the plan was to open the hatch
23 and use foam on that hatch. That was the plan that was explained
24 to me from Bill. Then Bill was standing right there when they
25 were talking about it with all the fire chiefs.

1 Q. And then when they went onboard did you observe the team
2 onboard?

3 A. I did.

4 Q. And can you describe what -- you know, well can you describe
5 where you were on the pier and who you were with?

6 A. I was standing on the pier after the vessel, standing right
7 next to Bill. Chief Brooks was standing, I don't know, five, six
8 feet, and the pier is -- had a ledge, a raised ledge and I was
9 standing up on the raised ledge like looking.

10 So there was like, I was standing next to Bill and then Chief
11 Brooks was down. We weren't really talking, I just -- like he and
12 I didn't really have a rapport but it was more of like he was
13 observing in the same area I was with Bill and we were watching
14 and I was standing next to Captain Moore, Billy Moore, who's the
15 pilot for the Moran tugs.

16 We were all standing there watching because he -- his guys
17 were also watching the draft marks. So I'm standing there
18 watching from the stern. They made entry on the 01 deck that's
19 because that's where the ladder is. They have to crawl across a
20 ladder to get over the team, fire teams, and then they walked down
21 to the main deck.

22 And we watched, I watched them walk through that aft door and
23 disappear into the smoke, and then it felt -- it was a long time
24 and we were like, gosh, what is going on, what is going on? And
25 all of a sudden it was the boom. The vessel heeled and then, like

1 I said, then I jumped down and yelled at Chief Brooks, get them
2 all off and the Mayday happened at the same time.

3 And when the Mayday happened they sent -- they were trying to
4 get another team across the ladder to make a rescue but we, again,
5 get them off. We were trying to, you know, they were also
6 thinking about putting people on. So I was watching from the
7 stern all of this happening.

8 Q. And can you, can you describe as you're still there, can you
9 describe, you know, I'm looking for a timeline and information?

10 A. It took too long. We were, we were all, like Bill and I were
11 like, why is it taking so long, why is it taking so long? We
12 didn't know why it was taking so long.

13 Q. So when at any time, can you describe what information, you
14 know how and when you got information about what happened when
15 that team was onboard?

16 A. It was pretty much right after we got the team off we all
17 walked up and we were like, what happened, and then that's when
18 like they made entry through the galley and we're like -- we don't
19 know where the -- I don't know where the disconnect happened.

20 We, you know, like I said, the Chief said you were making,
21 we're going to make entry on the hatch and then a team made entry
22 on the fire, on the door on the galley side to the engine room.
23 So I do not know where the disconnect happened.

24 Q. And when, and when you got that information, again, when you
25 heard that information who was with you?

1 A. I don't remember.

2 Q. And do you remember who, you know, be as descriptive as you
3 can who told you that, reported that to you? A member of the fire
4 team, Bill, one of the chiefs?

5 A. I think we were standing, it was Bill and the fire chiefs and
6 we were standing together. I think we were all at that point
7 standing together and saying, what just happened? So I think it
8 was, it was a couple of us, a bunch of us standing together but I
9 don't remember who told me.

10 But we know -- we knew that -- we knew almost immediately
11 that they -- when they came up like because they had went down the
12 galley stairs. We knew immediately they accessed the wrong space
13 when they came up.

14 So I don't know who told me but I think when the team was
15 coming out again even the egress took forever, it was just the
16 longest like 10 minutes of my life.

17 Q. All right. Thanks for that. And when you visited with the
18 Donjon Representative and you talked about, you know, first
19 meeting him and hearing the plan, was that -- how did he fit into
20 the, to the planning that was going on with the incident
21 commander?

22 A. He was right next to the Navy Fire Chief so he was, he was
23 right next to the Norfolk Fire --, sorry, the Navy Fire Chief and
24 was talking to him about the second entry attempt but was doing it
25 just with Navy in that conversation.

1 There was, it was, like I said, at that point we were not a
2 team. More like it was, we were all over the road so --

3 Q. And as the incident commander, as the incident commander --
4 well, had the incident commander visited with you that Navy Fire
5 Chief?

6 A. No. Actually, yeah, I introduced myself earlier so when I
7 walked on I went up and I introduced myself to all the multiple
8 chiefs that were standing at the tailgate so and told them who I
9 was and who I was representing.

10 Q. And up until you saw the Donjon person you had not heard of
11 any plans from the incident commander for the next visit to the
12 vessel to fight the fire?

13 A. No, because we had made a decision as a team at that point,
14 Navy, Norfolk, Coast Guard, MCERT, not to make entry. At that
15 point we were, we were boundary cooling and not going to make
16 entry, that was, that was agreed upon as that group before I had
17 that confrontation with or discussion with the Donjon Rep.

18 MR. KARR: All right, thank you. No more questions.

19 LCDR EMMONS: Mr. Flaherty, from the NTSB, do you have any
20 questions online?

21 MR. FLAHERTY: Yes, just a few.

22 BY MR. FLAHERTY:

23 Q. Captain, I appreciate you coming in here and going into such
24 detail. What type are you for an incident commander, Type 1 or
25 Type 2?

1 A. I'm a Type 3; I'm not a Type 1 or 2.

2 Q. Okay. As the deputy at the time had Sector met with the
3 different fire chiefs, discussed (indiscernible) firefighting or
4 anything like that?

5 A. As I mentioned, we have a marine firefighting symposium which
6 brings in a lot of the different agencies in the region. The fire
7 chiefs, we had, I think it was -- I'd have to get the date but I
8 think it was two years ago we had a command course, we had a
9 marine firefighting command course, which was really kind of
10 directed towards the captains and the chiefs to kind of talk about
11 how, how to manage a response, not just the tactics but how to
12 manage a fire response.

13 I have met a couple of the fire chiefs before, during our
14 search and rescue forum we actually have a chiefs meeting. We
15 have two days that's dedicated, like two lunchtimes where we bring
16 in the chiefs of police and the chiefs at the fire departments are
17 invited to talk about -- this one's focused on search and rescue
18 but most of our fire departments have marine units.

19 So I've met a fair number of our local fire chiefs, maybe not
20 the head of the fire departments per se, but a number of like the
21 battalion chiefs or even the -- a number of the battalion chiefs
22 at least.

23 Q. Okay. Was this -- refresh me if it was already asked, was
24 this your first time meeting these fire chiefs?

25 A. It was my first time meeting the Navy Fire Chief. I had met

1 Chief Brooks before on another incident, gosh, when I was here in
2 my previous unit, so, gosh, when that was 2012 or 2015, I think it
3 was 2014, '15 timeframe I worked with Chief Brooks on another
4 incident.

5 Q. Okay. And so when you arrived there were how many fire
6 chiefs there?

7 A. I don't know. I mean, there were two, there were two
8 individuals wearing incident commander vests and then there were
9 chiefs. There were at least four or five, six other chiefs, at
10 least four chiefs that were not in incident commander vests.

11 Q. And what fire departments were they representing all these
12 chiefs, do you know?

13 A. Navy and Norfolk Region -- sorry, Norfolk Fire Department and
14 Navy Region Mid-Atlantic.

15 Q. So do you know for the Norfolk side what level alarm did they
16 send it out as like a three alarm, five alarm?

17 A. I don't know.

18 Q. Okay. Did you -- did your unit conduct a hot wash since the
19 incident?

20 A. We've conducted a couple short ones; we have a formal one
21 coming up. We were kind of waiting for this to be more along the
22 road.

23 Q. Okay. And when the guys, the firefighters went onboard to,
24 as you described, to open the hatch on the main deck to put foam
25 into the system or into the engine room, was anyone on the shore

1 side in communication with that fire team as they entered?

2 A. Yes.

3 Q. And were they, were they giving update on doing this and
4 doing that, do you know how often when there were updates?

5 A. I do not, I was not near that nor do I know their process.

6 Q. Okay. So you, by chance you didn't hear that they -- what,
7 you were close to the vessel, you didn't hear what the
8 communication was between the fire department and the firefighters
9 onboard?

10 A. No. I heard the Mayday go out that was it. I heard Mayday,
11 Mayday and then they all started blaring their horns and the
12 firetrucks which is the universal sign that a firefighter is in
13 danger, I guess, so it was -- that gets everyone on the pier's
14 attention that we were in crisis and we have to focus on getting
15 the firefighters out.

16 Q. Okay. And were there any injuries sustained to the
17 firefighters that you're aware of?

18 A. No major ones that I'm aware of.

19 Q. Okay. And so you said it was 10 minutes before they were
20 able to all come up?

21 A. I don't actually know the time. It could have been, it could
22 have been two minutes it could have been a half an hour. I
23 honestly don't know.

24 Q. Okay.

25 A. It just -- it felt like I was holding my breath a long time.

1 Q. Okay, all right. Now with the tugs and stuff, who is in
2 communication with that?

3 A. Captain Billy Moore.

4 Q. So you weren't using your Command Center for that type of
5 communication or were you just using local right to them?

6 A. So which portion, are you talking the firefighting portion or
7 the initial response portion?

8 Q. Well, yeah, let's start with the initial response?

9 A. So the initial response, a call came in from the vessel to
10 our Command Center over 16. The Rosemary McAlister self-diverted,
11 they saw the fire. They didn't actually -- they saw it before and
12 then we did an urgent marine information broadcast immediately
13 upon that report.

14 And then we were communicating with the *Victory Rover*, the
15 *Spirit* and I'm not sure, I think the Rosemary as well on the
16 Command Center; it's all in our command log.

17 Q. Okay. And then when did it switch over to locally on the
18 (indiscernible) here?

19 A. Thereabouts when it became pier side. So when it became pier
20 side Captain Moore then took over the communication and that was
21 just more of directing the firefighting water efforts.

22 MR. FLAHERTY: Okay. All right. Thank you for your time.

23 LCDR EMMONS: Mr. Denley.

24 BY MR. DENLEY:

25 Q. Yes. Hi, Captain, I appreciate the opportunity to ask you

1 some questions about this so thanks. Kind of going back to that
2 afternoon, could you -- maybe, you arrived on scene about 1330 or
3 so is that a fair estimate or --

4 A. Sure.

5 Q. Okay.

6 A. Let's see thereabouts.

7 Q. It doesn't really matter, I guess.

8 A. Yeah, thereabouts.

9 Q. Okay. So can you maybe describe the appearance of the *Spirit*
10 *of Norfolk* kind of between the time that you arrived on scene and
11 when, when the firefighters made entry to, I guess, the first, the
12 one entry attempt to the vessel?

13 A. So when I arrived on scene there was smoke actively coming
14 out of the ventilation, engine ventilation ducts as well as --
15 kind of everywhere. It was kind of like the whole thing was
16 smoldering, everything was in a cloud of, cloud of smoke. So
17 that's kind of right when I got on scene.

18 Q. And then what happened as the afternoon progressed?

19 A. Well, let's see, we had black smoke throughout the duration
20 of that time so like when I got on scene around 1330 up until the
21 entry there was, there was white smoke and black smoke. But then
22 after the entry --

23 Q. Did it decrease from the time that you got on scene at like
24 1330 to when the firefighters made entry?

25 A. I'm not 100 percent. I'm not sure of the timing of when

1 because we used foam and I don't know if we put foam into the
2 vents first or only after the failed attempt so I'm not quite
3 sure. I know when we were putting foam into the vents it had --
4 it died down but I'm not sure of the order, I'm not sure of the
5 order of events.

6 Q. I see. And I guess in general and maybe you don't know, but
7 in general do you feel like the fire was more under control when
8 the firefighters made their, their access than when it first
9 arrived on scene or was it like less under, under control from a
10 firefighting perspective?

11 A. When they made entry we were comfortable meaning it wasn't
12 out of control otherwise we wouldn't -- I don't think we would
13 have had firefighters onboard so --

14 Q. To your knowledge it was contained to the engine space?

15 A. It appeared so but we hadn't -- I don't know if they had
16 scanned the hull at that point.

17 Q. Okay. And the general stability of the vessel at the time
18 that they made entry?

19 A. It appeared stable but again our calculations.

20 Q. Was it listing?

21 A. It was, it was listing to port a little bit. Again, based on
22 the simplified stability (indiscernible) the engine room could
23 flood and we remain stable, so it appeared stable.

24 Q. Okay. And I believe you said you weren't -- so I guess when
25 you arrived on scene who was the incident commander?

1 A. Like as I mentioned my bad assumption at the time was the
2 Norfolk Fire Chief, Chief Brooks, was the incident commander.

3 Q. Okay.

4 A. Because I didn't see the two incident commanders, the two
5 gentlemen in the incident commander vests, actually directing the
6 operations.

7 Q. And I think you also said that there was some confusion about
8 that?

9 A. Yeah, they -- but I'll tell you those two fire chiefs, the
10 two incidents commanders, were standing next to each other.

11 Q. Okay.

12 A. So they were communicating.

13 Q. Yeah.

14 A. It wasn't like they weren't communicating it just -- it was
15 to me not clear, you know, hindsight being 20/20 who was actually
16 in charge.

17 Q. But you knew it was one of those two?

18 A. I assumed it was one of those.

19 Q. Okay.

20 A. So I -- so they had the IC vests on them, they had their
21 chiefs and the chief was in my turf chiefing. He was, he was
22 taking charge so --

23 Q. So you assumed, right or wrong, that one of those two folks
24 was the incident commander?

25 A. Who, which two?

1 Q. The two chiefs that you, Chief Brooks or --

2 A. Oh, yes.

3 Q. The two chiefs that were chiefing?

4 A. Chief, yeah, Chief Brooks was chiefing, yes.

5 Q. Okay. And yet after this, after their teams accessed the
6 vessel and the explosion and the vessel started to list, you
7 ordered them to remove their firefighters?

8 A. I thought Chief Brooks was in charge so again my assumption
9 was that Chief Brooks was in charge so I went to him thinking he
10 was in charge of the fire team and said, get them off. So my
11 assumption --

12 Q. Even though he was the incident commander?

13 A. That was my assumption at the time was he was in charge, so I
14 would go to him since he was directing the firefighting efforts.
15 Again this is what, you know, in the time that was my
16 understanding. Like my assumption was he was in charge.

17 Q. Okay. So can you describe, I guess, the situation with the
18 fire, I think you stated earlier that as soon as the -- presumably
19 the water tight door between the galley and the engine space was
20 opened all the firefighting water, I mean, is that the assumption
21 why the list in the vessel or can you maybe describe why the
22 vessel started to list after that?

23 A. At that moment we didn't know.

24 Q. Okay.

25 A. We didn't know they were making an entry down there.

1 Q. I see.

2 A. So we had no idea what happened.

3 Q. Maybe after, maybe they came off?

4 A. Yeah. So the assumption was that when the door opened that
5 the firefighting water then rushed into that space and then
6 because it already had a port list it just, it just accentuated
7 that list so --

8 Q. And then what happened to the fire at that point?

9 A. It then spread to the galley, actively spread to the galley.

10 Q. And so did you, did you observe an increase in smoke?

11 A. Yes, increase in smoke and fire. Visible fire was seen out
12 of the envelope later that evening.

13 Q. About what time did you see visible fire, outside the
14 envelope?

15 A. Around 2100, 2110. Oh, yeah, 2100.

16 Q. And that's because that's when the unified command meeting
17 was over?

18 A. Yes, I walked outside and I like -- like I said, I was
19 standing on the pier when the windows to the main deck let go.

20 Q. So backing up to the request on the part of Donjon to make a
21 second attempt at firefighting.

22 A. Uh-huh.

23 Q. Did -- was Donjon, were they coordinating with the
24 firefighters?

25 A. With the Navy.

1 Q. With the Navy Fire Chief. So Donjon was coordinating with
2 the Navy Fire Chief?

3 A. Correct.

4 Q. And so the recommendation to make a second access was made by
5 Navy Fire Chief and Donjon?

6 A. No, just Donjon.

7 Q. Do you know whether or not Donjon had the approval or had
8 assent, if you will, from the Navy Fire Chief on the plan to
9 access the vessel the second time?

10 A. I do not know.

11 Q. Okay. But yet and you denied the request?

12 A. Yes, he couldn't tell me that vessel was stable.

13 Q. Okay. And were the incident commander when you denied that
14 request?

15 A. I was part of the unified command at that moment.

16 Q. Had the unified command been established when they made the
17 request for the second attempt?

18 A. Yeah.

19 Q. What time was that?

20 A. I think it was before, like I said, we had that huddle and we
21 made a decision not to make an entry.

22 Q. About, was that kind of like right after the kind of first,
23 first attempt?

24 A. It was after the Mayday call.

25 Q. Okay.

1 A. As soon the Mayday was off we had everyone off, we had
2 everyone accounted for, we huddled and said, we're not going back
3 onboard. So then when this, the Donjon said we're going to make a
4 second entry it wasn't a conversation with that team and again
5 there was no plan.

6 Q. So your feeling was that after the, after the -- so when the,
7 when the first entry occurred the Navy Fire Chief or the Norfolk
8 Fire Chief was the incident commander. And then after that you
9 guys all formed together and you feel like at that point the
10 unified command was formed?

11 A. Yes.

12 Q. Okay. Was it, why?

13 A. We all brought our authorities together at that point so we,
14 at that point the risk to persons onboard was, was -- there was no
15 risk because there was no one onboard. We were, you know, looking
16 at safety of the responders, safety of the waterway, which is
17 Coast Guard authority.

18 You know safety of the facility which is Navy. So at that
19 point we all brought our authorities and that's when the unified
20 command, because again we weren't going to take a risk for
21 firefighters, the risk was too high for no reward.

22 Q. Again I'll go back. So you ordered that the firefighters
23 remove all their teams from the vessel?

24 A. Yeah, yes.

25 Q. And then --

1 A. While the Mayday occurred.

2 Q. When, when Donjon approached with the request for the second
3 entry you denied that request. Did you, did you provide any --
4 did they explain the plan to you, what the plan was?

5 A. No, he did not because I was asking questions like what's the
6 stability of this vessel now? And again we had no stability
7 information.

8 Q. Did you know at that point, do you know about what time that
9 was?

10 A. 1850.

11 Q. Okay. So, approximately 2-1/2 hours after the first attempt?

12 A. Thereabouts.

13 Q. And at that point in time do you know where the fire was on
14 the vessel?

15 A. It was in the -- no, we didn't, because we had no idea
16 exactly what was going on. We knew it was at least in the engine
17 room and probably progressing into the galley.

18 Q. Okay. And did you talk to any of the firefighters about
19 Donjon's plan or request to access the vessel?

20 A. No, because the Donjon person could not -- he was a Naval
21 architect, he could not tell me what was going on with stability
22 of that vessel, the only information we had was you could flood
23 one, the engine room, that's it, and remain stable.

24 Q. So at 1850 do you know who Donjon had on scene with their
25 team?

1 A. No.

2 Q. Did you ask?

3 A. Did I ask? No, I didn't ask specifically who else he had.

4 Q. When was the captain of the port order issued?

5 A. I'm not sure, I was -- that was being worked separately from
6 where -- my actions.

7 Q. Okay. So part of that captain of the port order was to
8 request that City Cruises activate their non-tank vessel response
9 plan?

10 A. Correct.

11 Q. Okay. And is salvage and firefighting part of that non-tank
12 vessel response plan?

13 A. Specifically a captain of port order was to submit a salvage
14 plan.

15 Q. So you made, you made a comment earlier that after the first
16 attempt and you and the fire chiefs and the Navy base commanders
17 huddled. You said it became, you said it became clear who was in
18 charge at that point in time?

19 A. No, after, right around the time of the unified command
20 meeting it became clear to me who was in charge of the
21 firefighting efforts.

22 Q. Oh, I see, okay. Who was in charge of the incident?

23 A. There doesn't have to be one person in charge of an incident,
24 you can have a unified command and you each have to agree on the
25 actions as a team moving forward, that's what the unified command

1 does.

2 Q. Is there a marine firefighting plan or I guess what plans
3 were you using or, I guess, were guiding your actions in this
4 response?

5 A. The MATS rescue plan as well as our marine firefighting plan.

6 Q. So is there a sector marine firefighting plan?

7 A. Yes.

8 Q. Where is that?

9 A. It's in our area contingency plan; it's one of the annexes.

10 Q. Okay. And what is -- do you have, do you have a copy of it?

11 A. Not with me.

12 Q. Okay.

13 A. It's online.

14 Q. Oh is it, okay. And what does it says about who's in charge
15 of marine firefighting?

16 A. The competent, sure sighted individual.

17 Q. Okay. What are the Coast Guards and who was that person, I
18 guess, in this, in this incident?

19 A. The Navy.

20 Q. The Navy. So presumably it would be the Navy Fire Chief on
21 scene?

22 A. Uh-huh.

23 Q. So at the time that the Navy made access to the vessel, the
24 first time when the Fire Teams made access to the vessel the first
25 time, did by policy or by plan at least, marine firefighting plan,

1 the Navy was -- should have been the incident commander?

2 A. By policy, correct, but we're always there as the subject,
3 vessel subject matter expert, if the firefighting team needs
4 assistance and, again, we're talking a commercial vessel versus a
5 Navy vessel.

6 So while they may understand ship work firefighting on Naval
7 vessels we were there to provide intimate knowledge of that vessel
8 from the regulatory side as well as --

9 Q. You also, you also indicated that Captain Nadeau was on scene
10 as well?

11 A. He was, yeah.

12 Q. And he was able to provide knowledge about the vessel?

13 A. Yes, but he had also just -- you know, he had also just gone
14 through a fire, evacuated 106 passengers and gotten off a burning
15 vessel, so I think part of it was -- I had folks that also had
16 done a dry dock and a vessel inspection just weeks prior, so their
17 knowledge was just as good as the Captain's and they hadn't been
18 traumatized through a significant event.

19 So our job, my, you know, the Coast Guard is captain of the
20 port to keep the port safe, you know, officer in charge of marine
21 inspection to, you know, provide that technical expert as well
22 because we are the technical experts.

23 Captain Nadeau has no idea about structurals and, you know,
24 probably simplified stability. He can't know; a licensed master
25 has limited information about simplified stability. They have the

1 booklet, that's about it, you know, so that's where we have to
2 come together as a team.

3 You know, that's where that unified command come in and again
4 the authorities that are brought by the Coast Guard kind of bring
5 it all together.

6 Q. So when you had the first meeting and you, and you discussed
7 and, you know, made the decision that you weren't going to put
8 anybody else onboard, was the responsible party of City Cruises
9 part of that decision?

10 A. I don't recall actually.

11 Q. So then when, when Donjon approached and requested permission
12 to make a second entry and you denied the request, did you convene
13 this unified command again and have, have input from firefighters
14 and from the responsible party and from the Navy?

15 A. I asked him to show me it was safe to go onboard. So, no, I
16 didn't bring everyone back together. I went over and talked to
17 Capt. Stevens who was done, talking about something else, who was
18 the captain of the port, and at that point it was, you need to
19 show me it's safe to go back on that vessel, because we didn't
20 know the stability characteristics.

21 Q. Okay.

22 A. And we were providing our expertise and authority to ensure
23 the safety of those responders.

24 Q. Okay. But you did not confirm, or you did not confirm that
25 with the incident commander who was the Navy Fire Chief?

1 A. The Navy Fire Chief was standing right there when I had that
2 conversation and he goes, okay, you're right. So it was the Navy
3 Fire Chief and Donjon guy, myself, and it was a conversation
4 between the Donjon guy and I but the Navy was standing right
5 there, the fire chief was right there.

6 So it's not like I was cutting him out, I was making sure his
7 team was safe. There was no one to save onboard that vessel.

8 Q. Right. Was the, was the vessel a threat to the port, at this
9 point in time, was it a threat to any Naval waterways at this
10 point, or commercial vessel traffic?

11 A. It was from a pollution perspective perhaps. We didn't know
12 the status of the fuel tanks. We had 5,000 gallons of diesel
13 onboard.

14 Q. And what, and what kind of -- let's just say hypothetically
15 if you were to lose all that, what kind of a spill would it be
16 under the Coast Guard's reporting requirements?

17 A. It would be a minor but the other part is when a vessel sinks
18 you're not quite sure what it's going to do, whether it's going to
19 be capsized and float off, because the last thing we want to do is
20 take another ship down, another tugboat down.

21 So it could have been right there as you're at the, you're at
22 the tow of the main shipping channel, that's the heart of the
23 port, so there was a lot of concern about impacts to the waterway.
24 Again, if that vessel had sank we're not quite sure what had done.
25 There were two mooring lines keeping that vessel on the pier and

1 they were both not adequate.

2 Q. So if the vessel had sunk at the pier or if it had capsized
3 or if it had sunk, you could have been dealing with a more
4 difficult salvage perspective, situation?

5 A. Absolutely.

6 Q. And you could have been dealing with a more difficult
7 pollution situation?

8 A. Absolutely.

9 Q. Did you consider that when you denied Donjon's request at
10 1850 to continue firefighting efforts?

11 A. Our, yes, we said we want to keep the vessel afloat and we
12 knew that burning was an option. Not adding water is an option
13 too but, you know, there was -- priorities were safety of life.

14 MR. DENLEY: Thank you. I don't have any more questions.

15 LCDR EMMONS: Parties in Interest for Captain Nadeau?

16 MR. WARNER: No questions.

17 LCDR EMMONS: Parties in Interest for Bay Diesel?

18 MR. STILLMAN: No questions, thank you, Captain.

19 MR. FAWCETT: All right. So what we're going to do is we're
20 going to take a 10 minute break.

21 CAPT. STOCKWELL: What?

22 MR. FAWCETT: Yeah. And then we're going to move into the
23 subsequent days.

24 UNIDENTIFIED SPEAKER: Hey, Keith, I've just got a couple,
25 couple questions about the 7th, got about like two or three.

1 CAPT. STOCKWELL: Day 1, let's go.

2 UNIDENTIFIED SPEAKER: Day 1.

3 MR. FAWCETT: All right. We'll do that.

4 UNIDENTIFIED SPEAKER: Unless you want to, unless you want to
5 do it after.

6 MR. FAWCETT: No, we'll do that to encapsulate the day and
7 then move on, and then I'll give the same round to anybody else so
8 that we finish the day up.

9 UNIDENTIFIED SPEAKER: I have a couple small ones.

10 MR. FAWCETT: I've two quick ones. I was going to wait so --

11 CAPT. STOCKWELL: He's nicer than you are.

12 UNIDENTIFIED SPEAKER: Sorry about that.

13 BY MR. FAWCETT:

14 Q. So finishing up, in your opinion, the plan where the
15 firefighters that made the first attempt went up a ladder to the
16 01 deck and then descended down through the vessel, could that
17 have thrown them off with relation to a reference point?

18 In other words, if they stepped directly across to the main
19 deck, I mean, is that the way they were briefed, could it have
20 elicited some confusion on their part?

21 A. I don't want to speculate. I don't, I don't know what they
22 were thinking.

23 Q. That's fine. And then my final one is, Captain Moore was
24 directing the operations of the vessels assisting, right, and who
25 was directing him?

1 A. The Navy Firefighters so the firefighting team, they were
2 telling Captain Moore where they wanted the firefighting water
3 directed.

4 MR. FAWCETT: Okay, thank you.

5 BY UNIDENTIFIED SPEAKER:

6 Q. Captain, just a couple small questions. When the Donjon Rep
7 was talking about the entry, did he ever say like who was going to
8 -- did he have a plan like was it going to be Donjon people, was
9 it going to be like Navy firefighters, did he, did he ever say
10 like what team was going to do the reentry?

11 A. No, didn't, we didn't get that far into the plan.

12 Q. Okay, okay.

13 A. Because I asked him how, how we knew the vessel was stable.

14 Q. I thought you said you had an IC, Incident Commander qual,
15 what other ICS quals do you have?

16 A. I'm a Section Chief Type 3, MTSRU Type 3; I think that's it
17 for ICS.

18 MR. FAWCETT: And the MTSRU is Marine Transportation --

19 CAPT. STOCKWELL: Sorry, Maritime Transportation System
20 Recovery Unit.

21 MR. FAWCETT: Very good, thank you.

22 BY UNIDENTIFIED SPEAKER:

23 Q. One of -- the meeting, the 2015 meeting, the night meeting
24 when you guys kind of got together for a first formal meeting, the
25 ICS was discussed and assigning different positions, were all the

1 parties familiar with ICS or were there some problems with setting
2 up the ICS structure, with some people not maybe -- not knowing
3 the ICS structure as well as --

4 A. So not -- the City Cruises Rep was not familiar with ICS, the
5 Navy Region is not familiar with I'd say formal ICS. The Navy
6 leadership wasn't either and Norfolk Fire, they're familiar.

7 Q. So the Navy Mid-Atlantic wasn't, like they weren't?

8 A. I don't know if it was their fire chiefs weren't familiar or
9 it was just their Navy leadership because the Navy leadership and
10 I talked later and he's like, I don't know how you guys do all
11 this ICS stuff so, he's --

12 Q. Okay.

13 A. Yeah.

14 Q. And I just wanted to make sure because I was trying to figure
15 out if it was the Navy leadership or was it the Navy fire?

16 A. I'm not -- so I do think there were two meetings that night
17 and I was in one of them and I'm not sure I was in the other one
18 when they talked through the nitty-gritty of setting up the ICS
19 and who was going to be assigned which positions.

20 I don't think I was in that. I think there were two
21 meetings. I was only in one and that was when Captain Stevens had
22 basically the principles as I'll call it.

23 Q. Okay.

24 A. Like the, you know, incident commanders for each entity there
25 to talk and basically said, we've got to get our stuff together

1 and start coordinating.

2 Q. So who would have been in the other meeting?

3 A. I think it was every -- the same group plus some of our
4 staff, my, the Coast Guard staff as well as other Navy lead folks.
5 We had a conference line, I believe, I'd have to check.

6 Q. You weren't part of; you weren't part of that one?

7 A. No, I stepped out for something else.

8 Q. Do you know who from the Coast Guard was part of them?

9 A. Captain Stevens was there.

10 Q. Okay. So, Captain Stevens?

11 A. Uh-huh.

12 UNIDENTIFIED SPEAKER: Okay. That's all, that's all I have,
13 Captain, thank you.

14 CAPT. STOCKWELL: Thanks.

15 MR. FAWCETT: Mr. Karr?

16 BY MR. KARR:

17 Q. You just mentioned incident commanders, isn't there only one?

18 A. Yes, sorry. So we had the unified command but each
19 representative from each organization within that so it was like,
20 you know, each agency within the unified command has their
21 representatives. That's the unified commanders. I throw that
22 term incident commander, unified commanders around kind of
23 synonymously in this event.

24 Q. And at that meeting, we may have asked this, but at that --
25 when you left that meeting had the incident commander been

1 identified?

2 A. The unified command had been.

3 Q. But what about an incident commander?

4 A. No. You can't have both; you can't have an incident command
5 of a unified command.

6 Q. I thought the unified command supervised the incident and
7 then you have an incident commander who would actually -- all
8 right, so I've seen has not -- I withdraw my question. I will get
9 educated on that. So, well, who leads the firefighting efforts
10 then?

11 A. So it all depends on how you have your organization
12 structured. So, firefighting would then mean their operations so
13 you have unified commanders and then you have an operations or
14 multiple operations section chiefs and if you have firefighting as
15 one of your entities then that's being led by the firefighting and
16 reports to operation. It all depends on how you setup your
17 organization.

18 Q. So when you left that meeting who would have been the person
19 making the firefighting decisions, who's the person that would
20 make decisions like I think this is the best way to fight the
21 fire, I'll go to the unified command and I'll get the approval of
22 unified command?

23 A. So, okay. Are we talking in like --

24 Q. For this incident?

25 A. Oh, for this incident. At that moment we had decided to let

1 it burn and so because it had started like actively engage -- we
2 were starting to actively engage in fire. Around 9:00 is when we
3 saw visible flames on the exterior.

4 Q. So --

5 A. Somewhere around that time we said we were cooling it because
6 we're not losing anybody and that was a decision made together.

7 Do you have a question?

8 Q. Let me think. All right, I'll ask this. So going back to
9 early on when you first got there in the afternoon, when we were
10 talking about incident commanders, two incident commanders in the
11 thing, so unified command, incident command, we're talking about
12 who was running the whole show?

13 A. Uh-huh.

14 Q. All right, no more questions.

15 A. Well, at that point it was an incident, it was a fire
16 incident, so there should have been one person directing and it
17 doesn't matter how many organizations you have because if they had
18 that specific incidence who was -- there should have been one
19 person that was in charge.

20 That was just an incident. But when -- as everyone started
21 arriving it became an event and it transitioned to a unified
22 command.

23 Q. So when there were two people wearing the vests it should
24 have been a unified command at that time?

25 A. Well, the one of them should have taken their vest off.

1 MR. KARR: All right, no more questions.

2 LCDR EMMONS: Questions?

3 UNIDENTIFIED SPEAKER: I do.

4 LCDR EMMONS: Okay.

5 UNIDENTIFIED SPEAKER: Just a couple more.

6 BY UNIDENTIFIED SPEAKER:

7 Q. I know you've been answering questions for a long time and so
8 I really do appreciate it, it's not easy to do. So kind of going
9 back, you said just to be clear, you made the decision after a
10 group of people that were leading their respective organizations
11 made a decision to not access the vessel and to let it burn. When
12 did that decision, when was that decision made and who made it?

13 A. So it was made in that sort of group at that moment when we
14 said we weren't making entry again. We said, we all know that if
15 we're not making entry we'll likely like -- we're letting it burn.
16 So it was like, are you comfortable with that? And they went
17 around and made sure everyone said, yes, we're not making entry
18 and we're comfortable by just doing exterior firefighting.

19 Q. And that was around 15 something-ish or --

20 A. Yeah. Well, yeah, probably later than 1500.

21 Q. And was the -- was Captain Nadeau part of that decision?

22 A. I don't remember who was in that circle.

23 Q. Okay.

24 A. I know it was --

25 Q. So at least the government responding agencies made, made

1 that decision?

2 A. So, I do know there was Norfolk, Navy and myself and the
3 MCERT. I don't know if City Cruises was there or Captain Nadeau
4 or who else was there.

5 Q. So it wasn't really a unified command, at that point, it was
6 mostly the responding government agencies?

7 A. And I consider that the unified command. Yes, City Cruises
8 is part of the unified command but a decision was made to ensure
9 the safety of lives so unified command still can -- whoever has
10 that authority can still -- so you can still -- there's still a
11 trump card out there at all times for unified command. You don't
12 always have to agree.

13 Q. And so just to be clear, when Donjon approached, approached
14 you and had been in conversations with the Navy Fire Chief, who
15 was the incident commander or at least per the Coast Guard plan is
16 the incident commander, is that correct?

17 A. So he never approached me, I approached him.

18 Q. Okay.

19 A. I said, what are you doing? So I said, you know, because
20 there was talk about another entry. I go, what are we talking
21 about?

22 Q. So you started hearing talk of another entry?

23 A. And I also, I also knew he was a Naval architect so I was
24 like, this is the person we've been waiting for to arrive on scene
25 to help us understand what's going to happen to our vessel.

1 Q. And so did you, did you hear or understand what the, what the
2 plan was or what the, what the request was from Donjon?

3 A. I don't recall the plan.

4 Q. Did you tell Donjon that you would not consider a plan unless
5 it was in writing and reviewed by your staff?

6 A. I don't recall if I said that but I did say we need to
7 understand the stability of the vessel. I said we have to have
8 some sort of plan from which to go by.

9 Q. Did it have to be a written plan?

10 A. It doesn't always, no; it doesn't always have to be written.
11 I'm not sure exactly of the verbiage on the captain of the port
12 order because that -- about that time is when the captain of the
13 port order was issued.

14 Q. So, so it's your position that you were not going to allow
15 any firefighting efforts unless those firefighting efforts were
16 submitted to the Coast Guard in the form of a salvage plan?

17 A. It doesn't have to be written but there was no conversation
18 nor was there any -- at that point we had no idea what the safety
19 of that vessel was.

20 Q. I thought you were having a conversation with the Donjon Rep?

21 A. He was; he couldn't tell me the stability of that vessel.

22 Q. So that was sort of a go, no go for you that you wouldn't
23 even hear additional comments about firefighting options or
24 firefighting efforts until there was something submitted to you
25 that would document stability?

1 A. He couldn't articulate why he was comfortable besides I've
2 done this 100 times and it's just don't worry. We just had a
3 Mayday where we almost lost eight firemen. He could not
4 articulate the stability of that vessel.

5 We did not know what was going on down below deck. Again, we
6 lost the structural integrity of the engine room, we have no idea
7 how much water was onboard. It could have, it could have capsized
8 with one individual stepping foot onboard. He could not
9 articulate, you know.

10 Really, at that point, right, the RP's representative could
11 not articulate the stability of the vessel and that was our job is
12 to ensure that anyone who went onboard and that is Step 1. Step 1
13 of response is always responders. So, yes, that was a go, no go
14 decision.

15 Q. And so did the vessel ever capsize?

16 A. No, for a lot of hard work from a lot of people.

17 Q. I found the area contingency plan online and it says that the
18 marine firefighting plan is an annex.

19 A. Uh-huh.

20 Q. Do you know, it doesn't seem to be attached to this, to this
21 particular document. Do you know, do you know where it is and how
22 I would find it?

23 A. Not offhand, no.

24 Q. Okay.

25 A. I found it on the -- I think it's -- you could check the Port

1 of Virginia's website, they might have one but --

2 Q. Yeah, I did. I checked, I checked the MCERT website and the
3 link, it says, marine firefighting plan but the link doesn't work
4 so when you click on the link it doesn't take you anywhere. Do
5 you happen to recall what it says about coordinating between
6 firefighting entities?

7 A. I do not.

8 UNIDENTIFIED SPEAKER: I don't have anything else, thanks.

9 MR. FAWCETT: On the phone.

10 LCDR EMMONS: Does anyone else on the phone have anything,
11 any questions before we break?

12 UNIDENTIFIED SPEAKERS: No questions (Indiscernible).

13 UNIDENTIFIED SPEAKER: Not at this time, thank you.

14 MR. FAWCETT: All right. The time's 3:45 p.m. Eastern.

15 We're going to take a 10 minute break, turn off the recorder and
16 reconvene at 3:55 p.m.

17 (Off the record at 3:45 p.m.)

18 (On the record at 3:55 p.m.)

19 LCDR EMMONS: (Indiscernible) the time is 3:55 p.m. We're
20 going to start (Indiscernible) into the interview.

21 MR. FAWCETT: Okay, thank you, Captain.

22 UNIDENTIFIED SPEAKER: Can I just ask a question?

23 MR. FAWCETT: Uh-huh.

24 UNIDENTIFIED SPEAKER: Were we able to find a copy of the
25 Sector Virginia Marine Firefighting Plan?

1 MR. FAWCETT: Not yet. So we won't have it for this
2 interview. We will get it; it will be made part of the record. I
3 don't know of a way to simply get it and distribute it for
4 everybody and have it part of this active interview right now.
5 But there could possibly be a subsequent interview.

6 UNIDENTIFIED SPEAKER: Could somebody from, could somebody
7 from the sector kind of email it to us or --

8 MR. FAWCETT: Well, we've discussed that.

9 UNIDENTIFIED SPEAKER: It was too big?

10 MR. FAWCETT: I don't think we can get it. I have no idea --

11 UNIDENTIFIED SPEAKER: I see.

12 MR. FAWCETT: -- if it's (a) available, the size of it and
13 then equitable distribution to everybody here.

14 UNIDENTIFIED SPEAKER: Is it at home port?

15 MR. FAWCETT: I have no idea, I'm sorry.

16 UNIDENTIFIED SPEAKER: Because we're all (indiscernible)
17 because of the assigned investigation.

18 MR. FAWCETT: Right.

19 CAPT. STOCKWELL: It may be on (indiscernible).

20 UNIDENTIFIED SPEAKER: It should be on there.

21 UNIDENTIFIED SPEAKER: No.

22 UNIDENTIFIED SPEAKER: It's not?

23 MR. FAWCETT: So before we move into the interview, does
24 anybody have any active constraints on the length of this complete
25 interview today. Do you have anything, Captain?

1 CAPT. STOCKWELL: I do. I have to leave at 5:15.

2 MR. FAWCETT: Okay, we'll keep that in mind and we'll reserve
3 the right to continue the interview at a later time or date.

4 BY MR. FAWCETT:

5 Q. So moving into June 8th, which is Wednesday, if you would;
6 once again, just explain in as much detail as you can your
7 involvement with that day?

8 A. Sure. June 8th I arrived on scene around 0530 and noticed
9 light smoke coming up from the vessel as I approached the pier
10 that day so there was -- I walked down to the end of the pier,
11 talked to the firefighters and the folks I seen. We had Coast
12 Guard remaining. We had a Coast Guard Representative remain
13 throughout the night.

14 And they had mentioned there was one hot spot that they were
15 actively cooling from the -- they were actively cooling from the
16 outside. And then we -- so I got kind of the sense of what was
17 going on and then that morning we had another meeting, it was kind
18 of a situation update, kind of planning.

19 We were not -- we were working into the planning kind of P so
20 we weren't, we weren't in an established, I'd say unified command
21 meeting, that was what we called it, I believe, unified command
22 meeting, we were supposed to set the objectives but really it was
23 kind of a hodgepodge of everything, because we were trying to plan
24 for that day, set objectives and kind of set the team together.

25 So at that time, and that Tim Williamson and -- who was the

1 lead salver, we talked about the plan for the day, kind of the
2 draft marks as well and how much water we believe was onboard at
3 that time. So around 0800 we had a meeting and at that meeting
4 they said we had about 150,000 gallons of water onboard.

5 And they talked about the goal for the day was to start
6 dewatering the vessel and then to work on making entry with, you
7 know entry onto the vessel with the dewatering equipment and then
8 work on continuing to cool and firefight if necessary. But that,
9 that goal of that day was dewatering.

10 We had so much water onboard; we were then now starting to
11 get worried about sinking or capsizing the vessel. So that being,
12 it was our understanding there would be a barge arrive midday and
13 they were getting frack tanks, mobile frack tanks to site in the
14 day.

15 They were, they were going to have two delivered and they
16 were going to have pumps to -- into the engine room hatch and that
17 we had decision -- we talked about having decision points for
18 entry onto the vessel, to have decision points for stability when
19 we wouldn't allow people on anymore, so we wanted to have clear
20 requirements for go, no go, and then we also wanted to have like a
21 rescue crew in case something happened.

22 So that day was spent -- we also had a press conference that
23 day which I was involved with and we received stability
24 calculations from Donjon as well as the Coast Guard MCERT Team
25 where we were able to figure out kind of our, our threshold for,

1 you know, basically what do our calculations say as long as we
2 maintain less than 4-1/2 degrees debris heel, less than three foot
3 trim by the stern and draft less than 11 foot nine inches on the
4 port aft we would maintain stability.

5 So we finally had some hard numbers on the stability of that
6 vessel and what we would need to really work on. And, again, the
7 goal of that day was dewatering. We were really focused on trying
8 to get the water off that boat because we knew that we were
9 putting too much on.

10 Again, we were trying to actively boundary pool but it was
11 still -- water was going onto the vessel because we had lost the
12 windows on the main deck and just cooling the hull it was kind of
13 going into the ventilation trunks as well as kind of going on the
14 main deck.

15 So that day was really focused on getting dewatering setup.
16 We had some formal meetings. Scott Smith showed up that day from
17 Hornblower. We approved the dewatering plan at 1420 and we
18 commenced dewatering at 1600 into the frack tanks. But what
19 happened was we quickly ran out of space in those frack tanks
20 within an hour.

21 So at 1600 we started. They shifted to the second tank.
22 What was happening was the firefighting foam that had gone in the
23 engine room, it was then all -- it basically filled up half of the
24 tank with foam and only half of the tank with water, so we weren't
25 able to use the max volume capacity of the water or the frack

1 tanks and we had to stop pumping at that time.

2 It was -- we had a reflash plan at that point setup, kind of
3 staying. It went to add water; it wanted to stop because, again,
4 we were worried about stability. And we started talking about how
5 to conduct overhaul and access because at that point we had Donjon
6 firefighters were arriving as well.

7 So we had Tim Williamson took over as a lead salver, we had
8 Donjon come with their firefighting team as well to work on, you
9 know, accessing the vessel but that day was really focused on
10 dewatering. We were told a couple different times from Donjon
11 when they -- when a barrage was going to arrive on scene and it
12 kept getting pushed to the right.

13 So we were told at one time it would be 12:00 then it was
14 16:00 and it was midnight and so anyways, that kept getting pushed
15 and it was -- that created and it ended up creating a very crisis
16 situation for us. So the tug arrived -- or sorry, the barge
17 arrived at midnight that night but the tanker men didn't come
18 until 4:00, wasn't able to come until 4:00 in the morning.

19 And per the regulations we're required to do, have a tanker
20 man for a certificated barge. There was not clear direction that
21 first night on the 8th when -- or there was not clear direction
22 given to the teams left because we had a Coast Guard
23 Representative on the team to say, hey, continue to monitor but
24 not sure who was left from Donjon but the vessel continued to take
25 on water.

1 And at early the next morning she was -- she had well
2 exceeded the draft barge on the port, port aft corner and we
3 really were at risk of losing her and Capt. Stevens proceeded to
4 call the Coast Guard member on scene asking to climb over the top
5 into the barge to deal with starting dewatering the vessel.

6 But that was then deep into the night so I'll pause on these.

7 Q. Okay. Thank you. So this is Keith Fawcett. So, Tim
8 Williamson, what's his affiliation, who does he work for?

9 A. He works for the responsible party.

10 Q. Okay. So he --

11 A. He's from Donjon working for the responsible party.

12 Q. All right. And you understood his specialty, you know what
13 he did as the Naval architect?

14 A. No, Tim was the lead salver.

15 Q. Okay. And who was the -- if there was a lead firefighter for
16 Donjon, who would that have been?

17 A. They all fell under Tim. So Tim managed the whole response
18 for like think of it in the operations section, he was kind of
19 like one of the operation folks. Scott Smith was the RP,
20 representative to the unified command. So Tim kind of took orders
21 from unified command.

22 Q. And you mentioned classified, so at what point during -- you
23 know, from the start of the fire until the completion of this day
24 were they doing like hydrometer readings of temperatures on the
25 outside of the hull? I mean, how would they identify hot spots

1 other than blistered pane and --

2 A. The firefighters had a (indiscernible) camera that they were
3 using and they were -- they could tell the temperature inside the
4 hull at certain points. So, like I said, when I got there the
5 first morning there was -- yeah, they said that had one hot spot
6 to the engine pool.

7 Q. And were they -- to your knowledge, were those cameras taking
8 pictures?

9 A. I do not know, I don't think they were.

10 MR. FAWCETT: That's all I have (indiscernible).

11 BY UNIDENTIFIED SPEAKER:

12 Q. Captain, on -- you said before on this day that this was the
13 day, the day was when everybody was setup to kind of the ICS
14 started kind of to get setup?

15 A. Right.

16 Q. Do you remember who like was designated as like a section
17 chief, section chief like the manager roles?

18 A. So planning section was Lieutenant Chase, Justin Chase. He
19 was assisting Lieutenant Julianne West. Operations, on paper, it
20 was Lieutenant Kyle Hope but it was really Tim Williamson, he was
21 the resident expert on the salvage marine firefighting.

22 Kyle, Lieutenant Hope was the environmental side so he was
23 helping us mitigate and deal with the pollution aspect of it.

24 Q. So planning section chief was Chase and West, what was she
25 like, was she like the deputy or --

1 A. The deputy.

2 Q. Okay. Is that as far as the Coast Guard, treat the rest of
3 them like logistics, do you guys have logistics or --

4 A. We didn't have logistics or finance. We had situation, we
5 had a bunch of situation folks --

6 Q. Okay.

7 A. -- that came in and out. We brought in -- I'm not sure if
8 any came that day or the next day --

9 Q. Okay.

10 A. -- came to assist with the planning aspect of it too, so they
11 -- I was there on more of a coaching realm for our team.

12 Q. Okay. And do you know what the quals were of your -- of
13 those numbers, did they have the qual, are they written in or do
14 you know?

15 A. I think they were. I'll have to confirm, I'll have to
16 confirm.

17 Q. And the (indiscernible) also called, correct?

18 A. Yes. I don't know which day they were called. So Commander
19 Elfguinn was coordinating to be IMAT and the Strike Team
20 assistance and it was Wednesday that we decided we need the Strike
21 Team.

22 Q. Okay. So what was Commander Elfguinn's, what's her role,
23 responsibility for the --

24 A. She really didn't have one on the structure, she just was
25 someone that I reached out to to kind of get the stuff done, like,

1 hey, we need help, so she would actually go and execute. So she
2 made the calls to the IMAT, she made the calls to the Strike Team
3 to coordinate and help work the people side of it to make sure we
4 had folks there to staff the organization.

5 Q. Okay. So she was -- you said, I think, earlier you said she
6 was focused on some other (indiscernible)?

7 A. She was, she was going to be the incident commander for
8 Harbor Fest --

9 Q. Okay.

10 A. -- and we needed her kind of reserved. We needed for -- she
11 was also chief of response and we needed her to continue to kind
12 of manage the home fires.

13 Q. Okay. All right. But you just reached back; she kind of
14 needed some coordination or whatever?

15 A. Correct.

16 Q. She could do some behind the scene stuff?

17 A. Yeah.

18 UNIDENTIFIED SPEAKER: Okay. That's all I have.

19 MR. FAWCETT: Mr. Karr.

20 BY MR. KARR:

21 Q. Mike Karr with the NTSB, on June 8th Tim Williamson and was -
22 - you mentioned Tim Williamson is leading the firefighting effort.
23 Who were the firefighters, what organizations did they come from
24 that day?

25 A. I remember the T-shirts, I don't remember who -- the names.

1 I know --

2 Q. Not the names but from what fire departments were they from?

3 A. So we still had Norfolk and Navy on scene. Navy was, was
4 definitely in lead of that so but Donjon was bringing in some of
5 their own firefighters, which was a separate -- I think, it was a
6 separate entity, they had different T-shirts.

7 They weren't Donjon firefighters; it was a separate team of
8 firefighters that came in for Donjon's purposes.

9 MR. KARR: All right, thanks. That's all I have.

10 LCDR EMMONS: Mr. Flaherty with the NTSB.

11 MR. FAWCETT: Had to leave the interview.

12 LCDR EMMONS: Okay, thank you.

13 MR. FLAHERTY: Okay, I do have a couple questions.

14 BY MR. FLAHERTY:

15 Q. Just kind of going back to, I guess, 1850 on the 7th, your
16 decision was to deny Donjon's request for a second firefighting
17 attempt. At that, at that point in time the vessel was moored,
18 correct?

19 A. Correct.

20 Q. The vessel was afloat?

21 A. Correct.

22 Q. There were 5,000 gallons of fuel oil onboard so a potential -
23 -

24 A. Estimated.

25 Q. -- a potential for a minor spill? It was outside the

1 navigable channel and, you know, affixed to the pier, I guess, at
2 that point. Was the unified command necessary at that, at that
3 point in your, in your experience?

4 A. Yes.

5 Q. Okay. And was that because of the potential for a minor
6 whole spill?

7 A. That was because of the continued fire onboard and the lack
8 of control that, you know, you don't know what's going to happen
9 next. There's a lot of uncertainty.

10 Q. Okay.

11 A. Unified command helps the planning, it helps you be more
12 deliberate so you're not being reactionary, that you're planning
13 for it, you plan your actions.

14 Q. So it helped with the firefighting efforts over the night?

15 A. I'm sorry, the --

16 Q. So you felt unified command helped the firefighting efforts
17 overnight?

18 A. It was clear when the firefighting efforts were
19 (indiscernible) involved, yes.

20 Q. Which was to --

21 A. Boundary pool.

22 Q. Just boundary pool, okay.

23 A. So everyone was on the same page.

24 Q. So I believe you said you have the unified command meeting,
25 you exited the unified command meeting. At that point the windows

1 break on the main deck, correct, and you see flames coming out the
2 windows of the, of the main deck, so by 2100 the fire had
3 progressed from the engine room due to the efforts of the Norfolk
4 -- due to the efforts of the firefighters, it spread into the
5 galley and then by 2100, once the unified command was setup it had
6 progressed to the main deck, correct?

7 A. You're speculating that the fire wouldn't have progressed
8 without that action.

9 Q. I'm just saying what happened.

10 A. Well, you're speculating as well, you said from the actions
11 of, so what --

12 Q. Fair, okay, fair. So it had, it had progressed -- no, no,
13 that's fair, but it had progressed from the, it had progressed
14 from the engine space to -- well, so before the firefighters made
15 their first access, was it your understanding that the fire was
16 contained in the engine, engine room?

17 A. Our assumption was that it was in the engine space but we
18 also knew it had been on fire for three plus hours, four plus
19 hours and we didn't know how much longer that that structural fire
20 protection could withstand that sort of intensity. So we -- yes,
21 it was our assumption at that point that it was within the engine
22 space.

23 But we also had cabling, hydraulic lines, other lines that
24 had -- that penetrated the bulkheads.

25 Q. Do you know if the firefighters reported seeing fire outside

1 of the engine room when they went onboard?

2 A. I do not recall.

3 Q. Okay. At some point and your comment's fair, at some point
4 it spread to the galley area?

5 A. Correct.

6 Q. And then by 2100 it had progressed from below deck onto the
7 main deck?

8 A. Correct.

9 Q. And so what happened overnight?

10 A. At 5:30 when I came back onboard there was light smoke and
11 one hot spot, then three hours later it reignited.

12 Q. So what happened overnight to the vessel?

13 A. It continued to take on water. The drafts continued to
14 increase.

15 Q. And what happened, what happened with the fire overnight?

16 A. It settled down.

17 Q. Did the fire, did the fire progress throughout the vessel?

18 A. It was fully engulfed when I left basically.

19 Q. Okay. So by the time you departed on the 7th the entire
20 interior of the vessel was fully engulfed in flames?

21 A. I'm not sure if it had made it to the 01 deck, I think so
22 because all the windows had, had, you know, gone --

23 Q. Okay.

24 A. -- at that point.

25 Q. Okay. So by the, by the time you had --

1 A. Morning of the 8th it was there were no windows left and we
2 were --

3 Q. It was essentially burned out?

4 A. -- we were fighting the hot spots but it reignited. It
5 continued to reignite --

6 Q. Right.

7 A. -- over the next three days.

8 Q. Okay.

9 A. But again the fire -- I also want to say, you don't know what
10 would have happened if the firefighters had been injured.

11 Q. Right.

12 A. So to be clear, they could have.

13 Q. So when the unified command was established, essentially, the
14 actions were let the vessel burn and provide cooling and
15 firefighting water throughout the night?

16 A. Correct.

17 Q. And so firefighting water was applied throughout, throughout
18 the night?

19 A. Just exterior. We wanted to minimize water interior to
20 minimize -- to ensure stability.

21 Q. But with all the windows and everything being blown out it
22 was --

23 A. It was a challenge.

24 Q. Yeah.

25 A. It would continue to gain.

1 Q. Correct. So, so throughout the night the firefighting
2 efforts resulted in the vessel taking on residual water throughout
3 the evening. And I guess, the question I have is, I mean, one of
4 the reasons why presumably we're all here and the investigation is
5 being the vessel was lost.

6 So I guess from your perspective the vessel's there, it's
7 tied up, it's moored, all of the passengers were off, there were
8 no search and rescue considerations. There was, there was a risk
9 of a minor pollution event. When was the vessel lost?

10 A. The 1982 vessel?

11 Q. She was built in 1992. I'm just wondering from the Coast
12 Guard's perspective when did the loss occur?

13 A. Loss isn't my call. Loss is your call. So our, our
14 intention was to assist in the response and that includes putting
15 out a fire. Vessels should not be on fire.

16 Q. So you don't have an opinion about when the loss occurred?

17 A. No, because that's not my call, no.

18 Q. Okay.

19 A. If you want to rebuild her we'll inspect her.

20 Q. Why, why did the Coast Guard, I guess, what were the concerns
21 with dewatering without a tanker?

22 A. Over the top transfers are dangerous. They, you know, we
23 didn't know what we were going to get to. The over the top
24 transfers have led to other things, like other fires and
25 explosions.

1 If you're using a barge that you don't own there's also a
2 liability behind it too. We don't know, like over the top
3 transfers are not something that we're, we're doing. When you
4 have, when you have a certificated vessel and you have known oil
5 you're putting into it, you have, you have a tanker, for the
6 safety of everybody.

7 Q. In terms of vessel, you know, responding to vessels that are
8 taking on water, but what are the priorities if you're trying to
9 keep the vessel from sinking? I mean, is there, is there a
10 balance that you weigh, discharging, you know, water from --
11 regardless of how the water gets in the vessel, is there a balance
12 that you weigh in terms of, you know, pumping water directly over
13 the side, pumping water over the top?

14 Can we maybe talk about the thought process of unified
15 command given the stability concerns of the vessel?

16 A. I was really wondering what question you're asking because is
17 it specific to this situation of why we waited on tanker men?

18 Q. You said that there was a concern before the tanker men got
19 there that there was --

20 A. No, we were waiting for the tanker man to get there.

21 Q. Okay, okay.

22 A. The concern was, yes, before, it was on the morning of the
23 9th she had taken on so much water we needed to start pumping over
24 the top because it was, it was -- we were -- the team was
25 concerned we were going to lose the vessel.

1 Q. All right.

2 A. That evening we had, we had no indications that we needed to
3 pump sooner.

4 MR. FLAHERTY: Okay. Thank you, I understand. I was
5 confused about the timeline, thank you. I don't have any other
6 questions.

7 LCDR EMMONS: PII for Captain Nadeau, do you have any
8 questions for this day?

9 MR. WARNER: No questions. You did a good job.

10 LCDR EMMONS: PII for Bay Diesel, any questions?

11 MR. STILLMAN: No questions, thank you, Captain.

12 BY MR. FAWCETT:

13 Q. So just one quick question for the benefit of the public,
14 could you explain what a frack tank is?

15 A. Oh, good grief.

16 Q. Just in the simplest terms.

17 A. It's a mobile storage tank, it looks like a big container
18 that you can pump in and out of for storage of liquids so it's,
19 yeah, a mobile, a mobile tank. There's no wheels. You can't
20 actually move it once it's mobile.

21 Q. All right. Is it sometimes a rubber bladder kind of big?

22 A. Maybe, that's a good question. I've seen bloating
23 (indiscernible), bloating water.

24 Q. So the plan was to discharge from the, from the vessel into
25 these tanks that would be mounted on a barge?

1 A. The tanks were on the pier, sorry.

2 Q. Okay.

3 A. So we had two tanks on the pier, the frack tanks, the storage
4 tanks. They were, they were there because we were waiting on the
5 barge so we wanted to get -- the thought was you get some of the
6 water out to improve visibility and then that would give us more
7 time until the barge arrived to then pump that, the water into the
8 barge.

9 The barge was more than adequate to handle what was onboard
10 that vessel --

11 Q. Okay.

12 A. -- and then some.

13 Q. And then the initial difficulty was injecting the foam and
14 the water or taking away the capacity of the --

15 A. Correct.

16 Q. -- shore side frack tanks?

17 A. Correct.

18 Q. So shifting to the June 9th, could you begin the story when
19 you arrived or got involved?

20 A. Sorry, I called right around 0330 in the morning and said we
21 had one of our senior marine inspectors onboard or on scene. We
22 had made a decision Tuesday or Wednesday, I'm not quite sure, of
23 on scene -- the evening on scene person needed to be a senior
24 marine inspector that understands vessels and vessel stabilities
25 and also can make decisions.

1 They were acting as the Coast Guard's kind of authority on
2 scene for operations and whatnot. He had called Captain Stevens
3 direct and said though it were the vessel is awash on port stern
4 and was requesting to dewater and pump straight into the tank
5 barge over the top because the tanker man was not there yet.

6 And right around -- so then it was that we were all like,
7 yes, just you've got, you've got to save it at this point. So,
8 again, when you look at the decision between -- there were no
9 indications leading up to that point, we didn't have time to get
10 the tanker man on scene to begin the transfer.

11 That 3:30 in the morning over the top transfer commenced and
12 then I asked the Tank Commander, Michael Lawrence, to go to the
13 scene because I had only been asleep for like three hours. So I
14 said, I need you to get out there and I very much trusted Chief
15 Warrant Officer Wood and, so like I said, he's a W-4 senior marine
16 inspector.

17 He's the person we want out there that's going to help the
18 operations side, attack like the actual -- making sure the pumps
19 are working (indiscernible). And Mike is actually a Naval
20 engineer. He's a Lieutenant Commander in the Coast Guard, he
21 worked at the Marine Safety Center, he was on MCERT. He's the
22 right person to have down there, a Lieutenant to oversee the
23 transfer and stability.

24 Let's see, around 0600 in the morning the situation started
25 to improve. We had -- there were multiple problems with the pumps

1 though so it was -- we continued to fight a problem throughout the
2 responses. We were just always -- we were always, it seemed like
3 late. Like we couldn't -- the barge didn't arrive on time. We
4 didn't get the person, person, you know, being the person in
5 charge didn't arrive in time.

6 The pumps that were on scene didn't even work. There wasn't
7 even enough hoses at one point for some of the pumps to actually
8 work, it was like we were always fighting logistics. So 3:30 we
9 said, yeah, commence over the top transfer.

10 It was, they set it for two hours, they were just fighting on
11 scene to get everything to hook up and work correctly. We called
12 the Navy at that point too. Navy was on scene as well. The Navy
13 CO and XO and they brought their damage control teams in to see if
14 they could provide some assistance to drop some pumps in as well
15 to try to get the water out, because we didn't have enough, we
16 didn't have enough, you know, removal of gallons per minute at
17 that moment to pump capacity that we felt like we were making
18 ground.

19 By 0600 though that's it, I arrived a little bit after that
20 situation was improved and we had gained free board on the vessel
21 and the vessel was no longer awash. So that was the morning. And
22 we worked to correct the list throughout that day, throughout
23 Thursday.

24 That day we also talked about overhaul. It was overhaul of
25 like (indiscernible) and at that point we had -- the Strike Team

1 arrived mid period that day. We had three members from the Strike
2 Team arrive and they were a really great asset, at least I think
3 so, to the response.

4 They pointed out some safety concerns. At that point the
5 Donjon Team had been going onboard without respirators or SEDAs
6 and we had a marine chemist come in to start looking at, you know,
7 PBE requirements and what entry requirements should be articulated
8 in the requirement act.

9 We required a sight safety plan at that, at that moment or
10 that day as well. But again throughout that day we were
11 continuing to gain three (indiscernible) stabilities, so we
12 started working on the act, what does active, what does active
13 overhaul look like, what does entry onto the vessel for
14 firefighting purposes look like for safety, where do they go, no
15 go decisions.

16 When are the rapid response team requirements because you
17 can't just go in with a team, you need to have a response team in
18 case something happens. And then we could then -- we had another
19 -- I think we had another media event that day as well, so there
20 was a lot of coordination throughout that day to work through the
21 next kind of part of the plan.

22 Like I said, the Strike Team arrived, they came on the scene
23 and they started assessing the situation and providing some like
24 media sight safety plan. And they addressed the safety of the
25 responders ever going onboard and again they also helped me really

1 refine the requirements for what are we going to look at for the
2 next step, and the next step we knew was overhauling and
3 eventually tow.

4 So really talking, talking through with ERP and I'm talking
5 like Scott Smith as well as Tim Williamson, what are the
6 requirements going to be to tow the vessel? Because we knew it
7 was going to be towed off the facility, how to tow that safely.
8 So that, that whole day was sort of a dewatering, planning for the
9 next phase.

10 And then what we had learned from the previous night was we
11 needed to, we needed the right standing words, night orders,
12 because the previous night we had left guidelines that were not
13 well articulated from person-to-person as they shifted out. And
14 it wasn't clear to everyone on scene what the, what the thresholds
15 we're reporting were.

16 So that night, that day we created night orders and they were
17 signed by three or four of us so, and I have copies of those and I
18 can provide them.

19 Q. (Indiscernible).

20 A. What's that?

21 Q. Do you mind (indiscernible)?

22 A. They're only two days like Thursday night, Friday night and
23 then Saturday we were in like (indiscernible) so -- the night
24 orders were basically very clear to everyone what the job was
25 overnight and then when any concern would be raised.

1 If the vessel gets above these draft marks then you shall
2 call these people immediately. The night before is we call them,
3 then if we were calling the Donjon Team about the stability
4 concerns not the Donjon Team on scene.

5 So it was -- there was, like I said, it wasn't clear that
6 from Wednesday night to Thursday morning but again on Thursday we
7 really focused on dewatering and then it all -- really development
8 of the tow plan and sight safety.

9 Q. Okay. Is that the end of the day?

10 A. I think so.

11 Q. All right.

12 A. On my notes, yes.

13 Q. Follow-up, so who arranged for the barge and the equipment
14 used to dewater --

15 A. The responsible party.

16 Q. And did some of the problems that occurred with the pumps,
17 was that due to like suction strainers being clogged or do you
18 have any idea of --

19 A. Not that I'm aware -- so not that I'm aware of. What we were
20 told was that things just -- there wasn't enough -- a lot of times
21 there wasn't enough hose to connect (indiscernible) to where it
22 had to be or the pump didn't work. So it wasn't that it was
23 clogged and we talked about that too, it was that they put people
24 in networking.

25 Q. And the Navy Damage Control Team, did they, did they use

1 typical, small portable pumps like you'd find on shipboard or did
2 they have something else?

3 A. They had big ones.

4 Q. Oh, they did. More elaborate?

5 A. A pump's a pump but.

6 Q. Well, no, I mean, there are truck mounted on axels that you
7 tow around, very large commercial pumps, then there are hand.

8 A. Right.

9 Q. So they had large ones?

10 A. So I'm not sure what the Navy had and what was everything
11 else because it was kind of a mess of pumps at one point on the
12 pier. Donjon had a trailer mounted pump. I don't -- that was
13 never actually used. They had a whole bunch of portable ones.

14 Q. And could you estimate the size of the number of personnel
15 just approximately that were involved with the Donjon on scene
16 with the different operations? You mentioned, was it a half dozen
17 people, a dozen people, more?

18 A. At least a dozen. It grew, yeah. We had the Firefighting
19 Team, were at least six then you had -- you know, we had to have
20 (indiscernible) as well. They had -- they brought in another
21 salver, they brought in a second salver either Wednesday night or
22 Thursday. It must have been Thursday.

23 So they had -- they brought in another salvage master to
24 oversee the overnight, especially for the active overhaul so they
25 could do it 24/7, they brought in more people. So there was

1 probably over a dozen but I'm not sure how many.

2 MR. FAWCETT: Thank you (indiscernible)?

3 UNIDENTIFIED SPEAKER: Yeah.

4 BY UNIDENTIFIED SPEAKER:

5 Q. Do you know if the Donjon Firefighters, did they engage in
6 any firefighting, do you know, contractors, the contract ones or
7 whatever they were that were working for Donjon?

8 A. So they were actively overhauling so they would hit those hot
9 spots but if we're talking like fully engulfed spaces, I'm not
10 sure. No, those were flooded and they kind of put everything out.
11 It was active (indiscernible).

12 Q. You know, as far as, you know, representing the FOSC
13 Authority, do you guys have some concerns about some
14 environmentally sensitive areas that were near the scene there, if
15 you have a scope?

16 A. So we engaged with (indiscernible) Scientifics for
17 coordinator early on to look at it, you know, an endangered,
18 threatened species and any environmentally sensitive areas and we
19 were in a good spot where we -- it was if you wanted to minimize
20 the impact to the environment, we had no threat or endangered that
21 were right there.

22 So we boomed when it was deemed safe for firefighting
23 concerns because it wasn't -- while it was a priority, it wasn't
24 the highest priority. So we had (indiscernible) on scene
25 throughout the event and we boomed. I think it was on Thursday

1 when I -- I'd have to confirm.

2 Q. Do you know what (indiscernible) it was?

3 A. Lane (ph.) Harbors, Lane Harbors.

4 (Crosstalk)

5 CAPT. STOCKWELL: -- Response Organization.

6 BY UNIDENTIFIED SPEAKER:

7 Q. Who developed the sight stable plan, do you know?

8 A. The responsible party.

9 Q. Okay. Do you know who or like what entity did that?

10 A. Donjon, they brought a gentleman in to do it.

11 UNIDENTIFIED SPEAKER: That's all I have.

12 LCDR EMMONS: Mr. Karr.

13 BY MR. KARR:

14 Q. Mike Karr with the NTSB. Was there -- was a unified
15 commander ever appointed or assigned?

16 A. It's multiple people so each organization has a unified
17 commander and then there's -- so then the whole organization is a
18 unified command. So the Coast Guard -- I was, you know, Captain
19 Stevens and I were the unified commanders for the Coast Guard and
20 then for, for Hornblower it was Scott Smith, he was, he was it.

21 So then we go to the Navy had Captain Dees, who's the Navy
22 CEO so those were like the unified command, commanders of the
23 unified command. There's no one king, it is the challenging part
24 about unified command.

25 MR. KARR: Thank you for that. No more questions.

1 LCDR EMMONS: Mr. Denley?

2 BY MR. DENLEY:

3 Q. Yeah. I was able to find something online called the Hampton
4 Roads Maritime Firefighting Contingency Plan. Do you happen to
5 know, it still references like the old USO group structure, do you
6 know if that is the actual -- is that the current plan or do you
7 know if it's been -- I know it's an appendix to kind of the area
8 contingency plan?

9 A. I'll have to confirm.

10 Q. Okay.

11 A. I believe we've updated it recently.

12 MR. DENLEY: Oh, okay. All right. I don't have any
13 questions.

14 LCDR EMMONS: PII for Captain Nadeau online?

15 MR. WARNER: No questions.

16 LCDE EMMONS: PII for Bay Diesel?

17 MR. STILLMAN: No questions, thank you.

18 LCDR EMMONS: (Indiscernible).

19 BY UNIDENTIFIED SPEAKER:

20 Q. Okay. Captain, even though we have a unified command, when
21 the Coast Guards were in their federal on scene coordinator hat,
22 is there a time when they can kind of have a 51 percent vote --

23 A. Yes.

24 Q. -- as far as -- so they can overrule when it comes to
25 pollution potential and pollution?

1 A. Right. Per the regulations, it goes -- the federal on scene
2 coordinator can take over.

3 BY UNIDENTIFIED SPEAKER:

4 Q. I do have a follow-up. So is that, I mean, do you feel like
5 that's what happened in this, in this case?

6 A. What happened?

7 Q. That the Coast Guards FOSC responsibilities trumped the on
8 scene firefighting efforts or on scene firefighting commanders
9 that were in unified command?

10 A. On Day 1?

11 Q. Yes, on Day 1?

12 A. That was a safety and life position, it wasn't a true -- FOSC
13 (ph.) authority (indiscernible), that was a safety of responder's
14 decision.

15 Q. Okay. So your efforts on sort of Day 1, the 7th, were to
16 protect the lives of firefighters?

17 A. Correct.

18 BY UNIDENTIFIED SPEAKER:

19 Q. Moving on, Captain, to June 10th, Friday.

20 A. Yes. So, Friday the 10th. I again went on scene. We had a
21 unified command meeting (indiscernible) so they had done recon at
22 07 (indiscernible) that day so it was the responsible party teams;
23 the Donjon Team did recon of the vessel around 0600.

24 They had -- the fire broke out at 0700 and they got the --
25 and then the fire, the fire team on pier at 550. So they were --

1 continued to, I'd say battle the fire and we thought we were in a
2 good spot and we were just dealing with embers and then a reflash
3 again.

4 We had one area on the vessel that continued to cause us
5 problems in the galley. We then got a better assessment,
6 basically of the vessel at that time, so Friday we learned a lot
7 more information about, about what had happened.

8 They were able to kind of see what was going down into the,
9 the engine room, so we knew the starboard fuel tank had been
10 destroyed. We weren't quite sure of the status of the port fuel
11 tank yet so that was one of the goals on that day was to determine
12 the status of the port fuel tank.

13 We were -- we had transferred 225,000 gallons of water into
14 the tank barge at that time and they were working, we were
15 requiring or talking -- as part of the overhaul we needed it to be
16 very systematic and the galley space, they said, was just a
17 disaster, I mean, just a mess because it was all of the galley
18 equipment had been just turned upside down and flooded.

19 So it was really hard for the fire teams to access but that
20 was the area where the fire was emanating from, so we were -- we
21 needed to be very deliberate and ensure that when we did the
22 overhaul then when we said fire's out, fire was out, because that
23 was the last thing we wanted.

24 We kept having these reflashes that you thought it was out
25 then a couple hours later we would -- we'd see a reflash. So

1 Friday we, we talked about it and Donjon developed sort of a
2 system and framework by which they would go in and overhaul the
3 vessel and start doing full accountability for what exactly we
4 have.

5 You know, what is the status of the sea chest, what is a
6 rudder compartment, what did the void space look like? So we
7 really needed a good idea of what we had so we could develop a
8 robust tow plan that kind of, kind of that day.

9 That day and the 10th too we had -- we were working to get
10 divers down so we needed approval, you know, from the unified
11 command kind of on the plan for the dive team. It was like for
12 the dive assessment as well as they were going to seal off all the
13 sea chests and any -- really everything, we were sealing up
14 everything.

15 That plan had to be approved by the Navy specifically because
16 of all the equipment there at the Navy base that needed to be
17 secured to ensure the safety of the divers, so it was not just
18 unified command approval, we needed to get it approved by the Navy
19 as well, even though they were part of the unified command, it was
20 just the folks within the Navy there on the base needed to make
21 sure that they were keeping the team safe.

22 So we were working on overhaul, dewatering, the dive survey
23 and then really, you know, getting her ready to start towing but
24 that overhaul was really challenging like I just said. By 1600
25 they were able to kind of document. They're starting to document

1 overhauling the galley.

2 They secured both the sea chests and were working on securing
3 the bow thrusters. We had a safety plan that we were viewing and
4 that we were really working on trying to find access to the build
5 spaces under the galley just because everything was -- the
6 drawings that we had that we were working on on-site didn't
7 actually show where the manhole covers for the, for the bilge
8 (ph.) spaces were.

9 So there were pictures because of how everything had shifted
10 like ice chests, refrigerators, had been thrown around that space,
11 the orientation of the below deck galley space was off, so it took
12 everyone a little while to figure out how -- figure out where
13 everything was.

14 So then that day we were working on the tow plan as well and
15 we had a number of challenges again, most of them were just
16 coordination. We had scheduled bridge maintenance that was going
17 to close the one bridge, they had transit through to go to the
18 shipyard, that was scheduled and it was going to take up the
19 entire first part of the week.

20 So we were working to shift the bridge. It was just a lot of
21 coordination on that, on that day but the overhaul had commenced
22 and the dewatering was continuing. So that day on the Friday we
23 were still fighting the fire and we still had not declared it out,
24 but at the end of the day we had a clear plan on kind of the way
25 forward, complete overhaul, continue to dewater, and develop a

1 comprehensive tow plan.

2 BY MR. FAWCETT:

3 Q. So, Captain, this is Keith Fawcett. Captain, the bridge was
4 a vertical height thing, the bridge --

5 A. It was, it was air drafted, yes.

6 MR. FAWCETT: That's all I have, thank you.

7 LCDR EMMONS: Mr. Karr?

8 MR. KARR: No questions.

9 UNIDENTIFIED SPEAKER: No questions.

10 LCDR EMMONS: PII online for Captain Nadeau?

11 MR. WARNER: No questions.

12 LCDR EMMONS: PII for Bay Diesel?

13 MR. STILLMAN: No questions, thank you.

14 BY MR. FLAHERTY:

15 Q. This is David Flaherty, of the NTSB; I had to drop out
16 earlier for another (indiscernible). Captain, I just have one
17 question, what was your opinion or do you have an opinion on how
18 the confirmation that everyone got off the vessel when? Did you
19 have any concerns with any aspect of it?

20 A. For personnel accountability on Day 1?

21 Q. Yeah, Day 1 when the fire occurred, people were taken off,
22 initially it seemed like the plan was to take it to the Navy dock
23 and then it went to another dock, and then how did, how did the
24 (indiscernible) go of the people to make sure that everyone was
25 actually off the vessel?

1 A. So that was coordinated by the master of the *Spirit of*
2 *Norfolk* as well as the *Victory Rover* and then the Coast Guard, so
3 this -- when the *Victory Rover* came on scene they -- the *Spirit of*
4 *Norfolk* transferred all of their passengers and all but two crew
5 over as well.

6 So when we got that, we got that word pretty early on but
7 it's the trust with verify thing that I think we all were like,
8 okay, are you sure, are you sure, are you sure? And then when we
9 spoke directly with Captain Nadeau that's when we were like, yeah,
10 because he was adamant.

11 He's like, they are all off. So it's when he was standing on
12 the pier that's when we finally, in my mind accountability was
13 done. So it was, it was fairly quick because of the quick actions
14 of the *Victory Rover* and the master of the *Spirit of Norfolk*.

15 The *Spirit of Norfolk* had a good idea, he knew exactly how
16 many people were on that boat, so there was -- and some of the
17 initial reports came out with 106 versus 108 but he knew exactly
18 how many people were on that boat, and that, that was really
19 important for us to confirm that we had full accountability.

20 Q. So was there additional confirmation when the vessel was
21 docked and the -- before the people left?

22 A. Before they had even moored we were -- we had confirmation
23 that from the folks on the *Victory Rover* that they had everybody.

24 Q. So there was no additional like head counts when the vessel
25 was docked and before any of the passengers or other crew members

1 left?

2 A. We did not conduct one, no.

3 MR. FLAHERTY: All right, thank you.

4 BY UNIDENTIFIED SPEAKER:

5 Q. Moving to June 11th, Saturday.

6 A. Here we go. All right, June 11th. So at 0959 we declared
7 fire out and that was declared out by the Navy Region Mid-Atlantic
8 Fire Chief and Donjon, so all throughout that evening, Friday into
9 Saturday they had conducting overhaul and firefighting efforts.

10 And we were then into the forced ventilation kind of aspect
11 then to try to get the environment below decks into sort of a
12 safer workers point. That was our goal was to get that engine
13 room and the galley space safe for workers. We didn't get there
14 but we were active.

15 We were doing forced ventilation to improve the environment
16 down there because we knew for the tow we were going to have to
17 have people at least monitoring and potentially make emergency
18 access to that space and we really needed to understand what was
19 going on down there.

20 We had the Marine (indiscernible) come out again on Saturday
21 just to ensure that, you know, that -- the space kind of safety.
22 The main deck and the 01 deck were deemed that just full face dust
23 particle masks or N-95s were appropriate and then down in the
24 entry below decks would be required an SEVA.

25 They were starting to have concerns about some other things

1 like all the food that were -- was down below decks as well and
2 also trying to just monitoring the atmosphere. We completed a
3 dive survey that day and they locked the rudder and sealed off the
4 stern tube so we were, we were getting her ready to, to tow.

5 Walking in Saturday morning, we were unsure of when the
6 vessel would be towed but leaving that, that evening we knew -- or
7 that afternoon actually, the plan was to tow her Sunday morning.
8 So it was, it was a great day Saturday. We, we felt like we
9 gained a lot of ground, we made a lot of positive movements.

10 And then it really expedited the tow because our goal was to
11 tow her as soon as possible away from the Navy base safely to a
12 facility determined by the responsible party. So Saturday, was
13 like I said, great. We were able to review and we sent the final,
14 final tow plan out for review and approval at 1500.

15 And then the Coast Guard side, we worked on updating the
16 captain of the port order issued Sunday morning. Once
17 verification was made that all the requirements of the tow plan
18 were met, we would then issue the updated captain of the port
19 order allowing the vessel to transit to the shipyard.

20 So the tow plan was very comprehensive. I was, I was
21 appreciative of the level of detail and it has set very clear
22 requirements on manning, firefighting because we were -- and again
23 we were -- we had declared fire out but there was still -- we all
24 -- we had a lot of doubt.

25 I mean, I'm not going to, I'm not going to lie. And it

1 reflashed so many times that we were still concerned it could be a
2 problem. The last thing any of us wanted was that thing to catch
3 fire again in my view.

4 So then -- so that was Saturday and then the plan was that
5 the safety brief would -- for the tow would commence at 0430 the
6 next morning. So stop until we get to Saturday or Sunday.

7 BY MR. FAWCETT:

8 Q. So the tow plan, this is Keith Fawcett, the tow plan was that
9 due to the captain of the port order, do you typically approve tow
10 plans?

11 A. We approved that ship tow plan, that's (indiscernible) tow.

12 Q. Okay. Because of the (indiscernible)?

13 A. Uh-huh.

14 Q. Were there any issues that you were aware of that occurred
15 June 11th that when things didn't go according to plan? You
16 mentioned it was a good day, a lot of progress, do you recall
17 anything out of the ordinary?

18 A. I don't. I actually left at noon that day so or thereabouts.
19 I think I was on the phone with him but Commander (indiscernible)
20 came in and was there for the afternoon but it was, it was a very
21 positive day. I don't recall any -- everything, everything, the
22 tugs were -- the contract was let -- or set with the dive serving,
23 the dive portion completed. Like everything was -- everything
24 lined up very well that day.

25 Q. And you mentioned tugs, how many tugs did they plan to use?

1 A. They did a tow plan, there was one ahead but I think there
2 might have been one following.

3 MR. FAWCETT: That's all I have.

4 LCDR EMMONS: Mr. Karr?

5 MR. KARR: No questions.

6 LCDR EMMONS: Mr. Flaherty?

7 MR. FLAHERTY: No additional questions, thank you.

8 LCDR EMMONS: Mr. Denley?

9 MR. DENLEY: No questions, thank you.

10 LCDR EMMONS: Any questions from Bay Diesel PII?

11 MR. STILLMAN: No questions, thank you.

12 LCDR EMMONS: Any questions from the PII for Captain Nadeau?

13 MR. WARNER: No questions.

14 BY MR. FAWCETT:

15 Q. Moving on to your involvement on Sunday, June 12th.

16 A. Yeah, we all smiled that day. I arrived on scene around 0500
17 as the safety brief had already been conducted. Coast Guard, we
18 had other folk, Coast Guard folks on scene. The Strike Team was
19 leading directly with the salvage master at that point, just to
20 make sure all of the pieces were put together for the tow plan.
21 They approved the tow plan.

22 So Sunday morning I arrived, they had -- by the time I got
23 there the tug was made up. The teams were staged. They were
24 working on getting staged. We had a fire team on one of the tug
25 boat, towing vessels. And we had -- we were working just to make

1 sure we could deconflict any sort of vessel movement, other vessel
2 movements in the port.

3 The other one, we just had one or other interest like, one
4 way vessel restriction that we were just making sure, you know, to
5 not conflict with. So we had a one way and 0700 that Sunday
6 morning we needed to, we needed to get out by basically seven so
7 that we could allow another one way transit to occur.

8 So that morning was good, 0547 they got underway from the
9 Naval Station to Calonachute (ph.) Repair and it was an uneventful
10 transition. At 0720 they transited through the Berkley Bridge and
11 at 1030 we demobilized it and setup command post there, Naval
12 station (indiscernible).

13 Q. Do you know what time they safely moored at the shipyard?

14 A. I do not know the exact time.

15 Q. Okay. You can borrow that, Captain. So when you say there
16 was a fire team on one of the tugs, do you know if they were
17 equipped with, you know, equipment in addition to the tugs
18 complement of equipment, they had their own pumps and --

19 A. They did. No, we were tying into the vessel's fire pump so
20 the plan was to have -- there was a team that was separate from
21 the tug crew that had SEVAs and turnout gear and they were going
22 to -- they were already, were already rigged and ready for the
23 fire hose to go from the tug to the *Spirit of Norfolk*.

24 So we had already set that up so it was -- we're not -- we
25 knew if there was something that occurred it would work.

1 Q. And then the firefighters that were part of that team, do you
2 know where they came from?

3 A. They were the Donjon Team.

4 Q. And then the overall overarching control of the towing
5 operation as they moved away from the dock, do you know who was in
6 charge of that?

7 A. We gave -- so Captain Dees, I think it was Tim and I gave the
8 approval to depart so Navy RP and Coast Guard gave the approvals
9 as they're lined up at 0547 and then from there the actual tow was
10 under the control of the tugs, and that the Coast Guard Command
11 Center was monitoring the evolution (ph.)

12 We had a Coast Guard Representative onboard to have quick
13 communication but the towing vessel had charge of the actual
14 towing evolution.

15 Q. And who was the Coast Guard Representative onboard, if you
16 can recall?

17 A. I don't remember (indiscernible).

18 MR. FAWCETT: That's all I have right now.

19 LCDR EMMONS: Mr. Karr?

20 (No audible response).

21 LCDR EMMONS: Mr. Denley?

22 MR. DENLEY: No questions, thank you.

23 LCDR EMMONS: Mr. Flaherty, do you have any questions?

24 MR. FLAHERTY: No, not at this time.

25 LCDR EMMONS: PII for Captain Nadeau?

1 MR. WARNER: (Indiscernible).

2 LCDR EMMONS: PII for Bay Diesel?

3 MR. STILLMAN: No questions, thank you.

4 BY MR. FAWCETT:

5 Q. So I have a couple follow-ups. Captain, this is Keith
6 Fawcett. So if you would talk briefly about the sector -- well,
7 prior to this incident the sector, any mass evacuation drills that
8 might have been held within the sector, whether they're actual
9 kind of like about this participating or (indiscernible)
10 exercises?

11 A. My last mass rescue operation. Let me get back to you on
12 that, because we do frequently and we also do at the search and
13 rescue forum, which is annual, we also do a mass casualty kind of
14 exercise and we in all of our (indiscernible) we do as well.

15 And we're very familiar with *Spirit of Norfolk*. Coast Guard,
16 you know, has a contract with the vessel for multiple different
17 operations so we do tactical training with them. We've actually
18 done -- like we did a mass evacuation exercise with the *Spirit of*
19 *Norfolk* a few years ago as well.

20 I'm not quite sure of the years but I'll get you the exact
21 dates of what we did for recent as that mass rescue operation
22 drills and exercises but it's something that we do, we do.

23 Q. Can you recall, since you've been here, if the *Victory Rover*
24 has participated in any of those drills or any other excursion
25 mode?

1 A. I don't recall.

2 Q. And then any of the drills that, that have been held in the
3 sector have any of them been involved with the salvage type
4 operation?

5 A. We don't know like drill salvage or exercise salvage. We had
6 a number of salvage, smaller salvage operations raising like a 42
7 foot center console, concrete barge, although we do sell the
8 (indiscernible) but we don't have exercise requirements for that.

9 Q. Looking to the sector operations, has the summer transfer
10 season because this event occurred in June, did it affect the
11 ability for the Coast Guard, based on your experience, to respond
12 to any of the facets of this event?

13 A. No. We have, we have the Strike Team, we have the Incident
14 Management Assist Team, we have other sectors. Like we are very
15 good at bringing people in (indiscernible) knowledge but, no,
16 transfer season did not affect it.

17 Q. How about the COVID pandemic in terms of its -- you know, the
18 timeframe about the event?

19 A. No, I don't believe COVID impacted (indiscernible).

20 MR. FAWCETT: Okay. Any follow-up questions?

21 UNIDENTIFIED SPEAKER: No.

22 LCDR EMMONS: Mr. (indiscernible)?

23 UNIDENTIFIED SPEAKER: (No audible response).

24 LCDR EMMONS: Mr. Flaherty on line, any follow-up questions?

25 MR. FLAHERTY: No, I do not.

1 LCDR EMMONS: Mr. (indiscernible)?

2 BY UNIDENTIFIED SPEAKER:

3 Q. I just have one follow-up question. Captain, again, really
4 appreciate the opportunity to talk to you. Just to be clear about
5 your background, are you a Naval architect?

6 A. No.

7 Q. Are you -- would you consider yourself to be a
8 (indiscernible) firefighting expert?

9 A. No.

10 UNIDENTIFIED SPEAKER: Thank you. No further questions.

11 LCDR EMMONS: PII for Bay Diesel, any questions?

12 MR. STILLMAN: Thank you for your time, Captain.

13 LCDR EMMONS: PII for Captain Nadeau?

14 MR. WARNER: No questions, thanks for your time, Captain.

15 MR. FAWCETT: So there are some deliverables that, you know,
16 you've noted and the Lieutenant noted and we thank you very much
17 for that information, it was very helpful and --

18 LCDR EMMONS: Yes, with that and no more further questions,
19 we'll end the interview at 4:59 p.m. I'll turn off the recorder.

20 (Whereupon, at 4:59 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

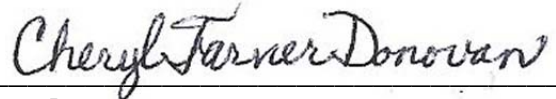
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Captain Jennifer Stockwell

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, Virginia

DATE: July 28, 2022

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.



Cheryl Farner Donovan
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

VIRGINIA ON JUNE 8, 2022 *

*

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Accident No.: DCA22FM022

Interview of: CHARLES WYATT, Mechanic
Bay Power Solutions

Portsmouth Federal Building
District 5 Prevention.
Conference Room
Portsmouth, Virginia

Tuesday,
July 26, 2022

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Court Reporting Transcription
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District 5 Investigation Team, United States Coast Guard

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I N T E R V I E W

(10:18 a.m.)

MS. EMMONS: -- Wyatt, first order of business, can you just officially acknowledge that I turned the recorder on and this is being recorded?

MR. WYATT: Yes, ma'am. I can see that.

MS. EMMONS: Okay. This is a joint US Coast Guard/NTSB investigation. The Coast Guard's the lead agency.

MR. WYATT: Okay.

MS. EMMONS: And we'll be conducting this interview within the Coast Guard regulations. So, right now, the date is July 26, 2022. The time is 10:18. We are conducting an interview with Mr. Charlie Wyatt. The location is the Portsmouth Federal Building in the District 5 prevention conference room. And again, we're conducting this investigation to examine the events surrounding the Spirit of Norfolk fire on June 7 of --

MR. WYATT: Okay.

MS. EMMONS: -- 2022. And just to acknowledge you have legal representation in the room. Will you please introduce yourself, sir?

MR. ABEL: Sure. My name is Christopher Abel, A-B-E-L, from the Willcox Savage Firm, and we represent Bay Power Solutions, Mr. Wyatt's employer.

MS. EMMONS: Thank you, sir. And now, we'll go around the room, Mr. Wyatt, and if you could -- we're going to introduce all

1 ourselves and on the line, as well. So, if you could just state
2 your name, your affiliation, and spell your last name for the
3 record, please?

4 MR. WYATT: Okay. I'm Charles Wyatt, W-Y-A-T-T, with Bay
5 Power Solutions.

6 MS. EMMONS: Okay. Lieutenant Commander Nicole Emmons,
7 E-M-M-O-N-S, and I'm with the District 5 Formal Investigation
8 Team.

9 MR. WEIGEL: Alan Weigel with the Law Firm of Blank Rome, and
10 I represent Hornblower City Cruises.

11 MR. DENLEY: Eric Denley. I'm with City Cruises and the
12 Spirit of Norfolk.

13 MR. TAYLOR: Travis Taylor, T-A-Y-L-O-R. I'm with the
14 Traveling Inspection Staff, Coast Guard.

15 MR. KARR: Mike Karr, K-A-R-R, with the NTSB.

16 MR. WHALEN: Lieutenant Tom Whalen, W-H-A-L-E-N, and I'm with
17 the District 5 Formal Investigation Team.

18 MS. EMMONS: And on the phone, can we start with the PII for
19 Captain Nadeau, Phelps and Dunbar?

20 MS. GALITOU: Magdalini G-A-L-I-T-O-U --

21 MS. EMMONS: Thank you. And can we -- NTSB on the line?

22 MR. FLAHERTY: Yes. Hi. David Flaherty, F-L-A-H-E-R-T-Y.

23 MS. EMMONS: And Coast Guard representatives?

24 MR. WADDINGTON: Commander Randy Waddington,
25 W-A-D-D-I-N-G-T-O-N. I'm the District 5 Formal lead investigator.

1 MS. EMMONS: All right. Is there anyone else on the line we
2 missed?

3 MS. LEE: Yes. Lieutenant Commander Karen Lee, L-E-E. I'm
4 the legal advisor for the District 5 Formal Investigation Team.

5 MS. EMMONS: Thank you, Ms. Lee.

6 All right, Mr. Wyatt, just to give you a few ground rules.
7 Acronyms, if you could keep them to a minimum or, if you do use
8 them, please just explain what the acronym means. Same with the
9 representatives in the room.

10 MR. WYATT: Understood.

11 MS. EMMONS: And if we could all just make sure that our cell
12 phones are on silent, and mute yourself, please, if you're not
13 speaking on the phone. Mr. Wyatt, at any time after the
14 interview, you can change, modify. If something comes up that you
15 want to change, just let your Counsel know, and we can change the
16 record or go back and make a statement if you so choose.

17 MR. WYATT: Okay.

18 MS. EMMONS: You may also -- at the end of this, we'll have
19 what we call a report of investigation. You have the right to
20 grieve and appeal any part of that that you choose. And if you
21 want some more background on this whole process in the
22 investigation that the Coast Guard is doing, we have a Marine
23 Safety Manual, Volume 5, that you can look up online, and it kind
24 of goes through the whole investigation process, if you --

25 MR. WYATT: Okay.

1 MS. EMMONS: -- want more information.

2 And now, at this time, we're going to go around the room.
3 We'll start with the Coast Guard representatives in the room;
4 then, we'll go to the NTSB; and then, we'll go to the parties of
5 interest. They'll ask questions. And then, that's kind of how
6 we'll start the interview. So, without further ado, Lieutenant
7 Whalen, if you would like to start.

8 MR. WHALEN: Of course. Thank you, ma'am.

9 INTERVIEW OF CHARLES WYATT

10 BY MR. WHALEN:

11 Q. Good morning, Mr. Wyatt. Again, thank you very much. To get
12 started, can you tell me a little bit more about yourself with
13 regards to your background?

14 A. Background? I'm originally from here, local, Chesapeake,
15 Virginia. Thirty-five. Served nine years in the Army as a
16 wheeled vehicle technician; also, a paratrooper and hotel -- or,
17 record operator.

18 Q. Thank you for your service. With regards to your employment
19 with Bay Diesel, what is the background there?

20 A. I've been there for just a little bit over four years, just
21 worked my way up through the ranks. I've got -- I'm Scania
22 certified, I am fully Cummins certified and looking for more.

23 Q. Okay. And where did you -- so, you said you're Scania and
24 Cummins certified. How did you attain those certifications?

25 A. Scania, I went -- I had some online courses, then went to a

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1 physical class in New Jersey, I believe. Same thing with Cummins.
2 There's an online course that you have to pass before you got in
3 class. And we did multiple in-class, got multiple certifications
4 for Cummins.

5 Q. Okay. And are those the two types of engines that you work
6 on with Bay Diesel, or do you also do other work?

7 A. We do other work. There's Caterpillar, John Deere, and
8 there's always somebody at least certified in it or familiar with
9 the, the machinery.

10 Q. Okay. And with those certification that you have, what does
11 that allow you -- I mean, do you have access to -- what does that
12 allow you to do? Like, do you receive access to Scania and
13 Cummins tech reports? How does that work?

14 A. I do, I do have access to both Scania and Cummins online
15 manuals. Actually, Scania is mostly online. Cummins, they're
16 also becoming more online. So, as long as I've got my laptop, I
17 can pretty much look up anything I need, and I'm familiar with
18 both programs.

19 Q. Prior to starting with Bay Diesel four years ago, had you had
20 any previous marine tech experience?

21 A. Actually, no. I went to school after I got out for Diesel,
22 and I was actually introduced to the marine world, and I don't
23 plan on going back to that employment.

24 Q. What school was that?

25 A. I went to TCC for -- Tidewater Community College, for diesel,

1 and I got my associate's.

2 Q. All right. And then, with these certifications that you
3 received from the company, is it like a plaque? Is it a piece of
4 paper?

5 A. A piece of paper.

6 Q. Piece of paper? And then, from there, do you take continuing
7 education courses? Have you taken anything after your initial
8 certification?

9 A. Actually, my Cummins certification was just completed
10 recently, in June.

11 Q. Okay.

12 A. And Scania, Cummins, if there's any updates, they'll send me
13 an email or what have you, just like, hey, you might want to check
14 this out. You're going to need this for anything in the future.

15 So --

16 Q. How many other Scania reps do -- are you -- are at the
17 company?

18 A. As far as I know, I'm probably the only one.

19 Q. Okay. So, is that --

20 A. As far as I know.

21 Q. Yeah. What is that workload? With being the only Scania rep
22 for a pretty large -- I believe you said there was 19 other
23 technical aides, how does that -- so, do you normally only really
24 work on Scania's for the most part?

25 A. We work on whatever job comes our way. Scania, not as often

1 as other engines, but we -- a lot of our government contracts and
2 -- are Scania.

3 Q. Okay. And these contracts and this work that you complete,
4 how are you notified? Like, how do you set your, like your daily
5 work? Does somebody contact you from the company, or is there an
6 internal manager who says, Charlie, you're going here or there?
7 How does that work?

8 A. There, there is a manager. I show up. If I don't already
9 know prior to the morning of, I usually get my job for the day the
10 morning of, if I don't already previously know, so --

11 Q. Do you normally work by yourself, or is it with another tech?

12 A. We, we usually have teams that go out and just as a help,
13 you'll have a lead guy and you'll have a helper in most cases,
14 unless it's just a -- you're going down and troubleshooting.

15 (Indiscernible) the description of the job or the description of
16 (indiscernible).

17 Q. Okay. And with these jobs, what type of vessels are they
18 normally on?

19 A. A lot of tugboats. We do a lot of tugboats. We do do a lot
20 of smaller vessels, and crew boats, and so forth, but the majority
21 of our, our workload is either tugboat or we do do power
22 generation, as well.

23 Q. What do you mean by power generation?

24 A. Generators.

25 Q. Generators.

1 A. Industrial size.

2 Q. Okay. Are you familiar with the term, an inspected vessel?

3 A. Say it again?

4 Q. Inspected vessel?

5 A. Not so much.

6 Q. So, the vessel -- are you familiar with a Certificate of
7 Inspection, a Coast Guard --

8 A. I --

9 Q. -- Certificate of Inspection? So --

10 A. I am --

11 Q. -- the vessel has a Certificate of Inspection on board? Have
12 you ever done any of those?

13 A. I have not.

14 Q. Okay. So -- okay. So, with regard to your work, if you do
15 an initial -- say you have an initial job on the, I don't know, on
16 the vessel, is it normal for you to continue in that job, to do
17 the job from start to finish, or is it where you'll -- if you
18 start a job on, say, Monday, maybe they'll put you at another job
19 Tuesday, or will you stay with the same job?

20 A. For the most part, they attempt to make sure that we stay on
21 a job to keep familiarity with the guys who are -- initially start
22 the job. They would like to keep it, in most cases, to where it's
23 the same personnel, or at least the same lead person. But from
24 time to time, we do have to shift focus. But we usually, like I
25 said, do our best to keep the same people on a job.

1 Q. Okay. And when you do go to a job -- so, your manager says,
2 go to, say, the *Spirit of Norfolk*.

3 A. Okay.

4 Q. You go to the *Spirit of Norfolk*. From there on out, who's
5 your main point of contact?

6 A. In *Spirit of Norfolk* case, it's usually either Ryan or
7 whatever deckhand may be present. But usually, no matter what,
8 we'll usually relay any information we find back to Ryan, in most
9 cases.

10 Q. Okay. And what is your history with the *Spirit of Norfolk*?

11 A. I'm fairly familiar with the vessel. I worked on it when
12 they had the Caterpillar 3400 series engines in it. And now
13 they've got the -- they've had a Scania in there, I've done some
14 work there, too.

15 Q. Okay. What kind of work have you done? Say, with the -- you
16 know, when they had the Caterpillars on, what kind of work had you
17 done at that time?

18 A. Actually, it was the port engine. It was an overhaul that
19 was done. And I came in on the tail end of it, but I was not the
20 lead man at that, in that time. That was within my first like
21 one, maybe two years of working there. But we did complete an
22 overhaul.

23 Q. Okay. And then, with the new engines, I believe they were
24 installed in 2020, what kind of work have you done on the vessel
25 since then?

1 A. Me personally, this was the first that I've done since
2 they've made the engine swap.

3 Q. Okay.

4 A. So --

5 Q. Okay. And with having -- so, you have a pretty solid history
6 with the Scania engines. Is there any type of work that you do
7 more often than not? What -- so, specifically with regards to the
8 turbocharger changeouts and the main diesel engine -- port engine
9 overhaul, have you done those before?

10 A. I have.

11 Q. Okay. How many times?

12 A. I couldn't even give you a number --

13 Q. Okay.

14 A. -- to be honest. The turbo's usually a pretty standard
15 replacement.

16 Q. And how often -- like, I mean, I know it's a tough question
17 to ask, but at what hour marker, age of vessel, or, you know, age
18 of turbo charger do you normally see you have to change them out?

19 A. It really varies, to be honest. Usually, like if we're doing
20 an inspection, if we find something out of the normal, then we'll
21 usually request to replace it or, I mean, if the customer's doing
22 a complete overhaul, and just for the time's sake of
23 (indiscernible) X many hours, and it needs an overhaul, a lot of
24 times, we'll throw in a turbo, and just do all the pumps, and so
25 forth, just to make sure you've got a fresh, brand-new engine.

1 Q. Yeah. So, if you make -- say you're doing some work, and you
2 identify something that you believe needs to be repaired, and you
3 make a recommendation, who do you make that recommendation to?

4 A. Well, I'll tell my manager; and then, I'll talk to the -- my
5 point of contact, whoever that may be for that particular job.

6 Q. Do you ever have any communication with the Coast Guard at
7 all?

8 A. Not so much.

9 BY MR. TAYLOR:

10 Q. So, Mr. Wyatt, can you walk us through the times that you
11 were on board on the *Spirit of Norfolk*, I think, from May 15 --
12 (Crosstalk)

13 Q. -- '22 through -- for the initial visit, and then the
14 subsequent visits, as best you remember?

15 A. Okay. Well, my first -- when everything started, I received
16 a call -- or, I didn't receive a call. I got sent out to *Spirit*
17 *of Norfolk* on a Monday morning. I don't remember the exact date.
18 Yeah. So, (indiscernible). That was the 17th, according to this
19 report right here. But basically, I went there. I had already
20 known that the water pump -- there's a backing plate that mounts
21 the water pump to the front of the engine block. It was
22 previously -- the night before, my manager actually went out on a
23 call to troubleshoot and find out what happened.

24 So, what happened was, there was a hole in the mounting plate
25 for the water pump. They thought it was a fire, and really, all

1 it was, was a bunch of steam, coolant burning.

2 Q. Okay.

3 A. So, they hit it with -- the crew hit the engine with fire
4 suppression, so there was a little bit of a mess to clean up. But
5 I replaced the water pump and the vacuum plate, filled the
6 coolant, checked the oil level, tarted the engine, and noticed
7 that there was a hole in the left bank, or outboard side, turbo
8 supply line. From there, we stopped the engine, requested the
9 part from my manager. I let Ryan know, hey, this is what's going
10 on.

11 Come to find out that there ended up being an upgrade that
12 Scania put out, was, they've upgraded the salt hoses for the
13 supply line to (indiscernible). So, we got that. Obviously, not
14 the same day, but the next day, we went out. I installed the hard
15 lines as the upgrade first came in, started the engine, had no
16 other issues. (Indiscernible) we did replace the turbo. I --
17 during that investigation, I saw that the turbo -- excessive oil
18 leaking from the compressor housing side of the cartridge. And
19 so, we did end up replacing that, as well.

20 After that, like I said, ran the engine. Engine was fine.
21 The next call, my colleague, Steve Hanna, had gotten called out,
22 because I was on another job, so he went out just to look and
23 verify whatever issue he was initially out there for. Then, I got
24 the call, hey, you're going to go help Steve. We're going to tear
25 this down. There's scoring that he found in the cylinders, and

1 we're going to go ahead and tear it down, do an overhaul, and get
2 this engine back up. And that's what we did. We tore the engine
3 down, ordered parts. Nothing out of the ordinary. It was
4 actually a fairly easy rebuild.

5 Q. Okay. And you ran the engine?

6 A. Ran the engine. Coast Guard was onsite for the initial
7 (indiscernible) and gave us our blessing, did a sea trial for
8 longer and a little bit harder of a run than what they normally
9 would go through.

10 Q. Okay.

11 A. That had no issues, no excessive smoke. Everything cleaned
12 up from the new injectors. It was running very well.

13 Q. Did the turbocharger assembly have to come off for the
14 rebuild?

15 A. Actually, it didn't. The way that the exhaust manifolds are,
16 the turbos were actually out of the way.

17 Q. So, everything on the back underside, the oil lines,
18 everything, stayed in place for the rebuild?

19 A. I'm trying to remember that he removed the oil lines or not.
20 I would have to check here in my service manuals. I don't
21 remember, exactly.

22 Q. Okay.

23 A. (Indiscernible) service reports here.

24 Q. All right. And so, one of the subsequent service reports
25 said, when you guys went back out to light out the engine, that

1 there was some residual oil in the way of the turbocharger
2 somewhere. Can you comment on that?

3 A. That was, that was on the right bank inboard, the turbo we
4 did not change. Just a small leak, and we recommended turbo
5 replacement just for -- just in case, you know. But we wiped the
6 leak down. It was a minor leak. But we did recommend turbo
7 replacement, which, the turbo did come in. And Hornblower City
8 Cruises, they were actually actively doing cruises during that
9 time, so we had to wait until an open period to change that turbo,
10 which didn't happen.

11 Q. This is going to be a quick note. So, from your mechanical
12 assessment and Scandia's kind of tech perspective, what do you
13 think caused the engine to have to be rebuilt?

14 A. Well, from the overheating initially, from the water pump
15 being changed --

16 Q. Yeah.

17 A. -- or, from the water pump backing plate failing, I should
18 say, overheated and scored the pistons, scored the liners. I saw
19 that with my own eyes when we were taking the engine apart.

20 Q. Yeah.

21 A. When they looked at the terminals, turned on the crankshaft,
22 and during the whole repair, didn't see anything outrageous,
23 didn't see anything really bad at all other than the pistons
24 and --

25 Q. So, would you call the water leak a major leak or a minor

1 leak?

2 A. Oh, that would definitely be a major leak. I mean, there's
3 cracks in the liners. That's going to allow water to get into
4 where you don't want it.

5 Q. So, the engines, with the set of alarms, including a high
6 temp alarm --

7 A. Okay.

8 Q. -- low lube oil, high temp, those are pretty typical,
9 overspeed, whatever the engine's equipped with, did the captain
10 report a high temp alarm when you came the first time to look at
11 the -- to do the repairs on the --

12 A. He wanted to make sure that it was operational, which we did,
13 we did verify.

14 Q. And so, would the alarm -- should the alarm have gone off
15 before the engine overheated enough to create the condition for a
16 rebuild?

17 A. Technically, it should have. I don't remember all the minor
18 details as far as that goes, whether they said it did or didn't.

19 Q. Okay.

20 A. I wasn't there at that point.

21 Q. Okay. And one of the comments that, I think, Mr. Taylor
22 made, was that you guys detected that the alarms were set high,
23 and you reset everything down to a more acceptable level.

24 A. I did. And it wasn't -- I don't remember the exact
25 parameters that it was set --

1 Q. Okay.

2 A. -- but we did convert from -- it's a foreign manufacturer.

3 Q. Yeah.

4 A. So, it, it is in degrees Celsius, so --

5 Q. Okay.

6 A. -- we did convert it to Fahrenheit, and we're like, okay,
7 that's just a little bit higher of a threshold than we would like
8 on a normal basis. So, talked to Ryan. He gave a blessing to go
9 ahead and just lower that threshold just a little bit, where we
10 would normally.

11 Q. Yeah. Celsius/Fahrenheit thing (indiscernible), so -- and
12 the Europeans are so specific on what should be done, it's not
13 always in the book in dealing with those guys. So, with the --
14 when you changed the vacuum plate and the water pump out, you
15 noticed the turbocharger line leaking, and you made a
16 recommendation. Can you -- did that recommendation, did that
17 stand out for you? Is lube oil and leaking around a turbocharger
18 anything specific -- was there any urgency on the recommendation
19 to have that changed out?

20 A. Most definitely. I will not run an engine if it doesn't have
21 turbo supply that -- a solid turbo supply, at least. You don't
22 want that leaking. That's going to lubricate your bearings, your
23 seals, anything in that turbo cartridge. That would -- they're,
24 they're very sensitive. So, without lubrication, they're going to
25 burn up quick.

1 Q. And just for an explanation of a turbocharger, it's basically
2 two fans, one driven by exhaust gas, spins at maybe 30,000 RPM-
3 ish. And you've got a hot side and a cold side. Hot side gets --
4 it's insulated. Gets 900 to 1,000 degrees Fahrenheit. On the
5 Scania, it's kind of the same.

6 A. That sounds like a pretty good definition, yes.

7 Q. Just general. So, again, your alertness on the oil around
8 the turbocharger as a mechanic, standard thing to look at. You
9 see that issue, so you brought that to the attention of the
10 captain?

11 A. Yes.

12 Q. And what was his response?

13 A. He's like, okay, let's do it.

14 Q. Okay. And so --

15 (Crosstalk)

16 Q. And so, the next evolution was you guys changing the
17 turbocharger out, right?

18 A. We changed the outboard on the left (indiscernible) or left
19 bank, whichever you want to look at it.

20 Q. Okay.

21 A. We did change that turbocharger, because, like I said, it did
22 have evidence of a possible blown seal in the cartridge, so just
23 in case, you might as well just change it out. They're sensitive.
24 They're very sensitive.

25 Q. Okay. All right. And then, when you ran the engine after

1 you changed that out, you, I think I heard, mentioned there was
2 some excessive blowby crankcase pressure.

3 A. We didn't see that on the initial -- when we did the water
4 pump and the turbocharger, didn't see that.

5 Q. Okay.

6 A. And so, it may be something that happened a little bit later
7 down the line because of the overheating.

8 Q. So, subsequent, the engine ran longer, and that became more
9 evident?

10 A. Right.

11 Q. Okay. And then, when that got conveyed back to you that
12 there was another problem with the engine -- so, you didn't find
13 out about that until they called, and you went to help the person
14 who was assigned to go and look at the engine again?

15 A. Correct.

16 Q. I just want to make sure I'm clear on that.

17 A. And, and that's why his name's on the reports after that,
18 though --

19 Q. Okay.

20 A. -- even though I was there.

21 Q. Okay. All right. Let's see. And then, so, the
22 recommendation to replace the right bank turbocharger came after
23 that; is that --

24 A. Correct.

25 Q. So, was that noted in the service report?

1 A. I believe it was. (Indiscernible). Let's see. Where did it
2 go?
3 Q. 5/26, yeah. I see it.
4 (Crosstalk)
5 Q. It's in the -- oh, it's in there. I found it --
6 A. Okay.
7 Q. -- on the last one.
8 A. Yeah.
9 Q. So, replace both turbochargers. Did you guys verify the
10 hours on the engine? How did you verify the hours were at 10,000
11 (indiscernible)?
12 A. It's, it's actually on the digital display.
13 Q. Okay.
14 A. Plus, looking up the laptop to the computer -- or, to -- or
15 go to the ECM, you can easily pull that information, as well.
16 Q. All right. And do you know how many hours these engines had
17 since they've been installed on the --
18 A. I do not. Not since they did them, so --
19 Q. Okay.
20 A. -- on the *Spirit of Norfolk*, correct.
21 Q. Okay.
22 A. We go back and check the logs.
23 Q. Any idea what caused the turbochargers to fail?
24 A. I mean, it could be a number of reasons, but, I mean, from,
25 from when?

1 Q. When you guys looked at them, anything stand out?

2 A. Nothing, really. I mean, just, you do your inspection, and
3 if you see something that's out of line, then you raise the alarm
4 and go, hey, this needs to be dealt with.

5 Q. And those get sent back to the company for refurb?

6 A. We send them back as (indiscernible). Now, what they do with
7 them after that, that's --

8 Q. Okay.

9 A. -- beyond my knowledge.

10 Q. Do you know if the replacements were rebuilt or new?

11 A. I do not remember.

12 MR. TAYLOR: I don't think I have anything else.

13 UNIDENTIFIED SPEAKER #2: Okay. I've got a few more follow-
14 up questions.

15 BY MR. WHALEN:

16 Q. When you conducted the sea trial post the engine rebuild, can
17 you walk me through the sea trial?

18 A. I'll do the best I can.

19 Q. Yeah. Absolutely.

20 A. It's been, it's been a little bit.

21 Q. No worries.

22 A. But our, our standard procedure is, we -- what we'll do is,
23 we'll check the fluids. We'll -- especially on a fresh, new
24 rebuild, we will set it up to where the engine does not start, but
25 we'll crank it and verify that there's oil pressure. And then,

1 from there, once everything's satisfactory, we'll go -- we'll
2 start the engine. We'll let it warm up to operating temperatures
3 before we put any kind of load on it. We're monitoring for leaks,
4 anything out of the norm, and we're just taking those -- usually,
5 what we'll do is, we'll take readings of all the temperatures,
6 pressures, speeds every 10, 15 minutes throughout the duration. I
7 didn't see any issues. But I remember, during the sea trial,
8 (indiscernible) took the vessel out, pretty much did their little,
9 their normal racetrack for the cruise, but just a little bit
10 longer of a time, a little bit harder on the engines than they
11 normally would.

12 Q. Okay. And during this sea trial, where are you located?

13 A. I'm in the engine room.

14 Q. Okay.

15 A. And periodically, I'll go up, and I'll check the stack for
16 smoke. You know, I'll listen to the engine from the outside, as
17 well, and -- but somebody's down there at all times.

18 Q. Okay. And then, would the captain be, would captain be down
19 there with you on this particular case? Who was with you in the
20 engine room?

21 A. It was my colleague, Stave.

22 Q. Okay. And then, so, I would assume that the captain is then
23 piloting the vessel?

24 A. Piloting, yes.

25 Q. Okay. What type of display, engine monitoring displays, are

1 up in the pilot house?

2 A. In the pilot house, I'm not as familiar with. I know, down
3 in the engine room, that's where we were, and they've got the
4 displays there. We've got (indiscernible). I've got the laptop
5 hooked to the engine, and I'm monitoring. I can set parameters on
6 that, as well.

7 Q. Are the displays that you have in the engine room, are they
8 digital, or --

9 A. They were.

10 Q. Okay. And what type of parameters can you observe from the
11 digital display?

12 A. Actually, they're -- I believe they're -- I saw the picture
13 of it, just to kind of give you guys an idea. I don't remember
14 exactly, off the top of my head, what it was; but usually,
15 there's, there's like some kind of coolant temp, oil pressure, oil
16 temp. The -- trying to think of how to say it. Like, the more
17 important --

18 Q. Yeah.

19 A. -- parameters that you really want to watch closer.

20 Q. Okay. Understood. So, this picture, you -- I believe you
21 have one over there, there's the hull --

22 A. Correct.

23 Q. -- area. So, was this when you observed when you came on
24 scene to correct this casualty?

25 A. That is -- let me see --

1 (Crosstalk)

2 A. Thanks. Yeah, yeah. Actually, no. I want to say it was
3 torn down a little bit further. It was a little bit cleaner as
4 far as the chemical that was sprayed on to the engine.

5 Q. Okay.

6 A. Because we did request that, hey, you guys might want to
7 rinse this off, and -- because that's kind of nasty stuff you're
8 messing with. And the crew did. The crew rinsed it off. And it
9 was torn down a little bit further, because, like I said, my
10 manager had been on site the night before.

11 Q. Okay. And who was that?

12 A. Adam Culpepper.

13 Q. Okay. When you conducted this repair, I'm going to guess
14 that -- did you guys replace the belt? Did you take off the belt?

15 A. We did take off the belt, did replace the belt.

16 Q. Put a new belt on?

17 A. I believe we did.

18 Q. Okay. And did that dump all of the coolant?

19 A. That is a significantly low point in the engine as far as the
20 coolant, so I, I would venture to say that was pretty much most,
21 if not all. That's a lot of coolant.

22 Q. And do you know how long it ran without coolant?

23 A. I do not, I do not. I have heard reports that when my
24 manager did arrive about an hour and a half, two hours later, it
25 was still in the upper like 180s at least, minimum.

1 Q. Critical hot temperature.

2 A. So -- but for it to be that hot a couple of hours later, it,
3 it got hot.

4 Q. Okay. And aside from -- and understanding what you did with
5 the overhaul, aside from the parts that you replaced, were there
6 any other hoses, oil hoses, anything, fuel, that you guys replaced
7 that were not part of the internal in-frame overhaul?

8 A. I'm trying --
9 (Crosstalk)

10 A. -- to remember exactly, but if there was, it would have been
11 like a minor little like a jumper hose, a connection hose, for --
12 I mean, if we see a hose that's crunchy, as we like to say --

13 Q. Sure.

14 A. -- crunchy or just old, needs to be replaced, cracked, we'll
15 go ahead and get the hose and replace it, especially if it's like
16 a little silicone piece.

17 Q. And is this a -- is the engine a water-cooled engine, or is
18 it jacket water with keel coolers?

19 A. I do not remember for sure.

20 Q. Okay.

21 A. I mean, I'm kind of trying to recall. I think they might
22 have had a keel cooler. I, you know, I can't recall for sure.

23 Q. Okay.

24 A. It's been a while.

25 Q. Yeah. No worries. What is the purpose of a -- as an

1 engineer, what's the purpose of a jacket water system? What does
2 that cool?

3 A. I would have to go through the flow system.

4 Q. Okay.

5 A. But jacket water is going to cool your liners, you're -- it's
6 going to cool your exhaust manifold. I'm trying to remember if
7 this was a -- sometimes, the turbo can be water-cooled. I can't
8 remember if it was on this case or not. I mean, you've got your
9 aftercoolers and so forth.

10 Q. A fuel cooler, as well?

11 A. I cannot remember if that one had one, but a lot, lot of
12 times, the fuel cooler is going to be -- I cannot remember if it
13 had a fuel cooler or not, to be honest.

14 Q. Okay. All right. (Indiscernible) question. Sorry. What's
15 the overall, in your opinion, overall condition of the engine
16 room?

17 A. It's -- compared to a lot of, lot of customers we work for,
18 it was -- they usually keep their, their engine room clean. Their
19 tools are put up, organized. It's usually a very clean engine
20 room, other than when you've got fire suppression all over the
21 engine.

22 Q. Okay. Great. And so, on the outboard of the port engine,
23 there was a shelving, like a shelf --

24 A. Correct.

25 Q. -- shelf unit or, I mean, the, you know, the shelving next to

1 the port on the upper port engine. What was stored on that? Do
2 you remember?

3 A. They had a lot of cardboard boxes. I don't know everything
4 that was in those boxes. There was like some plastic tubs and,
5 and we don't go through that. But I do know that there was air
6 filters, some oil soaks, and so forth.

7 Q. What's an oil soak?

8 A. It's an absorbent pad for an oil spill, to clean up.

9 Q. Okay. Within the engine room, was there a -- once you were
10 completed with your work, where would you put your oil soaks, your
11 dirty rags?

12 A. We put them in a, in a trash bag and remove them.

13 Q. You take them with you?

14 A. (No audible response.)

15 Q. Was there a -- so, for the crew, was there a spot for them to
16 put like their dirty rags, or oil soaks, or --

17 A. I believe there was a trashcan for that.

18 Q. And that was in the engine room?

19 A. Yes.

20 Q. Where precisely? I mean --

21 A. They usually keep their trashcan over by their workbench,
22 which would be more central of the engine room, central rear.

23 Q. Central rear? Was it aft of the switchboard?

24 A. Yes.

25 Q. So, behind. So, if I'm looking aft, you've got your port

1 generator, port engine; but centerline is the switchboard,
2 correct?

3 A. Right.

4 Q. And then, their workspace was behind that?

5 A. Yes.

6 MR. WHALEN: Okay. That's all the questions I have at the
7 moment.

8 MS. EMMONS: Mr. Taylor, do you have any more?

9 MR. TAYLOR: (No audible response.)

10 MS. EMMONS: Okay. We'll go to the NTSB. Mr. Flaherty, on
11 the line, questions from you, sir?

12 MR. FLAHERTY: Yeah, I have a few questions.

13 BY MR. FLAHERTY:

14 Q. Appreciate you coming in and (indiscernible). One question,
15 when I came to the temperatures, say, for the port diesel engine,
16 how did you test, make sure that that's right?

17 A. Let's see what I can find. I'm looking through my paperwork
18 to refresh. I, I just do not remember how we tested, to be --

19 Q. Did you check the starboard engine (indiscernible)?

20 A. We did connect, we did connect to the starboard engine, and
21 they had the same parameters, and we adjusted those, as well. I
22 do know that.

23 Q. Okay.

24 A. Just to make sure everything's --

25 Q. And --

1 A. -- on the same page.

2 Q. Right. And now, the temperature setting, if your -- if the
3 temperature setting isn't correct for the diesel, and the diesel
4 engine overheats, what is the collateral damage that can be caused
5 through the actual (indiscernible)?

6 A. Oh, it, it would be catastrophic. If you lose coolant or if
7 you start overheating your liners or your engine, period. I mean,
8 you can overhead the turbo, you can overheat your liners, your
9 pistons, which cause scoring, cracking; and then, that eventually
10 is going to turn into -- you're going to have a hole in the side
11 of your (indiscernible).

12 Q. And from your experience as a mechanic, are there
13 (indiscernible) to the engine after it overheats that are not
14 identified immediately, but can come up later on if the diesel
15 engine is operating?

16 A. I'm not quite understanding.

17 Q. So, if you have a diesel engine that overheats --

18 A. Right.

19 Q. -- is there -- and you correct the issue that caused the
20 overheating, can the actual incident of the engine overheating
21 cause other parts of the diesel engine to then maybe fail, or, you
22 know, like (indiscernible) sealing, or something like that?

23 A. It very well --

24 (Crosstalk)

25 Q. -- do anything like that, from your experience?

1 A. It's not uncommon, you know, on any engine. If it -- it
2 overheats, it's going to melt something. And depending on how
3 long you let it run after the overheating alarm comes, it's going
4 to melt something, it's going to crack something, you're going to
5 create friction where it doesn't need to be, and that could lead
6 to a catastrophic failure.

7 Q. Can that cracking or other things manifest itself after --
8 later on, after the cooling system has been corrected?

9 A. It's kind of hard to say, but it's not uncommon for something
10 to happen like that.

11 Q. Okay. Now, you were involved with the turbocharger?

12 A. Yes, I did replace the outboard or left bank, depending on
13 how you're looking at it, turbocharger, yes.

14 Q. How extensive was the (indiscernible) the turbocharger that
15 was causing the oil leak?

16 A. You said, how, how extensive?

17 Q. Yes.

18 A. I believe we took a picture of that, as well, from the
19 initial turbocharger, but you can obviously see oil where you
20 don't want oil in the compressor housing. I did have to clean
21 that housing. It had a little bit of a buildup when replacing it.
22 So, essentially --

23 Q. From your experience -- oh, go ahead.

24 A. So, essentially, with the turbo -- I'm trying to remember --
25 some turbos, you change just the cartridge. Some turbos, you

1 replace the whole, the whole turbo with compressor housing and --

2 Q. Sure.

3 A. -- hot housing. I just, I cannot remember if it was -- which
4 one it was, but --

5 Q. Now, through your experience in (indiscernible) the diesel
6 engine -- turbocharger on that diesel engine that you replaced,
7 was it extensive failure, or moderate, or what would you describe
8 it as?

9 A. It was -- it really just came down to the judgment call on
10 that one. The -- a lot of times, it's not as cut and dry.
11 There's -- sometimes, you walk up to a turbocharger, and you're
12 like, okay, that's messed up. Your teeth are bent, your
13 (indiscernible) fins are bent, or -- but in this case, it was a
14 lot of oil where it shouldn't be.

15 Q. Correct. And when you're replacing that turbocharger, I
16 mean, was it any problems taking the old one off and putting the
17 new one on?

18 A. Not that I remember. It just -- I remember it just being a
19 pretty standard turbo replacement.

20 Q. And you've done it on that type of diesel before?

21 A. I've done them before, yes.

22 Q. Okay. And now, and the other (indiscernible) with the
23 starboard engine, did you check the turbochargers on that one, as
24 well?

25 A. We didn't check actually like inside the turbochargers, but

1 we did use that engine, as well, for just kind of like a
2 reference. Say, if we had a question or we couldn't remember
3 exactly how a piece fit, we would go over to the starboard engine
4 and be like, okay, that's how that goes, and put it back together
5 in that sense.

6 MR. FLAHERTY: All right. Yeah, that's all the questions I
7 had for now, thank you.

8 MR. WYATT: Okay.

9 MS. EMMONS: We'll go to the -- unless --

10 UNIDENTIFIED SPEAKER #3: Like, just one question.

11 BY UNIDENTIFIED SPEAKER #3:

12 Q. Your time on board, did you learn or become aware of how the
13 Scania engines were brought on board and placed in the engine
14 room?

15 A. I am not aware of any of that. That was prior.

16 UNIDENTIFIED SPEAKER #3: All right. Thanks.

17 MS. EMMONS: We'll go to the PIIs in the room.

18 (Indiscernible)?

19 UNIDENTIFIED SPEAKER #4: Yeah, okay.

20 BY UNIDENTIFIED SPEAKER #4:

21 Q. Mr. Wyatt, when you were doing -- did the overhaul of the
22 (indiscernible) engine in-frame rebuild, it's been called, what
23 documentation did you make use of during the procedure, during the
24 actual overhaul itself?

25 A. As far as my service reports, or as far as --

1 Q. No --

2 A. -- what I used for reference?

3 Q. What you used for reference.

4 A. It was actually the Scania MultiWeb. They've got --
5 basically, I hook my phone up as a Wi-Fi hotspot, connect that to
6 the laptop, and then I have access to Scania. I type in the
7 serial number, and it tells me everything I need to know.

8 Q. When you say everything you need to know, does it give you a
9 set of -- let's say -- let's just use part of the overhaul.
10 You -- one of the parts of the overhaul, as I understand it, was,
11 you replaced all the cylinder kits, correct?

12 A. Yes.

13 Q. Okay. So, let's just take a cylinder kit. If you want to
14 replace a cylinder kit on this engine, you'd go to the Scania
15 online documentation, and it would give you a procedure to replace
16 the cylinder kit?

17 A. It will.

18 Q. Does it set up how to do -- I mean, does it give you like
19 initial conditions, like you have to remove these three parts
20 first, and then you can start the cylinder kit removal, or you
21 have to know what to do, which procedure to go to, as
22 prerequisites?

23 A. I can't remember for sure how that was set up, but at the
24 same time, it's one of those things where you know there are
25 certain things that have to be removed. But -- and in order to

1 get to that (indiscernible). But at the same time, we're able to
2 look up and figure out what needs to be removed, if it's
3 specifically stated.

4 Q. Do you recall what interference had to be removed from that
5 engine in order to get all of the cylinder kits replaced?

6 A. Quite a bit. The way they -- the way that these are built,
7 you kind of have to tear it from outside in, and -- because of the
8 way they've got the fuel manifolds behind the heads, you've got to
9 get -- you've got to take off a fuel line and such, and there's a
10 lot of stuff in the V of the engine, if you will, just so you can
11 get to removing the intake, the exhaust folds, so that you can get
12 down to the back, so you essentially have to take most of
13 everything off --

14 Q. And is there --

15 A. -- the top of the engine.

16 Q. Sorry. Is there a -- okay. You identified pieces of
17 interference that you have to remove. Do you then go to the
18 Scania online manuals that tells you how to take that piece of
19 interference off?

20 A. It does, it does tell you.

21 Q. And did you follow that procedure when you did the overhaul?

22 A. We do. We definitely take care, especially if there's
23 something we don't know for sure. If we have any kind of
24 questions, we'll refer to the manual; and if we have any further
25 questions, I've got a Scania representative in my phone that I can

1 call.

2 Q. So, was you and Mr. Hanna doing the work?

3 A. Yes, sir.

4 Q. Does (indiscernible) send any other supervisor down to do a
5 quality assurance check of your work either during the process or
6 when you were finished?

7 A. I -- to my knowledge, they didn't send anybody.

8 Q. You didn't see anybody while you were there; is --

9 A. Right.

10 Q. -- that what you're saying? You don't know if anybody went
11 later --

12 A. Correct.

13 Q. -- to check what you did? Okay.

14 A. But, I mean, a lot of times, they, they do trust us, and like
15 I said, we, we make sure that we write down everything in our, our
16 service reports just to give a synopsis of what we did, and we
17 write to the best of our ability, with whatever torque specs we
18 may have used, and so forth.

19 Q. So, let's go back to the process. You start with -- you've
20 identified what pieces of interference you have to remove, and you
21 look at the procedure in the Scania online manuals that you have
22 to follow to remove that interference. And I don't have your
23 service reports in front of me, so I can't verify this myself. Do
24 you then say in your service report, removed A, B, C, and D from
25 the engine in order to get access to the cylinder kits?

1 A. How I write my reports?

2 Q. Yes.

3 A. I -- we usually put like, I did remove this, I removed this,
4 I removed this. I didn't write the service reports for the
5 overhaul. That was the other gentleman, Steve, because he was on
6 site when the -- from the -- when we found out that it did need to
7 be torn down. But I was there with him and kind of helped him out
8 for anything we needed to know.

9 Q. So, he was writing the service reports, and the two of you
10 were doing the work together?

11 A. Yes.

12 Q. Okay. Have you seen the service report for that engine --

13 A. I --

14 Q. -- for the overhaul?

15 A. I have looked through them, and they pretty much wrote --
16 let's see. That one's mine. So, see, for example -- yep. See,
17 even right here on 5/20, removed exhaust manifold, removed -- I
18 cannot read his handwriting. Removed pistons. Found cracked
19 liners. So, he's writing basically what we removed, what we
20 found; and, during the install, what we installed and what torque,
21 what spec, it should be, and what we did do.

22 Q. So, like I said, I don't have those in front of me, so I
23 can't really look at them, but does it look like everything that
24 you expected was removed from the engine has been documented in
25 that service report?

1 A. Just skimming through what I've got in front of me here, it
2 does appear that that was recorded.

3 Q. Okay.

4 A. Yep, it does say, coolant jets, on this particular one. We
5 got all the torques right here on this side under,
6 recommendations. And --

7 UNIDENTIFIED SPEAKER #4: All right. I don't have any other
8 things.

9 (Crosstalk)

10 UNIDENTIFIED SPEAKER #4: Oh, yeah.

11 BY UNIDENTIFIED SPEAKER #4:

12 Q. So, when you put the engine back in service, I understand
13 that one of those, a note in one of the service reports, about
14 keeping an eye on the other turbo, and can you tell me why? What
15 caused you to write that note?

16 A. That wasn't me. That was Steve. But I was there. But
17 basically, there was a seepage of oil on the inboard turbo, or
18 right bank. And we're like, okay, so, we'd like to replace this,
19 but if you guys have to use the vessel during this time, it should
20 be okay for use until we replace it, but just keep an eye on it.
21 If anything changes, let us know, and we'll get out there and take
22 care of it.

23 (Crosstalk)

24 Q. What would you expect to see if it changed? I mean, what --
25 in other words, you tell them, keep an eye on it, but what -- did

1 you tell them specifically what to look for?

2 A. Just to make sure noting -- that the leak didn't get any
3 worse, because like I said, the turbos are sensitive, so you want
4 to keep them well lubricated, you want to keep them sealed, and
5 you don't want debris getting inside them, which was negated by
6 the fact of having air filters.

7 Q. So, earlier, in the prior interview when Mr. Chandler talked
8 to us, he mentioned that you could have enough of an oil leak that
9 would cause the oil to get into the engine, and you'd have a
10 runaway engine. Are you familiar with that concept?

11 A. You can.

12 Q. Okay.

13 A. But that would -- it wasn't a significant leak to the point
14 of we were necessarily worried about an engine running away,
15 but -- and actually, if I remember correctly, I think there's
16 actually a picture of that, too. There's -- it would be on the,
17 on the inside of the cartridge. Basically, you've got the two
18 housings, then you've got the cartridge in the center. It was on
19 one of the bolts on the inside that held the housing to the
20 cartridge.

21 Q. Okay. That's where the leak was?

22 A. Yes.

23 Q. But -- okay. Now, going back to the oil leak, though, you
24 could get an oil leak that's significant enough to cause the
25 engine to overspeed, correct?

1 A. There is a possibility.

2 Q. And now, do these engines have an overspeed trip on them?

3 A. I don't remember, to be honest. (Indiscernible).

4 Q. But they have an overspeed alarm; is that correct?

5 A. I believe. I'd have to go through the paperwork and refresh.

6 (Crosstalk)

7 UNIDENTIFIED SPEAKER #4: Okay.

8 UNIDENTIFIED SPEAKER #5: What's that? It's even got

9 (indiscernible). He's terrified.

10 MR. WYATT: But I don't remember.

11 BY UNIDENTIFIED SPEAKER #4:

12 Q. Okay. The leak that we're talking about, if the leak had
13 reoccurred, how easy would it have been for the -- to have been
14 visually observed?

15 A. What do you mean --

16 Q. You know, is this something you have to stick your head in
17 the engine and -- I mean, I have a general idea of what it looked
18 like, but again, not standing there and not being able to point
19 exactly at that place where it was leaking, I'm having a difficult
20 time understanding what someone standing in the engine room --
21 like, let's say, crew was going to check the engine before they
22 started up in the morning, is that something that they'd be able
23 to see easily?

24 A. In that location, yes. And there's even a picture right here
25 of where it would drop onto the exhaust manifold.

1 Q. Oh, okay.

2 A. So --

3 Q. All right. Okay.

4 A. It's an obvious leak.

5 Q. Okay. And you were the Scania-certified mechanic.

6 A. Yes.

7 Q. Did you have to sign off in any way on the overhaul when it
8 was all done?

9 A. I -- there wasn't an actual form, per se, but like I said, I
10 was there during the sea trial, and the engine performed
11 beautifully.

12 Q. Okay. Was there a service report done at the sea trial
13 reporting what the sea trial results were?

14 A. Let's see. (Indiscernible) right here. All pressure and
15 temps are normal, engine. Clear exhaust. And then, change the
16 oil and filters after sea trial.

17 UNIDENTIFIED SPEAKER #4: Okay. All right. I have nothing
18 else.

19 MS. EMMONS: Any follow-up?

20 UNIDENTIFIED SPEAKER #5: I have not.

21 MS. EMMONS: So, we go for PII on the line for Phelps and
22 Dunbar for Captain Nadeau?

23 (Audio distortion)

24 MS. EMMONS: I'm sorry? We couldn't hear you.

25 MS. GALITOU: No questions, thank you.

1 MS. EMMONS: Okay. Thank you. Mr. Abel, do you want to
2 (indiscernible)?

3 MR. ABEL: Yeah. We've been talking about a photo just at
4 the end so everybody knows what we're looking at and -- folks on
5 the phone, just imagine one. A lot of orange in it.

6 BY MR. ABEL:

7 Q. Mr. Wyatt, do you know what this is a photo off?

8 A. That looks like, looks to be the exhaust manifold leading up
9 to the turbo.

10 Q. Okay. And it looks like there's an oil spot in one part of
11 it.

12 A. Right.

13 Q. Any idea why this photo was taken?

14 A. Just further proof that the turbo had a small leak.

15 Q. Okay. And then, was that the leak that was cleaned up during
16 the testing after the job?

17 A. Yes.

18 Q. And then, the sea trial happened, and it didn't reappear in
19 the time you were there?

20 A. Not in the time we were there.

21 MR. ABEL: Okay. Those are the only questions I have.

22 BY MS. EMMONS:

23 Q. And if I could just follow up with that, are those picture
24 that are also taken that aren't included in your reports, that you
25 take other pictures like that?

1 A. We take pictures just simply so we can remember how certain
2 things went, went together. I mean, we're only human. But we'll
3 take a picture for anything we find just for proof, just to cover
4 everybody in a situation.

5 Q. And can we (indiscernible) those pictures?

6 A. Yeah. I think you have them, but in any event, maybe the
7 best thing would be, when we're done, if you've got the ability to
8 make a photocopy to share with everybody so everybody's got the
9 picture that we're talking about, and I'll leave it up to you to
10 get it to the folks that are here remotely, but, you know, a
11 picture's worth 1,000 words.

12 MS. EMMONS: Thank you, sir. Appreciate that. Does
13 anyone -- yes?

14 UNIDENTIFIED SPEAKER #6: Just a few follow-up questions
15 (indiscernible).

16 MR. KARR: I have a question.

17 MS. EMMONS: Yes, sir.

18 UNIDENTIFIED SPEAKER #6: Go ahead.

19 MR. KARR: Hi. Mike Karr with the NTSB.

20 BY MR. KARR:

21 Q. Mr. Wyatt, when -- on the service report, there's a box
22 called, recommendations.

23 A. Yes.

24 Q. So, how are you trained and what's your understanding of what
25 is supposed to go into the recommendations box?

1 A. Just if we find something other than or in addition to what
2 we were originally called out for, we'll usually use that. I've
3 used it for even rebuilds. Like, say, we'll take a line of
4 projection. Basically, what that is, is you install the cylinder
5 liner, and you take your measurements of how far that sticks
6 outside of the engine block. And there's usually a specific spec
7 that you have to meet. And so, we'll record that, and we'll draw
8 little circles, and like use my readings on these four areas of
9 that liner, and essentially make a chart. So, I mean, we use that
10 recommendation for a lot of things. In this case, there's torque
11 specs and valve settings that we did, and just for further proof,
12 say, hey, this came from the manual. This is what it's supposed
13 to be, and this is what we did.

14 Q. So, it's usually where you record nonconformities?

15 A. Any, any kind of like spec that we did, like torque specs.
16 It's used for -- like, say we go down there, so we're, we're there
17 for the water pump. We do the water pump. Hey, I found this
18 turbo leak. That's where I would write the recommendation. And a
19 lot of times, I'll also write it in the, the report itself the
20 way, you've got the report, and then, okay, over here, you've got
21 the recommendation, this is what we'd like to do.

22 Q. Right. And when you write the recommendations, is there a
23 process you've been trained in? Is it, as you -- I'll be
24 specific. Before you finish the job, are you instructed to go
25 around and just give a general overview of --

1 A. For the --

2 Q. -- engine room, the boat --

3 A. You, you want to leave the engine in the best -- a better
4 state than what you arrived at, so we'll make sure that we don't
5 see any kind of abnormalities when we verify that the repair is
6 complete, yes.

7 Q. So, you intentionally look at the -- at more than just
8 your --

9 A. Yes.

10 Q. -- report?

11 MR. KARR: All right. Thank you. No more questions.

12 MR. WHALEN: A few follow-up questions.

13 BY MR. WHALEN:

14 Q. Thank you again, Charlie. So, in your professional,
15 technical, Scania tech rep opinion, so, you had -- we had
16 basically a catastrophic heat event when we jumped all the jacket
17 water. Could that excessive heat damage, indirectly damage,
18 (indiscernible) complete failure in the turbochargers?

19 A. It could, because what it -- you're not just keeping the
20 engine cool; you're kind of keeping the oil cool, too --

21 Q. Yeah.

22 A. -- which does flow through the turbocharger.

23 Q. Okay. And then, when you replace the lines, you said there
24 was a tech operator --

25 A. Yes.

1 Q. -- from, I'm going to guess (indiscernible) impregnated hoses
2 to the hard pipe?

3 A. There is a little T fitting that comes off of the block, and
4 originally, there were salt hoses with -- the end basically is
5 like a (indiscernible) end.

6 Q. Can you -- in this picture here, can you be able to tell --
7 is that in there that you're speaking to, or --

8 A. Yeah. Right here. So, this top piece right here, that's
9 where the turbo supply connects to the top of the turbo, feeds oil
10 into it, and spins it around, keeps the turbo lubricated, and
11 drains out the bottom. This hose, the supply hose has, like I
12 said, the special fitting to connect to the turbo, and that's the
13 line that was replaced.

14 Q. And you did that on the left bank and right bank?

15 A. I did that on both banks, because it was already there. It
16 was an upgrade that needed to happen, and we already had the part.
17 Once we notified Ryan that, hey, this needs to be replaced, order
18 the part, it came, and they get it to --

19 Q. Okay.

20 (Crosstalk)

21 Q. And then, with reference to the photo, we had just seen where
22 the oil was on the turbo housing. How hot? I know you don't do
23 specifically, but what do you think the range of that -- is that
24 considered a hot part of the engine, would that be the cooler part
25 of the turbo area, or --

1 A. Let me see. Basically, the, the area in question would be
2 basically on the central what we call the cartridge of the turbo.
3 It's got power on both sides. It's a unitized kind of piece. And
4 it was leaking from -- I can't remember if it was from the hot
5 side or the cold side, but basically, one of the volts -- it's on
6 both sides, and that's where it was leaking from.

7 Q. And then, it would be on the -- this picture's on the arm, so
8 it would then go down onto the housing area?

9 A. Yeah, and it -- yeah. This is the housing. This is the --
10 the picture right here is basically this piece underneath.

11 Q. But it would --

12 A. The, the exhaust, panel, the exhaust manifold, correct.

13 Q. So, on the exhaust, but it would have to come from one of the
14 top bolts, because it -- was it on the center, what you called as
15 the cartridge area? Was it on the cartridge area, as well?

16 A. I'd have to revisit that picture, if we have it, of the --
17 yeah, that one right there. I think that's --

18 Q. There's another one right here.

19 A. As you can see right here, and actually, that does appear to
20 be the, the cold side, the compressor housing, if you will. But
21 there's oil seepage right here at the joint where the cartridge
22 meets the compressor housing.

23 Q. Okay. And then, it goes -- okay. Then, it flows down, or it
24 goes down, onto the --

25 A. And then, it drips down onto -- should be something similar

1 to that.

2 Q. Down there; and then, just below that would be your
3 exhaust --

4 A. That's right.

5 Q. -- yeah, correct?

6 A. That's right. No, this is the exhaust.

7 Q. Oh, that's --

8 A. That connects directly to the exhaust. That's how the
9 turbine is spun, is (indiscernible) gases.

10 Q. Then, what do you think is the -- you said you have heat
11 guns, is it? What do you think is the temperature of that exhaust
12 housing?

13 A. I don't remember exactly, but it is water-cooled, so it
14 wouldn't be your normal hot exhaust gas. This is water-cooled
15 to --

16 Q. Okay. So, it wouldn't be considered a hot surface as per
17 (indiscernible).

18 A. It would be a little bit warmer, but it wouldn't be like your
19 non-water cooled where, if you touch it, you're going to burn --

20 Q. Yeah.

21 A. -- yourself pretty bad.

22 Q. Okay.

23 A. So --

24 MR. WHALEN: No further questions. Okay.

25 MS. EMMONS: Anyone else in the room have any questions?

1 Anyone else on the line have any questions (indiscernible)?

2 MR. FLAHERTY: No, no more questions.

3 MS. EMMONS: Thank you. All right. We'll end this at 11:27.

4 Thank you, Mr. Wyatt, again, and --

5 MR. WYATT: No problem.

6 MS. EMMONS: -- thank you for providing those

7 (indiscernible). Thank you.

8 (Whereupon, at 11:27 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

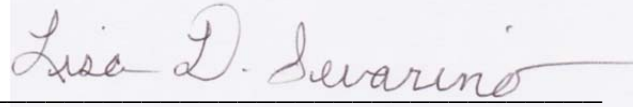
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Charles Wyatt

ACCIDENT NO.: DCA22FM022

PLACE: Portsmouth, Virginia

DATE: July 26, 2022

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.



Lisa Sevarino
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: JEFF PARKER, Hydraulics Business Manager
Carter Machinery

via Microsoft Teams

Wednesday,
September 14, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

APPEARANCES:

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United States Coast Guard
District 5 Formal Investigations Team

TRAVIS TAYLOR
United States Coast Guard
District 5 Formal Investigations Team

ERIC DENLEY
Hornblower/City Cruises

ALAN WEIGEL, ESQ.
Blank Rome on behalf of City Cruises

CHRIS ABEL, ESQ.
Willcox Savage on behalf of Bay Power Solutions

DAVID FLAHERTY
National Transportation Safety Board

MICHAEL KARR
National Transportation Safety Board

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By Mr. Taylor		30

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I N T E R V I E W

(9:02 a.m.)

MR. PARKER: -- I understand it and we're doing a recording.

LT. COMMANDER EMMONS: Okay. And this is a joint U.S. Coast Guard, National Transportation Safety Board investigation and the Coast Guard's the lead agency. And we're conducting this interview under Coast Guard regulations. The date is September 14th, 2022. The time is 9:02 and we're interviewing with Mr. Jeff Parker via Teams.

And, Mr. Parker, again we're conducting an interview to examine the events surrounding the fire and subsequent loss of an excursion vessel, the Spirit of Norfolk, which occurred on June 7th, 2022, in Norfolk Harbor.

Before we begin, if we can just -- you can just introduce yourself, Mr. Parker, just state your name and spell your last name for the record and your affiliation. And then we'll just kind of go around the virtual room and introduce everyone to you.

MR. PARKER: Sure, Jeff Parker. My last name is spelled P-a-r-k-e-r. I'm a hydraulics and machining business manager for Carter Machinery Company.

LT. COMMANDER EMMONS: And just for purposes of -- I don't see anyone there -- but is there anyone with you in the meeting that you would like to -- anyone sitting there in the --

MR. PARKER: No, ma'am. I'm alone, yes.

LT. COMMANDER EMMONS: Okay. My name is Lt. Commander Nicole

1 Emmons, spelled E-m-m-o-n-s, and I'm with the U.S. Coast Guard
2 District Formal Investigation team.

3 I'm going to go with other Coast Guard members on the line.
4 Lt. Whalen.

5 LT. WHALEN: I'm Lt. Tom Whalen, W-h-a-l-e-n, and I'm with
6 the District 5 Formal Investigations team.

7 LT. COMMANDER EMMONS: Mr. Taylor.

8 MR. TAYLOR: Hi, this is Travis Taylor, T-a-y-l-o-r, I'm with
9 the Formal Investigations team for the Coast Guard.

10 LT. COMMANDER EMMONS: And a representative for Hornblower?

11 MR. DENLEY: Hi, I'm Eric Denley. I'm with City Cruises,
12 Spirit of Norfolk. Thank you.

13 MR. WEIGEL: Alan Weigel from Blank Rome, W-e-i-g-e-l, for
14 City Cruises.

15 LT. COMMANDER EMMONS: And the PIIs, Parties-in-Interest for
16 Bay Diesel.

17 MR. ABEL: Yes, good morning. This is Chris Abel with the
18 Willcox Savage firm. Abel, A-b-e-l. We represent Bay Power
19 Solutions, Bay Diesel.

20 LT. COMMANDER EMMONS: And do we have anyone for Captain
21 Nadeau? No. Okay, and we'll go to the NTSB.

22 MR. FLAHERTY: Hi, my name is David Flaherty. Last name's
23 spelled F-l-a-h-e-r-t-y, with the NTSB.

24 LT. COMMANDER EMMONS: Is there anyone that I missed? I
25 don't see anyone else, but just in case. Okay.

1 Mr. Parker, just some ground rules, too, that you can modify,
2 change, if something -- if you want to -- if you remember
3 something differently and want to come back, we can always change
4 the transcript or, you know, if you come back with something, I
5 didn't say that. Same with the report of investigation that will
6 come out. If there's something that you want to appeal, you're
7 more than -- you have the right to do. And if you have any
8 questions about why we're conducting an investigation into this
9 matter, we go off the Coast Guard Marine casualty investigations
10 and the Marine Safety Manual, Volume 5. It's something you can
11 Google if you would like to see that formal investigation process
12 or learn more about it.

13 Do you have any questions before we get set?

14 MR. PARKER: I do not, no.

15 LT. COMMANDER EMMONS: Again, thank you for being here this
16 morning, and I'm going to turn it over to Mr. David Flaherty with
17 the NTSB.

18 INTERVIEW OF JEFF PARKER

19 BY MR. FLAHERTY:

20 Q. Good morning, Mr. Parker. How are you doing, sir?

21 A. Very good, thank you.

22 Q. I appreciate you coming in here and answering a few of the
23 questions we have concerning the hydraulic system on board the
24 Spirit of Norfolk. So, I'm just going to do some introductory
25 experience questions for you, questions about the company, and

1 then I'll get into the aspects of the actual vessel's hydraulic
2 system, if that's okay with you.

3 A. Sure.

4 Q. All right. Well, please tell me -- us -- a bit about your --
5 please tell us a bit about your professional history and
6 education, please.

7 A. Professional history, I'm a -- I've been a hydraulic shop
8 supervisor for a component rebuild shop at Carter Machinery. At
9 the time of the Spirit of Norfolk, my work at Carter Machinery was
10 doing industrial sales and (indiscernible) machine sales.

11 Q. Okay. So how many years have you been involved with working
12 with or around hydraulic machinery systems?

13 A. 30 years.

14 Q. Okay. And how long have you been working with Carter
15 Machinery?

16 A. 30 years.

17 Q. Oh, very good.

18 A. Yes.

19 Q. And how long have you been in your current position?

20 A. Hydraulics business manager, probably -- I'd have to look at
21 the dates -- but approximately four years.

22 Q. Okay. What are your responsibilities currently?

23 A. I oversee the operations of our component rebuild shop, which
24 is hydraulic cylinders, and our machinery and welding facility
25 here in Chesapeake.

1 Q. Okay.

2 A. I also spent some time at customer job sites, just evaluating
3 some customer needs. Not necessarily sales, but more of
4 consulting.

5 Q. Okay. So, just so I have a better understanding, were you
6 actually, in your history of working with hydraulic systems and
7 working at Carter Machinery, do you have welding experience and
8 installation experience, hands on?

9 A. Yes, not in certified welding, sir, but definitely
10 installation experience, yes.

11 Q. Okay. And repairs as well?

12 A. Yes, sir.

13 Q. Okay, great. So if you could, please tell me a little bit
14 about what Carter Machinery does?

15 A. Well, Carter Machinery is a -- is the Caterpillar dealer for
16 Virginia, Maryland, Delaware and D.C. We also have, in our
17 hydraulic shop, we not only work on Caterpillar hydraulic
18 cylinders, but also competitive cylinders and industrial equipment
19 as well.

20 Q. Okay. So, questions about the employees. How are the
21 employees trained to conduct maintenance work on hydraulic
22 steering systems?

23 A. How are they -- we have classroom training and online
24 training for hydraulic systems at Carter, Caterpillar specific
25 training, and just basic general knowledge and experience from our

1 senior technicians.

2 Q. Okay. And is this training annual, biannual, or how is that
3 scheduled out?

4 A. The -- most technicians have a training plan that's a -- like
5 a career learning path.

6 Q. Um-hum.

7 A. Their hydraulics training would, you know, be training 101,
8 102, 103 and progress on through their Caterpillar training plan.

9 Q. So, they have, like, a recertification program that they have
10 to do?

11 A. Not typically recertification, but just typical certification
12 for dealing with job role. The technicians in the component
13 rebuild shop would get training on precision instrument training,
14 general rebuild training, dealing with all the specific components
15 that that technician would be hands on.

16 Q. So, would this include the electrical installation or is it
17 just focused on the hydraulic side?

18 A. Just hydraulics for our technicians that are under my
19 direction.

20 Q. Okay. Well, let me ask you a few more -- or a couple of
21 questions about the vessel, Spirit of Norfolk. Have you been on
22 the Spirit of Norfolk?

23 A. Yes, sir.

24 Q. When was the last time?

25 A. I was there for the fire investigation.

1 Q. And how about prior to that?

2 A. Prior to that was when we exchanged the hydraulic steering
3 cylinders in 2019.

4 Q. 2019, okay. And so that was -- okay, about three years ago.
5 Correct?

6 A. Yes, sir.

7 Q. All right. So, you oversaw the installation of the hydraulic
8 cylinders on the steering system and made sure that they were
9 operating correctly and the whole bit. Correct?

10 A. Yes, sir.

11 Q. Prior to the 2019 hydraulic installation, cylinder hydraulic
12 installation, were you previously on board the vessel?

13 A. Only as a passenger, sir.

14 Q. Okay. Good to understand, thanks. Based on your previous
15 experience with the system, did you have any concerns with its
16 operation?

17 A. No, the reason we were called out was the steering system was
18 making a knocking or a clunking noise when they moved the rudder.

19 Q. Um-hum.

20 A. A technician and myself went down to the vessel to
21 troubleshoot it. I had the captain steer it. We can see that the
22 steering cylinder mounting pins had wear --

23 Q. Okay.

24 A. -- which is what was causing the knocking noise. And we
25 advised and provided a quote to just replace the steering

1 cylinders with new OEM cylinders, which is what we did.

2 Q. So, do you consider yourself familiar with the hydraulic
3 steering system on the Spirit of Norfolk?

4 A. No, sir. Not with the entire system.

5 Q. Okay.

6 A. I mean, our only experience was in the steering cylinder
7 room, the rudder room, I guess, or rudder control room. We looked
8 at the -- just at the two components, the two steering cylinders.

9 Q. Okay. Do you -- are you aware of the other components of the
10 hydraulic system for the Spirit of Norfolk?

11 A. I just saw the schematic this morning.

12 Q. Outside of that, do you recall looking at the electric
13 motors, the helm or any of the other aspects of the system?

14 A. No, sir, I do not.

15 Q. Okay. Just to kind of give a foundation, can you explain how
16 a hydraulic steering system works? Just basic, just so people not
17 familiar with it can gather -- gain an understanding of it.

18 A. Well, I mean, it looks like there's an orbital valve with a
19 wheel on it. Obviously, it (indiscernible) some directional
20 control valves or some check valves. The cylinders appear to be
21 hooked in -- tied together through -- looks like a compensated
22 valve so that as one steers right, one turns left. They work in
23 conjunction with each other. And there appears to be a pressure
24 release valve in the system, which would (indiscernible) the tank
25 if for some reason it over pressurize the system.

1 Q. Okay.

2 A. The steering cylinder comes through the rudder linkage, so
3 that's a pretty simple system, it appears to me.

4 Q. Okay. Do you know if it's a follow up or a non-follow up
5 system?

6 A. No, sir, I do not.

7 Q. All right. Do you know what that term means from -- for a
8 steering system or a hydraulic system?

9 A. I am not familiar with that, no.

10 Q. That's fine. What pressure -- and you were working with the
11 cylinders -- what was the pressure that the system was normally
12 operating in?

13 A. I believe it was about 1,000 psi.

14 Q. Okay.

15 A. I see there's a relief valve set at 1,100 psi.

16 Q. So, would that be the normal setting of a relief valve about
17 100 psi over its normal operating pressure?

18 A. The system appears to be that way.

19 Q. Okay. Do you recall what type of hydraulic fluid that the
20 system used?

21 A. No, sir, we weren't involved in that.

22 Q. Okay. So, explain -- what prevents the rudders from moving
23 on their own when the helm is not engaged?

24 A. I see there's ball check valves -- I mean, there are ball
25 valves that they could -- there's a directional control valve.

1 Q. And when you say the directional control valve, how is that
2 identified in the plan?

3 A. Well, in the schematic, it shows the directional control
4 valve, which is the square block with arrows pointing in opposite
5 directions. I did not see the valves myself on board.

6 Q. Okay. Looking at the plan, there's a rectangle on the --
7 there's two rectangles. One's by the relief valve to the right of
8 the relief valves and the controller valves, and there's another
9 one between the helm and then the cylinders for the steering gear.
10 And it's marked 4KK32. Do you happen to know what that is
11 representing on the plans?

12 A. No, sir, I do not.

13 Q. All right. Do you know how much pressure the hydraulic pumps
14 can produce? I know it's listed at 900, but can they produce
15 more?

16 A. I'll be honest with you, sir, I don't know.

17 Q. Do you know if -- where this hydraulic system -- are the
18 pumps always in operation when the system is -- essentially it's
19 the pumps until the hydraulic pressure is needed to turn the
20 rudder is recirculating? So, it goes from the pump up to the helm
21 and then back to the sump? Is that correct?

22 A. That's how it appears, yes, sir.

23 Q. Okay. Do you know if or when the hydraulic pumps were
24 replaced?

25 A. No, sir, I do not.

1 Q. Do you know the last name they were maybe overhauled or --
2 (Crosstalk)

3 A. No, sir.

4 Q. Okay. Is there any type of alarm for the failure of the
5 hydraulic pump or with the system?

6 A. I'm not aware, sir no.

7 Q. Okay, thank you. So, the pressure relief valve is set at
8 1,100 psi. Let's see. Does the -- do you know, based on that
9 system and your experience, does the relief valve open when the
10 steering system has turned the rudder to its maximum radius,
11 causing the ram to hit the rudder stop?

12 A. I'll have to see it, but if the pumps are building more
13 pressure than 1,100 psi and it would hit the rudder stop, I would
14 assume it would really (indiscernible) the tank.

15 Q. So, anytime they take the helm, they turn it all the way to
16 the port or starboard and the steering ram moves, the valve would
17 eventually open up with the -- essentially it's the pressure side
18 of the piston is reaching its end point. So, that pressure goes
19 all the way back and does it enter -- which side of the pressure
20 would it be entering on? The pump would still be pressurizing, so
21 it would relieve the pressure that's from the pump to that
22 cylinder. Correct?

23 A. That's the way it appears, yes, sir.

24 Q. Okay. Do you know if the relief valve was replaced during
25 the past three years?

1 A. I'm not aware, sir.

2 Q. All right. Do you -- does the hydraulic system have an over
3 pressurization alarm?

4 A. I'm not aware -- I'm not familiar with that.

5 Q. Can you tell us what the diameter and schedule of the pipes
6 that are installed in the hydraulic system on board the Spirit of
7 Norfolk?

8 A. The drawing shows one-inch schedule 80.

9 Q. Okay. Do you know what the pressure rating is for pipes of
10 that diameter and schedule?

11 A. Not off the top of my head. I could look that up more, but
12 I'm sure it's much higher than the 1,100 psi.

13 Q. Okay. Generally, from -- maybe off the top of your head --
14 from your experience working with the systems, when would you
15 expect a schedule 80 one-inch diameter pipe to be able -- max
16 pressure to be able to handle?

17 A. I would assume a working pressure of 5,000 psi.

18 Q. 5,000?

19 A. Pressure higher than that possibly.

20 Q. Okay. And that's just -- what material is the schedule 80
21 pipe used for a hydraulic system?

22 A. It's usually seamless black iron or something --

23 Q. Okay.

24 A. -- I would assume.

25 Q. And as I understand it, the piping is original with the

1 vessel. Would you -- have you ever encountered waste stage or
2 corrosion with hydraulic piping in a hydraulic system?

3 A. Yes.

4 Q. At what -- from your experience -- and I'm not focusing on
5 this -- from your experience, what usually is the cause of that
6 corrosion?

7 A. It's typically from the exterior of the pipe, from moisture,
8 sea air and saltwater.

9 Q. Okay. So, getting back to the pistons and the helm, the --
10 obviously when the person at the helm turns the wheel, pressure is
11 released from the pump, and it proceeds down to the piston, and it
12 moves to the piston. And then when he turns it back to center of
13 the helm, the rudders, the pressure would go on to the other side
14 of the piston and push it back. After he brings the helm to
15 midship, essentially shutting off the pressure from the pump to go
16 to the individual pistons, is there pressure remaining in those
17 pipes from the helm to the pistons?

18 A. Yes.

19 Q. Would it be a substantial amount of pressure or --

20 A. Or it would be less than 1,100 psi. If it was greater than
21 that, it would pump back the tank.

22 Q. Okay. But the motor would still be recycling the hydraulic
23 oil back up to the helm until the command is (indiscernible)?

24 A. I'm sorry, my phone rang. Let me turn this off.

25 Q. Sure.

1 A. So, if you could you repeat that then?

2 Q. Yes. So, again, just wanted to clarify that when the helm is
3 at the midships and there's no -- it's not turned in either to the
4 port or starboard direction, the pump is still circulating the
5 hydraulic fluid up to the helm and then it's coming --
6 recirculating back into the sump?

7 A. Yes, sir, typically.

8 Q. Okay. And then on the other side of the helm, when it's not
9 being -- in use, there still would be some residual pressure in
10 the hydraulic piping from the helm to both sides of the piston?

11 A. Yes, sir.

12 Q. Okay. So, do you have the exact date the last time
13 maintenance was done on the Spirit of Norfolk steering system that
14 your company conducted?

15 A. We only did one service, sir, and that was to replace the
16 cylinders with OEM. That was done on -- let's see, it was on -- I
17 can pull up the exact date, it looks like. Let me pull that up
18 real quick. It was in 2019 of -- let me see if I can pull it up
19 real fast for you on the screen. November 19th of 2019.

20 Q. Okay. November 19th, 2019. And could you kind of describe
21 what the extent of that work was?

22 A. Yes, sir. We removed the -- we shut off the tubal valves in
23 the hydraulic cylinders, removed the existing hydraulic cylinders,
24 steering cylinders. There were the hydraulic cylinders pins
25 connect on each end of the bulkhead. We repaired the pin boards

1 and installed new OEM cylinders that we purchased from West Marine
2 -- the exact part number's what we removed.

3 Q. Okay. And comparing the cylinders that you took out with the
4 new ones that you put in, basically same pressure for movement,
5 the -- what was it -- the piston length was approximately the same
6 in that sense?

7 A. It was an identical replacement. Same part number, sir.

8 Q. Okay, great. Thank you. So, let me ask you a couple -- are
9 you aware of any routine manufacturing recommendations for
10 maintenance for the system, like what they should be doing to make
11 sure it's operating properly?

12 A. I'm sure there's filters in the system that would need to be
13 replaced, but I'm not familiar with any other maintenance that
14 they should be doing.

15 Q. Okay. And when you're working with the Spirit of Norfolk
16 during the replacement of the cylinder, did you become aware of
17 any routine maintenance that they do with the hydraulic system?
18 And I know it's been a while, but.

19 A. Yes, sir. We just had that limited exposure that one day.

20 Q. Okay. Are you aware of any Coast Guard inspection
21 requirements for the steering system?

22 A. I am not, except typically maybe hose replacement at their,
23 you know, dated hoses. I'm not sure what the service life of a
24 hydraulic hose is, but I believe on Navy vessels they have an
25 installed date and a service life date -- or dated. Maybe this

1 vessel would be similar, but I'm speculating.

2 Q. Okay. I'm going to try to show you a picture here. Do you
3 see the picture right there, sir? It's a --

4 A. I do.

5 Q. All right. Based on your experience working with hydraulic
6 systems, have you ever seen a -- this is the port hydraulic pipe
7 that would be going from the helm to the steering system, the
8 pistons. This is in the engine room on the port side, outboard at
9 the port engine -- port main engine. Based on your experience,
10 have you ever seen a hydraulic pipe fail like this?

11 A. No, sir.

12 Q. How do hydraulic pipes normally fail from your experience?

13 A. Maybe just small cracks in the pipe unless it occurred from
14 the outside, and it'll start to split lengthwise.

15 Q. So, for a pipe to have this type of failure, based on your
16 experience -- and I know you haven't physically looked at it,
17 you're just looking at a photograph -- would you consider this
18 unusual?

19 A. Yes, sir.

20 Q. And as far as we know, the hydraulic pipe was installed and
21 it was the original pipe that was installed when the vessel was
22 built. Off the top of my head, I believe it was in the 1978, but
23 I might be incorrect on that. But based on that age, would the
24 age of the pipe have an impact on the ability of the pipe to
25 withstand pressure even at lower pressure ratings than it would

1 normally encounter?

2 A. I wouldn't think so. Not unless there's a flaw in the pipe
3 itself that would -- you know, a weak spot, possibly, that was
4 undetected.

5 Q. What could cause a weak spot outside of corrosion?

6 A. I mean, I don't know if the wall thickness could be
7 inconsistent from the manufacturer --

8 Q. Um-hum.

9 A. -- original manufacturer possibly where there's a thin spot
10 in the wall or external damage.

11 Q. And what type of external damage could weaken the pipes --
12 I'm going to turn it off.

13 A. Sure.

14 Q. What kind of external damage from your experience could
15 weaken the pipes so it could fail?

16 A. Well, anything that would reduce the wall thickness. Maybe a
17 gouge or a cut on the outside of the pipe or corrosion on the
18 outside pipe.

19 Q. How about if the pipe was exposed to heat?

20 A. Certainly yes, if it was hot enough to allow the metal to,
21 you know, expand and burst.

22 Q. Okay. Could an acetylene torch, if it came in contact with
23 it, cause a weakening of the pipe's strength?

24 A. If it was concentrated in one area, sure.

25 Q. Okay. So, you were on board the vessel, the Spirit of

1 Norfolk, after the fire?

2 A. Yes, sir.

3 Q. Did you see that pipe while you were on board or not?

4 A. No, sir, I did not.

5 Q. Okay. Did you see any other failures with the hydraulic
6 system that you noted while you were on board the vessel?

7 A. No, sir, I only went into the steering gear room.

8 Q. Okay. And what did you find in the steering gear room?

9 A. It was unaffected by the heat. There were still plastic
10 trash bags sitting in there that were not even melted. The
11 hydraulic cylinders that we installed were still perfectly intact.

12 Q. Okay. Did you notice if the valves were in their proper
13 setting?

14 A. It looked like they had possibly shut one of the valves. I'm
15 not familiar -- they had the rudder linkage strapped, I guess for
16 towing purposes, to keep the vessel from turning, and possibly
17 shut one of the valves on that cylinder.

18 Q. Do you recall which cylinder that was?

19 A. I'd be guessing. I believe it was the port side, but
20 whichever side they had strapped with the ratchet, where they had
21 the rudder linkage strapped in the fixed position to tow the
22 vessel.

23 Q. Okay. Do you know what direction the rudders were facing or
24 -- when you were down there?

25 A. No, sir, I don't.

1 Q. Okay. All right. I appreciate your time. That's all the
2 questions I have for you. Thank you.

3 A. Sure, thank you.

4 LT. COMMANDER EMMONS: Mr. Karr, you joined after
5 introductions. Do you mind just giving an introduction and
6 spelling your last name, and if you have any questions, sir.

7 MR. KARR: I'm Michael Karr with the National Transportation
8 Safety Board. K-a-r-r.

9 LT. COMMANDER EMMONS: Thank you, Mr. Karr. Okay. We'll go
10 to Coast Guard members. Does anyone have any follow-up questions
11 for Mr. Parker?

12 LT. WHALEN: I do not have any questions at this time, thank
13 you.

14 MR. TAYLOR: This is Travis. I don't have any questions.

15 LT. COMMANDER EMMONS: Okay, thank you, sir. Okay. We'll
16 move to the parties-in-interest. We'll start with Hornblower. Do
17 you have any questions for Mr. Parker?

18 MR. DENLEY: No, we have no questions.

19 LT. COMMANDER EMMONS: Mr. Abel with Bay Power solutions. Do
20 you have any questions for Mr. Parker?

21 MR. ABEL: I do. I think a lot of these based on Mr.
22 Parker's earlier responses are likely to be -- he doesn't know but
23 let me check them off my list to make sure that I'm not assuming
24 too much.

25 BY MR. ABEL:

1 Q. Mr. Parker, I appreciate your patience in putting up with us
2 today.

3 A. Yes, sir.

4 Q. I'll work through these as quickly as possible and --

5 A. Sure.

6 Q. -- I apologize in advance for any obvious lack of engineering
7 expertise I have. If the question sounds nonsensical, tell me.
8 But I think it sounds like the only part of the steering system
9 that Carter replaced over the life of its service of the Spirit of
10 Norfolk were the cylinders that you described replacing back in
11 the steering gear room in 2019. Is that correct, sir?

12 A. Yes, sir, that's correct.

13 Q. All right. And so, when you were asked earlier about the
14 piping and the burst pipe and, you know, what might have led to
15 that, that -- the piping that led all the way back to the steering
16 room -- to the cylinders, that was nothing that Carter had either
17 installed or replaced. Right?

18 A. That's correct.

19 Q. Okay. And earlier you were asked about pressures, and I
20 think -- I just want to clarify -- that you thought it had a 1,000
21 psi operating pressure. But as you sit here right now, you're not
22 certain about that. You think that's about right. Correct?

23 A. Yes, sir. I'm just looking at the drawing.

24 Q. Um-hum.

25 A. It's not -- the relief valve is set at 1,100 psi.

1 Q. Okay. So, clearly, its operating pressure would be below
2 whatever the relief valve was set for. So, whatever it was, it's
3 going to be less than 1,100 because at 1,100, the relief valve
4 should kick in. Right?

5 A. Yes, sir.

6 Q. All right. I'm going to guess that you guys did not offer --
7 and when I say you guys, Carter Machinery -- did not offer any
8 instructions to Spirit of Norfolk or its operator on how to
9 maintain the cooling of the steering system. Would that be
10 accurate?

11 A. That is accurate.

12 Q. Okay. Let's see. I asked earlier about maintenance or work
13 that you may have done on the system. Did you do -- Carter
14 Machinery -- do any testing of the system?

15 A. I -- after we installed the cylinders, we had Captain -- I
16 believe he was the captain, or he was our point of contact at the
17 time -- it was Ryan Nadeau --

18 Q. Um-hum.

19 A. -- operate the system just to ensure we had no leaks, and
20 everything operated correctly. And he signed off on the operation
21 of the rudders and we were on our way.

22 Q. Okay. As far as any plans or specs for the system
23 components, since you just replaced the cylinders, would it be
24 fair to say that at least up until the time of the fire in June of
25 this year, you didn't have any plans or schematics or anything for

1 that particular system?

2 A. No, sir.

3 Q. Okay. This may be a bit of a stretch. Do you know if
4 there's any internal relief valve in the pump for the system?

5 A. I do not know that, no, sir.

6 Q. Okay. We talked about the relief valve that it is set for
7 1,100 psi or should be at least. Where in the ship is that relief
8 valve located physically, sir?

9 A. I believe it's in the engine room, sir, but I'm guessing.

10 Q. Okay. And you may have already answered it with the guessing
11 part. You wouldn't know if it is fore or aft of the main diesel
12 engine in the engine room. Right, sir?

13 A. No, sir, I don't know.

14 Q. All right. Do you know if there are any check valves in the
15 system?

16 A. It appears that there is in the drawing.

17 Q. Do you know, as best you can tell from the drawings you're
18 looking at, where those are located?

19 A. Physically located, no, sir. I would assume next to the pump
20 in the engine room, but I'm guessing.

21 Q. Okay. Do you know what type of hydraulic fluid is
22 recommended to be used in this system?

23 A. Typically, 10 weight hydraulic oil, but a lot of shipboard
24 systems use a biodegradable 10 weight oil, but I'm not familiar
25 with what is actually in the system, no, sir.

1 Q. Okay. But 10 weight would be the grade of oil that we're
2 talking about?

3 A. Typically, yes, sir.

4 Q. Yes. Based on what you've said so far, it does not sound
5 like you've got a standing agreement with Hornblower as far as
6 servicing the hydraulic system. Is that correct?

7 A. That is correct.

8 Q. They call you out on an as-needed basis and it's job by job?

9 A. Just this one job, sir, is all we've been involved in.

10 Q. Got it. We talked about filters and I understand that you
11 were not involved in anything involving the filters, though it
12 came up I think when you were asked earlier about what kind of
13 periodic maintenance -- routine maintenance would you expect on
14 the system. Do you have any sense of how often the filters
15 probably should have been replaced in that system?

16 A. I'll be guessing on that system, but typically -- probably
17 800 hours of use, possibly.

18 Q. Okay. Do you know if there is any protocol or expectation
19 that the hydraulic fluid would be tested periodically?

20 A. No, sir, I'm not aware of that.

21 Q. Okay. And kind of a cousin to that, do you know if there
22 would be an expectation that the hydraulic fluid would be replaced
23 periodically?

24 A. I would assume it would be replaced if it were tested and
25 showing moisture in the system, but I'm not sure whether -- how

1 often they would take oil samples and test that, no, sir.

2 Q. Okay. But it sounds like your assumption is that it would
3 kind of be replaced as needed, but not, you know, on -- for
4 example, earlier we talked about every 500 hours or something like
5 that. You replace the hydraulic fluid when it needs to be
6 replaced. Is that accurate?

7 A. That would be my experience. Yes, sir.

8 Q. Okay. And then I think this has been encompassed by what you
9 said earlier, but other than the clunking sound when the rudder
10 was put over that caused you to be called out in November 2019 to
11 do the replacement work that you did on the cylinders, any other
12 problems or concerns that you're aware of involving the steering
13 system, and in particular, the hydraulics for it aboard the Spirit
14 of Norfolk?

15 A. No, sir.

16 Q. And then the last thing I'm going to ask is a real left turn.
17 So, we've been talking hydraulics, hydraulics, hydraulics. But
18 while I got you, what if anything to your knowledge did Carter
19 Machinery have to do with the ship's generators?

20 A. I have no knowledge of that, sir.

21 Q. Okay.

22 A. Yes.

23 Q. And to be clear -- I realize your bailiwick is hydraulics and
24 machinery -- the machining that goes with that. Is that -- is it
25 a case of you're not saying that Carter didn't have anything to do

1 with the generators, but if they did, you don't know about it.

2 Would that be correct?

3 A. That is correct, sir.

4 Q. All right. I got it. I appreciate your patience in putting
5 up with that. I don't have any further questions at this point,
6 sir. Thank you again.

7 A. Sure, sir, thank you.

8 LT. COMMANDER EMMONS: Okay. I'll go back to the NTSB just
9 to see if they have any follow-up questions.

10 MR. FLAHERTY: I don't have any follow-up questions at this
11 time.

12 LT. COMMANDER EMMONS: Okay. And we'll give it one more --
13 does anyone have any follow-up questions for Mr. Parker.

14 MR. KARR: Sure.

15 BY MR. KARR:

16 Q. Mr. Parker, Mike Karr with the NTSB. In asking you for
17 observations from your experience, did you ever conduct -- not on
18 the Spirit of Norfolk but on prior vessels -- have you conducted
19 hydraulic piping repairs in steering systems, replace pipes,
20 replace sections of pipes?

21 A. Not on board the vessel, no, sir. We had done it on
22 individual components on Caterpillar bulldozers. We've done that,
23 but not on a ship, no, sir.

24 Q. Oh, well, you know what, I'll expand my next question to, you
25 know, let me know if it was a ship or if it was a bulldozer. But

1 when you talked about exterior corrosion on a pipe, did you ever
2 see that pipe fail or leak, if you can recall.

3 A. We've seen pipes leak because of corrosion and they'll -- if
4 the corrosion is too deep, obviously the pipe will start
5 developing needle pinholes and if they continue using them it'll
6 split.

7 Q. Have you seen a split from exterior -- that may have begun
8 from exterior corrosion?

9 A. Yes, sir.

10 Q. And can you kind of describe what that looks like, you know,
11 how long is the split? Would it look like that picture we saw
12 that Mr. Flaherty showed you?

13 A. I have not seen anything like that, sir, but typically once
14 you -- especially at lower pressures you develop from corrosion a
15 pinhole, it may split a quarter inch long. But once you relieve
16 the pressure, then obviously the pipe doesn't burst. It just
17 starts spraying oil.

18 Q. And on those splits, do you recall if any of those were on
19 the ship?

20 A. No, sir, I've never seen it.

21 Q. All right. So, the splits you were talking about were on --

22 A. Yes, Caterpillar bulldozers or excavators.

23 Q. All right. Thank you.

24 A. Yes, sir.

25 Q. Thank you, Mr. Parker, I have no more questions.

1 A. Great, thank you.

2 LT. COMMANDER EMMONS: Do we have any other follow-up
3 questions for anyone on the line? Okay.

4 MR. TAYLOR: Yes, Ms. Emmons. I just have a follow-up
5 question and then a request.

6 BY MR. TAYLOR:

7 Q. Thank you again, Mr. Parker.

8 A. Yes, sir.

9 Q. Just a quick -- just a question. While -- if the vessel was
10 actually in operation with the steering system and were to have
11 that catastrophic failure of that piping, would it then loose --
12 would it lose steering or be able to maintain steering for an
13 amount of time?

14 A. Depending on where the piping is, sir, I would assume it
15 would -- it -- the rudders would probably stay in a fixed
16 position. They would lose steering, I would think. They would be
17 pumping fluid onto the ground.

18 Q. Okay, thank you very much.

19 A. Yes, sir.

20 MR. TAYLOR: And then, Ms. Emmons, on an administrative note,
21 I'd like to request from City Cruises or Hornblower if we could
22 get the type of hydraulic oil that was used on the Spirit of
23 Norfolk.

24 LT. COMMANDER EMMONS: Okay, noted. Anyone have any further
25 follow-up questions for Mr. Parker? Okay, not hearing any, Mr.

1 Parker, thank you again for taking time out of your day to
2 speak --

3 MR. PARKER: Absolutely.

4 LT. COMMANDER EMMONS: -- with us. And I'm going to stop the
5 recording now and we'll end the call. Thank you, everyone.

6 MR. PARKER: Sounds good. Thank you very much. Have a great
7 day.

8 MR. FLAHERTY: Thank you, sir.

9 LT. COMMANDER EMMONS: Thank you. You, too.

10 (Whereupon, 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Jeff Parker

ACCIDENT NO.: DCA22FM022

PLACE: via Microsoft Teams

DATE: September 14, 2022

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.



Maria Socorro R. Abellar
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 8, 2022 *

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Interview of: TOMAS NILSSON, After-Sales Director
Scania USA

via telephone

Thursday,
September 29, 2022

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
Balt. & Annap. 410-974-0947

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I N T E R V I E W

(2:04 p.m.)

LT WHALEN: Thank you. This is a joint U.S. Coast Guard/NTSB investigation and the Coast Guard is the lead agency and we are conducting the interview over applicable U.S. Coast Guard regulations. Today is September 29, 2022, the time is 1404. This interview is for Mr. Tomas Nilsson and we are conducting the interview to examine the events surrounding the fire -- the subsequent events aboard the excursion vessel, *Spirit of Norfolk*, which occurred on the 7th of June 2022 in Norfolk Harbor.

For right now, Mr. Nilsson, if you can go ahead and introduce yourself and spell your last name for me. Then if we can go through the counsel that is representing you as well as with Scania and they can do the same.

MR. NILSSON: My name is Tomas Nilsson, T-O-M-A-S N-I-L-S-S-O-N. I'm with Scania USA, I'm the after-sales director at Scania USA and I have about 20 years at Scania in different technical positions. I have a Master of Science in mechanical engineering towards combustion engines and that's pretty much me.

LT WHALEN: Thank you, sir.

Mr. Wehrer? Thank you.

MR. WEHRER: My name is Greg Wehrer, spelled G-R-E-G W-E-H-R-E-R, and I'm a lawyer at the law firm, Squire Patton Boggs. We are outside counsel for Scania USA.

LT WHALEN: Mr. Wood?

1 MR. WOOD: Yes. Benjamin Wood, B-E-N-J-A-M-I-N, last name,
2 Wood, W-O-O-D, also with Squire Patton Boggs.

3 LT WHALEN: And Mr. Heitzke?

4 MR. HEITZKE: Yep, it's S-T-E-P-H-E-N H-E-I-T-Z-K-E. I'm the
5 technical pre-sales director of Scania USA.

6 LT WHALEN: Okay, great, thank you. My name, as I said, is
7 Lieutenant Thomas Whalen, W-H-A-L-E-N, and I am with the Fifth
8 Coast Guard District investigations team. Now we will first go
9 through the rest of the Coast Guard members who are online.

10 LCDR EMMONS: Good afternoon, I'm Lieutenant Commander,
11 Nichole (ph.) Emmons, last name is E-M-M-O-N-S, and I'm with the
12 Fifth District formal investigation team as well.

13 MR. TAYLOR: And this is Travis Taylor, I'm with the
14 traveling inspection staff with the investigation team for the
15 Coast Guard. T-A-Y-L-O-R.

16 LT WHALEN: And now for the NTSB.

17 MR. KARR: Good afternoon, I'm Michael Karr, K-A-R-R, with
18 the NTSB.

19 MR. FLAHERTY: Hi, my name is David Flaherty, F-L-A-H-E-R-T-
20 Y, I'm with the NTSB.

21 LT WHALEN: Okay, and now we'll go around with the parties in
22 interest. First with City Cruises.

23 MR. DENLEY: Yeah, I'm Eric Denley, D-E-N-L-E-Y. I'm in
24 house with City Cruises, thanks.

25 MR. BENNETT: William Bennett with the firm of Blank Rome

1 outside counsel to City Cruises.

2 LT WHALEN: And now onto Bay Power Solutions and Bay Diesel.

3 MR. ABEL: Yeah, good afternoon, this is Chris Abel with
4 Wilcox Savage. We're outside counsel for Bay Power Solutions,
5 also known as Bay Diesel.

6 LT WHALEN: Okay, and do we have anybody else on the line who
7 has not introduced themselves?

8 Okay, great, and so, to Mr. Nilsson, just of note, you may
9 change -- excuse me, you may change -- modify anything that you
10 have said in this interview if you recall things at a later time.
11 You may also appear -- you may also appeal the final results of
12 the report of the investigation that may result from this
13 interview. For more information about the investigation's
14 process -- the Coast Guard marine casualty investigations,
15 there's a marine safety manual -- Volume Five is the manual which
16 everything is found in.

17 We're going to go ahead and ask a few ground rules. We limit
18 the acronyms. If you're going to use an acronym -- we prefer you
19 didn't, but if you have to, if you could at least give us what the
20 acronym means prior to using it. If we can turn any cell phones
21 off and limit distractions, that would be great. Also, with
22 regards to muting and turning off your cameras if you are not
23 speaking -- so if you are speaking, please have your cameras on
24 and if you are not speaking, go ahead and mute. If you do want to
25 interrupt, please turn your camera on, wait for a pause, and then

1 interrupt at that point. Is that -- does everybody understand?

2 UNIDENTIFIED SPEAKER: Yes.

3 LT WHALEN: Great, thank you very much, and I will go ahead
4 and begin this interview.

5 INTERVIEW OF TOMAS NILSSON

6 BY LT WHALEN:

7 Q. Mr. Nilsson, if you can start by telling us a little bit more
8 about your professional background?

9 A. I started in 2001 at Scania in -- at the factory in
10 Södertälje. I was working in the fuel quality department
11 supporting distributors all over the world. I was on track side.
12 I'm moved on after that to work in the fuel systems laboratory for
13 about a year and after that I was stationed in Germany supporting
14 all the engine testing that was done at an outside facility.
15 After that, I moved over to Scania Engines, which is the company
16 within Scania that sells and supports those engines and I was
17 working at the factory for them supporting distributors and all
18 the customers all over the world.

19 About eight years, I moved over to Scania USA. (Verbatim) I
20 have been working, until recently, at the application engineering
21 side here at Scania USA supporting our distributors and then
22 (indiscernible) with everything -- technical support for
23 installing and making the Scania engine work in their machine or
24 vessel. About three months ago, I moved over to my current
25 position as an after-sales director for Scania USA.

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1 Q. Great, thanks, sir. Can you explain to me what you do in
2 your current position now?

3 A. I am managing the after-sales team. We are taking care of
4 warranty, training, and technical support for our distributors in
5 North American. North America for us is U.S.A. and Canada.

6 Q. Okay, and you had mentioned earlier some professional
7 licenses and/or certifications. Can you give -- can you go back
8 and explain -- tell me what those are again?

9 A. My education is a Master of Science in mechanical engineering
10 and with focus on combustion engines from the Royal Institute of
11 Technology in Sweden, Stockholm.

12 Q. Okay, good, thank you. Now, are you -- so, are you familiar
13 with the *Spirit of Norfolk*?

14 A. Yes, with the documentation you have sent me, I am familiar
15 with that.

16 Q. Okay, and the engines that were on the *Spirit of Norfolk*
17 were the DL-16-42-M engines. Are you familiar with those?

18 A. Yes.

19 Q. And are those Scania engines?

20 A. Yes.

21 Q. Have you ever had any training on those engines or trained
22 others on the engines?

23 A. Me, personally? No.

24 Q. Okay, are they any -- how do they differ? Can you explain
25 that engine to me exactly -- or not exactly, but, like, so what is

1 the DL-16 mean?

2 A. It's a DI-6 and it's a diesel and "I" means -- in our world,
3 it's a marine engine. It's a 16-liter engine and it's a
4 predecessor to the platform we have today. It doesn't differ too
5 much from the engine we produce and sell today.

6 Q. Okay, and is it used primarily as a marine engine or is it
7 used in other applications?

8 A. It's -- the base engine is used in trucks and industrial
9 marine engines. The larger portion would be the Scania trucks.

10 Q. Okay.

11 A. And then it's being modified to work both as a marine engine
12 and as an industrial engine.

13 Q. Okay, now are they converted in any way or -- what -- so, if
14 it's used in another application by the marine application, what's
15 the difference in the engine itself in how it operates?

16 A. It's mainly the cooling system that is the big difference.
17 When you take it from an on-highway or industrial application with
18 the heat exchangers, the base engine block is the same. You may
19 have a couple of different options that differ like hydraulic
20 pumps, PTO's (ph.), front drives and so on. For marine, if you
21 have a base pump and some things, that's not used for industrial
22 or on highway.

23 Q. Okay, and just to back up a little bit with what your current
24 job is, you said it was after sales. Does that mean if there's an
25 issue with the engine, you help assist, like, on trouble shooting

1 and technical aspects of the engine?

2 A. Yes, normally, not me, personally. But my team, we support
3 the distributors. We are for marine distributors in North America
4 and the distributors then support the dealers and the dealers
5 represent -- talk to our distributors.

6 Q. Okay, so in your -- in 2020, the *Spirit of Norfolk* was
7 converted -- did a conversion with -- an engine swap basically.
8 So, they brought in the Scania engine, which we're discussing
9 right now, and it went from a -- it used to be a Prime Mover 4A
10 generator and -- which was a 600 horsepower and it went down to a
11 525 horsepower Prime Mover engine. How does this work and how
12 does this affect the engine?

13 A. My understanding is that they were connected to
14 (indiscernible). That was still the drive of the previous boat.
15 Is that correct?

16 Q. I believe so, yes.

17 A. And it wouldn't change much on the engine if you connect the
18 engine to a generator or if you have a prop shaft and a propeller.
19 If you have generator cables and an electric motor that has a
20 propeller in the other end, how it affects the engine wouldn't
21 change for driving the boat.

22 Q. Okay, can you tell me basic -- can you tell me -- so, the
23 engine itself is a Scania engine, but on the *Spirit of Norfolk*,
24 the turbo chargers were not Scania turbo chargers; they are Holset
25 turbo charger. Does Scania make turbo chargers and provide those

1 or is -- do you use a different company for the turbo charger?

2 A. That is a part we buy from a sub supplier.

3 Q. Okay, and are you familiar with the Holset turbo charger?

4 A. Yes.

5 Q. Okay, can you describe to me -- or can you tell me how
6 basically a turbo charger works on a marine engine?

7 A. It uses the energy from the exhaust gases and spins a
8 turbine, and then connects it through a bearing housing over to
9 the compressor wheel, and it builds the pressure to get more fresh
10 air into the engine -- in through the intake manifold and through
11 the charge cooler.

12 Q. And what -- like, what kind of temperatures do they operate
13 at or -- what the housing of the turbo charger be?

14 A. I can't tell exactly the temperature of the housing. Exhaust
15 gases in the 500-degree Celsius range.

16 Q. And that's at a normal operating temperature?

17 A. That is under load, five to 600 Celsius.

18 Q. Well, within -- operating within parameters?

19 A. Yes.

20 Q. Okay, how is a turbo charger cooled normally?

21 A. Some are cooled and then some aren't really cooled and
22 they're all lubricated with oil, which -- to cool the central
23 bearing housing and lubricate it. Otherwise, they may or may not
24 be cooled.

25 Q. Okay, so if -- so, what type of engine malfunctions could

1 affect a turbo charger?

2 A. Can you be more specific?

3 Q. So, if something were to fail in the Scania engine -- if a
4 component were to fail, could it possibly affect the turbo charger
5 that is attached to the engine?

6 A. Yeah, that is possible. If you would have some kind of
7 object hitting the turbine housing on the exhaust side, something
8 could happen.

9 Q. Can you restate that again, sir? I'm sorry.

10 A. If you have failure inside the engine and something could
11 damage the turbine housing of the turbine -- of the turbo charger.

12 Q. Okay, and how --

13 A. (Indiscernible) Go ahead.

14 Q. No, you go ahead.

15 A. Or you can have something on the intake side. If you don't
16 have good filtration, you can have something coming from
17 the -- into the air filter -- or through the air filter and damage
18 the compressor housing.

19 Q. Okay, would you say that the -- hold on just a second. Sorry
20 about that. Would you say that the turbo charger is a sensitive
21 piece of equipment and operates within minimal parameters?

22 A. No, it's not more sensitive than any other part of the
23 engine, really. There's --

24 Q. Okay, how familiar are you with the cooling system of the
25 Scania engine?

1 A. Pretty good.

2 Q. Okay, can you run through the system and how it works and
3 with the jacket water cooled -- I'm sorry, a keel cooled system?

4 A. Keel cooled would use, like, a grate cooler or something that
5 interferes with the sea water on the outside of the boat or
6 sometimes in the keel of the boat if it's a big boat. Then moves
7 it over to the engine either by pump on the engine or an external
8 pump to the heat exchanger on the engine. Sorry, sometimes if you
9 do -- if you have a keel cool, it's normally a closed system
10 together all the way out to the grate cooler, through the jacket
11 water. Then the Scania coolant pump is pumping all the way from
12 the keel cooling into the jacket water and back out to the
13 external cooler, so to speak.

14 Q. Okay, and what does the jacket water cool in the -- on the
15 engine itself? Does it cool your fuel oil, lube oil, your heads,
16 like --

17 A. It's throughout the engine. It cools also charge air. and
18 the engine block. and cylinder liners. and everything that's
19 sitting in the engine block.

20 Q. Okay, and what would happen to the engine if that jacket
21 water system would fail?

22 A. It would run really hot and overheat.

23 Q. Okay, and then when it overheats -- what happens when engines
24 overheat?

25 A. You have engine oil as well that is also cooling part of the

1 engine that's metal-to-metal contact, so to speak, and the oil is
2 getting much hotter because there is also an oil cooler that is
3 connected with the jacket water to cool the lubrication oil. If
4 that's not happening, the engine oil is getting hotter and in
5 certain areas, you get thinner oil film and there is risk that you
6 will breach through that oil film and high wear or damage to metal
7 parts rubbing each other. If you don't cool it down, things get
8 warmer and expand.

9 Q. Is there a critical -- and I use the word -- I know
10 it's -- is there a temperature at which components would begin to
11 fail and/or, as you say, expand. I know the clearances within
12 engines are very small, so as anything starts to change or
13 friction is lost, is there a critical temperature at which these
14 things start to happen?

15 A. No, not an exact temperature limit. It gets worse the hotter
16 you run it and the longer you run it hot as well. It's difficult
17 to say an exact temperature.

18 Q. That was -- and a follow-up question to the time, how -- at
19 what -- no, at what time would -- without jacket water -- how long
20 without jacket water would this -- would the engine begin to start
21 going into a critical status?

22 A. It's difficult to say depending on load, and speed, and so
23 on. But within -- you might see damage, maybe, within 30 seconds
24 depending on speed and load. Then it gets more severe the longer
25 you run without coolant.

1 Q. So, if you were to say -- if an engine were to run for three
2 minutes, that would be an excessive period to where the engine was
3 not getting proper coolant?

4 A. It's possible, depends on load and speed as well. But that
5 is more than we would like to run. We wouldn't like to run them
6 without coolant at all.

7 Q. Okay, and with that, does Scania do -- do you guys do post-
8 casualty route analysis for components after casualties?

9 A. If we do it in general or --

10 Q. In general, yeah?

11 A. We don't -- sometimes the factory does that during
12 development, yes.

13 Q. So, for, like, a situation in which there was an excessive
14 heat, do you know if any time that they've done a causal analysis
15 of that engine just to determine or see what components have
16 failed and where they have failed?

17 A. No, more -- in general when the new engine is developed,
18 everything is taken into consideration and looking into.

19 (Verbatim)

20 Q. Okay, and then with regard to the excessive heating, you
21 talked as the engine is getting hotter and hotter, what is
22 happening to the exhaust gases?

23 A. They are getting a bit hotter as well and the exhaust
24 manifold gets hotter and hotter because they are cooled by the
25 jacket water. So, the exhaust gases would be hotter.

1 Q. Okay, and how would that affect -- how would those hotter
2 than normal parameter exhaust gases affect the turbo chargers?

3 A. I don't know exactly.

4 LT WHALEN: Okay, so let me see here.

5 MR. TAYLOR: Hey Tom, this is Travis, could I ask a couple of
6 questions, please?

7 LT WHALEN: Go ahead, Travis.

8 MR. TAYLOR: Just to follow on.

9 So, this is Travis Taylor. I don't know, is my video up?

10 LT WHALEN: I think your screen may be closed. It's kind of
11 up, it's trying to get there.

12 MR. TAYLOR: Sorry, I'm remote.

13 BY MR. TAYLOR:

14 Q. So, Mr. Nilsson, as a follow on to Tom's questions about the
15 possibility of overheating -- at which case we think we had
16 overheating in this engine -- we certainly did. As they tested
17 the engine afterwards, the engine ran -- at some point it
18 looked -- without cooling, we got overheating, which created, as
19 you kind of indicated, cylinders to wash. So, we had friction
20 based on the lack of oil and then at some point, they noticed an
21 excess crankcase pressure. So, this was described by the people
22 who were on board watching the engine run. So, could you explain
23 the sequence of events as the cylinders wash from oil, the
24 friction builds, the crankcase pressure builds, and how that
25 occurs, and then what's the potential for that pressure to push

1 the crankcase vapor -- and the oily vapor into extremis. So, can
2 you kind of describe that process for us?

3 A. If you have cylinders scoring or damage on the cylinders, you
4 will -- the piston will not seal as normal between the cylinder
5 liner and so on. So, you will get part of the combustion
6 pressure -- or more compression and combustion pressure gets
7 pushed down the piston and down into the -- in the crankcase and
8 then vented out through the crankcase ventilation of the engine.

9 Q. So, as it gets pressed out and into -- again, past the
10 cylinders, through the valves, then the pathway then leads to the
11 exhaust and through the turbo charger, correct?

12 A. Well, yes, that's how the combustion gases get out of the
13 engine through the valves and exhaust manifold and through the
14 turbo charger, yes.

15 Q. So, if we had blow by in the cylinders, past the rings, then
16 what would the result of that be possibly?

17 A. You will have increased crankcase pressure and more crankcase
18 gases going through the crankcase ventilation and back into the
19 closed crankcase ventilation, so that would go back then up
20 towards the intake side of the turbo charger.

21 Q. And the -- about the crankcase gases to maintain lubrication,
22 would you call that an oily vapor?

23 A. There could be some residue or oil, but it should be fairly
24 clean.

25 Q. And so, the potential for that pressure to push -- if it's

1 not contained in the cylinder liners -- or in the cylinders, then
2 where could that pressure reach?

3 A. Once again, please.

4 Q. We exceeded -- we were pushing, basically, the combustion
5 passed the rings in one direction and the crankcase pressure,
6 because of the scoring and the lack of oil, could possibly be
7 pushing in another direction depending on the cycle of the engine.
8 Then what's the potential for the crankcase pressure -- what
9 direction could we be pushing those vapors?

10 A. There is crankcase filtration system that's venting the
11 crankcase up through a filter and then back into the intake side
12 of the turbo charger and then you would get the potential of
13 getting more oil and more cylinder liner problems.

14 MR. TAYLOR: Okay, I think that's all I need to ask about,
15 Tom, thank you.

16 Thank you, Mr. Nilsson.

17 LT WHALEN: Thank you, sir.

18 BY LT WHALEN:

19 Q. I just want to go back quickly to the engine overheat
20 situation. So, when the *Spirit of Norfolk* experienced the jacket
21 water failure and the tech rep (verbatim) had come out to conduct
22 the analysis and repair the jacket water pump as well as -- and
23 put the coolant back in the system, he identified the left-bank
24 turbo had some oil residue and had been damaged to the point of
25 which it was recommended to be replaced. Are the -- is the -- are

1 the right -- does the right-bank and left-bank turbo -- are they
2 affected the same by the engine?

3 A. Yes.

4 Q. So, there's no difference in the way that the engine affects
5 either turbo charger?

6 A. No, they should be the same.

7 Q. Okay, and I know you had mentioned earlier that you
8 don't -- are not -- they're not Scania turbo chargers, but when a
9 turbo charger fails or -- in this case, where it failed where it
10 was -- oil was leaking out down through the oil supply lines, how
11 does the -- how can you tell if a turbo charger has failed or is
12 close to failing?

13 A. You check if there is excessive play in the turbo charger or
14 if there is excess oil inside the turbo charger that could be from
15 the turbo charger itself or from the bearing of the turbo charger.

16 Q. And you mentioned excess play, what would that indicate if
17 there was excess play?

18 A. That -- you have a bearing failure, or a shaft issue, or
19 potentially maybe something with the housing that's not right.

20 Q. And what's the biggest danger with a turbo charger failure
21 outside of performance of the engine, I guess I should say?

22 A. You could have oil leak going either to the exhaust or to the
23 intake.

24 Q. And oil leaking into the exhaust or the intake is an issue
25 for -- internally to the engine safety wise, fire wise? Why are

1 we worried about that?

2 A. Yeah, we don't want oil to go back into the engine and we
3 don't want oil to go back into the exhaust either.

4 Q. Okay, so if one were to change out the left-bank turbo
5 charger due to identifying oil coming out on the oil supply lines,
6 would one also want to change out the right-bank turbo charger?

7 A. Possible. It doesn't necessarily mandate that you have to
8 change the other because you changed one. It's -- you have to
9 look at it and see what it looks like and what happened to it, so
10 to speak.

11 Q. So, what would that require? Could you do an external visual
12 or would you be -- you know, would you be required to look on the
13 inside or as a, you know, professional, as you are, would
14 you -- how would you handle that situation?

15 A. I would look at what happened to the engine and why do I see
16 this on one and then see how the other one look like and then
17 maybe see if that's a new one or not or get an understanding of
18 what happened with the first one if that would necessitate a
19 replacement of the second one. (Verbatim)

20 Q. Okay, thank you for that. Scania had a technical note to
21 change out the turbo charger lines. Was it the crossover lines or
22 supply lines which they did -- which the Bay Diesel techs did to
23 the port engine? Can you explain to me what that was and why that
24 change out was required -- recommended by Scania?

25 A. Well, for this engine, when they were built, they were built

1 with different supply lines and they are no longer in -- well, I
2 wouldn't say production, but they are no longer the correct part
3 for it. So, they got a different version of supply lines than
4 what they were built with. At some point, the design of the
5 supply line was changed.

6 LT WHALEN: Okay, great. Thank you, sir, that is all for me
7 for right now. I'm going to go ahead and kick it over to the NTSB
8 for questioning. Thank you.

9 MR. FLAHERTY: Yes, sir.

10 BY MR. FLAHERTY:

11 Q. This is David Flaherty with the NTSB, how are you doing?

12 A. Doing well, how are you?

13 Q. Good. I appreciate you being here and answering our
14 questions. The lube oil that lubricates the turbo chargers, do
15 you happen to know what pressure that lube oil is at the turbo
16 charger for proper lubricating and cooling?

17 A. It's following the oil pressure pretty close, I would say.
18 You wouldn't differ much from the oil pressure you measure on your
19 oil pressure gauge.

20 Q. So, do you know what the average oil pressure of the engine
21 when it's not working at extremely high loads, but what you would
22 consider medium loads?

23 A. I would say between two and five bar in that ballpark.

24 Q. Two and five bar?

25 A. In that ballpark depending a little bit on the engine speed

1 and (indiscernible) oil and so on.

2 Q. Okay, and the lube oil line that connects to the turbo
3 charger, what is the internal diameter of that tube or piping?

4 A. I don't have the exact diameter.

5 Q. Okay, no, that's fine. What safety and alarms does this type
6 of engine have to warn the operator that there is a problem that
7 needs to be addressed?

8 A. The engine will send out temp (verbatim) alarms and I know
9 this engine was set up to have a coolant level sensor as well. I
10 don't know if that was functioning. But you would have a temp
11 limit and an alarm for that and a level alarm.

12 Q. For the lube oil or for another system?

13 A. No, that was for the coolant.

14 Q. Okay, how about for the lube oil side?

15 A. For the lube oil side, you would have an alarm for -- the
16 engine will send out an alarm for low oil pressure.

17 Q. And does the engine have also a shutdown for low lube oil?

18 A. It has the possibility will shut down for lube oil. I don't
19 know what the setting was on this specific engine.

20 Q. Okay, so at a -- for the low lube oil alarm, do you know what
21 the engine setting is for this type?

22 A. No.

23 Q. Okay, so the pressure -- the tubing for the turbo charger,
24 where is that located -- the supply for the turbo charger -- the
25 lube oil supply for the turbo charger, where is that located on

1 the engine?

2 A. It's the upper part of the back in engine. I can't say
3 exact -- more than that.

4 Q. Okay, so earlier you were talking about lube oil either
5 leaking into the air intake or into the exhaust. You were talking
6 about the lube oil that accumulated in the crankcase? Or was that
7 lube oil leaking from the cooling of the turbo charger?

8 A. That would be the lube oil leaking from the main bearing or
9 for the center part of the turbo charger.

10 Q. All right, so from your experience with turbo chargers, lube
11 oil leaking from the bearings would go either way, they would go
12 either out the exhaust or be sucked into the engine intake?

13 A. It could do both.

14 Q. Okay, from your experience, have you ever seen a turbo
15 charger lube oil leak in a -- from a different area and
16 maybe -- not so much -- either pulled into the engine or pulled
17 out with the exhaust, but maybe leak from the turbo charger either
18 onto the engine --

19 A. Not that I remember from the turbo charger itself, no.

20 Q. Okay, so outside of the two -- either going into -- with the
21 lube oil and coming out of the turbo charger with the lube oil, if
22 there was an internal leak within the turbo charger, the chances
23 of oil coming and dripping onto the engine, in your opinion, would
24 be small?

25 A. Yes.

1 MR. FLAHERTY: All right, that's all the questions I have.

2 Thank you.

3 LT WHALEN: Thank you, Mr. Flaherty.

4 Mr. Karr, did you have any questions?

5 MR. KARR: This is Mike Karr, I do not.

6 LT WHALEN: Okay, great, thank you.

7 Ms. Emmons, do you have any questions?

8 LCDR EMMONS: I do not have any questions.

9 LT WHALEN: Thank you, ma'am.

10 And now, we'll go around the room to City Cruises?

11 MR. DENLEY: I don't have any questions.

12 Bill?

13 MR. BENNETT: No questions.

14 LT WHALEN: Great, thank you.

15 Mr. Abel?

16 MR. ABEL: Yes, sir, thank you.

17 BY MR. ABEL:

18 Q. Mr. Nilsson, I appreciate your sharing your time with us
19 today. I've got a bunch of questions for which I'm going to guess
20 some of it you just may not know depending on how familiar you are
21 with this particular piece of hardware. And so, I'll start at the
22 very specific and then we'll pull out to what probably is more
23 general questions. Do you know when this particular
24 engine -- we're talking the port main diesel engine that was in
25 *Spirit of Norfolk* -- Do you know when it was built, sir?

1 A. I believe it was built in 2008.

2 Q. Okay, and now an even tougher one, do you have any idea of
3 when it was sold?

4 A. No.

5 Q. Okay, do you know who it was sold by or through -- who the
6 distributor or dealer was?

7 A. No, I don't.

8 Q. Okay, and do you know who it was sold to initially as the
9 initial user?

10 A. No.

11 Q. Okay, as far as in its previous life, before it came to
12 *Spirit of Norfolk*, do you know when it was that the engine was
13 installed and put into use?

14 A. I don't have that date, no.

15 Q. Okay, and I believe there was reference to it earlier, but
16 just so that I'm clear on it, when it was first put into a vessel,
17 what vessel was that?

18 A. I don't know exactly what vessel that was.

19 Q. Okay, and then as far as the warranty for the engine -- you
20 figure if it's a 2008 engine, what is the standard warranty that
21 Scania has as far as the engine and its components?

22 A. The normal warranty is one year.

23 Q. Okay, shifting a little bit as far as alarms for the engine,
24 and we kind of touched on this a moment ago, but I want to kind of
25 pick at it bit by bit, is there a low oil pressure alarm that

1 would sound for engine in normal use?

2 A. Yes.

3 Q. Okay, and do you know what the set point for that should be
4 to trigger the alarm?

5 A. No, I don't.

6 Q. Okay, is there a high oil temperature alarm that should be
7 working for the engine in normal use?

8 A. No.

9 Q. Okay, we talked about coolant, which I assume we're talking
10 basically about jacket water temperature, is there a high jacket
11 water temperature alarm normally for this engine?

12 A. Yes.

13 Q. Okay, and do you know what the set point is for that, sir?

14 A. The normal setting is 95 Celsius and a hundred and five
15 Celsius.

16 Q. Okay, you said the normal setting is 95 Celsius and a hundred
17 and five Celsius, help me as a non-engineer understand why there
18 are two numbers there, sir.

19 A. There is a possibility for different settings like a low-
20 level warning and a higher-level warning.

21 Q. Okay, and would this engine ordinarily have any kind of alarm
22 for a high-exhaust temperature?

23 A. No, not from us.

24 Q. Does the engine have an automatic shutdown feature? We
25 talked about for low oil pressure and I believe you said you

1 didn't know what the set point would be for an auto (verbatim)
2 shutdown on lower oil pressure. Did I have that right, sir?

3 A. It has an option to have shut down on low oil pressure.
4 Normally, in the marine world, that is not used. It's -- the
5 engine will alarm and then it's up to the captain to decide what
6 to do with that alarm.

7 Q. All right, here's my long-shot question, any idea on this
8 particular engine as it was in *Spirit of Norfolk* whether it had
9 that option, the low oil pressure shutdown?

10 A. I do not know what the setting was.

11 Q. Okay, earlier we were talking about alarms, now I'm talking
12 about shutdowns. Is there an automatic shutdown for high oil
13 temperature for this engine?

14 A. No.

15 Q. Is there an automatic shutdown for high jacket water
16 temperature for this engine?

17 A. It's an option to have that setting.

18 Q. Is that another one that is not normally used in the marine
19 world?

20 A. Yes, it's normally a warning and not a shutdown in the marine
21 world.

22 Q. And then is there any kind of shutdown feature for high
23 exhaust temperature for this engine?

24 A. No, not from Scania.

25 Q. Got it. The last couple of questions dealt with shutdowns,

1 are there any features of this particular model of engine that
2 will automatically reduce its speed for various characteristics
3 within the engine?

4 A. Not -- yes, you would -- if you lose communication to the
5 engine, you can have a couple of different options.

6 Q. Okay, and one of those options that you might have is one
7 that would allow it to automatically run at a reduced speed as
8 opposed to shutting down?

9 A. That is one option, yes.

10 Q. Any idea whether this particular engine in *Spirit of Norfolk*
11 had that option, sir?

12 A. No, I don't know.

13 Q. Okay, this engine has an engine control module, is that
14 right?

15 A. That's correct.

16 Q. Does it record any data?

17 A. It records some data, yes.

18 Q. Okay, do you know if there's any capability of retrieving any
19 of that data from the module for this engine in *Spirit of Norfolk*?

20 A. I don't know.

21 Q. Okay, shifting gears a little bit to maintenance. Is there a
22 recommended maintenance schedule for, let's say, an oil change?
23 Either -- I guess it would probably be on engine hours, but do you
24 know what the recommended interval is for oil changes for this
25 engine, sir?

1 A. I believe it's 400 hours.

2 Q. All right, and would it be the same 400 hours for an oil
3 filter change?

4 A. Yes.

5 Q. Air filters, same time?

6 A. No.

7 Q. When would air filters, in the ordinary course of things,
8 need to be changed?

9 A. I don't know the specific time interval. It's more dependent
10 on how they look.

11 Q. So, kind of an as needed thing?

12 A. There is a time, but there is also an as needed factor.

13 Q. Okay, how about fuel filters, how often would they get
14 changed ordinarily?

15 A. I don't remember.

16 Q. Okay, and then is there a recommended point at which -- and
17 again, I'm assuming it's based on operating hours -- these engines
18 are recommended for overhaul?

19 A. We don't have a specific time for overhaul.

20 Q. Okay, do you know if there have been any service bulletins,
21 notices, recalls, kind of follow-up instructions to folks in the
22 field for this engine relating to its fuel system?

23 A. Not that I remember.

24 Q. Okay, how about for its lube oil system, sir?

25 A. There's been a couple updates and parts have changed, but

1 no -- yeah, that's -- yeah.

2 Q. Okay, and I know we talked about the lube oil lines being
3 changed out because of the different design over time. Were there
4 any bulletins, notices, recalls for this engine relating to its
5 exhaust system?

6 A. Not that I know.

7 Q. Is the exhaust from this particular model of engine cooled in
8 any way, sir?

9 A. The exhaust manifolds are jacket water cooled.

10 Q. Okay, and shifting gears one last time, are there any kind of
11 instructions or guidelines that Scania provides, at least, as far
12 as how far away from the engine itself any combustible materials
13 should be kept?

14 A. Not that I know.

15 MR. ABEL: Okay, I think that's all I have at this time, sir.
16 Once again, thank you very much for your patience and your
17 cooperation today.

18 MR. NILSSON: Thank you.

19 LT WHALEN: Great, thank you, sir.

20 Does anybody else from Mr. Nilsson's counsel have any
21 questions?

22 MR. WEHRER: I don't. Thanks, Lieutenant Whalen.

23 MR. WOOD: No, no questions here. Thank you.

24 LT WHALEN: Okay, and before we conclude -- oh, I'm
25 sorry -- no, okay. Before we conclude this interview, does

1 anybody else have further questions for Mr. Nilsson?

2 Okay, hearing none at this time, again, Mr. Nilsson, thank
3 you very much for your time. Again, it is greatly appreciated and
4 again, thank you.

5 And thank you for everybody else for attending.

6 UNIDENTIFIED SPEAKER: Signing off from (indiscernible).

7 LT WHALEN: Thank you.

8 UNIDENTIFIED SPEAKER: And the time is 2:51 p.m.

9 (Whereupon, at 2:51 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 ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 8, 2022
Interview of Tomas Nilsson

ACCIDENT NO.: DCA22FM022

PLACE: via telephone

DATE: September 29, 2022

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.



Carolyn Hanna
Transcriber