

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:            )  
                                      )  
                                      )  
SS NORWAY                    ) DCA 03 MM 032  
                                      )

Miami, Florida

Thursday,  
June 1, 2003

The above-entitled matter came on for the  
Interview of Minas Myrtiois, pursuant to Notice,  
at 1:45 p.m.

APPEARANCES:

For the National Transportation Safety Board:

BRIAN CURTIS  
JIM WALSH  
BARRY STRAUCH

For the United States Coast Guard:

ERIK LASALLE  
KEN OLSEN  
UNKNOWN TORRES

For the Bureau of Veritas:

MICHEL LAMBERT

Also Present:

RICHARD LEHRER  
CURTIS MASE  
JON SALE

## I N D E X

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## P R O C E E D I N G S

10:25 a.m.

1  
2  
3 Whereupon,

4 MINAS MYRTIOIS

5 having been first duly sworn, was called as a witness  
6 herein and was examined and testified as follows:

7  
8 EXAMINATION

9 BY MR. ROTH-ROFFY:

10 Q Mr. Myrtiois, how are you doing? We are  
11 conducting an interview with you with regards to the  
12 incident that happened last week on the Norway, last  
13 Sunday, May 25. Your position with NCL?

14 A Superintendent, Nautical Operations. I am  
15 the Designated Person.

16 Q And the DP?

17 A Mm-hmm.

18 Q How long have you been the DP?

19 A September last year.

20 Q How long have you been with NCL?

21 A June 19, 2000.

22 Q As the DP ashore, who is your direct contact  
23 with on board the Norway?

24 A Direct contact on the Norway?

25 Q Well, who controls the SMS system on the

1 vessel?

2 A Well, maybe I need to clarify that there's  
3 not one specific person that I have a direct contact  
4 with.

5 Q Okay. Well, who do you contact with then?

6 A If you could be more specific with the  
7 question, because the function of the Designated Person  
8 is a link between the seaport management and the  
9 office, so in this capacity I report directly to the  
10 president, if and when there is an issue.

11 Q Okay. But I don't expect that if every crew  
12 member on the Norway has an issue they're going to call  
13 you. I would think it goes through some type of  
14 channel on the ship for them to address and then for  
15 you to follow up on.

16 A That is correct, but also they have the  
17 privilege and they actually encourage calling directly  
18 if they feel that there is an issue not properly  
19 addressed.

20 Q Okay. Well, if it's properly addressed if  
21 there is an issue and it's going through the regular  
22 chain on board the vessel, how does it then get to you?

23 A If it is properly addressed, then most likely  
24 it's not going to get to me.

25 Q If it has to be addressed to you?

1           A     Again, there is not one specific person. The  
2 information could come from anybody.

3           Q     Who is responsible aboard the Norway for the  
4 SMS? I'm sorry, your system is the SEMS.

5           A     Well, the primary responsibility is the  
6 ship's management, starting from the ship's captain and  
7 going down, so everybody has a piece of the pie.

8           Q     Who on the Norway is in charge of making sure  
9 everyone is familiar with the SEMS?

10          A     The ultimate responsibility again starts with  
11 the captain, going down accordingly.

12          Q     All right. If there are safety concerns, who  
13 receives those if they're coming from the ship?

14          A     What kind of safety concern?

15          Q     Any safety concern. The decks remain  
16 slippery after they're washed and it could be a  
17 tripping hazard. If that's filed as a safety concern,  
18 who ultimately ashore receives that safety concern, if  
19 it's generated in paper form above the ship?

20          A     Right. Well, again, most likely if there is  
21 a safety concern identified by the crew, the most  
22 natural step is that the immediate supervisor will be  
23 notified. If it is not addressed appropriately to the  
24 understanding of the crew member who is having the  
25 concern, then they have the responsibility of bringing

1 that to the higher level.

2 And basically, at any point of time anybody  
3 from the ship's compliment is feeling that there is an  
4 issue which is not appropriately addressed through the  
5 appropriate channel, then they are free to call me with  
6 that concern.

7 Q Do you have any safety concerns in your  
8 possession? Not here today, but in files?

9 A No.

10 Q From the Norway, no safety concerns?

11 A No.

12 Q Who is in charge of training the crew in the  
13 SEMS?

14 A Again, it is a shared responsibility within  
15 the departments or division heads. There's a hierarchy  
16 like everything else on a ship. Certain aspects of the  
17 SEMS, for training purposes they're assigned to  
18 specific individuals.

19 So for let's say hotel issues, you start with  
20 the hotel director, going down.

21 Q Do you know how often the Norway is audited  
22 internally?

23 A Every year.

24 Q And who conducts those audits?

25 A The internal auditing team.

1 Q Are you a part of that team?

2 A No, I'm not.

3 Q Do you know who is a part of that team?

4 A Yes.

5 Q Who is that?

6 A That's -- the leader of it is Peter Randall,  
7 who is the vice president of environmental and  
8 regulatory affairs. One person from the audit team  
9 actually is Leo in certain occasions. Stephen Seaman  
10 (phonetic), I'm sure you have met him as well.

11 Q Yes.

12 A Dr. Richard Wade and Captain Graham Barton,  
13 who is an outside consultant.

14 MR. CURTIS: I'm sorry, who was the last one,  
15 Dr. Richard Wade?

16 THE WITNESS: Wade.

17 MR. LEHRER: W-a-d-e.

18 THE WITNESS: Yes.

19 MR. CURTIS: And Captain?

20 THE WITNESS: Graham Barton.

21 MR. CURTIS: Graham Barton?

22 THE WITNESS: Mm-hmm.

23 BY MR. ROTH-ROFFY:

24 Q Do you know how often on the ship they have  
25 safety meetings regarding the SEMS?

1 A They have monthly meetings.

2 Q Once a month?

3 A Yes.

4 Q Do you know approximately -- with a ship that  
5 size, I know, but approximately who is in attendance  
6 and who holds those meetings?

7 A Yes. Well, what we're talking about is the  
8 Safety and Environmental Protection Committee, where  
9 there are representatives from the crew, each division.

10 The means of that meeting are for consideration for  
11 the ship's management for the Safety and Environmental  
12 Management meeting now, so they go through the steps.

13 Q And at these meetings, if someone had any  
14 concerns, they could bring them up at that time and  
15 they would possibly be addressed?

16 A And possibly be (inaudible), yes.

17 Q And again, if an issue could not be addressed  
18 at that meeting, any crew member has the right either  
19 to contact you or to initiate a safety concern report?

20 A Correct.

21 Q In all the time that you've been a DP for  
22 this company, no safety concern reports have been  
23 generated from the Norway?

24 A No.

25 Q That's impressive.



1           A     Not directly to me.

2           Q     Where would they go to then?  Might some be  
3 out there if they weren't directed to you?

4           A     I am not aware of that.

5           Q     But they all should come to you?

6           A     Yes.  If there is -- again, the process is  
7 that if there is something, and this is pretty well-  
8 defined in our system, that any of the crew will feel  
9 that not appropriate action is taken to rectify the  
10 problem, they know how to contact me immediately.

11                   As a matter of fact, we encourage the crew to  
12 contact me immediately.

13           Q     And by not receiving any safety concern  
14 reports, would you say the SEMS system is working  
15 aboard the vessel?

16           A     Yes.

17                   MR. LEHRER:  Rob, if I may, I'm not going to  
18 ask a question, but just as a point of clarification,  
19 this is Richard Lehrer.  Are you asking if anyone has  
20 ever reported, an e-mail or any kind of communication,  
21 to his attention while he has been the DP concerning a  
22 safety issue on the ship?  Is that your question?

23                   MR. ROTH-ROFFY:  No.  my question is does he  
24 receive safety concern reports and if he has not in all  
25 the time that he's been DP, does it feel that the SEMS

1 system is working aboard the Norway.

2 THE WITNESS: Yes, I do, because the system  
3 is audited.

4 MR. ROTH-ROFFY: Okay. I don't have anything  
5 further right now. Leo?

6 EXAMINATION

7 BY MR. LEO UNKNOWN:

8 Q You as the DP receive the result of the  
9 internal audit?

10 A Yes, I do.

11 MR. LEO UNKNOWN: That's all I have.

12 MR. CURTIS: Brian Curtis asking questions.

13 EXAMINATION

14 BY MR. CURTIS:

15 Q Let's just go through for instance, sir, if  
16 in the engine room a stoker decides that he thinks part  
17 of his work area is very slippery due to an oil leak on  
18 the deck plates.

19 What's the process in your SEMS for him to  
20 report that, right through the whole process, if you'd  
21 just take us through that, how he reports it?

22 A Would you repeat the question? You said if  
23 we assume that a stoker has an oil -- I'm sorry, I  
24 didn't get the first part.

25 Q I'll rephrase it or repeat it. A stoker is

1 in his work space in the engine room and there's say an  
2 oil leak in a pipe over his head making a spot on the  
3 deck slippery, it's a leak in a pipe that needs to be  
4 fixed. How is that brought to the system's attention?

5 A Well, first of all I think that it would be  
6 his responsibility to go and clean the oil, because  
7 that's part of the string. If it was a leak, as you  
8 say, I would imagine that the next normal step for him  
9 as a professional seaman is to report it to his  
10 immediate supervisor.

11 Q Okay. And at the next -- do they have  
12 department meetings where all the crew members are  
13 present? Say in the engine department, do they have  
14 monthly meetings where all the engine department crew  
15 members would be present?

16 A I cannot remember off the top of my head.  
17 I'd have to look into the system. There are routine  
18 meetings, whenever there is the whole crew at one time,  
19 I'm afraid I don't remember off the top of my head.

20 Q Back to the first question. Say the leak in  
21 that pipe just doesn't get fixed and he wants to report  
22 it to the system so it's noted within the SEMS system.

23 How does he go about that?

24 A Well, again, if it is something that could  
25 potentially jeopardize the safety of the environment or

1 the safety of the ship or human life, he is encouraged  
2 to report this directly to me if appropriate action has  
3 not been taken.

4 Q Directly to you?

5 A He could do that, yes.

6 Q Do you have -- in other vessels, other  
7 companies, they refer to them as "permit to work." If  
8 you're in an area and you're going to do a particularly  
9 dangerous job outside of your normal scope of  
10 operations, do you have a form like that they have to  
11 fill out previous to doing the work?

12 A I can give you a very good example: if they  
13 want to weld, they have to have this on board permit.  
14 If they wanted to enter a confined space they have to  
15 have a confined space entry form.

16 Q Where would those forms be kept once they've  
17 been filled out?

18 A Again, there's different retention  
19 requirements for different forms.

20 Q Say we're having an internal audit and the  
21 auditor wants to see these forms. Who would the  
22 auditor ask to obtain these forms?

23 A Well, in this specific case, most likely the  
24 (inaudible) engineer is going to have in records hot  
25 work permits. I think our retention time is one year

1 for the specific form. I don't remember everything off  
2 the top of my head.

3 Q Say we get a new crew member sign on board.  
4 How is he brought up to speed regarding familiarization  
5 with SEMS?

6 A Again, there is a formalized process of  
7 familiarization, both in safety and SEMS, so there is a  
8 specific questionnaire that they have to go through.

9 Q A questionnaire, but how are they informed of  
10 their responsibilities within the system? How are they  
11 made familiar to know the system for that part that  
12 they're responsible for?

13 A There is a matrix within the SEMS that  
14 assigns specific responsibilities and defines the level  
15 of knowledge.

16 Q And who exactly --

17 A I know your next question most likely is who  
18 is responsible to do that, so that would be again the  
19 question that I answered before, it is a breaking down  
20 responsibility within the shipboard personnel.

21 So if we have a cabin attendant, ultimately  
22 it will be director of that who is the one who is  
23 providing the training for that specific issue.

24 Q Is there a familiarization form that they  
25 have to fill out and turn in so it's documented that

1 they've been through their familiarization?

2 A Correct.

3 Q And who keeps those forms?

4 A It's individual department head again. I can  
5 tell you for example for bridge that you are going to  
6 find the familiarization for the bridge officers that  
7 their familiarization checklist are there.

8 Q In relating to an earlier question of who is  
9 responsible for the SEMS system on the vessel, you said  
10 ultimately the captain is. Do they do some type of an  
11 on board review of the system periodically?

12 A Correct.

13 Q Who is responsible for that?

14 A It is the master, because the master is  
15 signing the review.

16 Q And what is the frequency of that review?

17 A Annual, one year.

18 Q Annual. I'm sorry, did you give me the last  
19 time we had an internal audit?

20 A On the Norway?

21 Q Yes.

22 A I believe it was almost a year ago, maybe  
23 less or more. I have seen it is due for the audit  
24 soon, for that matter I guess.

25 Q And the last external audit?

1           A     I don't remember right now. I could find out  
2 for you, but I don't remember.

3           Q     In the last internal audit do you recall if  
4 there were any minor or major non-conformities in that  
5 audit?

6           A     There were some non-conformities. No major.  
7 Minor non-conformities.

8           Q     Were all those non-conformities addressed  
9 within the prescribed time frame?

10          A     I believe, yes.

11          Q     I realize it wasn't on your watch, but the  
12 last external audit, were there non-conformities in  
13 that as well, do you recall?

14          A     I do not recall. We have 11 ships on the  
15 fleet. I could retrieve the information if I have to,  
16 but I don't remember exactly what it was last time.

17          Q     We'd like to see those audit reports, both  
18 external and internal.

19                   MR. LEHRER: We've made a request for them.

20                   MR. CURTIS: Good.

21                   BY MR. CURTIS:

22          Q     Regarding updates to the system, any time  
23 there's an update to any portion of the system, how is  
24 that passed along to the vessel and its crew members?

25          A     Well, we have an electronic system, the

1 Safety and Environmental Management System is  
2 electronic. Revisions are released on a separate  
3 section of the front page that says "Revision" and  
4 there is a notification that is sent by (inaudible)  
5 notifying the ships to go and take (inaudible).

6 Q I just keep using a stoker as a reference,  
7 but say there's something in that change to the SEMS  
8 system, the update, that relates to his job. How would  
9 he go about obtaining the information or how would he  
10 access that information regarding that?

11 A Well, there are two methods. One is it's  
12 going to be relayed to him by his supervisor and the  
13 other one is we have public access computers aboard the  
14 ship that crew members can go and read the entire SEMS,  
15 specifically of course what is more important to them.

16 Q So would you pretty much expect if you picked  
17 a crew member at random he would be able to go in and  
18 find his job description in the system?

19 A We train them to do so. Whatever a crew  
20 member is going to be able to do, I don't know.

21 Q Regarding the Norway, have you received any,  
22 even in the past, safety concerns regarding the  
23 boilers?

24 A No.

25 Q How about the permit to work forms around the



1 boiler, would there be any of those, working in  
2 dangerous areas or dangerous jobs around the boilers?  
3 Are you aware of any of those?

4 A I wouldn't know that.

5 MR. LEHRER: Brian, Richard Lehrer. I just  
6 want to follow up on a question you asked before about  
7 whether or not he's received any safety concerns about  
8 the boiler. Do you mean him personally or the position  
9 of DP?

10 MR. CURTIS: The position of DP.

11 THE WITNESS: Said I said again, I will  
12 receive something if there is a concern, so the crew is  
13 encouraged to report to me if there is a concern of an  
14 issue and action has not been taken.

15 MR. LEHRER: That's only as far back as  
16 September, that's about as long as he's been DP.

17 MR. CURTIS: Okay. Yes.

18 BY MR. CURTIS:

19 Q Procedural checklists, for instance lighting  
20 off a boiler, where are the checklists kept, how are  
21 they used and who keeps track of them? The procedure  
22 for the checklists, that was a lot of questions.

23 A The procedure of a checklist or the procedure  
24 of a checklist of a boiler?

25 Q I'm just using the boiler as an example. If

1 an individual is going to light off the boiler, is  
2 there a checklist for that procedure that he's required  
3 to follow?

4 A I'm not sure. You know, I'm not an engineer,  
5 so --

6 Q I appreciate that. Are checklists used --

7 A I know. I'm sorry. I know there are  
8 checklists within the system, whenever there is one  
9 specific to light the boiler, again, I could look for  
10 you, but I don't know on the top of my head.

11 Q Another way of asking the question, are  
12 checklists used for various jobs throughout the vessel?

13 A Correct.

14 Q If you use a checklist in effecting a job, is  
15 it a checklist that's filled out each individual time,  
16 that you physically check off or how does it work, the  
17 checklist?

18 A Well, like with maybe a checklist for the  
19 bridge, you are talking about a checklist of the  
20 process, then the checklist will be filled out each  
21 individual time that the task is performed.

22 Q And does your system hold a list of your  
23 checklists?

24 A Yes. There are multiple checklists within  
25 the system for various tasks.

1 Q Are they physical checklists that they fill  
2 out and submit or are they protocol that they follow  
3 and some way of signing to the effect that they  
4 followed the checklist?

5 A It could be both.

6 MR. LEHRER: Brian, do you mind going off for  
7 one quick second? Thanks.

8 (A brief recess was taken.)

9 MR. CURTIS: We're back on the record again.  
10 We took a ten-minute pause. This is Brian Curtis  
11 asking.

12 BY MR. CURTIS:

13 Q Mr. Myrtiois, how do you as DP know that the  
14 crew members have read the updates that are pertinent  
15 to their jobs? In other words, how do you know if this  
16 information has been put out to all the appropriate  
17 people? Is there a feedback mechanism?

18 A Well, it's not really my job to know that.  
19 I'm the Superintendent of Nautical Operations and the  
20 Designated Person. There are other people within the  
21 ship's management and the shore side management that  
22 are responsible for the system, specifically Mr.  
23 Randall is responsible for the implementation of the  
24 SEMS.

25 Q So there is no feedback mechanism in place to

1 assure that the individual has seen the updates?

2 A No, I didn't say that. There is a feedback,  
3 I said but I'm not the responsible person to take the  
4 feedback.

5 Q And the responsible person is?

6 A The person responsible for the implementation  
7 of the system, which is ultimately Peter Randall.

8 Q So Mr. Randall would have all of the  
9 feedback?

10 A The feedback is (inaudible).

11 Q Just one last question. How many -- just  
12 from the engine room we'll say, engine crew members,  
13 how many of them have, since you've been in the job,  
14 contacted you regarding any safety issues or concerns?

15 A Nobody.

16 MR. CURTIS: I have no further questions  
17 right now.

18 MR. ROTH-ROFFY: Juan, do you want to  
19 introduce yourself so the tape knows?

20 MR. MONTOREZ: Mr. Montorez from the U.S.  
21 Coast Guard. I have various questions, some of the  
22 questions have been already addressed. However, I'd  
23 like to have a better understanding of the SEMS system  
24 within that vessel and within the company itself.

25

EXAMINATION

1 BY MR. MONTOREZ:

2 Q You mentioned that the captain designates  
3 individuals, persons to actually work or carry out the  
4 SEMS system. Are these persons identified in some way?

5 A I'm afraid that I didn't say that the captain  
6 designates, I think I said that there are people  
7 assigned based on their job description to have these  
8 responsibilities and yes, they're identified within the  
9 system.

10 Q How are they identified? In black and white  
11 are they within the SEMS system?

12 A Yes.

13 Q Are they also identified in some way to the  
14 crew members of the vessel?

15 A Based on job descriptions, yes.

16 Q Is there any posters which are placed on the  
17 walls or anywhere where the crew members work or where  
18 the crew members might meet that have these names or  
19 designations?

20 A I'm afraid they're not names, they're ranks.  
21 Posters? Can you be more specific with this question?

22 Q Maybe some type of paper just identifying  
23 these persons who are actually designated or the ranks  
24 which are designated as carrying out a certain function  
25 within the SEMS system?

1           A     I'm sorry, I'm sorry, I'm sorry. I'm trying  
2 to think exactly what you're asking

3           Q     Let me give you an example. If I was a crew  
4 member and I have some sort of safety concern and I  
5 want to make sure that I carry it out and identify it  
6 to somebody and if it's not in my work area, but it's  
7 somewhere else, in another work area, could I find out  
8 who in that particular section --

9           A     Absolutely. On that respect or that level  
10 you have what we mentioned before, the Safety and  
11 Environmental Protection Committee, which members are  
12 identified. So requests by the crew, for the crew,  
13 they can be directly represented for the committee.

14          Q     What about if I wanted to make an anonymous  
15 type of safety concern, could I do that if I was a crew  
16 member?

17          A     Absolutely, yes.

18          Q     What's the process of making them anonymous?

19          A     It's described within the system. It's  
20 possible (inaudible) and basically now you're talking  
21 about the Designated Person, so by e-mail, phone  
22 numbers, mail. It's available for everybody.

23          Q     So your e-mail is implemented within the SEMS  
24 as well or --

25          A     Correct.

1 Q There's some sort of documentation?

2 A Correct.

3 Q Do crew members receive some sort of training  
4 which actually lets them know, you know, what -- how to  
5 address the issues? Do they receive some type of  
6 training which --

7 A What kind of issues?

8 Q Any safety-related issues, any issues which  
9 might emerge on the ship. Do they obtain some sort of  
10 training, the crew members?

11 A Yes, of course. We said that before.  
12 Everybody goes through a specific familiarization.

13 Q How often are these training?

14 A Training is ongoing on the ship.  
15 Specifically for that, depends whether it is their  
16 first time signing on or returning and again, the  
17 guidelines are in the system.

18 Q Is the training documented in some way?

19 A Yes.

20 Q Before you began working in your position,  
21 did you have any information or had you heard anything  
22 in relation to the vessel having any type of boiler  
23 problems, any type of mechanical problems, any type of  
24 electrical problems?

25 A Could you be more specific?

1           Q     When you first began in your position, when  
2 you first began working there, did you receive or hear  
3 anything, any reports mentioning to you if there were  
4 any type of issues related with the boiler, with the  
5 mechanical portions of the vessel which might go back  
6 maybe to 1982?

7           A     I understand, but I'm trying to see how to  
8 answer your question, to be honest with you. Are you  
9 talking maintenance? What is it you're talking about?

10          Q     It could be maintenance.

11          A     Vessels always have maintenance issues.

12          Q     What type of maintenance issues did you hear  
13 of when you first began working there that you wanted  
14 to take care of right away?

15          A     I didn't hear of anything that I would have  
16 to take care of right away. I'm not an engineer  
17 responsible for care and maintenance.

18          Q     If there was a maintenance issue that emerged  
19 from the captain and the captain wanted to take care of  
20 this particular issue, how would the captain go about  
21 it in order to contact you, making sure that issue was  
22 corrected if it's beyond his control?

23          A     If I don't know about it, that means that it  
24 was not any.

25          Q     I know, but --



1           A     It goes -- what I'm trying to say is that if  
2     it was against something that was not being taken care  
3     of through the appropriate channels, this is the time  
4     that I can offer this link. I cannot think of anything  
5     else.

6           Q     Let me rephrase the question. If I was the  
7     captain and I had a particular issue that maybe I  
8     couldn't take care of it right away because maybe it  
9     required a lot of money, what procedures are used in  
10    order to correct that deficiency?

11          A     What type of deficiency are you talking  
12    about?

13          Q     It could be major, it could be something  
14    wrong with the boiler, with the mechanical system, any  
15    procedure established to correct --

16          A     If it was such, then I would imagine the  
17    captain would call his boss and tell him this is the  
18    problem that I'm having.

19                   MR. MONTOREZ: That's all the questions I  
20    have.

21                   MR. WALSH: Jim Walsh.

22                                   EXAMINATION

23                   BY MR. WALSH:

24          Q     Minas, you've been in this job since  
25    September of '02?

1 A Correct.

2 Q What were you doing before that?

3 A Superintendent of Nautical Operations.

4 Q For Norwegian Cruise Lines?

5 A Correct.

6 Q How long were you in that position?

7 A Since June 2000.

8 Q And prior to June 2000 what were you doing?

9 A Captain with Royal Caribbean.

10 Q How long did you sail as captain?

11 A I started my first command in '95, I want to  
12 say.

13 Q And from '95 to 2000 you sailed as master  
14 with Royal Caribbean. Did Royal Caribbean have a  
15 Safety Management System in place as of July 1, 1998  
16 while you were sailing as captain?

17 A Correct.

18 Q Could you tell us your understanding of the  
19 ISM code?

20 A In terms of?

21 Q Of how -- what it's supposed to do and how  
22 it's supposed to work.

23 A Sure. Well, the code is very wide in its  
24 essence. It doesn't set the procedures, it basically  
25 says that we have to have some. Companies establish

1 their own systems, they all vary basically.

2 Processes which are established by the  
3 company usually they bring forward for approval from  
4 societies, different agencies and once approved, it  
5 becomes the company's system.

6 Of course they contain all the requirements  
7 from (inaudible) and SSW, in essence.

8 Q How long is the code? How many items are in  
9 that ISM code?

10 A Twelve.

11 Q Twelve items in the code and the code  
12 specifically says that there is one Designated Person,  
13 two Designated Persons?

14 A It's not -- the code is not specific. It  
15 could be a person or persons.

16 Q And what is that person responsible for?

17 A Well, the person is responsible to monitor  
18 the safety and environmental aspects of the operation  
19 and basically is the link between the seaport and shore  
20 side management to ensure that vessels receive the  
21 appropriate resources to perform according to the  
22 standards. That was a free explanation, of course.

23 Q No, it's almost verbatim. The aspect of  
24 monitoring, your way of monitoring as Designated Person  
25 the safety and environmental aspects of the ship are to

1 what the code says, how do you do that?

2 A Through the reporting structure. That's I  
3 think the most important element, based on the fact  
4 that people are given the privilege to contact the  
5 Designated Person for these concerns.

6 Q And that reporting structure is?

7 A From any crew member directly to the  
8 Designated Person for such a concern.

9 Q And your name is posted?

10 A That is correct.

11 Q Specifically Minas Myrtiois, throughout the  
12 fleet?

13 A Yes.

14 Q On at least four or five locations?

15 A And in some cases I guess even more, yes.  
16 The specific (inaudible) that has my name, my telephone  
17 number, my name and address, in the last line of this  
18 it says that it should be posted in obvious spots.

19 Q That's just part of your job.

20 A Correct.

21 Q You're a nautical superintendent as well?

22 A Right.

23 Q What do you do as nautical superintendent?

24 A I serve as the deputy of the vice president.

25 Q And in that function?

1           A     Navigation procedures, policies, safety of  
2 navigation, fire fighting and other safety issues in  
3 general; liaison with authorities; (inaudible)  
4 regulations; construction negotiations --

5           Q     Meeting with the NTSB?

6           A     Meeting with the NTSB, exactly.

7           Q     Coast Guard?

8           A     Exactly.

9           Q     Who do you report to for both positions?

10          A     Sven Swinkness (phonetic), who is my boss for  
11 the nautical side of the operation. Directly to the  
12 president if I have to as the Designated Person.

13          Q     You say "if you have to," which means that if  
14 something is reported to you, you don't have to go to  
15 the president?

16          A     Not necessarily.

17          Q     When wouldn't you go to the president?

18          A     If I can handle it shortly, right away, I  
19 don't see any reason why I should bother the president.

20          Q     And when would you go to the president?

21          A     When I get no response.

22          Q     In the event that there was a report to you,  
23 a non-conformities, you're monitoring these non-  
24 conformities, the internal audits are done and you  
25 receive a list of non-conformities. The non-

1 conformities are broken down into two areas?

2 A Major and minor.

3 Q Can you define a major non-conformity for us?

4 A Absolutely. Major would be a non-conformity  
5 based on an issue which could potentially jeopardize  
6 the safety of the ship and the lives of the passengers,  
7 something so big that it needs to be shortened right away.

8 Q "Right away" means within --

9 A Now.

10 Q Minor?

11 A Minor, basically non-conformities based on  
12 three issues, we have process, we have verification and  
13 we have evidence that the cause is not complex or it is  
14 in place.

15 If we have identified the process, if a  
16 procedure is there and there is evidence that it's not  
17 cared for, that could be areas of non-conformity.

18 Q You took over the job of Designated Person or  
19 you assumed the additional function of Designated  
20 Person in September 2000?

21 A Correct.

22 Q And you assumed that function from who?

23 A Peter Randall.

24 Q When you took over that function in addition  
25 to your regular duties, did you receive information

1 from Peter Randall on all the files which Peter had  
2 been the Designated Person?

3 A Yes. We have what we call a hand over.

4 Q In that hand over, did Peter go through the  
5 major and minor non-conformities that had not been  
6 addressed throughout the fleet?

7 A We didn't have major non-conformities, as far  
8 as I can remember. There were minor non-conformities.

9 Q And the person -- for the most part, the  
10 people who are identifying the major non-conformities  
11 come through the internal or the external audit  
12 process?

13 A Both.

14 Q And both use the same definition, external  
15 and internal?

16 A As far as I know, yes.

17 Q Do you know how the internal audit team  
18 defines a non-conformity so that it reaches the level  
19 of major?

20 A How they look at the --

21 Q Let me make it easier. The internal audit  
22 team, do they have checklists that they go on board the  
23 ship with?

24 A Yes, they do.

25 Q And those checklists have items on them?

1           A     Correct.

2           Q     Are those items prioritized as to the risk of  
3 the issue that they're looking at? Is it a high risk,  
4 is it a low risk?

5           A     I'm trying to remember how the checklist is  
6 structured. I don't remember.

7           MR. ROTH-ROFFY: Excuse me, we need to turn  
8 the tape over.

9                     (Off the record discussion.)

10          MR. WALSH: June 1 '03, continuation of  
11 Designated Person, Director of Nautical.

12          BY MR. WALSH:

13          Q     Minas, we were talking about risk and the  
14 internal audit team. Have you participated with the  
15 internal audit team on an internal audit since  
16 September of 2002?

17          A     No.

18          Q     Were you part of the audit team prior to your  
19 Designated Person position?

20          A     In one occasion.

21          Q     When you were part of the internal audit  
22 team, did you audit the nautical area?

23          A     Correct.

24          Q     The ship's nautical area, the captain reports  
25 to who shore side?



1           A     Sven Swinkness, vice president of nautical.

2           Q     As a part of the non-conformities and the  
3 non-conformity reports, as far as you know, how does  
4 the captain communicate that non-conformities have been  
5 addressed to the shore side personnel?

6           A     So far the results of the audits, and  
7 actually this is our process I should say, not so far,  
8 they're published right way within a week from the  
9 auditing team, so all the responsible people see that.

10          Q     Describe the process one more time?

11          A     The results of the audits --

12          Q     Internal?

13          A     Internal audits, they're published, the non-  
14 conformity reports, findings, within a week, if I'm  
15 correct. That's the requirement.

16          Q     They're published where?

17          A     They're published to the people that to  
18 receive the reports.

19          Q     Would it be published on your internal  
20 website?

21          A     No, via e-mail.

22          Q     And you get a copy of those e-mails?

23          A     Correct.

24          Q     Just as historical, from the internal audits,  
25 the break down of major to minor, can you give us any

1 idea of how many are major and how many are minor in  
2 general?

3 A I cannot remember major non-conformities. I  
4 know we have had minor non-conformities, but I have a  
5 hard time to even speculate the number.

6 Q Is there one of your processes tracking as  
7 part of the monitoring process the major non-  
8 conformance?

9 A Again, I don't remember seeing major non-  
10 conformities.

11 Q How would you track major non-conformity as  
12 per your process?

13 A I am not sure that it is even -- again, you  
14 are talking about the major non-conformity, correct?

15 Q Correct.

16 A -- there is a way of tracking, because if it  
17 was one, it should be corrected right away. If it's  
18 that significant as stopping the ship.

19 Q It may be a significant as stopping the ship?

20 A Of course. So in my mind, if it is major, it  
21 is significant of stopping the ship.

22 Q If the process says there's a major non-  
23 conformity, how is it tracked so that an external  
24 auditor can come in and can see that it was identified,  
25 written up and addressed?

1           A     Again, there is an action log for this  
2 process.

3           Q     I'm sorry?

4           A     An action log. There is an action log for  
5 this process.

6           Q     And that's kept where?

7           A     And that's kept by the Environmental and  
8 Regulatory for Compliance Department, Peter Randall.

9           Q     That action log, is there communication  
10 between the captain and Peter Randall's group?

11          A     (No response.)

12          Q     Who maintains that log on board the ship of  
13 major non-conformities?

14          A     Well, there is a shore side, an action log  
15 actually maintained by the department, Environmental  
16 and Regulatory Compliance, and there's also a seaboard  
17 action log.

18          Q     Clearly, from what we're picking up here, if  
19 something was of major importance, a communication  
20 other than a non-conformity which is identified by an  
21 official group, there can be another method of  
22 communicating that?

23          A     Yes.

24          Q     What other methods are you aware of that that  
25 is communicated?

1           A     Other than the auditing process, you're  
2 asking me if there is another way of --

3           Q     Yes.

4           A     If it was something major, again, which was  
5 not properly addressed, I would expect to receive a  
6 notification of some sort.

7           Q     If it wasn't properly addressed.

8           A     Correct.

9           Q     What I'm asking through is how would someone  
10 shore side other than the external or internal auditor  
11 address a major issue with shore side?

12          A     Well, there is a process in place. You are  
13 talking, if I understand what you are asking me, how  
14 people are notified, basically?

15          Q     Correct.

16          A     The action log is public for everybody to  
17 see, the responsible people, superintendents and so on.

18          Q     The action log I understand is for major non-  
19 conformities?

20          A     It's for everything.

21          Q     It's for everything?

22          A     Yes.

23          Q     Who maintains that action log ashore?

24          A     Environmental and Regulatory Affairs  
25 Department.

1           Q     So you have a Director of Technical shore  
2 side?

3           A     Correct.

4           Q     If I'm the Director of Technical, I have to  
5 go to an action log maintained by a safety person  
6 before I'd find out that there's something going wrong  
7 on a ship?

8           A     No. It should have been reported to the  
9 superintendent by the ship.

10          Q     So there is a process where if the ship was  
11 having an issue that it might not go to the ISM Code,  
12 it might go hey, we have an issue to the  
13 superintendent?

14          A     Well, again, what --

15          Q     As part of this needs to be addressed.

16          A     What exactly it is that you're referring to,  
17 because we try to document everything.

18          Q     And I'm sure this is probably documented as  
19 well. What we're saying is we have a formal system  
20 under the ISM that says if internal/external finds it,  
21 we document it and we address it.

22          A     Right.

23          Q     And you're saying it gets to you if it's not  
24 properly addressed.

25          A     Right.

1 Q So now what we're trying to find out how, if  
2 it's properly addressed and hasn't --

3 A I understand. As I mentioned, the sea board  
4 have an action log that they have to write the issues  
5 as such in there.

6 Q And most of the ships, as per your  
7 understanding both as Designated Person and Director of  
8 Nautical, have one superintendent for every two ships?

9 A Correct.

10 Q In the case of the Norway, do you know what  
11 two ships the superintendent has, the other ship other  
12 than the Norway?

13 A In the case of the Norway, the Norway has one  
14 superintendent.

15 Q The Norway has one superintendent?

16 A Actually, the superintendent of the Norway  
17 has one ship, I should say it the other way around.

18 Q Right. Who communicates directly from the  
19 ship with the superintendent? From the Norway to shore  
20 side?

21 A Well, I guess you have to ask him.

22 Q The superintendent, but as far as your  
23 understanding?

24 A It could be both the chief engineer, of  
25 course.

1 Q Traditionally. Is the communication via e-  
2 mail as well as phone?

3 A I believe it's all of the above.

4 Q As the Nautical Director, you liaison  
5 directly with the captain?

6 A Yes.

7 Q Do you have much opportunity to liaison with  
8 the chief engineer?

9 A No.

10 Q And you're on board a fleet of 11 ships,  
11 you're in charge of 11 ships as the Designated Person  
12 and as Director of Nautical?

13 A Correct.

14 Q How often are you on board each ship?

15 A At least once every year.

16 Q When you go on board the ship, you meet first  
17 with the captain?

18 A Mm-hmm.

19 Q Do you ever hold crew meetings to introduce  
20 yourself as Designated Person?

21 A Occasionally, yes.

22 Q You muster the entire crew?

23 A No, I don't think it is necessary.

24 Q I'm just asking.

25 A No, what I'm saying is they know definitely

1 my name, they know I'm bald, but the most important way  
2 in the whole process is to know how to contact the  
3 Designated Person, not how he looks like. Or she.

4 Q I agree. The familiarization on board a  
5 ship, if I don't believe that I can correct something,  
6 does the ship and the SEMS direct the employee to go to  
7 their department head?

8 A If --

9 Q There is an issue in a department, does the  
10 Safety and Environmental Management System direct the  
11 employee to go to their department head first?

12 A Yes.

13 Q And then where does the SEMS direct the  
14 person to go after the department head, if they don't  
15 feel it's been addressed correctly?

16 A I specifically do not know for certain.

17 Q There are several layers of management  
18 between the captain and a crew member.

19 A Correct.

20 Q If I'm in the hotel department, I could, as  
21 you pointed out, go to the housekeeper. Would that be  
22 expected, from your position as Designated Person, that  
23 a person would go through the chain of command prior to  
24 contacting you?

25 A It's expected, it's not mandatory.



1 Q But expected?

2 A But it's not mandatory. I wouldn't be  
3 bothered if somebody calls.

4 Q Is it stated, though, that they have to --  
5 they should go to their department head?

6 A It says that it is encouraged.

7 Q If something was major, and I don't know what  
8 it is, but it's something that this person considers  
9 major, and they go to their department head and the  
10 department head says they'll take care of it and the  
11 person says fine. Then it's not taken care of.

12 You would expect that person to go over the  
13 department head to the next level?

14 A The tool is there.

15 Q What is that? Would you consider that --  
16 knowing the chain of command on a ship, would you  
17 consider that tantamount to suicide on board that ship?

18 A I don't think so, especially if they know  
19 that it's confidential.

20 Q For the non-conformities prior to you taking  
21 over, for the notifications that came to Peter prior to  
22 you taking over when you were Director of Nautical, so  
23 from 2000 to 2002, are you aware of specifically on the  
24 Norway, a ship that's 40 years old, that it was having  
25 problems with blackouts?

1           A     Please repeat your question.  If --

2           Q     As Director of Nautical from 2000 to 2002,  
3 were you aware that the Norway was having blackouts?

4           A     I have heard about it.

5           Q     As an ex-captain, would you consider a  
6 blackout on a steamship a major issue?

7           A     I have never worked on a steamship.

8           Q     As a captain on a ship, a diesel or electric  
9 ship, would you consider a blackout as a major issue,  
10 on a cruise ship?

11          A     What kind of blackout?

12          Q     Blackout, total lack of power.

13          A     Because of what?

14          Q     Because your electrical producing ability to  
15 distribute electricity throughout the ship has failed.

16          You're the captain on the bridge of a ship coming into  
17 the Port of Miami and you have a blackout.  Would that  
18 concern you?

19          A     Definitely.  It is a problem to have a  
20 blackout if you have a total loss of power, of course.

21          Q     If you are coming into St. Thomas to anchor  
22 and you have a blackout, would you consider that a  
23 major concern?

24          A     Of course.

25          Q     Would you expect a captain to follow up on a

1 blackout with a report of a major non-conformity if  
2 they were having blackouts?

3 A Non-conformity?

4 Q Easier, do you have a formal process for --

5 A I was trying to say I guess it depends on a  
6 lot of things. You know, whether it is an identified  
7 pattern of some sort. There's a million things that  
8 can cause a blackout. Now days, a blackout could be  
9 caused by one electronic chip aboard. It depends.  
10 It's very -- your question is very wide.

11 Q Very board.

12 A Very board.

13 Q Are there any other reports other than the  
14 non-conformity reports that come off of the internal/  
15 external audits, much like an immediate action report  
16 or a near miss or incident or accident that you would  
17 be aware of from 2000 to 2003 concerning the Norway?

18 A If there are accident reports?

19 Q Near miss, incident or accident reports that  
20 are based on their severity, based on your system for  
21 defining severity, that you would be aware of, whether  
22 you were the Nautical Director or now Nautical  
23 Director/Designated Person?

24 A I'd have to look. I cannot remember anything  
25 of that significance.

1           Q     The Norway comes in here once or twice a  
2 week?

3           A     Once a week.

4           Q     And you talk with the captain as Director of  
5 Nautical. In the last two years, have you had  
6 discussions with the captain on the Norway, captains on  
7 the Norway, concerning blackouts on that ship?

8           A     Not that I remember of.

9           Q     And you don't recall reports, informal  
10 reports or conversations with the other deck officers  
11 concerning blackouts?

12          A     No.

13          Q     Has the Norway run aground due to a blackout  
14 or run aground at all in the last three years, to your  
15 knowledge?

16          A     No.

17          Q     Has she reported any loss of propulsion?

18          A     I cannot remember on the top of my head.

19          Q     Would you keep a log of that?

20          A     If it was a report made there should be some  
21 record, yes.

22          Q     Is there a report in your system other than  
23 the non-conformity reports to address issues like near  
24 misses, a formal report? Near misses, accidents,  
25 injuries?

1           A     Absolutely, yes.

2           Q     Can you describe those to us and how they  
3 would be used and who they would go to?

4           A     Well, we have again the Environmental  
5 Compliance and Regulatory who administers this whole  
6 thing, they probably are the most appropriate people to  
7 describe it for you.

8           Q     Just from your understanding as the  
9 Designated Person, do you get copies of those reports?

10          A     If it is something pertaining to that kind of  
11 failure, yes, because the system covers injuries.

12          Q     Is there a requirement that the ship issue  
13 those within 12 hours?

14          A     I don't remember.

15          Q     If the ship had a loss of propulsion and was  
16 in U.S. waters, would you expect the ship to issue a  
17 2692?

18          A     Correct.

19          Q     Does the ship do that by themselves?

20          A     I think if that was the case they will do  
21 that after speaking to the office.

22          Q     And would they speak to you?

23          A     No, not necessarily.

24          Q     Would they speak to the Environmental --

25          A     No. Usually the captain would call, in a

1 case like that, his boss again, who is Sven Swinkness.

2 MR. WALSH: Thank you.

3 THE WITNESS: You're welcome.

4 MR. ROTH-ROFFY: Erik?

5 EXAMINATION

6 BY MR. STRAUCH:

7 Q Captain, you'll have to excuse me, I'm the  
8 only one here without much of a marine background.

9 A I wish I could write as fast as you.

10 Q You were a captain on the Royal Caribbean  
11 Lines for five years before you joined NCL?

12 A I was with Royal Caribbean for seven years,  
13 yes.

14 Q For seven years?

15 A I started in '93.

16 Q What did you do before that?

17 A Before Royal Caribbean?

18 Q Yes.

19 A Would you like to know the companies I have  
20 worked with?

21 Q Please.

22 A Royal Cruise Line --

23 Q And can you give us the approximate years  
24 also, if you can, that you worked?

25 A Royal Cruise Line I believe for three years.

1 Let me see. I had two very brief contracts with  
2 Premier, that was about one and a half months. And  
3 with Celebrity I made one weekly trip on one vessel and  
4 I left.

5 Before that I was with five years a tanker  
6 company, I believe, and before that, several  
7 freighters, maybe three or four companies. I could  
8 remember if I think hard enough.

9 Q How long have you been at sea?

10 A Since '78.

11 Q And you've been with passenger vessels since  
12 when?

13 A Let me see now, '89 or '90, I believe.

14 Q And you became a captain in '94?

15 A In '94, '95 or -- as I said, end of '95,  
16 beginning '96 I took the first command on Royal  
17 Caribbean, yes.

18 Q What formal training have you had, like  
19 schooling, to work at sea?

20 A Yes.

21 Q Could you just walk us through the formal  
22 training you've had, what formal schools you've got to  
23 to get licenses or undergraduate degrees or whatever?  
24 Graduate degrees.

25 A I graduated from the -- elementary you call

1 it, school, high school, college, there is the School  
2 of Further Education in Greece where you go for your  
3 upper licenses. I have Bridge Resource Management  
4 courses, I'm a United States Coast Guard Certified  
5 Instructor on Bridge Resource Management and  
6 (inaudible) ship handling.

7 I am a certified assessor and supervisor for  
8 training purposes. I have all the necessary fire  
9 fighting, life saving, hazardous material, crude oil  
10 washing, tanker safety courses. I'm a (inaudible)  
11 operator, I have a Federal Communications commission  
12 certificate for annual maritime communications.

13 Let me see. I have an anti-terrorist course  
14 in England. I'm a certified internal auditor from both  
15 (inaudible) and there are a few more maybe that I  
16 forget right now. I am an airplane pilot as well.

17 Q What pilot ratings do you have?

18 A Just private. I'm a small pilot.

19 Q You're a pilot of small airplanes, you mean.

20 A Yes.

21 Q You're not a small pilot.

22 A No. Small planes.

23 Q Do you have a college degree as well?

24 A Yes, I have a Bachelor of Sea and Maritime  
25 Transportation and how do you call it -- Marine --



1                   MR. LEHRER: Just stick to Marine  
2 Transportation.

3                   THE WITNESS: Yes.

4                   BY MR. STRAUCH:

5                   Q     And what school was that?

6                   A     This is in Athens, Greece, the Maritime  
7 Academy.

8                   Q     And when did you get the degree?

9                   A     In '82. I also served in the Navy.

10                  Q     Which one?

11                  A     Greek Navy.

12                  Q     I knew that, but I had to ask. What years  
13 was that?

14                  A     I believe '83, '84 if I'm correct.

15                  Q     Why did you leave cargo and tankers to go  
16 into passenger operations?

17                  A     Why?

18                  Q     Yes.

19                  A     I guess to improve life.

20                  Q     In what way?

21                  A     Well, I come you know from the old maritime  
22 school where you would go on the ship and then you  
23 forget to leave. I have served my biggest time 18  
24 months straight and the times were such that passenger  
25 ships, I started with the Royal Caribbean Cruise Line,

1 as I say, it would make life a little bit easier in  
2 that aspect.

3 Q In that you weren't at sea for 18 months at a  
4 time, is that what you're saying?

5 A I'm sorry?

6 Q Because you weren't at sea for 18 months at a  
7 time?

8 A Well, you were not at sea 18 months at a  
9 time, plus it was more challenging to work I believe on  
10 a cruise ship.

11 Q Challenging in what way?

12 A More things are happening.

13 Q That raises a whole host of questions.

14 A I know, I know, but what did you expect me to  
15 tell you why I changed from freighters to cruise ships?  
16 I decided to do that.

17 Q Okay. Safety concerns in passenger vessels,  
18 how do they compare to safety concerns in cargo, tanker  
19 operations? How are they different?

20 A Safety concerns?

21 Q Yes.

22 A Well, the passenger ships are carrying  
23 passengers, the freighter is carrying boxes, so right  
24 there is one.

25 Q More people?

1 A More people.

2 Q Any other concerns?

3 A Such as?

4 Q In the years you've been at sea, have you  
5 ever firsthand experienced an incident like the one we  
6 had last week?

7 A I have experienced a fire.

8 Q Could you tell us about it?

9 A It was a galley fire, everybody was safe, it  
10 was put out and that's all I can say basically about  
11 it.

12 Q Was it a passenger --

13 A No, that was a freighter.

14 Q How long did it take to extinguish the fire  
15 or bring it under control, I should say?

16 A I don't remember. It's been a long time ago,  
17 I think some time in '84.

18 Q And that was the only serious incident you've  
19 experienced firsthand?

20 A No, it was one more time in 1978, I was on a  
21 (inaudible) ship and we were carrying (inaudible) from  
22 Trinidad, 25,000 tons, up to Rotterdam, I believe, and  
23 we had a big crack on the starboard tank and it was a  
24 very good possibility that we would sink.

25 Q And then what happened?

1           A     And then I'm here talking to you.  And then  
2 we didn't sink.  I'm sorry.  Well, we got assistance,  
3 we arrived in port, they patched that thing and we  
4 continued to the next dry dock.

5           Q     How do you think the response was to that?

6           A     How?

7           Q     Yes, how well do you think it went, the  
8 response?

9           A     I was not here.  I believe that everything  
10 went well, but I don't have personal opinion because I  
11 was not here.

12          Q     Will NCL carry out an internal investigation  
13 of this incident independent of our investigation?

14          A     I believe they are doing that as we speak.  I  
15 think the authorities are involved in that.

16          Q     Are you involved in that yourself?

17          A     Not now.

18          Q     Will you be?

19          A     If they ask me, yes.

20          Q     Who is involved from your department?

21          A     We have several people here that are part of  
22 the investigation, about four or five, if I'm correct.

23          Q     Are there other people at NCL that are  
24 involved in safety oversight?

25          A     In what sense?

1           Q     I understand you are the Designated Person  
2 and I guess my question is that gives you certain  
3 responsibilities, but in terms of ship safety, are  
4 there other people at your level or similar to you at  
5 the corporate office who are involved in safety  
6 oversight?

7           A     Yes, of course.

8           Q     Could you tell me what their positions are?

9           A     We have the Superintendent of Training and  
10 Development, Mr. Harper.

11          Q     Go on, I'm sorry.

12          A     We have the whole again, Environmental and  
13 Regulatory Compliance Department, which is Leroy Scale  
14 (phonetic), Peter Randall, Stephen Cmar, Eric Wolf are  
15 also in Environmental.

16          Q     Training Development and Environmental and  
17 Regulatory, you're in Nautical Operations?

18          A     Correct.

19          Q     Are there any other areas that would oversee  
20 some aspect of ship safety?

21          A     Overall or specific areas?

22          Q     I guess specific areas, because -- and I  
23 really don't know, that's why I'm having trouble asking  
24 you.

25          A     That's okay, I'm having a little bit of

1 trouble answering because I'm trying to see exactly  
2 what you are asking.

3 Q Let me be more specific. Boiler safety or  
4 power safety.

5 A I tell you, our headquarters of the  
6 operations are committed to safety. We're all involved  
7 in the safety one way or the other. Others have a  
8 bigger stake, others have a smaller stake. It's stated  
9 in our policy, Safety and Environmental Policy, we all  
10 are part of it one way or the other.

11 Q Let's say there's a recurrent problem with  
12 the boiler. Who is responsible to make sure that the  
13 problem gets repaired before it becomes a safety issue,  
14 ultimately, within NCL?

15 A Well, if there is a problem, it is addressed  
16 on the ship level and follows again the steps within  
17 the company, the Technical Superintendent.

18 Q The Technical Superintendent?

19 A Yes.

20 Q That's not you?

21 A No, that's not me.

22 Q Okay.

23 A I wish I was an engineer, but I'm not.

24 Q So we have Training Development,  
25 Environmental and Regulatory Compliance, Nautical

1 Safety, Technical Superintendent. Are there any other  
2 corporate level departments or this is it?

3 A Oh, no. Of course we have the marketing  
4 department, the sales department, human resources dp.

5 Q And those are corporate. I guess I mean more  
6 operations.

7 A I think that will include probably human  
8 resources, because they're active in that. I think  
9 that's all. We have Communications, of course.

10 Q How often do you meet with the Training  
11 Development people, Environmental and Regulatory  
12 Compliance people, Nautical Safety people, Technical  
13 Superintendent people?

14 A We work together. Our offices are next to  
15 each other, that's one. The second is we have  
16 meetings, weekly meetings.

17 Q Weekly meetings?

18 A Yes.

19 Q What kinds of things are discussed at these  
20 weekly meetings?

21 A Operational issues.

22 Q What specific meetings are held to discuss  
23 safety-related issues?

24 A Specific meetings to discuss specific safety  
25 issues?

1 Q Yes.

2 A We have the Safety and Environmental  
3 Management meeting, the SEMS meeting as we call it. We  
4 have the Marine Operations weekly meetings.

5 Q Those are all weekly?

6 A Yes.

7 Q You described a system where people, crew  
8 members, can report a non-conformity and ultimately, if  
9 it's not repaired or taken care of satisfactorily, you  
10 would become involved.

11 What system does NCL have to monitor safety-  
12 related issues that may not be reported, that maybe be  
13 let's say recurrent problems that get fixed at the ship  
14 level, but because there's a trend of problems,  
15 somebody maybe above the ship needs to see that to say  
16 hey, they have a problem and they're just responding to  
17 it at the time, but someone needs to take a longer,  
18 bigger view of it? What system do you have for that?

19 A Well, there is the AMOS system, that is the  
20 maintenance system, that basically everything is  
21 documented there in terms of maintenance.

22 So far we have two action logs we mentioned,  
23 we have an auditing process which is both external and  
24 internal, we have the United States Coast Guard  
25 inspection, we have the class participating, so I think



1 there's a lot of processes there to indicate the kind  
2 of deficiencies you are talking about.

3 Q Okay. What was the name of the system you  
4 described, please? The maintenance system, what was  
5 the name of that?

6 A AMOS. Automated Maintenance Onboard System.

7 Q Is that an NCL system or industry?

8 A Industry. Do you mind if I take a break and  
9 go to the boy's room?

10 MR. ROTH-ROFFY: We're going off the record.

11 (A brief recess was taken.)

12 MR. ROTH-ROFFY: We're back on record after  
13 taking approximately a ten-minute break.

14 BY MR. STRAUCH:

15 Q As the DP, what are your legal  
16 responsibilities? What does that do to you legally, as  
17 the DP?

18 A Legally?

19 Q What is required of you, what are your  
20 responsibilities as the DP?

21 A My responsibilities I explained I think three  
22 times so far.

23 Q Forgive me. I'm slow.

24 A Well, they are defined by the ISM Code  
25 itself.

1           Q     But if there's a maintenance, then that goes  
2 to somebody else?

3           A     Correct.

4           Q     How do you find out about it under ISM?

5           A     I don't need to find out about the  
6 maintenance issue unless it is an issue again which is  
7 potentially jeopardizing the safety or the  
8 environmental aspects and it has not been properly  
9 addressed.

10          Q     Who makes the decision if this is a potential  
11 problem?

12          A     It could be any crew member.

13          Q     I mean at the corporate level.

14          A     If there is such an indication, of course  
15 it's going to be investigated.

16          Q     You get involved if somebody makes a report,  
17 but I'm asking you now about let's say a trend of  
18 problems that haven't been reported, but there's still  
19 a trend and somebody has to make the determination that  
20 this could be a safety problem.

21          A     If it has not been reported, how it is a  
22 problem?

23          Q     It's repaired and then a week later it  
24 happens again and it's repaired; a week later it  
25 happens again and it's repaired. Something like that.

1           A     If you could be more specific, if you could  
2 help me out a little bit I guess. If the bottle is  
3 breaking constantly, let's say, and you have the  
4 responsibility of the bottle, I think then it is your  
5 duty to identify the trend and say that the bottle is  
6 breaking from the way it sits and bring this to the  
7 attention of the management.

8           Q     You said you have not received any reports  
9 from the Norway?

10          A     I'm sorry?

11          Q     You said that since you've taken your  
12 responsibilities with NCL you have not received any  
13 reports from the Norway?

14          A     That is correct, I have not.

15          Q     What about the other NCL vessels, what  
16 reports have you received from them?

17          A     None concerning safety to that degree of this  
18 one.

19          Q     You have received reports though from other  
20 vessels?

21          A     I have received a report for sexual  
22 harassment. What I'm trying to say here is that this  
23 has nothing to do with people knowing that there is a  
24 person there they wish to report, I am addressing.

25          Q     But as the DP, you've been with NCL three

1 years?

2 A Correct.

3 Q Eleven vessels in three years, you have not  
4 received a single DP-related report for any vessel?

5 A I have been the DP only since last September.

6 Q That's nine months, I'm sorry. In nine  
7 months you have not received a single report on any NCL  
8 vessel?

9 A What kind of report?

10 Q DP-related report.

11 A No, I have not.

12 Q Have you received any anonymous reports from  
13 any crew member with any NCL vessel since September,  
14 since you took your present position?

15 A Related to safety and environmental  
16 compliance?

17 Q Yes. Not like sexual harassment.

18 A Okay. No.

19 Q How many crew members would report? With a  
20 total of 11 vessels, we're talking about --

21 A If you calculated it, maybe between 800 and  
22 900 for each vessel and multiplied, that's maybe 9,000  
23 to 10,000 crew.

24 Q You have 9,000 to 10,000 crew members and not  
25 a single one has made a DP-related report to you since

1 September?

2 A Well, that tells me that probably things are  
3 addressed properly.

4 Q I guess it could tell you that. If somebody  
5 were to make an anonymous report to you, what  
6 procedures are there to assure that any supervisor or  
7 any person in this crew member's supervisory chain does  
8 not know that this person reported something directly  
9 to you?

10 A It's very simple, you don't reveal their  
11 name, their identity.

12 Q It goes to you and it doesn't go to anyplace  
13 else?

14 A Well, no, that will not make any sense if it  
15 was going only to me and staying. If you report  
16 something to me and you give me a call and you say I'm  
17 a crew member on a ship and this is what is happening,  
18 well, then it's going to be brought up right away to  
19 the responsible person shore side.

20 Q So in other words, the procedure is that you  
21 would assure the crew members that nobody will learn  
22 the identity of the person who --

23 A It is written in black and white. It is  
24 written in black and white that the company assures  
25 their confidentiality and they are encouraged to report

1 situations.

2 Q This may sound kind of naive --

3 A That's okay. That's no problem, please.

4 Q But if it was me, I think I'd feel more  
5 comfortable if I got a few reports since September if  
6 there were 9,000 or 10,000 crew members.

7 I think it could be interpreted that maybe  
8 people are afraid to report if you have these many crew  
9 members and not one has made a report to you.

10 A But I guess it's what you said, it could be  
11 interpreted. If this is the wrong interpretation, I  
12 cannot speculate on that.

13 Q And we don't want you to speculate.

14 MR. ROTH-ROFFY: We need to stop momentarily  
15 and start another tape.

16 (A brief recess was taken.)

17 MR. ROTH-ROFFY: We're back on record after a  
18 ten-minute pause. Barry was questioning.

19 BY MR. STRAUCH:

20 Q Do you want to just put on the record what  
21 you just told us?

22 A Absolutely. If you ask me the question if I  
23 did receive any report specific to the incident to the  
24 boiler on the Norway, no, I have no.

25 Q And had you received a report?

1           A     It could be --

2                                 (Interruption.)

3           MR. ROTH-ROFFY:   Back on the record.

4           BY MR. STRAUCH:

5           Q     What we were saying at the time the tape ran  
6     out was that it could be interpreted, the fact that you  
7     had not received a single report since you've assumed  
8     the position of DP as people are afraid to report to  
9     you or that it's a very safe system.

10                    You said I believe that you would interpret  
11    it as being this is a very safe system?

12           A     Correct.

13           Q     Why would you make that interpretation?

14           A     Because I see the effort and the safety  
15    cautions within the company to achieve that safety.

16           Q     Could you elaborate on that, on the kind of  
17    efforts you see on the part of the company?

18           A     The training that is in place, the system  
19    that we have tried to establish, the resources that we  
20    use, the support that there is from the upper  
21    management when it comes to that.

22                    For the thousands of crew members, again, as  
23    I say, it's written in black and white and communicated  
24    that not only we expect them, but we encourage them to  
25    report the situations.

1           As a part of that, we even have a hot line  
2 which is completely anonymous and anybody can call and  
3 say listen. I just have not received this kind of  
4 reports.

5           Q     How is the hot line communicated to the crew  
6 members? How would they know about the hot line?

7           A     There have been I believe announcements about  
8 that as well, written and verbal announcements.

9           Q     You said that if a situation is serious  
10 enough you would go to the president directly?

11          A     Yes.

12          Q     How often have you gone to the president?

13          A     We have a monthly meeting.

14          Q     How often have you got to the president  
15 outside of a regularly scheduled meeting to discuss a  
16 safety-related issue with him or her?

17          A     In this nine months, none. I didn't need to.

18          Q     Can you give me an example of something that  
19 NCL does with regard to safety that's above the minimum  
20 required, that shows how dedicated the company is that  
21 they go above and beyond the call of duty to foster a  
22 safe system?

23          A     Right. Above and beyond. Well, here we go  
24 on our safety and environmental issues, we have  
25 established boundaries and lenience way above that are



1 required by the law for environmental discharges, for  
2 example. That's above and beyond the required.

3 We train our officers and we provide courses  
4 that are not required by law. An example is Bridge  
5 Resource Management and Crew Source Management courses.

6 They are not mandatory, but we do that.

7 We have established procedures, speaking of  
8 my part in the story, that are way above and beyond  
9 what is required by the law in the way we conduct our  
10 operations.

11 We have drills and safety training which is  
12 way above and beyond the required by the law that says  
13 weekly drill. We have basically training every single  
14 day.

15 MR. STRAUCH: I don't have any more  
16 questions.

17 MR. OLSEN: I'll go again.

18 MR. ROTH-ROFFY: Ken.

19 EXAMINATION

20 BY MR. OLSEN:

21 Q Minas, how long has the SEMS been in place at  
22 NCL?

23 A I don't know exactly. It was a system there  
24 when I joined the company. Well, after we joined, we  
25 just revised it.

1 Q And you said you took over from Peter Randall  
2 and had a hand over, change over?

3 A For the responsibilities of the Designated  
4 Person.

5 Q I know we've hit this before and you've  
6 already stated no safety concerns since you've been  
7 aboard as DP.

8 A Right.

9 Q Would you now hold the records if Peter  
10 Randall got any safety concerns?

11 A If he would communicate this to me, yes.

12 Q Well, I'm assuming he --

13 A Oh, I'm sorry. I'm sorry. The question was  
14 if it was --

15 Q He turned over the job to you and I'm  
16 assuming that's files and protocols and whatever was in  
17 place for the SEMS when Peter Randall was the DP?

18 A Yes.

19 Q So if there were safety concerns outstanding  
20 at that time, you would have them?

21 A Well, everything that was related to me is  
22 what I know, so the things that I received is exactly  
23 the items on the action logs and so on and so forth.

24 Q So there have been safety concerns that Mr.  
25 Randall had received?

1 A I don't know about that. I cannot --

2 Q And they could have been closed.

3 A Right.

4 Q They could have been issued and then closed.

5 A For that month, they could, yes, but I don't  
6 know that.

7 Q Wouldn't you keep those on record as DP to  
8 have some type of ability for tracking to see how  
9 concerns were addressed?

10 A Well, again, the ability to track comes  
11 through the regimentation and again, that's the  
12 auditing process, either internal or external, the  
13 control verification letters, certificates of  
14 compliance, and I'm referring to the United States  
15 Coast Guard, through the classification society  
16 inspections and I guess I covered everything there.

17 Q Who does the external audits for NCL?

18 A DNV.

19 Q DNV?

20 A DNV for the DNV class vessels and of course  
21 Bureau Veritas for the Norway.

22 Q I think you might have answered this, so I  
23 apologize if I ask it again, but have you sat in on an  
24 external?

25 A Audit?

1 Q Yes.

2 A Yes.

3 Q And I'm assuming they check for safety  
4 concerns?

5 A They check everything, yes.

6 Q Did you see any reaction from the external  
7 auditing if they found no safety concerns with 11  
8 vessels and 9,000 to 10,000 crew members?

9 A Help me out a little bit.

10 Q Well, I'm just curious to see if the auditing  
11 group from DNV, if you sat in on the audit, if that  
12 raised a flag or they had any reaction, good or  
13 indifferent?

14 A There have been non-conformities in the past  
15 with the fleet, that's for sure. Then they have been  
16 addressed.

17 Q Okay. As part of the DP, do you also control  
18 or is it in the SEMS the Ballast Order Exchange  
19 Program?

20 A No. They are there, I don't control these  
21 things.

22 Q But you're aware of them?

23 A Yes.

24 Q Does the Norway participate in a Ballast  
25 Order Exchange Program?

1           A     I believe it is a mandatory requirement and I  
2 believe they participate in the Ballast Exchange  
3 Program if they are required. I'm not sure, I can  
4 check for you.

5           Q     Because I was just -- in conducting some of  
6 the interviews, people were standing around that  
7 morning prior to the incident waiting to conduct de-  
8 ballasting operations.

9           A     Maybe you are talking about slides or  
10 something.

11          Q     It could have been.

12          A     Well, that's part of our processes.

13          Q     It could have been going ashore, but I just  
14 heard it, so I was just wondering if you knew a little  
15 more about it.

16          A     All I know about it is they are floating  
17 several waste streams that we don't dump out to sea,  
18 again because of our policies, the above and beyond  
19 rule.

20          Q     That's fine. You can't know everything that  
21 is going on at the ship at the time, but I just -- de-  
22 ballasting sludge isn't a term I've often heard.

23                     This is kind of going back a little bit to  
24 what we were talking about before. It brings up the  
25 point of the cycle so that everybody aboard is familiar

1 with the SEMS and changes to it.

2 If a crew member reports aboard and while his  
3 time ashore there were changes to the SEMS, what is in  
4 place that assures you that this crew member has now  
5 been informed of certain changes, and it could be  
6 environmental, which is very important, or just  
7 shipboard protocol that he now knows and you as the DP  
8 ashore are certain that he knows, or at least made  
9 aware somehow that there's a process in place that he  
10 can be trained in that?

11 A You see, as the DP I am not responsible to  
12 know what you're saying. It is not by any means even  
13 close to -- if you allow me to say, the job description  
14 when it comes to this specific item.

15 Q Okay.

16 A My duty, let me continue, would be again by  
17 definition of the code, if there is an issue which is  
18 not properly addressed by the management, whatever kind  
19 of management we are talking about, everybody is  
20 encouraged to bring this to my attention so appropriate  
21 action is taken.

22 Q And that makes perfect sense.

23 A I am the safety valve. I think this is a  
24 very smart element of the code, that they have this  
25 position or positions, if you wish.

1 Q And you had mentioned then that that was Pete  
2 Randall's job, to make sure that training or that  
3 information took place for the new crew members?

4 A He is responsible for the implementation and  
5 administration of the SEMS.

6 Q So if he is responsible for the  
7 implementation, again, that question maybe you can't  
8 answer for him and I'm not going to ask you to, but  
9 there has to be a process in place with that many crew  
10 members that the training has to be verified.

11 A Correct.

12 Q Before you had stated that as the DP, you  
13 were the link between shore side and the vessel.

14 A Right. Correct.

15 Q Do you think that link can be strengthened or  
16 do you think it is definitely handled by some other  
17 branch in your office that shows that training and that  
18 information is being passed on to those that are  
19 aboard?

20 A I'm trying to see the relevance between DP  
21 and the training. I'm trying to understand.

22 Q Well, that's about the best I can phrase it  
23 to you. That's all right.

24 A And I'm trying to respond, but I'm not really  
25 sure exactly what you are asking me.

1 Q And that's fine, Minas. Maybe it's from  
2 different ships different SEMS a little bit.

3 A Right.

4 Q I've seen some that handle it differently and  
5 that can happen.

6 A Right.

7 MR. OLSEN: Without putting words in your  
8 mouth or you trying to come up with something, that's  
9 fine. We can leave it right there. That's all I have  
10 then.

11 MR. ROTH-ROFFY: Leo?

12 MR. LEO UNKNOWN: I don't have anymore.

13 MR. ROTH-ROFFY: I just have a couple more,  
14 Mr. Myrtiois, and I appreciate your patience this  
15 afternoon.

16 THE WITNESS: Sure. No problems.

17 EXAMINATION

18 BY MR. ROTH-ROFFY:

19 Q Regarding if a vessel has a blackout,  
20 wouldn't that be a serious enough event, regardless of  
21 cause, that they should issue -- the vessel should  
22 issue a safety concern report?

23 A Why is that?

24 Q That's my question to you. Do you feel that  
25 is significant enough if a vessel blacks out that a



1 safety concern report should be issued?

2 A Well, they make a report. They are saying  
3 that they are having a blackout.

4 Q Have you seen any issued?

5 A Yes, I have.

6 Q Also, AMOS, the AMOS system, I just have some  
7 questions. It's used to record maintenance, I  
8 understand.

9 A Correct.

10 Q Do you know if it records scheduled  
11 maintenance, say grease every three months, as well as  
12 unscheduled, which would be a repair, that something  
13 broke?

14 A It does both, yes.

15 Q It does both?

16 A Yes.

17 Q So if an auditor went on the vessel and  
18 wanted to see the main lube oil pump, all that  
19 maintenance, both scheduled and unscheduled, should be  
20 in the AMOS system?

21 A To my knowledge, I think you record both  
22 there, the scheduled and then as you say, if something  
23 broke, then you can see that as well.

24 Q Just one more question regarding AMOS. On  
25 board, for the engineering department, who would be

1 responsible for making sure that data gets into the  
2 system?

3 A I think your best bet to get the most correct  
4 answer would be to ask either the ship superintendent  
5 or the engineer. I believe the chief engineer, the  
6 staff chief engineer or the first engineer can have  
7 input into the system, into the computers. But I don't  
8 want to speak for them, really.

9 Q Okay. I can appreciate that. I understand  
10 your title is -- is it Nautical Superintendent? Is  
11 that correct?

12 A Correct. Superintendent Nautical.

13 Q As well as DP?

14 A Correct.

15 Q I just have a last question. Do feel, having  
16 been assigned both of these titles, that you have  
17 enough time in your work day to fully -- to do both  
18 jobs? Do you have enough time to do both jobs?

19 A I understand that question. Well, my job as  
20 Superintendent Nautical, yes, I can accomplish that  
21 without problems.

22 The other part of my function within the  
23 company is again very much a communications reporting  
24 position, so my knowledge is very much dependent on  
25 what is going to be reported to me as an unsafe

1 condition. I cannot read the crystal sphere.

2 If you tell me, I know. If you don't, I  
3 don't. I hope that's a fair answer, too.

4 Q I just wanted your take on whether --

5 A And I have the time when an audit happens  
6 once a year. I have all the time in the world to  
7 review an audit report.

8 MR. ROTH-ROFFY: Thank you, sir. That's all  
9 I have.

10 MR. TORRES: Mr. Torres from the U.S. Coast  
11 Guard. I just have a quick question here.

12 EXAMINATION

13 BY MR. TORRES:

14 Q During this interview you've mentioned that  
15 you heard that the vessel Norway was having blackouts.  
16 How did you hear?

17 A I said I've heard of blackouts in general.

18 Q Oh, blackouts?

19 A Yes.

20 Q In general on the vessel?

21 A Within the fleet we have had situations that  
22 a ship had a blackout, that's correct.

23 Q Within the fleet. Did you ever heard of the  
24 Norway having a blackout?

25 A I believe I have. I don't remember when or

1 where exactly, but I believe I have.

2 Q Would you consider that a major non-  
3 conformity of that vessel having blackouts?

4 A To have a blackout?

5 Q Yes.

6 A No, unless if it is somehow brought out that  
7 what caused the blackout was not maintained or  
8 whatever. It's like to say that a guy will never trip.

9 Q Have you done anything in reference to the  
10 blackouts, to these vessels that are having them? Have  
11 you ever done anything, taken any action?

12 A Me personally?

13 Q Yes.

14 A I'm not an engineer. My function is totally  
15 different than taking care of a blackout.

16 Q Have you ever addressed the issue with anyone  
17 else with reference to the blackouts? Have you ever  
18 talked with anyone?

19 A In what capacity and why? If you'll help me  
20 out a little bit with the question, I --

21 Q Maybe to find out if the vessel was having  
22 blackout or to confirm if it was?

23 A I have seen probably a report issued to -- a  
24 2690 form saying to the Coast Guard, for example I can  
25 remember the Norwegian Star, that they had a loss of

1 propulsion. I have seen the report. They have  
2 identified the problem, that it was that piece of  
3 equipment which they replaced and the case is closed.

4 MR. TORRES: That's all I have.

5 MR. WALSH: Jim Walsh.

6 EXAMINATION

7 BY MR. WALSH:

8 Q Minas, I heard something during the other  
9 discussion. The Norway is classed by Bureau Veritas.  
10 Does DNV do the internal or external ISM audit?

11 A Yes.

12 Q I just wanted to make sure of that. So DNV  
13 does the external audit and Bureau Veritas does the  
14 class passenger ship safety?

15 A Right.

16 Q Your budget, has it been cut at all in the  
17 last two years, year and a half?

18 A Nothing, no.

19 Q Are you aware of any budget cuts to the  
20 Technical Department?

21 A No. Not specifically, no.

22 Q Is there a Designated Person for the  
23 Technical Department?

24 A A similar capacity like mine?

25 Q Correct.

1           A     No.

2           Q     Traditionally, there has been a line between  
3 deck and engine on board merchant ships. You've sailed  
4 captain. Did you know everything that was going on on  
5 board the ship when you sailed captain that was going  
6 on in the engine room?

7           A     I knew everything that chief engineer would  
8 rely to me, yes.

9           Q     So you were on board Royal Caribbean ships  
10 from 1995 to 2000?

11          A     Right.

12          Q     Royal Caribbean ships were discharging and  
13 bypassing the oiler water separator.

14          A     Right. I was not on any of the ships. I  
15 understand. I understand what you are saying.

16          Q     When you go on board a ship, you liaison with  
17 the captain in Norwegian Cruise Lines?

18          A     Right.

19          Q     You mentioned reports to you that would be  
20 major non-conformities. Recently a Norwegian Cruise  
21 ship discharged sewage up in the Peugeot Sound area.  
22 Was that reported to you?

23          A     I am very much aware of the situation. It  
24 was -- yes, reported through the chain, yes.

25          Q     So somehow you got a copy of the report?

1           A     Absolutely.  I knew exactly what happened,  
2     yes.

3           Q     Did anyone phone you up when it happened?

4           A     No.

5           Q     Did anyone send you an immediate e-mail when  
6     it happened?

7           A     No, because again, there is clear lines of  
8     communications.  They communicated the incident right  
9     away to the appropriate recipients.

10          Q     And the appropriate recipients in this case  
11     were the Safety and Environmental Management group?

12          A     Peter Randall.  They knew right away.  When  
13     Peter knew about that, he came right away and he told  
14     me listen, this is what we had.  Then again, for the  
15     purposes of the process, then the process is in place  
16     so I can stay back and see these people do what they  
17     have to do.

18          Q     And you monitored that how?

19          A     Conversations, meeting with Peter, how is  
20     everything going, what is the outcome, things like  
21     that.

22          Q     Do you keep notes on those conversations?

23          A     Not necessarily.  Since --

24          Q     Is there a requirement for you to keep notes?

25          A     No.  If the task, if the issue I see in front

1 of me that it has been addressed and not neglected, no,  
2 I don't, because what I do expect to see now is the  
3 resolution, since it is in the pipeline, as we say.

4 Q And one of things you said was unless you're  
5 told, you don't know.

6 A Correct.

7 Q So part of your monitoring is to talk with  
8 the implementors?

9 A Yes. We do talk.

10 Q And they are the ones that are telling you  
11 whether this has been taken care of or not.

12 A Correct.

13 Q That would be considered a major non-  
14 conformity?

15 A Which?

16 Q The discharging of sewage in an area like  
17 that.

18 A Well, that was -- I would not call it a major  
19 non-conformity. We didn't really violate any rules, we  
20 violated our own policy and that was an accident.

21 Q I see. But violating your own policy under  
22 the ISM, if it's part of your Safety Management System,  
23 can be a major non-conformity.

24 A Well, it could be. It could be, but again,  
25 the nature of the discharge, it was treated sewage, it



1 was not oil or it was not anything else.

2 Q Who signs off and closes out a non-  
3 conformity?

4 A That's after verification. You have a  
5 gentleman right here, basically, who does this.

6 Q So the Designated Person doesn't close it out  
7 as this item has been properly closed out?

8 A No.

9 Q Do you track the close out of items?

10 A I see it in the action log.

11 Q When you have your weekly meetings with the  
12 Environmental Management and Safety folks, do you keep  
13 minutes?

14 A Yes, they do keep minutes.

15 Q Do you keep minutes?

16 A No, because I get those that they keep.

17 Q So if we wanted copies of those minutes, we  
18 could see those minutes?

19 A They are all in their PC's, I believe.

20 Q The Safety and Environmental Management  
21 System has weekly or monthly meetings? You have  
22 another meeting, so you have your technical meeting and  
23 that's done once a week?

24 A Right.

25 Q And there are minutes kept on that.

1 A Right.

2 Q So we could get those minutes from whom?

3 A Anybody who is participating. Leo, I'm sure.  
4 I'm sorry, I'd get involved here, but --

5 Q No, no. Someone is here that we can get the  
6 minutes from?

7 A Yes.

8 Q And the Safety and Environmental Management  
9 System also has a weekly meeting?

10 A A SEMS meeting, correct.

11 Q It's weekly, not monthly? I just want to  
12 make sure it's weekly.

13 A We have the -- I want to say weekly.

14 Q And someone keeps minutes to that?

15 A Correct.

16 Q And you monitor the close out of all the non-  
17 conformities?

18 A I look at them, yes.

19 Q But you don't have to sign off on them?

20 A I don't have to.

21 Q In the case of a discharge, if you feel as  
22 Designated Person that something is not being addressed  
23 and you bring it to the president and the president --

24 A Doesn't do anything?

25 Q Then what do you do?

1           A     I'm going to take the president to the Risk  
2 Management Committee.

3           Q     So that's part of the formal process?

4           A     Yes. And if they don't listen to me, then  
5 I'm going to pick up the phone. No, this is the way it  
6 is.

7           MR. WALSH: Right. That's an honest answer.  
8 That's it.

9           MR. ROTH-ROFFY: That's all the questions and  
10 this concludes the interview of NCL's Designated  
11 Person, Minas Myrtiois. Thank you, sir.

12          THE WITNESS: Thank you.

13          MR. ROTH-ROFFY: This tape was recorded on  
14 June 1, 2003 between the hours of 1:45 p.m. and  
15 finishing up at 4:05 p.m.

16          (Whereupon, at 4:05 p.m. the interview was  
17 concluded.)

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