

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: RYAN NADEAU, Captain  
City Cruises

Virginia Beach, Virginia

APPEARANCES:

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Chief of Analysis and Compliance Division  
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Marine Board of Investigation

MICHAEL KARR, Safety Program Manager  
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I N T E R V I E W

1  
2 CDR WADDINGTON: Good morning, everyone. This hearing is now  
3 in session. I ask those in attendance to please silence cell  
4 phones at this time and please exit the hearing room to make or  
5 receive phone calls. For those interested, my opening statement  
6 from the first day of this hearing is posted on the livestream and  
7 Coast Guard External Affairs website that provides an expanded  
8 explanation of this hearing for the benefit of the public.

9 My name is Commander Randy Waddington, United States Coast  
10 Guard, chief of the Analysis and Compliance Division, located at  
11 Coast Guard headquarters in Washington, DC. I am the lead  
12 investigating officer for this District 5 formal investigation and  
13 the presiding officer over these proceedings.

14 The 5th District commander has convened this investigation  
15 under the authority of Title 46 United States Code, Section 6301  
16 and Title 46 Code of Federal Regulations, Part 4. Our purpose is  
17 to investigate the circumstances surrounding the fire and  
18 subsequent total constructive loss of the small passenger vessel  
19 *Spirit of Norfolk* on June 7, 2022, while transiting the Elizabeth  
20 River near the Norfolk Navy Base in Norfolk, Virginia.

21 This investigation will determine as closely as possible the  
22 circumstances and factors that contributed to the incident so that  
23 proper recommendations for the prevention of similar casualties  
24 may occur.

25 The National Transportation Safety Board is also

1 participating in this hearing. Mr. Michael Karr is the  
2 investigator in charge for the NTSB's *Spirit of Norfolk*  
3 Investigation and he is here with us today. Mr. Karr will now say  
4 a few words on behalf of the NTSB.

5 MR. KARR: Good morning. I'm Michael Karr, investigator in  
6 charge for the National Transportation Safety Board for the  
7 investigation of this casualty. The NTSB has joined this hearing  
8 to avoid duplicating the development of facts. Nevertheless, I, I  
9 do wish to point out that this does not preclude the NTSB from  
10 developing additional information separately from this proceeding  
11 if that becomes necessary.

12 At the conclusion of this hearing, the NTSB will analyze the  
13 facts of this casualty and determine the probable cause  
14 independent of the Coast Guard. We'll issue a report of the NTSB  
15 findings, and if appropriate, the NTSB will issue recommendations  
16 to correct safety problems discovered during the investigation.  
17 Thank you.

18 CDR WADDINGTON: Thank you, Mr. Karr. At this time, I call  
19 Captain Ryan Nadeau, Master of the *Spirit of Norfolk*. Lieutenant  
20 [REDACTED] will you administer your oath and ask -- he will ask you  
21 some preliminary questions.

22 LT [REDACTED] Captain Nadeau, please stand and raise your right  
23 hand. A false statement given to an agency of the United States  
24 is punishable by fine and or imprisonment under 18 U.S. Code 1001.  
25 Knowing this, do you solemnly swear that the testimony you are

1 about to give will be the truth, the whole truth, and nothing but  
2 the truth, so help you God?

3 CAPT NADEAU: I do.

4 LT [REDACTED] Please be seated. Captain, please state your  
5 full name and spell your last name.

6 CAPT NADEAU: Yes, I am Captain Ryan Joseph Nadeau. That is  
7 N-A-D-E-A-U.

8 LT [REDACTED] Please identify counsel or representative if  
9 present and have them state and spell their last name as well as  
10 your firm or company relationship.

11 MS. GALITOU: Magdalena Galitou, G-A-L-I-T-O-U representing  
12 Captain Ryan Nadeau, designated party in interest.

13 INTERVIEW OF CAPTAIN RYAN NADEAU

14 BY LT [REDACTED]

15 Q. Please tell us what is your current employment and position?

16 A. I am the director of Marine Operations for City Cruises in  
17 Norfolk.

18 Q. And what are your general responsibilities in that job?

19 A. I'm responsible for the overall operation safely of our  
20 vessels in Norfolk, as well as our crew, and ensuring quality as  
21 far as passengers and satisfaction is concerned.

22 Q. Sir, before I move forward, can you please move the  
23 microphone a little bit closer?

24 A. Yeah, absolutely.

25 Q. Thank you. Can you briefly tell us your relevant work

1 history?

2 A. I started working on the *Spirit of Norfolk* when I was 16 in  
3 2006. I've also -- I worked my way up to captain in 2011 on the  
4 *Spirit of Norfolk*. I spent some time working with Norfolk Tug  
5 Company as well, as a deckhand and eventually relief engineer. I  
6 then worked with another branch of City Cruises now, which was, at  
7 the time, Entertainment Cruises in Philadelphia for about 18  
8 months. And I've been back in Norfolk since 2015 and I've been a  
9 marine director since 2016 in Norfolk.

10 Q. What is your education related to your position?

11 A. I have a 100-ton captain's license as well as, I would say,  
12 significant amount of on-the-job training.

13 Q. Do you have any other professional licenses or certificates  
14 related to your position?

15 A. I do have an able-bodied seaman endorsement, life boatman  
16 endorsement, and that's about it.

17 Q. Thank you. Mr. [REDACTED] will now have follow up questions for  
18 you.

19 BY MR. [REDACTED]

20 Q. Good morning, Captain.

21 A. Good morning.

22 Q. So, all of my questions will relate to the period leading up  
23 to June 7, 2022, unless I state otherwise. Thank you for being  
24 here.

25 A. Absolutely.

1 Q. We will divide your testimony so that we have three recesses  
2 because you'll be here most of the morning. We'll also divide it  
3 into two parts. The first will be your recollections of the  
4 events that took place on the accident day, that's June 7, 2022.  
5 And then we will shift into -- we haven't done it before in these  
6 proceedings, but when we conclude those for the Coast Guard, we'll  
7 go to the NTSB, the party of interest, and then we'll move into  
8 your role as director of Marine Operations.

9 A. I understand.

10 Q. So, we have a monitor on your desk and should the monitor  
11 fail, we also display the exhibits up here on these large  
12 displays. And your binders that are on your desk have been tabbed  
13 with slip notes so you can easily find exhibits. If you -- you  
14 know, if I ask you a question and you need time to process what  
15 you're looking at, please ask me to stand by a minute until you  
16 answer the question.

17 A. Sure.

18 Q. So, thank you for your explanation of your work history.  
19 What I'd like you to do now is take a moment to think about the  
20 events of June 7, 2022. With as much detail as possible -- and I  
21 will say that we have conducted numerous interviews of you to  
22 understand your role not only as a captain, but the director of  
23 Marine Operations. Those multiple interviews are available in  
24 Coast Guard Exhibit 71, which is the transcripts of all of our  
25 interviews for all of the subjects of our interviews. So, that's



1 the information we used to come to this point here in the hearing.  
2 So, the more detail you can provide, the less questions I have to  
3 ask.

4 A. Sure.

5 Q. So, thank you, Captain. Go ahead.

6 A. You just want me to start from the beginning on June 7th?

7 Q. From the time the -- from your perspective, you stepped  
8 aboard the vessel and made preparations to get underway until the  
9 time at the -- you departed the dock at the Navy Pier. So, if  
10 you'll just roll with those events, please.

11 A. Okay. So, that morning I arrived around 7:30 to the ship.  
12 Our crew would have already been arriving as well. Our mate, or  
13 senior deckhand, at the time had already made preparations as far  
14 as warming up the engines, making sure everything's running. And  
15 making sure that the deck crew is prepared as far as their daily  
16 tasks with cleaning, organizing, making sure that the boat is  
17 ready for the crews.

18 And when I arrived, you know, if there is any concerns about  
19 anything that early, we still have time as far as making  
20 preparations for a particular group that may be arriving ahead of,  
21 you know, our standard boarding time or something like that. It  
22 allows us a, a, a significant window before we're getting  
23 underway, which that day was an 11 to 1 scheduled cruise. I did  
24 my normal rounds where I walked through the engine room as well as  
25 any of the passenger spaces prior to cruising, really prior to

1 even embarking passengers.

2 As well as that particular morning was unique in that I had a  
3 new captain that I had just hired. That was his first day,  
4 Captain Christopher Brown. So, he arrived around 10 a.m. that  
5 morning. That was about an hour before cruising. So, we were  
6 already in the process of embarking passengers, and it gave me an  
7 opportunity to kind of walk him through our operation. I've met  
8 Chris Brown before, and he's already familiar with our boat and  
9 our operation. So, you know, when, when it was getting closer to  
10 the time of departure, I asked Christopher Brown if he would like  
11 to -- or Captain Brown, if he would like to ride the cruise with  
12 me. It was an early opportunity for me to assess where he's at as  
13 far as boat handling and it was a very calm, nice weather day.

14 So prior to cruising at about 10:45 that morning, Captain  
15 Brown and myself did our final walkthrough of the engine room  
16 where we checked all of the, the engines to make sure everything  
17 was running as it should, as well as starting up the main engines  
18 at the engine itself and inspecting for, you know, anything out of  
19 the norm. So, then we got underway at about 11:00 that morning.  
20 There was no -- nothing significant throughout the cruise route  
21 that I can recall up until we got to Navy base -- or the Navy  
22 base.

23 When we were preparing to make our turn around, I instructed  
24 Captain Brown to pull the main engine throttles back to neutral,  
25 in which case around that time, when he pulled the engines back to

1 clutch -- it was either clutch or neutral, I'm not sure -- an  
2 alarm went off on the port -- or on the engine panel. So, both of  
3 these engines share a panel and it said that it had lost  
4 connection with the Port main. So, shortly after that, you know,  
5 initially the -- I apologize. It's, it's been a while. After we  
6 lost connection with the port main engine, I went over to look at  
7 the helm and to try and figure out what was going on with the  
8 engines.

9 I attempted to switch throttle controls to the port wing  
10 station, which has an independent wire run. So, in case there is  
11 something wrong with the wire run from the main engines to the  
12 wheelhouse, there is a redundancy in place where there's a  
13 completely independent run from the engine room to the port wing  
14 station. And when I tried to transfer power to the port wing  
15 station, that did not work as it was supposed to, and I still did  
16 not have control.

17 At one point, the port main engine showed back up on the  
18 display. So, initially when we lost connection, I couldn't see  
19 anything as far as RPMs, temperature metrics, anything like that.  
20 But maybe a few -- maybe it could have been 30, 45 seconds later  
21 that port main engine came back on the display for a small period  
22 of time, but it was long enough for me to see that the engine was  
23 running and that it was running at normal parameters, in my  
24 opinion. And it was shortly after that that more alarms started  
25 going off, particularly alarms that I'm not familiar with that I

1 haven't heard before.

2 I know that at that point, the throttle heads had started to  
3 start blinking different lights, making more, more beeping and  
4 alarm sounds coming from those. As well as the -- at a certain  
5 point, the entire display went blank, and the throttle heads were  
6 just blinking. In that process, while we were troubleshooting  
7 that, I noticed a, a, a haze coming from the port side around the  
8 ship to the bow. At this point, I requested that some crew  
9 members go and investigate to find out what was, what was going  
10 on.

11 Shortly after that, I'm dead in the water with no means of  
12 propulsion. The next reasonable thing was to reach out to any  
13 available towing vessels to help me maneuver the boat and to  
14 control it from possibly moving towards the naval base or in the  
15 way of another vessel. So, I made the call on Channel 13 for any  
16 available tugboat. The Rosemary McAllister was the first to  
17 respond. They immediately came to the bow of the *Spirit of*  
18 *Norfolk*. Meanwhile, I do have crew that are investigating what's  
19 going on in the engine room. They are checking to -- at one point  
20 they told me that there was visibly a fire and that it was out of  
21 control in such a way that it was not deemed safe for them to  
22 enter that space.

23 So, moving forward, it was at that point that I had to  
24 delegate some crew members to go to the bow of the vessel to  
25 receive lines from the Rosemary McAllister so they can continue

1 maneuvering our vessel, as well as making preparations to move  
2 passengers to the third deck. And then around that same time, we  
3 also had crew members that were instructed to isolate the fuel  
4 supply from the tanks to the engines in the engine room. When  
5 they told me that there was a fire in the engine room, clearly, at  
6 that point in the wheelhouse, I began to -- I shut down  
7 ventilation from the wheelhouse, which kills any of the fans in  
8 the engine room, supplying fresh air as well as engaged the  
9 electric fire pump.

10       So, at this point, our focus was to get passengers to the  
11 third deck. We also instructed them to don lifejackets on the  
12 third deck. So, after I had turned on the fire pump and engaged  
13 the ventilation shut down, I made my radio call to the Sector  
14 Hampton Roads to let them know I believe I have an engine room  
15 fire on board. And at that point, another vessel nearby heard my  
16 call on the radio, the *Victory Rover*. And Captain Brandon with  
17 the *Victory Rover*, reached out to me to ask if I needed any  
18 assistance evacuating passengers from my vessel.

19       So, as the fire was growing in intensity, from what I could  
20 see through the ventilation shafts out the port side or the  
21 starboard side, I eventually came to the conclusion that I needed  
22 to get passengers off of our vessel, and that was the safest  
23 course of action moving forward. So, I told the *Victory Rover*,  
24 yes, I will -- I would love to have you come alongside, begin  
25 taking passengers. At this point, I probably have two, three,

1 maybe four tugboats in -- within, you know, 25 yards of my vessel.  
2 I had several other small boats. I can't recall all of them, as  
3 well as the tugboat with a deck barge pulling up, in case we  
4 needed to get passengers off on onto that.

5       So, as the *Victory* was lining up alongside our port side --  
6 our midship door lines up well with their vessel in order to get  
7 passengers off safely. I began to ask any of the available  
8 tugboats with any type of fire hoses or fire monitors to engage in  
9 putting water on those flames on either side of the vessel, in  
10 which they did. Particularly, I remember the tug *CONDOR* on my  
11 port quarter was pulling up at around the same time the *Victory*  
12 *Rover* was pulling up.

13       So, once the *Victory Rover* was alongside, he requested that  
14 the -- one of the tugboats to pull up alongside of him or any boat  
15 available to try and press his boat tightly to ours to make sure  
16 that the boats were not moving apart from each other. And we  
17 began to bring passengers down from the third deck through the  
18 stair tower and across the railing onto the *Victory Rover*. Once  
19 all of the passengers were off, I instructed the five crew members  
20 I had downstairs at that time to also get on the *Victory Rover*. I  
21 felt that that was the safest course of action for my crew.

22       I also then went -- at this point, when it was all the  
23 passengers were off the vessel and I had that conversation with my  
24 crew, I did that in the midship area while Captain Brown was  
25 upstairs in the wheelhouse. He -- I asked him to do the same

1 thing, to his credit, he refused, and he insisted on remaining on  
2 the vessel with me. And the *Victory Rover*, after my crew, the  
3 five crew members had gotten on that vessel, they departed and  
4 headed back for Town Point Park.

5       Myself and Captain Brown had been in communication on 13 or  
6 16 with the nearby vessels throughout this process. At one point  
7 after the *Victory Rover* left, the small crew boat or supply  
8 vessel, I believe it's the Ohio River, they pulled up in the same  
9 position at that midship door. And as I was walking by to go back  
10 upstairs, one of them said, you know, hey, whenever you're ready,  
11 we're ready to take you off. So, I made my -- I continued to  
12 sweep the boat. I grabbed a PFD for myself and Captain Brown and  
13 the -- I stayed on board until I could see smoke coming through  
14 the fuel shut off valves. It was at that point that I made the  
15 decision to get off of the *Spirit of Norfolk*.

16       So, Captain C.J. Brown and myself grabbed those two PFDs, two  
17 VHF radios, one for 13 and one for 16, and we got onto that crew  
18 boat. Then after that, there was a nearby vessel that Captain  
19 Brown and myself got onto. It was a towboat U.S. with a captain  
20 I'm very familiar with that I've worked with in the past. And I  
21 instructed the guys driving the Ohio River to drop me off with  
22 that person. So, at that point, he -- that captain, he also used  
23 to work on the *Spirit of Norfolk*. So, he made the call once I got  
24 on board with his vessel to my general manager to let her know  
25 where I was and where everything was. And as the tugboats began

1 to move the *Spirit of Norfolk* into position at Pier four, myself,  
2 Captain Brown, rode with -- on this particular boat, it's a -- the  
3 towboat U.S. boat over to Pier four to meet the *Spirit of Norfolk*  
4 at that dock.

5 At that point I was immediately, or very quickly met with  
6 someone I'm familiar with, Bill Burket. He showed me where the  
7 command post was on that dock. It was just a white SUV with a  
8 green flag on it that said CP, for command post, I imagine. I  
9 walked over to that truck, introduced myself. There were already  
10 fire trucks and a lot of emergency vehicles on the dock at that  
11 point. At -- and at this point, while the *Spirit of Norfolk* is  
12 being brought in, the tugboats have pretty significantly been  
13 hosing down and, and adding water to those vent shafts throughout  
14 this entire process to try and quell the flames.

15 As we -- once they got the *Spirit of Norfolk* in a position  
16 where they could get lines on and tie the vessel up to the pier  
17 and begin continuing firefighting operations, was there -- I  
18 remember before I got off the vessel, one of the things I did is I  
19 grabbed the fire plan that was in a PVC tube off of the first deck  
20 stern. I set it outside on the first deck stern to be easily  
21 accessible without having to go inside the vessel. So, once the  
22 vessel was tied up and I met with the gentleman at the command  
23 post, I told them where the fire plan was. This fire plan lists  
24 where are fire stations, as well as a general arrangement for our  
25 vessel, including any accesses to the engine room.



1           So, moving forward, there was -- shortly after, I was met at  
2 that command post truck I spoke with a Norfolk firefighter about  
3 where the closest access to the engine room was. So, I walked  
4 over with him to the starboard side of the *Spirit of Norfolk*,  
5 maybe within a few feet of the aft most window and said the  
6 emergency escape hatch for the engine room is probably the closest  
7 point to get into the engine room and it's right on the other side  
8 of this window. You guys can break this window and it's right  
9 there. You can see it from the window.

10           So, throughout that entire afternoon there was a pretty  
11 regular engagement I had with a lieutenant that was a Coast Guard  
12 investigator. So, pretty frequently while I'm being asked  
13 questions about things pertaining to the vessel, I'm constantly  
14 being pulled away from those conversations to go talk to an  
15 investigator on the other side of the pier in a quieter area about  
16 the incident and what happened leading up to it. So, while I'm  
17 attempting to coordinate with the firefighters and the chiefs,  
18 pretty regularly I had to stop what I was doing and then go walk  
19 over, talk to the investigator, explain to him what happened and  
20 then go back and forth.

21           Eventually, sometime in that afternoon, probably around 3:00,  
22 I had another conversation with -- at this command post truck  
23 where they had retrieved the said fire plan that I mentioned  
24 earlier. They had rolled it out on the back of their truck and we  
25 were discussing the access points for the engine room from the

1 inside of the vessel. I explained where the emergency room -- or  
2 the engine room emergency escape hatch was. I showed it to them  
3 on the -- it basically looks like a blueprint and basically, said  
4 this is maybe 20, 25 feet from this back door. This is the safest  
5 route to get to the engine room as well as, again, you guys are  
6 free to break that window. You know, this is a moot point at this  
7 stage in the game. So, if you would like to break that window to  
8 be able to see your men go down in that hole or even to see them  
9 while they open it, I believe that to be the safest course of  
10 action at that point.

11 They did ask where the other door was to get into the engine  
12 room. I did hesitantly explain, you know, it's probably maybe 150  
13 feet of walking once you get inside of the vessel to get to that  
14 other door and you're going through the belly of the vessel, if  
15 you will, to get back and around to that engine room. But  
16 needless -- I mean, nevertheless, I did show them on the diagram  
17 where the other engine room door was.

18 So, shortly after that, somewhere between 3:00 and 4:00, I  
19 believe there was a crew made to board the vessel. The flames at  
20 that point seemed to be quelled down to maybe a, a smoldering  
21 coming out of the vent shafts, just a hazy gray smoke, not, not  
22 nearly the intensity that it was when I first pulled in. And then  
23 the -- one of the fire trucks with a ladder pulled up aside the  
24 vessel, extended the ladder to the second deck stern. And then  
25 shortly after that, there was a team of, I don't know, four or

1 five firefighters that went across that ladder on board the  
2 vessel, and they went inside.

3 I'm not sure the length of time it was that they were inside,  
4 but shortly after, it could be maybe ten, 15 minutes after they  
5 were inside of the vessel, all of a sudden, everybody started  
6 running frantically on the dock. The firefighters, that is. And  
7 the fire engines everywhere began blowing their horns, and I  
8 understand that later to be the mayday call when they breached the  
9 forward engine room door.

10 After that, eventually, those firefighters were gotten off of  
11 the vessel through that same ladder that they boarded the vessel  
12 on. I don't recall -- I don't I don't recall how many of them  
13 there were. So, then at that point there was a, a slight port  
14 list on the vessel. I -- the -- I know that the firefighting  
15 efforts, from my perspective, were slowed down moving forward. As  
16 to why, I'm not entirely sure. But then shortly after that,  
17 probably around -- this is around 7 p.m., the fire began to  
18 encroach into the passenger area of the first deck.

19 This is 7:00 at night, around 8:00, there was a unified  
20 command meeting that I was asked to participate in. The only  
21 individuals I remember being there are some of our national marine  
22 folks with City Cruises, as well as the captain of the Port,  
23 Stephens and the CO, and I believe the XO of NOB was there as  
24 well. And that meeting was probably about an hour and a half.  
25 So, at this point, I might have emerged from that meeting at about

1 9:30 p.m. And when I got out of that meeting, the, the entirety  
2 of the ship was engulfed in flames. So, then -- I did not leave  
3 the pier that evening until about 11:30 at night. But between  
4 that 9:30 and 11:30, I don't remember much happening of  
5 significance.

6 Q. Thank you, Captain. Based on the story you just told, I have  
7 some follow up questions before I get into other questions. So,  
8 from your perspective as a captain, is a cruise a cruise? And  
9 what I mean by that, if you have two groups of schoolchildren  
10 aboard and that's part of a cruise passenger list, or you have a  
11 late night, midnight cruise with 400 guests aboard, is it all the  
12 same for the captain? In terms of the safe operation of the  
13 vessel.

14 A. Yes.

15 Q. And when you went down to the engine room, and you showed the  
16 prospective -- well the new captain, Captain Brown around the  
17 engine room, did you describe the engines as fully functional and  
18 operational?

19 A. I don't believe I would have any reason not to describe them  
20 as fully functional and operational.

21 Q. Did you explain to the new captain in training that you had  
22 instructed the crew to pay particular attention to the operating  
23 condition of the port main diesel engine?

24 A. The -- at that point on June 7th?

25 Q. Correct.

1 A. No, there wasn't -- there wouldn't have been a conversation  
2 with me and Captain Brown about the particular operating  
3 conditions. I, I, I don't follow where you're coming from there.

4 Q. Well, in previous testimony, we've heard that as a result of  
5 the overheating conditions earlier, the rebuild of the engine and  
6 the turbocharger potential replacement that was expected to be  
7 done, the crew had enhanced they were to look more carefully at  
8 the port main engine. Would that be correct?

9 A. Our crew is instructed to make rounds on those engines  
10 regularly every 30 minutes to encompass anything from a leak to  
11 abnormal sound. So, when we initially had that engine -- and I  
12 believe we're stepping back here -- but when we initially had that  
13 engine overhauled, the -- after our sea trials, and that evening,  
14 we had a cruise where we did ramp up our checks to every 15  
15 minutes and the crew didn't report any abnormalities. So, after  
16 that, our crew was still vigilantly checking the engines, as they  
17 typically should. But I didn't think there was a unique operating  
18 condition on that engine.

19 Q. So, there was no way that you said to the crew, keep an eye  
20 on the port engine, in particular, more vigilance than the  
21 starboard engine.

22 A. I typically don't discuss the vigilance in which they inspect  
23 engines with my crew.

24 Q. Who does?

25 A. I expect an equal standard throughout.

1 Q. Is there a document or procedure that explains the precise  
2 duties of any person when they make those rounds, either starting  
3 the engine or on 30-minute intervals?

4 A. Yes.

5 Q. And what is that document?

6 A. Our engine check sheet.

7 Q. Okay. So, that would be a spreadsheet where certain  
8 components of the engine, pressure gauges, for example, for  
9 hydraulic pressure, temperatures would be logged. But is there  
10 any other document that explains how to gather that information or  
11 what to look for, for that?

12 A. That's more on the job training. I mean, that's a part of  
13 how we train our crew when they do engine checks. The things to  
14 keep an eye out for, items to look for. I'm not sure if there's a  
15 document that explicitly details that, but that is part of our  
16 training when we show someone how to do an engine check on our  
17 vessels.

18 Q. So, does the company, City Cruises, provide a crew person  
19 training in any fashion that the person has to complete through a  
20 training program and then sign or document?

21 A. I'm not sure.

22 Q. Shifting to -- you're out in the middle of the Elizabeth  
23 River and you have what you believe to be a loss of communication  
24 to the port engine. That morning, did you test the wing station  
25 propulsion controls that you describe as an independent means of

1 communicating with the engines before you got underway?

2 A. Yeah, I get underway from the wing station, so before we get  
3 underway, we do our gear checks and our steering checks from that  
4 wing station.

5 Q. Are there two wing stations?

6 A. Yes, sir.

7 Q. And which wing station did you go to determine the -- whether  
8 you had control of the, the engines.

9 A. The port wing station.

10 Q. And is that the one you check in the morning.

11 A. Yes.

12 Q. So, from the time you initially believed you had a propulsion  
13 casualty until you had the slightest information that you thought  
14 there was a fire. You mentioned a haze, and then ultimately, the  
15 crew came up and said, we do have a fire. What was the  
16 approximate span of time? I know things happen fast, but could  
17 you give us a span of time?

18 A. Less than five minutes. I mean, maybe three minutes.

19 Q. So, you mentioned Channel 13. That's the Bridge-to-Bridge  
20 Navigation Channel. Would I be correct?

21 A. That's correct.

22 Q. So, initially, you were concerned that there was a potential  
23 for drifting into the Navy base or impeding the movement of other  
24 vessels on the waterway. So, for you, initially, it was a  
25 propulsion casualty.

1 A. Well, that was the initial thing that I lost was propulsion.

2 Q. And then you moved into -- you knew the fire. And typically,  
3 we notify other vessels and so forth of a grave or imminent danger  
4 by a mayday call or an urgent call, which we use as pan-pan-pan.  
5 So, I would have played the audio, you basically called the Coast  
6 Guard and said you have an emergency. Is that correct?

7 A. Yes.

8 Q. So, I didn't realize this before, the information you  
9 provided about a tug with a deck barge. Do you recall the name of  
10 that tug?

11 A. No, sir.

12 Q. And so, the plan would have been on that day under  
13 circumstances where perhaps the *Victory Rover* couldn't have  
14 assisted you. And the tugs -- the tug could push the deck barge  
15 perhaps in your proximity, and that passengers and crew could step  
16 over or jump over to the deck barge as an option, perhaps?

17 A. Yes. I mean, given the circumstances and the available  
18 vessels nearby, there were several means of egress for passengers.  
19 And the deck barge was one of the last ones to pull up in case the  
20 *Victory Rover* couldn't accommodate it or any of the other tugboats  
21 that were nearby.

22 Q. And that's one of the pitfalls of the automatic  
23 identification system that we use to track vessel movements, is,  
24 it doesn't show a deck barge.

25 A. There was one there.



1 Q. Yeah. I, I realize that. So, the -- you get to the point  
2 where you now know it's a fire and you're making rounds of the  
3 vessel. You had described for us -- let's back up just a minute.  
4 So, for the benefit of the public, Coast Guard exhibit 62 -- and  
5 we are having display exhibits, so counsel, if you could go to  
6 page 62. Page one, there's an image of a closed-circuit TV  
7 monitor to the left of the captain station.

8 UNIDENTIFIED SPEAKER: We're talking exhibit, excuse me,  
9 Exhibit 62?

10 MR. [REDACTED] Six two, yes.

11 CAPT NADEAU: Yes.

12 MR. [REDACTED] So, this image was taken on a survey on June  
13 6th, the day before the accident. So, take a look at that for a  
14 few minutes and then we're going to take a ten-minute recess to  
15 try to reconstitute the monitors. And I'll ask you several  
16 questions about it.

17 CAPT NADEAU: Thank you.

18 CDR WADDINGTON: The time is 8:58. We're going to take a  
19 ten-minute recess. Thank you.

20 (Off the record.)

21 (On the record.)

22 CDR WADDINGTON: The time is 9:09. The hearing is now in  
23 session. Mr. [REDACTED] please continue.

24 MR. [REDACTED] Thank you, sir.

25 BY MR. [REDACTED]

1 Q. Thank you again, Captain. In this image which is displayed  
2 for the public and it's in your binder, there's a television or a  
3 computer monitor. Can you describe what that is?

4 A. Yeah. So, that's a, a display for our closed-circuit TV  
5 monitoring system for our security cameras or, you know, cameras.

6 Q. So, you can pull that down, Lieutenant. So, there is some  
7 conjecture in the -- following the event. There was a discussion  
8 that somebody heard on the vessel smoke alarms or fire alarms. We  
9 had talked to you about that, previously, but for the public, did  
10 you hear a smoke alarm or a fire alarm in the wheelhouse on June  
11 7th?

12 A. No.

13 Q. There are smoke alarms for the security system, correct?

14 A. On the passenger decks, yes.

15 Q. You had also mentioned the fuel shut off valves. Just in  
16 general, if you took me aboard the vessel, where would I find  
17 those?

18 A. Probably about -- just in -- I mean, it's right over top of  
19 the engine room on the first deck in the passenger area. They're  
20 marked with placards and down on the floor it's, basically, a  
21 small plastic lid that you lift up. And inside is a mechanism to  
22 close the fuel valves.

23 Q. Also, speaking about alarms, again. There were alarms that  
24 you said that you weren't familiar with, or at the time, you  
25 couldn't identify them. So, in your experience of testing alarms

1 or operationally operating the vessel, would you be familiar with  
2 the alarms in the wheelhouse and what they meant?

3 A. So, the alarms I know that, as far as on the throttles -- and  
4 I believe that is the alarm I was unfamiliar with, because that's  
5 never part of our testing procedures. I had never heard that  
6 alarm go off before on the actual throttle head. I've heard the  
7 alarms with respect to testing on the engines themselves. Like,  
8 when I said the lost connection alarm went off, that alarm I was  
9 familiar with. Or any of our bilge high water alarms, that panel  
10 was not -- it was not triggered at all. And that also encompasses  
11 a few other things, like, high temperature or low day tank for  
12 generators, and that alarm was not going off. I'm just familiar  
13 with the -- unfamiliar with that throttle -- that particular  
14 throttle alarm. I had not heard that before.

15 Q. So, you've been captain of the vessel for a long time. Is  
16 there a document that instructs other captains, full or part time,  
17 on how they are conduct -- how they are to conduct rounds of the  
18 vessel?

19 A. You're referring to pre-cruise?

20 Q. Yeah. Your pre-departure walk around that you mentioned.

21 A. Yes, there is a checklist.

22 Q. And would that checklist include, like, making sure there are  
23 no boxes or combustible material in proximity to the engine or  
24 either engine?

25 A. I'm not sure.

1 Q. And why, why were you familiar with the loss of comms that  
2 the display -- the alarm from the loss of comm?

3 A. So, on those particular engines, if, you know, in the morning  
4 while the crew members are doing their start up, initially, when  
5 you turn the batteries on and before you turn the key on at the  
6 start and stop switch it would say lost connection. So, the  
7 display would turn on, but it would say lost connection because  
8 the engine isn't actually turned on, on the, on the ignition  
9 switch.

10 Q. And then, your initial recounting of events that you just  
11 made here today, before the break, you said that a, an  
12 investigator had pulled you away to the other side of the dock to  
13 a, a quiet area. Would it be fair to characterize that individual  
14 as a Coast Guard investigator?

15 A. Yes.

16 Q. And were you implying that that Coast Guard investigator took  
17 away your effectiveness in providing support to the response  
18 people that were trying to fight fire?

19 A. Yes.

20 Q. You were on the dock -- and I know we're out of sequence here  
21 but recounting your story. So, there was a truck, it had an  
22 incident command flag. They were working out of the back of a  
23 pickup truck. Did you have any knowledge of when we shifted from,  
24 what we call, an incident command to, like, the standing up -- did  
25 anybody say we're standing up a unified command? Come with us and

1 we're going to go to another place, and something changed in how  
2 they were managing the firefighting.

3 A. Like I said before, around somewhere between 7:00 and 8:00  
4 that evening, somebody with the Coast Guard approached me and told  
5 me that there was a unified command meeting taking place in this  
6 this, this bus, for lack of better words, that was set up with a  
7 conference room table inside. And she said that, you know, they  
8 would like me to attend that meeting, but I don't recall any --  
9 anything as far as a change in command.

10 Q. And then, just to close the loop on the engine control  
11 modules, if you, if you took me in the engine room at the time you  
12 made your rounds, the, the thing that sent -- the box or the, the  
13 component that sent the information to the electronic control  
14 modules up in the wheelhouse and the displays, is that, like, over  
15 the turbocharger area in general, right over the top of the  
16 engine?

17 A. No.

18 Q. Where is it?

19 A. On the forward bulkhead in front of the port main engine.

20 Q. So, would it -- yeah, but you have to have something that  
21 goes from the engine to those boxes. Are there like sensors or  
22 pick up points where they pick up cylinder head temperatures  
23 mounted maybe above the engine?

24 A. I, I, I'm not a mechanic. I, I don't know how to answer that  
25 question.

1 Q. So, shifting out of your story, but still related to your  
2 story, I have a follow up question. So, you mentioned cameras --  
3 and we looked at that exhibit a minute ago, that was Coast Guard  
4 exhibit 62. You have a display, and you have security cameras.  
5 What other cameras do you have on board the vessel other than ones  
6 required for the security of the vessel?

7 A. I mean, the cameras that we have on board are -- they were  
8 for -- we have some on our stern decks outside. We have two of  
9 them on our third deck, which is also outside. There were several  
10 on the interior decks. Almost every stairwell was monitored by a  
11 camera, to my knowledge. Our kitchen galley had cameras, as well  
12 as the liquor room, and engine room.

13 Q. So, you mentioned camera. So, how many cameras are in the  
14 engine room, or were on the engine room, of the *Spirit of Norfolk*?

15 A. Four.

16 Q. And what were their intended purposes?

17 A. For anything. You know, safety or, you know, if we had a  
18 concern about, you know, if there was ever a security incident,  
19 you know, that they were in there to monitor as well. They're  
20 really there to monitor just like anywhere else.

21 Q. But what why were there four?

22 A. Just the orientation of our engine room.

23 Q. Would you describe the engine room on this vessel as small?

24 A. No.

25 Q. Approximately, what, what are the dimensions? Fore and aft,

1 and starboard to port.

2 A. Probably, starboard to port, you're, probably, looking at  
3 about 40 feet wide. And then, somewhere between 40 and 50 feet  
4 from fore and aft. I'm not 100%, but it's about that big. In my  
5 experience, it's a relatively big engine room.

6 Q. Do you know when those closed-circuit TV cameras were  
7 installed?

8 A. No, I don't recall.

9 Q. And do those closed-circuit TV cameras feed your security  
10 system, which is monitored ashore by a, a third-party contractor  
11 to monitor the security of the vessel while people are not aboard?

12 A. They, they're not tied together, no.

13 Q. I'm sorry, I interrupted you. What did you say, sir?

14 A. They are not tied together, no.

15 Q. So, would it be fair to say they can only be used by  
16 personnel while the vessel -- while they're aboard the vessel?

17 A. Correct.

18 Q. Is there a policy of any kind that instructs vessel  
19 operators, like, on how they're to monitor the engine room using  
20 those closed-circuit TV cameras?

21 A. No. Like I said before, we have, every 30 minutes, our crew  
22 members are in the engine room doing their checks.

23 Q. Do you know when they were installed?

24 A. I already answer that question. I, I do not know.

25 Q. So, Lieutenant, if you could bring up the Coast Guard exhibit

1 002 TAC 1, should be in the front of the first binder, and we, we  
2 have it up on the screen here for the public. Down at the bottom,  
3 it talks about life saving equipment. So, while, while the  
4 captain's looking, that is the Coast Guard certificate of  
5 inspection, and it lists the lifesaving equipment required. Do  
6 you have that in front of you, sir?

7 A. Yes, yes, sir.

8 Q. So, it lists the number of life preservers, which I think you  
9 described as PFDs. Would that be correct?

10 A. Correct.

11 Q. And it lists inflatable rafts and life floats, and the number  
12 displayed there is zero. Is that correct?

13 A. Correct.

14 Q. Does the Coast Guard stipulate through regulations, the type  
15 and quantity of life saving appliances?

16 A. Yes.

17 Q. So, based on the events of June 7th, if you had several  
18 hundred people aboard on a night cruise operating in the Elizabeth  
19 River, and there were no immediate response vessels, what would  
20 the passengers be required to do in the event of a large fire?

21 A. In the event of a large fire, similar to the one we had?

22 Q. More catastrophic.

23 A. More catastrophic. The passengers would be sent to the top  
24 deck initially, and then we would have to begin bringing people  
25 into the water.



1 Q. So, that would be abandoning ship?

2 A. That's correct.

3 Q. Is there any distinction, in your perspective, between  
4 evacuating a vessel or abandoning ship?

5 A. I'm not sure.

6 Q. So, as a vessel master and the director of Marine Operations,  
7 have you ever asked the Coast Guard for a waiver from your  
8 certificate of inspection? Say, for example, a charter party  
9 says, hey, on a particular date, you want to go way out of the  
10 Chesapeake Bay, miles from shore. The limitations on this  
11 certificate of inspection are one mile from shore, less than. So,  
12 if you went out, pardon me, in the middle of the bay, would you  
13 request a waiver?

14 A. Yes.

15 Q. And generally, would the Coast Guard require you to do  
16 certain things to get that waiver?

17 A. Yes.

18 Q. And, for example, they could say, you have to mount life  
19 rafts temporarily, or something like that.

20 A. I haven't been asked to do that in the past, but I imagine  
21 they could.

22 Q. So, we've talked about the classification of the *Spirit of*  
23 *Norfolk* as a K -- subchapter K vessel certificated to carry up to  
24 600 tons -- 600 passengers. And also, there are some carryover  
25 from existing regulation, which we call TL. If the vessel, in

1 your opinion, had been fitted with a fire detection system or a  
2 fire suppression system -- which is required with new construction  
3 -- newer construction subchapter K vessels -- would that have  
4 reduced the likelihood of the fire being -- or would it have  
5 created a situation where the fire would be detected earlier?

6 A. Yeah, I imagine so, yes.

7 Q. How about if it had been fitted with a fire suppression  
8 system either automatically activated or activated by you, the  
9 master, would that have, perhaps, reduced the extent of the fire,  
10 at least for a time?

11 A. Yes, sir, I imagine so.

12 Q. And this is -- up to the point of June 7th, had there been  
13 any conversations that you had overheard, or been involved with,  
14 or communicated with about the potential to install either of  
15 these two systems being the fire detection system, or the fire  
16 suppression system on the vessel?

17 A. No, sir.

18 Q. Lieutenant [REDACTED] if you'll pull up Coast Guard exhibit 045.  
19 This is a list of alarms that came in from the security system.  
20 We've redacted it and we have highlighted it. So, take a moment,  
21 I will describe that the highlighted area for the *Spirit of*  
22 *Norfolk* cruise boat -- there is a highlighted area, June 7, 2022,  
23 which appears to me, I'm not an alarm monitoring company, but at  
24 12:09:20 p.m., right after lunch, after you detected the fire,  
25 indicates AC power failure?

1 A. Yes.

2 Q. What was the first notification you received from the  
3 security system? I mean, it could be by active monitoring, or a  
4 cell phone call, or notification, that there was a security system  
5 alarm going off.

6 A. Yeah, there -- in that case, I don't recall. But the, the  
7 alarm panel local on the boat would have had an alarm going off,  
8 as well as, they would have called me on my cell phone.

9 Q. And the initial alarm was a power failure, and there was a  
10 battery backup. Is that correct?

11 A. Yeah, that's correct.

12 Q. So, Coast Guard Exhibit 71, which we're not going to pull up,  
13 but for the benefit of the public, it was the preliminary  
14 interview transcript that we conducted with you in, in Norfolk or  
15 Portsmouth several months ago. You had said that after the event  
16 of May 15th, which was an engine overheating situation -- and  
17 we'll talk more about that as the director of Marine Operations.  
18 But about 9:30 that night, I'm paraphrasing, you went up to the  
19 wheelhouse. You pulled up the closed-circuit TV footage of the  
20 event that took place. And I'll just recount that, correct me if  
21 I'm wrong. The engine overheated. Initially, the crew thought it  
22 was a fire. They went to the watertight door, opened the  
23 watertight door, and activated and used two fire extinguishers on  
24 what they suspected was a fire. Is that correct?

25 A. Yes.

1 Q. Initially, it, it later turned out to be a coolant leak with  
2 a mist of red antifreeze, which would have made some people think  
3 it was a fire.

4 A. Correct.

5 Q. So, you reviewed the closed-circuit TV footage, to do what?

6 A. I reviewed that to try and assess how long that engine had  
7 been running after the leak started so that I could relay that  
8 information or, or, you know, just, for my own peace of mind to  
9 understand what happened.

10 Q. After reviewing that, did you put any kind of procedure in  
11 place where you said, hey, captains and crews that operate the  
12 wheelhouse, use the TV cameras to monitor unusual circumstances in  
13 the engine room, such as a power fail, a propulsion casualty,  
14 suspected fire, or anything like that?

15 A. No.

16 Q. But you could have used it for that. Is that correct?

17 A. Perhaps.

18 Q. And I think in your initial interview, and correct me if I'm  
19 wrong, you also wanted to see the response of the crew.

20 A. Correct.

21 Q. And what did you say?

22 A. They did a very good job at handling a situation that they  
23 thought was an engine fire.

24 Q. Please go, Lieutenant, to exhibit 34, and it's a single page.  
25 It should be slipped in the book. This is a list of cruises that

1 took place on the *Spirit of Norfolk* in a time frame leading up to  
2 the June 7th. And if you look down the page on May 29th, and  
3 please correct me if I'm wrong, there was a cruise that, May 28th  
4 or 29th, where it appeared to be a very late-night cruise. They  
5 departed the dock around 11:30 p.m. and returned about 1:30 p.m.  
6 Would that be correct?

7 A. 1:30 a.m.

8 Q. That's what I meant, I'm sorry. Thank you, Captain. How  
9 many passengers does it show?

10 A. 312.

11 Q. And how many crew? It doesn't list crew, but can you  
12 approximate how many crew would be on board for an event like  
13 that?

14 A. We would have a captain, a senior deckhand and three  
15 deckhands.

16 Q. And how many waitstaff, bartenders? Just approximate is  
17 fine.

18 A. I'm not sure, maybe, between 15 and 25.

19 Q. So, if this accident had occurred on that cruise. Do you  
20 think that the *Victory Rover* would have been out there?

21 A. No.

22 Q. Do you think that the response from anybody, including the  
23 United States Coast Guard, would be a challenge compared to what  
24 you experienced on June 7th?

25 A. I imagine it would be different. However, we do operate in a

1 relatively busy harbor, so there are frequent tugboats transiting  
2 through. But in the event that there wasn't, I, I agree that it  
3 would be more challenging.

4 Q. And for the record, I looked up the weather that night and it  
5 was relatively benign, gentle winds. You know, there was no  
6 weather challenge from my perspective as a mariner. So, thank you  
7 for that. We'll pull up the Coast Guard exhibit 31, page 4, and  
8 I'll describe that as the City Cruise Emergency Response Plan.  
9 And in that plan -- while you're looking, sir, that's page four,  
10 it describes a serious marine incident. It says, as used in this  
11 manual, a serious marine incident is defined as a death or serious  
12 injury to a person, a vessel fire, grounding, flooding, collision,  
13 mechanical failure, structural failure, a pollution incident, and  
14 all other events with the potential to negatively impact or  
15 disrupt normal operations. Would you agree that that's what's  
16 described in the plan?

17 A. Yes.

18 Q. And they don't show, in particular abandoned ship, or  
19 evacuation.

20 A. That is correct.

21 Q. But they do say all other events. So, if we go to page eight  
22 of that same document, they talk about plan execution. So, it  
23 says execute the following actions immediately upon the  
24 concurrence -- the occurrence of a serious marine incident. The  
25 person in charge is assigned according to the vessel chain of

1 command -- captain vessel master on duty, mate, senior deckhand,  
2 deckhand. Immediate action -- take immediate action to stabilize  
3 the situation -- sound the general alarm using the ship's horn,  
4 public address system, vessel alarm, shipboard phone system,  
5 handheld radios, or other appropriate means. Was the general  
6 alarm sounded?

7 A. No.

8 Q. Why not, sir?

9 A. At that point in time, I was exclusively focused on making  
10 sure this situation did not adversely affect any of our  
11 passengers.

12 Q. But your first duty is to the safety of the passengers. And  
13 as it says here, the immediate action is to sound the general  
14 alarm.

15 A. Yeah, in that particular situation, I was focused on making  
16 arrangements for the safety of our passengers.

17 Q. Could you describe the announcements that you made to the  
18 passengers relating to the emergency?

19 A. I instructed my crew to make the arrangements with the  
20 passengers relating to moving from one deck to the other as well  
21 as when to don lifejackets.

22 Q. And the vessel is equipped with a public address system  
23 designed to broadcast that information through all interior spaces  
24 of the vessel where passengers or crew may congregate, correct?

25 A. That's correct.

1 Q. Do you know -- and I ask this on the May 15th overheating  
2 incident where the vessel lost propulsion and they thought it was  
3 a fire. And we didn't ask those previously. Did that, did that  
4 captain make a general alarm -- sound the general alarm and make  
5 an announcement?

6 A. I, I'm not sure.

7 Q. So, the restaurant manager, Ms. Baker, actually, had the  
8 deejay make announcements on the sound system. Is that -- is that  
9 available to be heard throughout the vessel on the, say, the third  
10 deck?

11 A. No.

12 Q. So, the passengers that have gone to the third deck might not  
13 hear those instructions?

14 A. Correct.

15 Q. Speaking about Ms. Baker, who, at the time, was called Ms.  
16 Ginn, for the benefit of those looking at the transcript, she  
17 stated in her previous testimony that she directed the movement of  
18 passengers, told the deejay to make announcements, and actually,  
19 physically, got on top of the table to direct passengers moving  
20 either upwards -- and I may be wrong on the upwards, but  
21 throughout the vessel to the evacuation point. Do you know if  
22 that's a correct statement?

23 A. I was not at -- I was not on the deck when that happened.

24 So, no, I don't know if that's correct.

25 Q. If she did that, in other words, take personal initiative as



1 a restaurant manager to be involved in the safe evacuation of  
2 passengers, would you classify that -- would I be correct if I  
3 said it was indispensable to the evacuation of the passengers?

4 A. I don't know if indispensable is the right word. However, if  
5 someone were to do that, that would be critical.

6 Q. So, could the marine crew board -- could you -- do -- could  
7 you describe the number of persons in the marine crew that day? I  
8 mean, how many, how many people.

9 A. In total, including myself, there were seven of us that day.

10 Q. If I, if I remove the waitstaff, bartenders, Miss Baker from  
11 the vessel, and I said, go ahead, marine crew, handle the entire  
12 evacuation of those personnel in the same time constraints. Could  
13 they have done that?

14 A. Yes.

15 Q. But they, but they did have the assistance of, I believe it  
16 was, 11 restaurant waitstaff and so forth.

17 A. I'm not sure how many.

18 Q. Did you see waitstaff at any time when you walked around the  
19 vessel before you got off, handing out lifejackets to children and  
20 adults?

21 A. No, I did not see that.

22 Q. Is it your knowledge at this time that you saw that the, the  
23 waitstaff actually passed out lifejackets to children and adults  
24 and help them fasten them properly?

25 A. I don't know.

1 Q. So, you made the rounds of the vessel, and you observed smoke  
2 coming out of the fuel shutoffs. Did you go down to the lowest  
3 deck and look at the forward engine room bulkhead?

4 A. Yes.

5 Q. And what did you observe when you looked at the bulkhead?  
6 And by that, I mean, for signs of fire, for example, blistered  
7 paint, anything like that?

8 A. No.

9 Q. Was the watertight door fully closed and secured, to the best  
10 of your knowledge?

11 A. Yes, sir.

12 Q. And is it marked with open? Closed? Did you ever have any  
13 indication that between the fully engulfed vessel that you saw  
14 later in the -- you know, the vessel was fully engulfed later in  
15 the evening around 7 p.m. and 9:30? Did you ever see the fire go  
16 out?

17 A. Yeah, I, I can't say that I saw it go out. However, like I  
18 mentioned earlier, around the time when they were preparing to  
19 board the vessel, the team of firefighters that is, at about that  
20 point, it seemed like it was just, kind of, a smoldering smoke  
21 coming out of the vents versus the initial, just, rolling flames.  
22 So, it was just a -- significantly less smoke than there was  
23 initially. So, it definitely seemed like it was progressing in  
24 the right direction as far as putting out the fire.

25 Q. So, we had conducted extensive interviews earlier, and I am

1 remiss in remembering, have you had marine firefighting training?

2 A. No.

3 Q. Is it available in the Hampton Roads area where you could go  
4 to a school if your company sent you and have you attend a marine  
5 firefighting training course?

6 A. Yes, I believe it is.

7 Q. And yesterday I heard something I didn't know before, that  
8 some of the crew perhaps, not -- I'm not sure if the accident  
9 voyage -- but were any of the crew, to your knowledge, either  
10 retired firefighters, active firefighters, volunteer firefighters?

11 A. Not that day.

12 Q. So, let's -- Lieutenant, pull up exhibit 68-1 TAC 1. And  
13 what you'll see is a marked-up image, it's pretty clear on the  
14 monitor here. Captain, you took that document and made sure that  
15 firefighters could get it to protect the vessel when they were  
16 able to step aboard. Would that be correct?

17 A. Yes, sir.

18 Q. And so, what I'm looking at here is are those highlighted --  
19 you know, you see the green, yellow, and red, is that part of the  
20 vessel plan or did somebody do that?

21 A. I believe somebody did that.

22 Q. Okay. So, the native document you handed them or provided  
23 wouldn't have that on it.

24 A. Oh, no. This, this is what it looked like.

25 Q. Okay.

1 A. On the document that I gave to them.

2 Q. So, we're looking at the lowest deck. The upper deck is up  
3 there. So, the firefighters, the red box down on the very bottom,  
4 for the benefit of the public, there is an arrow that says  
5 emergency escape hatch from engine room to the -- from -- to the  
6 main -- it should actually be to the lower deck -- the main deck.  
7 Pardon me. Would that be correct?

8 A. Yes.

9 Q. It's mislabeled and we will correct that. So, that hatch is  
10 designed as a second means of egress so that someone trapped in  
11 the engine room in an emergency could climb a ladder or step on  
12 something and open this hatch. It's meant to go up. Is that  
13 correct?

14 A. It can go either way, yeah.

15 Q. So, this is what the firefighters had available to them. In  
16 addition to a description you provided of where the hatch was, in  
17 addition to that, you went to a window and showed a firefighter  
18 where the hatch was, and you gave them permission.

19 A. Yes, sir.

20 Q. To break the window.

21 A. Correct.

22 Q. If the firefighters had come aboard the vessel and went to  
23 that hatch, would it have appeared as, like, a circle with the  
24 same carpet on it that the deck had carpet on? Or would it be,  
25 you know, just an oval of aluminum that someone could look down

1 and say, that's it?

2 A. It would have been a carpet, a circle of carpet over top with  
3 a placard on the wall. Those aluminum hatches, if you didn't have  
4 something over it, it would possibly be a tripping hazard.

5 Q. So, Lieutenant, you can pull that down. Coast Guard 90 --  
6 exhibit 93, which page 9 is an image -- and you'll see it on the  
7 monitor. I think, I think that'll be helpful. These are images  
8 that were taken by Coast Guard personnel on the dock at the day --  
9 and if you'll zoom in, Lieutenant. Yeah, that one there. Thank  
10 you. So, you see the yellow hose and you see some squatting  
11 firefighters and somebody standing there with a helmet. Above  
12 that -- actually, below that, there's a black band. Are -- those  
13 are the windows that you were talking about?

14 A. Yes.

15 Q. So, you can't see the windows, but you can see the stripe.  
16 And in that stripe, there are windows.

17 A. Correct.

18 Q. So, approximately, you see, the extreme left of the image,  
19 would that be about where the window was that you pointed out, or  
20 is it outside the frame?

21 A. It -- I believe it would have been just forward of that  
22 stream of foam. Just forward of it is where the windows started.

23 Q. Okay. So, what I'm seeing here, and correct me if I'm wrong,  
24 there were some firefighters squatting with a yellow hose and  
25 there appears to be a vent or something there different than the

1 black band. And so, there's a wash of foam coming down, and  
2 that's about where you went to and pointed.

3 A. Correct.

4 Q. Did you take a -- did you take a firefighter there or did you  
5 take, what I would classify as, somebody -- and, you know, they  
6 have these incident command individuals, and they wear specialized  
7 vests. They say incident commander. In our images, we have two  
8 incident commanders. Did you take either of them to the window  
9 and show them or was it a firefighter?

10 A. So, in this particular case, I know it was a Norfolk officer  
11 firefighter. They're indicated by yellow lettering on their  
12 shirt. So, it's pretty easily to -- easy to see. It was not a  
13 chief. But in that particular case, the gentleman came to me and  
14 asked me to show him from the side of the boat where that hatch  
15 was. So, I walked over with him. It wasn't as much that I, you  
16 know, grabbed a chief and brought him over. It was this  
17 firefighter came to me and asked me where the hatch was.

18 Q. And when you showed him, did he walk over to what I will  
19 describe as -- it had a green flag. It's called an incident  
20 command post where a bunch of people were congregated. Did you  
21 see him retreat or walk back to that point and do something?

22 A. I don't know where he went after I spoke to him.

23 Q. So, in our initial interview -- and the NTSB transcript,  
24 which is Coast Guard exhibit 71, which I won't ask you to pull up,  
25 but I'll paraphrase. Tell me if I'm wrong. On page 76, you had

1 said, I, I'm not sure if it was, I asked you, but -- was -- did  
2 you notice the *Spirit of Norfolk* take on a sudden port list during  
3 your interview? Did you, did you actually witness that?

4 A. No, I -- after the fact, I noticed after the alarms, as far  
5 as the engines blowing their horns and everybody running  
6 frantically, I noticed that there may have been a slight port  
7 list. However, I, I, I didn't notice the boat actually list to  
8 the port.

9 Q. So, in your interview, you said, quote, so, the *Spirit of*  
10 *Norfolk* has a little bit of a list to port, even before. So, I  
11 didn't notice anything different. Do you recall saying that the  
12 vessel had a, I'll say, a historical or a usual list of port?

13 A. Yeah. It might not be something that someone would typically  
14 notice. It could be, you know, as much as an inch or two. But  
15 like I said, when I recognized that there was a list after those  
16 alarms were going off and the horns were blowing for the mayday, I  
17 could still see it.

18 Q. So, as a licensed master, do you know of the negative  
19 consequences if a vessel is operated with a typical list to one  
20 side or the other?

21 A. I'm not sure.

22 Q. So, Mr. Edgar, who is a salvage master under contract to City  
23 Cruises, was brought on that day and arrived. Did you meet him?

24 A. Yes.

25 Q. And once again in this time, I will paraphrase because it is

1 a fairly lengthy passage from Coast Guard Exhibit 71, page 247.  
2 We asked him about the -- why did it -- why would it have taken a  
3 list to port as opposed to even keel? And what we were asking  
4 about is the vessel has firefighting water coming aboard. It has  
5 fire water in the engine room. The watertight door in the forward  
6 bulkhead of the engine room is opened, and they described it as a  
7 wall of water, a cascade of water, rushed into the kitchen area of  
8 the vessel. And he basically said, that if the vessel started out  
9 with a port list, for example, a historical list, that the water  
10 would then exasperate or make that list worse over time. Do you  
11 think that might be a fair statement based on the fact that the  
12 vessel had a historical port list?

13 A. I'm not sure.

14 Q. So, knowing what I've just talked about, do you think that  
15 having that, that a couple of degree list might have caused  
16 complications to the firefighting efforts?

17 A. Well, for starters, I, I, I did not say it was a couple of  
18 degrees, but I can't speculate as to how that affected the  
19 firefighting efforts.

20 Q. And you're correct, you said a little bit. So, thank you,  
21 sir. I said a couple, a couple of degrees. So, I'm sorry about  
22 that. And just, you know, talking about complicating firefighting  
23 efforts. So, the individual that you showed the window to, do you  
24 know if that -- you know, because we use Norfolk and we have a  
25 couple of Norfolk firefighting entities, we have Navy Norfolk, and



1 then we have the Norfolk Fire Department. You have any idea which  
2 type of personnel?

3 A. This gentleman was a Norfolk firefighter.

4 Q. Norfolk Fire Department

5 A. Correct.

6 Q. So, Lieutenant, if you would call up Coast Guard 085, which  
7 we took all the draft readings of the vessel that were supplied to  
8 the investigation, and we'll show it. It's probably best to look  
9 at it at the screen, sir, because you don't have to look at  
10 detail. But we asked Marine Safety Center, Coast Guard to provide  
11 this animated computer model and it's very short. So, are there  
12 any standard operating procedures provided to you either by City  
13 Cruises or that you've developed that basically say to zero out  
14 the trim of the vessel fore and aft, or zero out any list as part  
15 of vessel operation?

16 A. We monitor it from day to day for any changes. And on June  
17 7th, I did not record any changes from my previous interactions  
18 with the vessel.

19 Q. And how did -- how do you monitor that.

20 A. The draft markings.

21 Q. Is that part of the process? Take draft readings every day  
22 that the vessel is operating?

23 A. Walk the vessel? Yeah. Walk around the vessel.

24 Q. How do you take the outboard drafts.

25 A. From the other side of the pier.

1 Q. So, you're in, you're in a position to be able to see both  
2 sides of the vessel?

3 A. Correct.

4 Q. So, the vessel, the *Spirit of Norfolk*, is assigned a tier one  
5 rating as it relates to what the Coast Guard does in terms of  
6 inspection and oversight. When that vessel was classed as a tier  
7 one, did any of the operating procedures change for the vessel? In  
8 other words, the Coast Guard calls this enhanced oversight. Did  
9 -- at the same time, did City Cruises or the *Spirit of Norfolk*,  
10 you as director of Marine Operations, said, okay, we have this new  
11 classification, and this is what we're going to do as a result of  
12 that?

13 A. Well, there were memos about it that this new process was  
14 coming down the pike and we were aware of it. However, Norfolk,  
15 we do a lot of training with the Coast Guard, whether it be on  
16 days where our boat isn't cruising and inspectors come by. Or  
17 even on our annual inspections that aren't necessarily a COI.  
18 We're prepared to do 100 percent of our inspections on every  
19 inspection. So, to the degree that our inspections changed, all  
20 it really meant for us was that we had another inspection at the  
21 six-month interval in between our annual inspections.

22 Q. So, one of the pieces of evidence that we have not been able  
23 to put our hands on is that vessels, typically throughout the  
24 vessel for the crew, they have a document called a station bill.  
25 Usually, a printed spreadsheet that explains each and every crew

1 person's position and what they do. There's a column that says  
2 fire, flooding, abandoned ship, collision, and so forth. The  
3 vessel did have that document, correct?

4 A. Correct.

5 Q. And what we were told was that the only copy of it was  
6 destroyed in the fire. Was that correct?

7 A. I'm not sure if there was another copy available, but I know  
8 that the copy that was on board would have been destroyed in the  
9 fire.

10 Q. Would the general manager or the shoreside office personnel  
11 have generated that document on office computers, or did you do it  
12 sitting up in the wheelhouse one day?

13 A. Well, no, this, this vessel has been in operation since the  
14 early '90s. Station bills like that don't change very much. So,  
15 since I took on the role as marine director, the station bill had  
16 not changed. And how that document was created or made, I was not  
17 a part of.

18 Q. So, you know, wrapping up the -- my questions, this is my  
19 final question, and I'll turn it over to my colleague, Lieutenant  
20 Commander [REDACTED] So, as you sit here today, do you have any idea  
21 from any information, as to the source of the fire that occurred  
22 on June 7th, 2022?

23 A. No, sir.

24 Q. Thank you, sir.

25 CDR WADDINGTON: Before we shift to Lieutenant Commander

1 [REDACTED] this appears to be an ideal time for a ten-minute break.  
2 So, the time is 10 a.m. We will reconvene in 10 minutes.

3 (Off the record.)

4 (On the record.)

5 CDR WADDINGTON: The time is 10:11 a.m. The hearing is now  
6 in session. Lieutenant Commander [REDACTED] do you have any  
7 questions for this witness?

8 LCDR [REDACTED] I do, Commander.

9 CDR WADDINGTON: Thank you.

10 BY LCDR [REDACTED]

11 Q. Captain, I'm going to go back just a little bit in time. Do  
12 you discuss the tech report recommendations with Bay Diesel when  
13 they put it on a tech report?

14 A. After we -- yes, yes, I do.

15 Q. And do any of those recommendations get discussed with the  
16 crew or is it just a conversation between you two?

17 A. It would depend on the recommendation.

18 Q. Lieutenant [REDACTED] can you please pull up Coast Guard exhibit  
19 007 TAC 1 on page 34, which is the Bay Diesel Tech Report from May  
20 26, 2022, the last day of the engine rebuild. I'll give you a  
21 second, too.

22 UNIDENTIFIED SPEAKER: Can we get a page number?

23 Q. Sure it's 34.

24 UNIDENTIFIED SPEAKER: Thank you.

25 Q. Mr. [REDACTED] had asked earlier if any instructions were passed

1 to the watchstanders to pay extra attention to the port main  
2 diesel engine. I'm just going to read the recommendation from the  
3 tech here in this report. It says crews should keep an eye on the  
4 right bank turbo, on the port main engine, just as a precaution  
5 until the replacement goes on. So, I just wanted to clarify from  
6 earlier, was this recommendation not passed with the engine room  
7 watch standards?

8 A. We, as a normal engine room rounds, our guys are checking for  
9 things like any type of oil leak. That particular evening, we had  
10 a dinner cruise, and this was after doing the sea trials with Bay  
11 Diesel -- and the crew ramped up their regular intervals to every  
12 15 minutes versus the standard 30-minute interval, to pay close  
13 attention to not just the turbo, but all facets of that engine.  
14 And they did not report anything back as far as any abnormalities.  
15 So, that's -- from that point forward, our crew was checking the  
16 engines on regular engine checks every 30 minutes.

17 Q. And with this recommendation, do you consider this like a  
18 normal situation when you said the rounds are -- we do that  
19 normally. So, this -- was this like a normal recommendation or is  
20 this something different?

21 A. There's, there's a lot of components in one of our engine  
22 rooms. So, if there is one component on one engine that we  
23 deemed, you know, from, from -- even from Bay Diesel, the oil did  
24 not return after they wiped it. And we didn't see it for any  
25 subsequent engine checks. So, of course, we monitor everything on

1 the engine for every engine check but, that's our standard.

2 Q. And just to clarify, too, it says, just as a precaution until  
3 the replacement goes on. So, did you take that as until the  
4 replacement goes on, but the replacement was never put on.  
5 Correct, as of June 7th?

6 A. The replacement was not put on as of June 7th. That is  
7 correct.

8 Q. When you, you talked about conducting your engine room rounds  
9 on the day of June 7th. I think you said you did it first thing  
10 in the morning, and then with the training captain, Captain Brown.  
11 Did you notice any boxes or storage equipment near or around the  
12 port main diesel engine?

13 A. Yeah. We, we store a, a, a lot of our supplies in the engine  
14 room on the port side in the general vicinity of that engine.

15 Q. Lieutenant [REDACTED] can you please pull up the Coast Guard  
16 exhibit 84, which is a picture of the port main diesel engine  
17 taken the day before the fire. Captain, that picture right there  
18 with the blue arrow, did you see these boxes near the engine  
19 during your rounds? And was that a concern to you or is that  
20 where these boxes are usually located?

21 A. I'm not sure, some of these pictures have boxes around the  
22 engine and some don't.

23 Q. I'm specifically talking about, I'm sorry, the one with the  
24 blue arrow, that picture in particular.

25 A. This also indicates that all the images were taken on June

1 6th?

2 Q. Correct. The picture of -- that we're referring to, the blue  
3 picture.

4 A. I don't recall. I was just making note that these pictures  
5 don't appear to be all taken on the same day.

6 Q. And what would you, then say, you had done? If you noticed  
7 that these boxes were here, would you have mentioned anything to  
8 your crew members?

9 A. Yeah, I mean, that's where we store a lot of our items. We  
10 are a small operation that does not, you know -- we store a lot of  
11 spare parts on board, whether it's filters, or pumps, things like  
12 that, just to ensure smooth operation of our vessel. We do store  
13 a lot of things on board. That's, that's it.

14 Q. You had mentioned that you shut down ventilation from the  
15 bridge after you discovered the fire in the engine room. Were  
16 there natural ventilation shafts to the engine room?

17 A. They were fan driven. Both of them.

18 Q. You had mentioned that the assist tugs were supplying water  
19 to those ventilation shafts. So, was that was there a way to  
20 close those ventilation shafts, or did they remain open throughout  
21 the duration of the fire?

22 A. They were open. When I shut down ventilation, I was only  
23 isolating the fans.

24 Q. So, there's no way to close those.

25 A. Correct.

1 Q. Okay. Captain, would it be a fair statement to say that on  
2 June 7, 2022, your crew and your passengers had to abandon ship?

3 A. Yes.

4 Q. Can you describe what procedures or policy you used to  
5 abandon ship?

6 A. I would have to consult the emergency response plan for the  
7 exact procedure. However, abandon ship is a, a unique situation  
8 in which it can vary from one reason to another. Whereas if  
9 you're abandoning ship because you're taking on water, it may be  
10 different in how you do it versus abandoning ship because there's  
11 a security threat. There's not one hard, fast way to abandon  
12 ship. There's several different ways, depending on the scenario  
13 that that you encounter.

14 Q. And are those different scenarios that you just mentioned and  
15 different ways to abandon ship, or evacuate the vessel, are those  
16 listed in that plan?

17 A. Yes.

18 Q. And when you -- can you tell us how often the emergency  
19 response plans exercised by you and your team?

20 A. We review it, and I'm not sure how frequently. But -- I'm  
21 not sure.

22 Q. Lieutenant [REDACTED] can you pull up Coast Guard exhibit 31,  
23 TAC 1, Page 18? Can you scroll down to the bottom a little bit?  
24 Right there. I'm sorry, we just lost it on the -- okay. I'll  
25 keep, I'll keep going, and I'll move back if we get that. So,



1 when was the last time you conducted an abandoned ship drill or  
2 exercise? And can you describe what that entailed of any kind?

3 A. On that particular day before June 7th, I -- that was a  
4 Tuesday. So, I did a drill on the Sunday prior to which was June  
5 5th where we discussed, you know, the several different items.  
6 But we explicitly discussed what to do in an engine room fire  
7 scenario.

8 Q. And that included an abandoning ship.

9 A. Correct.

10 Q. And what did that -- what did that look like? Was it an  
11 abandoning ship to the landside, to another vessel, to the water?

12 A. So, whenever we discuss these, it's always with the preface,  
13 like I just mentioned, it would depend on the scenario where the  
14 best case of getting passengers off would be. In this particular  
15 case on the 7th, obviously, it was through the stair tower out the  
16 midship door. But we also discussed the possibility of bringing  
17 passengers from the third deck through the rear stairwell down to  
18 the first deck stern. Particularly in the case that passengers  
19 would have to go into the water, that might be the best place to  
20 do that.

21 Q. So, we'll bring back -- sorry. We'll bring back Coast Guard  
22 exhibit -- can you scroll down a little bit more -- 031. And at  
23 the bottom there where it says monthly, I'll just read it. It  
24 says, on a monthly basis, the city director and Marine Operations  
25 should ensure that the Marine Operations team reviews at least one

1 different scenario related to the emergency response plan during a  
2 training drill or exercise, and that this training is documented  
3 in the vessel log. So, do you conduct these monthly?

4 A. We conduct drills relatively more frequently than monthly. A  
5 lot of our crew will do them if they haven't been on board in a  
6 long period of time, or when we have a new crew member that's  
7 joining the team. Typically, as I've said in previous testimony,  
8 Sundays are a good day for us to do drills. Even in this case  
9 that I mentioned. They're typically a little bit slower. We have  
10 more time to get things done and it also affords us an opportunity  
11 to explore, because we're doing so many, a lot of different facets  
12 of our drills. Even, you know, from anything that we would  
13 encounter.

14 Q. Mr. [REDACTED] had previously asked you about the initial radio  
15 transmission between yourself, the Coast Guard, and the assist  
16 vessels. And at some point, during those transmissions you had  
17 asked Captain Brown, training captain, to assist you with radio  
18 communications, is that correct?

19 A. Correct.

20 Q. And can you explain why you asked Captain Brown to manage the  
21 radio on board?

22 A. I went downstairs at one point to check on how things were  
23 going as far as passengers. Where they were, as, as, as well as  
24 ensuring that the crew had secured fuel and where the orientation  
25 of all the towing vessels is -- towing vessels were. And then I

1 came back up to the wheelhouse shortly after.

2 Q. So, would it be a fair statement to say that having Captain  
3 Brown in the wheelhouse that day made coordinating with the assist  
4 vessels and communicating on the radio easier than it would have  
5 been if had you been alone in the wheelhouse.

6 A. If he wasn't there, I would have just grabbed one of the  
7 hand-helds -- one of the handheld radios. There was not much for  
8 me to do from the wheelhouse at that point, but the VHF's in  
9 wheelhouse are a little bit more powerful than the handhelds as  
10 far as communicating with Sector Hampton Roads. So, I felt like  
11 that would have been a little bit better, but I just would have  
12 grabbed the handheld.

13 LCDR ██████████ That's all my line of questioning for now.

14 CDR WADDINGTON: NTSB, do you have any questions for this  
15 witness?

16 MR. KARR: Thank you, Commander.

17 BY MR. KARR:

18 Q. Captain, when you first got to the Navy pier, where did that  
19 U.S. tow vessel drop you off in relationship to the -- to where  
20 the *Spirit of Norfolk* was tied up?

21 A. It was right at the very end of pier four at Norfolk Naval  
22 Base.

23 Q. All right. Thank you. When you visited -- when you talked  
24 with the Norfolk Fire Department person, you were standing next to  
25 the vessel pointing to the window where the hatch was?

1 A. Correct.

2 Q. Can you tell me anything he told you?

3 A. Yeah. Initially, he, kind of, was hesitant about breaking a  
4 window. At that point in time, he was, like, oh, you know, I  
5 don't want to break your window, man. But I -- at that point, I,  
6 I said, listen, I've already -- I already have broken windows from  
7 the towing vessels. One window right here, it's not going to make  
8 a difference.

9 Q. Did he say anything else about the hatch itself?

10 A. No.

11 Q. All right. Those black windows, are you able to see inside?  
12 Could you see the hatch?

13 A. I guess it, it depends. I don't recall at that, at that day.  
14 It really depends on the sunlight and how it's hitting them.

15 Q. So, you mentioned that you were being called away by the  
16 Coast Guard investigator that was there. What did he -- can you  
17 be specific about what you may have done if you weren't spending  
18 time with him?

19 A. I'm not sure. I can't speculate as to what other things I  
20 would have been doing. However, I just recall when I was engaged  
21 with firefighting personnel, there was on more than one occasion  
22 that he pulled me away or asked me, hey, you know, when you get a  
23 chance. He wasn't being too aggressive about it. However, from  
24 my perspective, this is a Coast Guard investigator, and I'm  
25 standing next to my boat on fire. So, I felt, like, you know, I

1 needed to talk to this individual when he calls me over.

2 Q. And how many, how many times did he call you away?

3 A. I'm not sure. It was probably several times.

4 Q. All right. And, Captain, did you visit with the command post  
5 before they went on board the vessel the first time?

6 A. Yes. I went to that -- the SUV that I mentioned earlier. I  
7 -- that was at one point when they had the fire plan already laid  
8 out on the back of the truck. And that was when I explained to  
9 them on the, the actual diagram or the blueprint, if you will,  
10 where the hatch was, as well as the other hatch that they were  
11 asking about.

12 Q. And you -- can you recall what time that was when you had  
13 that conversation?

14 A. I don't know. I know it was before they boarded the vessel.

15 Q. From what I recall, from what testimony we've heard is that  
16 the fire department went on board twice. So, what we were talking  
17 about, they did a recon early, you know, maybe around 1:00, 1:30,  
18 and then later on around -- later on in the afternoon, about 15:00  
19 that they did the -- they went on board where they had the mayday  
20 call. So, I'm, I'm asking questions about your conversation at  
21 the command post ahead of that recon visit.

22 A. Yeah, I'm not sure if when I had that conversation, they had  
23 already done the initial recon. I just know that when I spoke to  
24 them and they had the fire plan out, that was definitely before  
25 the, the time that they sent a team in. Right before, before --

1 it was before the mayday call. That's all that I can recall.

2 Q. So, as before, can you give me an idea of -- can you recall  
3 how much time it was before?

4 A. I have no idea.

5 Q. If we can bring up that exhibit, it shows the picture of the  
6 bridge. Let me see if I, if I remember what that was, 62. And  
7 so, on that monitor, at the -- when you and -- when you were up  
8 there just prior to making the turn, what would have been  
9 displayed on that video screen?

10 A. Probably either a five by five or six by six matrix of  
11 monitors for all of the cameras. So, each camera might have  
12 encompassed a small piece of that screen. So, you -- so there  
13 were four engine room cameras, so there would have been four small  
14 boxes --

15 A. Correct.

16 Q. -- amongst other boxes on that screen.

17 A. Yeah. I can't recall if that particular unit rotated between  
18 matrixes, where you would have, you know, maybe two boxes on one  
19 and then two on another, but at some point there was four in one  
20 way or another.

21 Q. Okay. Can you tell me -- can you remember back on June 7th,  
22 just before this happened, before you started to make the turn?  
23 When was the last time you looked at that monitor?

24 A. I don't recall.

25 Q. All right. Had you been looking at that monitor as you were

1 making your way on that voyage? And that -- had you been looking  
2 at the monitor since you left the pier that day?

3 A. Yes, from -- intermittently we might take a look over at the  
4 monitor.

5 Q. Is there any sound in that monitor or just visual?

6 A. It's just visual.

7 Q. About the time of -- I'm talking about the evacuation now.  
8 When you were up on the bridge and the crew was starting to tell -  
9 - organize the passengers to go up to the third deck and put on  
10 lifejackets, did you have any conversations with the restaurant  
11 manager?

12 A. I do not recall.

13 Q. When you went down -- you just told us, at some point, you  
14 went down to check on things. Can you tell me who you had a  
15 conversation with when you went down below to check on things?

16 A. I don't recall exactly who I spoke to when I went downstairs  
17 that day.

18 Q. Yeah. Do you remember -- did you -- can you remember if you  
19 did speak to people, or did you just go down and --

20 A. Not passengers. I don't think I saw very many passengers at  
21 that point. I think the passengers were already on third deck.  
22 But I don't recall exactly who I spoke to downstairs.

23 Q. You can't remember exactly who you spoke to, but can you  
24 remember speaking with the crew member or crew members?

25 A. I'm sure I spoke with crew members.

1 Q. When, when the Norfolk Fire team went in on that -- when the  
2 fire team went in the vessel, the second time, the visit that  
3 resulted with the mayday, you said you were with Bill Burket, Bill  
4 Burket?

5 A. No, I, I never said -- or I don't think I said --

6 Q. Well, well then, I -- well, when the -- who were you with  
7 when the fire team was on board the vessel?

8 A. I don't recall.

9 Q. Do you remember having any conversations where you may have  
10 been discussing what the fire team was doing on board the boat?

11 A. Initially, I did speak with Mr. Burket somewhere around with,  
12 within the first 30 minutes of being at the pier. And, you know,  
13 he, he instructed, you know, make sure that you've already called  
14 your salvage guys and pollution control guys and stuff like that.  
15 But he also said, at one point in time or another, it, it looks  
16 like maybe our best bet here is going to be to just fill up the  
17 engine room. And I uniquely remember that because I was  
18 devastated that my boat was going to encounter that kind of  
19 damage. So, I remember that moment specifically.

20 Q. That conversation, talking about filling up the engine room,  
21 but that was after -- that was after the mayday?

22 A. This was before.

23 Q. It was before.

24 A. This was, this was right after we got to the pier. While  
25 everything was still staging, and people were setting stuff up.



1 Q. So, tell me more about that, what the --

2 A. It was -- there's obviously a lot of moving parts right at  
3 that point. Trucks are pulling in, people are moving back and  
4 forth. And like I mentioned, you know, he said make sure you  
5 reach out to your salvage guys as well as pollution control. He  
6 said, but, you know, looking at this -- as far as I remember, he  
7 said, our best bet might just be to fill up the engine room with  
8 water and smother it. And, like I said, that, that was something  
9 I won't forget.

10 Q. And had you, as a captain, been involved in any kind of  
11 training where you were exposed to how an incident command and a  
12 unified command work?

13 A. No, sir.

14 Q. All right. Thanks.

15 MR. KARR: Mr. Flaherty.

16 MR. FLAHERTY: Thank you.

17 BY MR. FLAHERTY:

18 Q. I appreciate you coming in here, Captain, to talk with us.  
19 Just so I understand, how many total years do you have sailing on  
20 that boat?

21 A. About 16 from start to finish.

22 Q. And from that time you're on board, you saw a lot of, maybe,  
23 modifications. Any changes to the boat?

24 A. Yes, I've seen a fair amount.

25 Q. And in general, what would those include?

1 A. Modifications-wise, our -- I've seen a renovation project in  
2 2016. We repowered the main engines with the Scania engines in  
3 2020. I've seen extensive dry docks with steel replacement, like  
4 in kind. HVAC projects, pretty frequently, as far as just, you  
5 know, replacing, replacing units. Lots of engine overhauls.

6 Q. Mm-hmm. And during any of those (indiscernible) or  
7 modifications to the vessel, did they change, at all, the  
8 structural fire protection for the engine room?

9 A. I do know that I don't believe it was changed, but when we  
10 cut out the inserts to remove the old Caterpillar engines and put  
11 in the new Scantias, any of the interferences for that project  
12 would have had the structural fire protection removed and  
13 replaced, like in kind.

14 Q. Okay. Was -- from your time being on board the vessel, was  
15 the emergency escape hatch always there?

16 A. Yes.

17 Q. And I've heard it described that it's an aluminum hatch. If  
18 you're down in the engine room and looking up at the hatch, could  
19 you please describe it to us?

20 A. There's an outboard of the starboard main all the way aft --

21 Q. Mm-hmm.

22 A. -- in the engine room. The ladder is going up in an  
23 orientation where if you're climbing up, you're facing the  
24 outboard starboard side on the ladder. And then at the top of  
25 that ladder is a, a hatch with a handle on it to turn.

1 Q. Is it a round handle or a --

2 A. It was two, two, two --

3 Q. Two handles.

4 A. Two handles.

5 Q. Two pieces to steel to grab. Okay. And how much -- does it  
6 take a lot of force to open up that hatch?

7 A. No.

8 Q. Do you recall the last time you've actually opened the hatch?

9 A. We use it pretty regularly when we are doing any major  
10 projects in the shipyard.

11 Q. Mm-hmm.

12 A. So, it's a good access point for the shipyards to get in and  
13 out. We're -- our crew is regularly going through it as, like, an  
14 escape route for drills --

15 Q. Okay.

16 A. -- and things of that nature. But we -- it, it's, it's a  
17 pretty easy hatch to get in and out of.

18 Q. What's the diameter of the hatch or --

19 A. It's either 18 or 22 inches. I'm not sure.

20 Q. Okay. Now, from -- if you're on the main deck and you want  
21 to open that hatch, could you please describe that?

22 A. Yeah, right, right beneath a placard on the wall, there is a  
23 carpet circle.

24 Q. Mm-hmm.

25 A. You remove that carpet, and you just grab the T-bar that's

1 flush mount inside of the hatch. Pull that up, turn it, that  
2 releases the dogs on the hatch. And then you can pull it out and  
3 move it out of the way.

4 Q. All right, and when you were working with the firefighters,  
5 the Norfolk firefighter in particular, did you give him any  
6 directions on how the hatch was supposed to be opened?

7 A. No, I do recall, vaguely, another interaction with someone,  
8 whether it was Bill Burket or one of the chiefs, I don't recall.  
9 But I do remember having a conversation with somebody about how to  
10 -- explicitly how to open that hatch once they've gotten to it.

11 A. Okay.

12 Q. And did you provide any description to either Bill Burket or  
13 the firefighter that there was a carpet on top of the hatch?

14 A. I, I'm not sure. I imagine I would have, but I'm not sure.

15 Q. Okay. When you were on the dock and the vessel was at the  
16 Navy Pier, did any other Coast Guard personnel come to you and  
17 talk to you prior to the attempted boarding by the fire  
18 department?

19 A. Yes.

20 Q. Other than the investigator, excuse me. Who was that?

21 A. I recall speaking with Captain Stockwell.

22 Q. Okay.

23 A. Briefly. I, I know that I -- there were a lot of Coast Guard  
24 members on the dock that day, and I'm -- I know that I spoke to  
25 many others throughout the hours that I was on that pier, but I

1 don't remember explicitly who I spoke with.

2 Q. Outside of the -- Bill Burket and the firefighter, did you  
3 talk to any Coast Guard personnel about the hatch prior to the  
4 firefighters going on board to extinguish, or try to extinguish,  
5 the fire?

6 A. I don't recall the Coast Guard asking me about that, no.

7 Q. Okay. So, from your perspective, when you were there until  
8 Captain Stevenson arrived later in that evening, who did you feel,  
9 from your perspective, was actually in charge of extinguishing the  
10 fire on board the vessel?

11 A. I, I do not know.

12 Q. Okay, and then after -- at what time during the incident did  
13 you make contact with your home office or home (indiscernible)?

14 A. So, when I was on the towboat U.S. boat on my way to the  
15 pier, at that point, the captain on that vessel knew me personally  
16 as well as my direct supervisor. And he reached out to her to let  
17 her know that I was on board with him and where I was and where we  
18 were headed.

19 Q. I'm sorry. Who is her if you could identify?

20 A. My general manager, Jolene Price-Thompson.

21 Q. Okay, and did -- was -- do you know if that -- at that moment  
22 was -- did you receive word back that the company was implementing  
23 any emergency plans or any type of procedures following the --  
24 with the vessel on fire?

25 A. Yeah. So, after I got to the dock and I had that

1 conversation I was just talking about with Mr. Burket, where he  
2 suggested reaching out to the salvagers and pollution control and  
3 things like that. At that point, I called one of our members of  
4 the National Marine Team to help me with executing the non-tank  
5 vessel response plan.

6 Q. Okay, did anyone from the company -- were they able to  
7 contact you while you were on the pier? Did you have a cell phone  
8 or --

9 A. Yes.

10 Q. Okay. Did -- were you contacted by your company after you  
11 made it to the Navy Pier?

12 A. Yes. Well, I mean, I spoke with the gentleman with the  
13 National Marine Team, and pretty shortly after I got to the pier,  
14 my general manager was there as well.

15 Q. Okay, and who was the general manager again?

16 A. Jolene Price-Thompson.

17 Q. All right, and then between you and the general manager, were  
18 either of you contacted, or met with either the fire department or  
19 the Coast Guard to become part of the unified command or advise on  
20 how to proceed with the fire?

21 A. I was not brought into the unified command discussions until  
22 that meeting at 8 p.m. that night.

23 Q. Are you aware if your general manager was?

24 A. I'm not aware.

25 Q. All right. Let's see. If you could bring back up Coast

1 Guard exhibit 84, please.

2 (Background conversation.)

3 Q. And if you could just scroll down to the photograph that has  
4 a blue arrow pointing to the area where the boxes are. With your  
5 16 years of sailing onboard that vessel has the area on the  
6 outboard side of the port main diesel engine always been utilized  
7 for storage?

8 A. Yes, sir.

9 Q. And what is -- I see plastic totes as well as cardboard and  
10 maybe some other -- yeah, at least four, five, five or six plastic  
11 totes there. Do you have any recollection of what was stored in  
12 those plastic totes?

13 A. Various parts, like plumbing parts or filters, any kind of --  
14 we have air filters there as well. Those encompass a pretty  
15 significant amount of space, HVAC pumps as spares or backups.  
16 Spare -- also, I believe there is a spare starter for one of our  
17 generators.

18 Q. Are there any batteries stored in that area?

19 A. Not to my knowledge.

20 Q. Okay. Is there any aerosol cans or containers containing any  
21 kind of cleaning fluids?

22 A. Not to my knowledge.

23 Q. What's -- from your recollection, what's the distance between  
24 the engine and that storage area?

25 A. Probably about three feet.

1 Q. Three feet. All right. And then I see a box that's on the  
2 deck on the outboard side. There's one forward of the engine, and  
3 then there's one next to the shelving area. Do you recall if that  
4 was -- that box might have still been there the day of the fire?

5 A. I'm not sure.

6 Q. And so, for your crew members, if we could just go over --  
7 when the crew members do the rounds of the engine room, could you  
8 go into a little bit detail from, like, starting from when they  
9 open up the hatch? What are they supposed to -- how are they  
10 supposed to walk around the engine room during that round?

11 A. So, the crew will walk down the center of the engine room  
12 while looking around at any of the plumbing for any leaks or  
13 anything like that. They're obviously going to be checking for  
14 any abnormal sounds. They will walk down the path of whatever  
15 generator is running to get the readings off of that generator, as  
16 well as check on the HVAC pumps that are in the compartment  
17 forward. While they're on their way back or maybe when they're  
18 walking out of the engine -- before they walk out of the engine  
19 room, they'll check the pressure on the steering pump and then  
20 make their way around both sides of the engines to check for any  
21 leaks or any weird sounds or -- as well as, checking the gauges on  
22 the engines.

23 Q. Do they check the lube oil level with the dipstick for the  
24 engines and generators?

25 A. Prior to getting underway --



1 Q. But not during the initial?

2 A. Correct.

3 Q. All right. So, I -- was any other materials stored in,  
4 around the engine that was maybe delivered the day of the -- of  
5 before you get underway. Was there any -- did you receive any  
6 type of shipment of extra spare parts that day --

7 A. Not to my knowledge.

8 Q. -- or the day before? All right. All right. That's all the  
9 questions I have. Thank you.

10 CDR WADDINGTON: Bay Diesel, do you have any questions for  
11 this witness?

12 MR. ABELL: I do, Commander. (Off mic).

13 CDR WADDINGTON: Excuse me, Mr. Abell, can you turn that  
14 microphone on? It should be at the bottom there.

15 MR. ABELL: Is it on now? There we go.

16 CDR WADDINGTON: Thank you so much.

17 BY MR. ABELL:

18 Q. Once again, I represent Bay Diesel. And so, my first couple  
19 of questions are going to deal with your experience with Bay  
20 Diesel in your role as captain and marine director for the ship  
21 and the company here in the city. For how long have you worked  
22 with Bay Diesel in connection with your job there, sir?

23 A. Since I started in 2016 in June, I've worked with Bay Diesel.

24 Q. And in the time, you worked with Bay Diesel, is -- would it  
25 be fair to say that you rely on them for their technical expertise

1 and advice in regard to engine maintenance and operation?

2 A. Yes, sir.

3 A. Okay.

4 Q. Have you ever had reason to question or doubt the advice or  
5 recommendations they give you?

6 A. No.

7 Q. The events that bring us here today, in some ways, at least,  
8 the story seems to go all the way back to the May overheating  
9 event that, at least, when we start looking at things. And coming  
10 out of that, you had, first, a repair job and then an overhaul of  
11 the engine, a rebuild of the engine. You're, you're familiar with  
12 what I'm talking about.

13 A. Yes, sir.

14 Q. Okay. During that repair job and the rebuild that followed,  
15 did the Bay Diesel folks that were working to accomplish those two  
16 things, the repair first and then later the rebuild, did they  
17 report to you periodically as the progress that they were making  
18 and, and what they were finding as they were working?

19 A. Yeah, periodically. And I also coordinated with Adam  
20 Culpepper.

21 Q. Okay. And that was the service manager for the company?

22 A. Correct.

23 Q. And then when the rebuild was done, was there something of an  
24 out brief in terms of a, a, a, a wrap up that you got from Bay  
25 Diesel on, okay, here's where we are, you know, here's what's

1 left. For example, the one turbo was still on order, but you had  
2 to, to explain, you know, we're, we're done and the engine is good  
3 to go.

4 A. Correct.

5 Q. Okay. And you didn't have any questions that were left  
6 unanswered or anything from Bay Diesel, right?

7 A. No.

8 Q. Okay. There's been a lot of attention on the turbocharger  
9 replacements on the port main diesel engine that got rebuilt. Can  
10 you explain to the investigators how it was that the decision was  
11 made to change out, ultimately, both of those turbochargers.

12 A. Yeah. So, on -- after we had the initial repair from the  
13 overheat, there was still obviously a problem. After that  
14 Wednesday dinner cruise, we -- I had reached out to Adam to send a  
15 technician out the next day. That morning, it was determined that  
16 this was going to probably at least take all day to investigate  
17 what, what the scope is of what we needed to do. So, at that  
18 point, I had reached out again to the Coast Guard to let them know  
19 my plan for sailing that Thursday with a towing vessel to assist  
20 us while Bay Diesel was working on the port main engine to  
21 investigate further.

22 When it was determined that we were going to overhaul the  
23 engine, that was a phone conversation I had with Adam, the service  
24 manager. And at that point, typically, given the circumstances,  
25 we were evaluating the scope of where -- how far we were going to

1 go into this. Whether it was, just, you know, sleeves and heads  
2 or if we were going to go all the way to replacing turbochargers.  
3 I've done several overhauls with Adam before. Every time we've  
4 always replaced the turbochargers. And in this case, I said,  
5 yeah, let's -- of course, might as well to replace the  
6 turbocharger. We've already replaced one, we might as well  
7 replace another. So, that was when the determination was made to  
8 swap out both, instead of one.

9       It was a precautionary measure, like in kind to, if you were  
10 replacing a timing belt on your car, your water pump might not be  
11 bad, but while you're in there, you're going to swap out the water  
12 pump anyways because it's right there. While you're doing an  
13 overhaul with the work encompassed with it, you might as well swap  
14 out the turbos.

15 Q. After the rebuild was done, the engine was test run at the  
16 dock, right?

17 A. Correct.

18 Q. And then there was a sea trial, correct?

19 A. Mm-hmm.

20 Q. During the sea trial, we had some discussion, actually quite  
21 a bit of it, about some fluid, whether it's oil or solvent or  
22 whatever that was seen on the exhaust manifold underneath the  
23 right bank turbo that had been wiped up. You know what I'm  
24 talking about?

25 A. Yes.

1 Q. Okay. Am I correct in my understanding that it was explained  
2 to you by Bay Diesel's folks, hey, we saw this, we wiped it up.  
3 You know, keep an eye on it. You know, that was pretty much the  
4 extent of it, right?

5 A. For the most part, yes.

6 Q. Okay. And in fact, if we could have you take a look, sir, at  
7 what -- you've seen it before, I'm just bringing it back. It's  
8 exhibit 007 TAC 1, it's page 34.

9 (Background conversation.)

10 Q. Just let me know when you have it in front of you, sir.

11 A. It's the only one I don't have a post-It on. Okay, I have it  
12 in front of me.

13 Q. Okay. And if you look at where it says conditions found and  
14 work performed, the second line begins, RB, so, right bank turbo  
15 has some oil -- had some oil at the bottom of the compressor  
16 housing, but it went away. The oil did not come back. The oil  
17 was most likely residual. However, we're going to order a turbo  
18 to replace it with. That is consistent with the report you got  
19 from the Bay Diesel technicians who were there doing the work at  
20 the time, right?

21 A. Yes.

22 Q. And then my understanding from your testimony, sir, is that  
23 the next time you actually ran the engine operationally for the  
24 next cruise, rather than 30-minute engine room intervals, you  
25 instructed the watchstanders that you had to make 15-minute rounds

1 in the engine room, correct?

2 A. Correct.

3 Q. Okay. And at no point did you hear any reports of any  
4 further oil drips or leaks or anything like that, right?

5 A. Correct.

6 Q. Nor, frankly, any other problem with the port main engine.

7 A. Right. And oil on a compressor on the hot side housing is  
8 going to be easy to see. I mean, the crew is going to smell it,  
9 it, it would smoke, you know.

10 Q. And, and so, no problem during that cruise, which lasted  
11 about how long?

12 A. 2 hours, I believe.

13 Q. Okay. So, a minimum of eight checks during that cruise,  
14 right. And that's a yes, sir?

15 A. Yes, sir. Yeah.

16 Q. Okay. And, and, and then the -- the interval in rounds, do  
17 you start, whether it's 30 minute or 15 minute as far as the  
18 engine room rounds, is that once the engine is let off and  
19 running? Or is that only when the vessel's underway.

20 A. So, the captain will get it underway -- or the captain will  
21 light off the engine about 15 minutes prior cruising, and then the  
22 mate will start doing rounds at 15 minutes after you got underway.

23 Q. Okay, but I guess my point being that as long as the engine  
24 is running, the main diesel engine, whether it's alongside the  
25 dock or underway, somebody is looking at it at least 30-minute

1 intervals, right?

2 A. Correct.

3 Q. Okay. And then after that, that first cruise after the  
4 rebuild, there were 17 other cruisers that that for a total of 18  
5 between then and when the fire occurred, correct?

6 A. Yes.

7 Q. Okay. I, I, I'm -- I know I'm putting you on a spot a little  
8 bit there. If you just had to estimate, I'm sure we could do the  
9 math from the logs, approximately how many engine operating hours  
10 would have been over the course of those 18 cruises? What, what's  
11 your best estimate?

12 A. I'm not sure. I, I, I -- it really depends. Some cruises,  
13 the hours if you were running slow and you're not putting a heavy  
14 load on them, the hours aren't going to take up very much. And  
15 some, you know, it might be closer to the true number of hours  
16 that they're running. So, I, I'm not sure.

17 Q. Okay. Normal cruise for you? For --

18 A. Two-hour cruise.

19 Q. How long?

20 A. Normal is a two-hour cruise.

21 Q. Two-hour cruise, okay. So, certainly, it would be fair to  
22 say we're dealing with roughly 36 hours of --

23 A. Run time.

24 Q. -- cruising time in over those 18 cruises, right?

25 A. Correct.

1 Q. Okay, and at least twice an hour during those 36 hours,  
2 somebody is looking at that engine and noting if there's any kind  
3 of problem or difficulty, right?

4 A. Yes, sir.

5 Q. Okay. And at no time, ever, prior to the fire, did anybody,  
6 ever, report to you that there were any more leaks or problems or  
7 difficulties with the port main engine, right?

8 A. Correct.

9 Q. After the rebuild, the Coast Guard came and inspected the  
10 engine and passed it, cleared the deficiency on it, right?

11 A. That's correct.

12 Q. And after the rebuild, there were at least one -- and if I  
13 got my sequence right, maybe even two, marine surveyors who came  
14 to, to look at the boat. One following the rebuild and the other  
15 following the -- or for, I guess, an annual inspection for  
16 condition and value, correct?

17 A. Yes.

18 Q. Okay. And neither of those marine surveyors, between the  
19 rebuild and the fire on the 7th, identified any kind of problem  
20 with the port main engine, right?

21 A. I don't have the report. I, I did not receive the report  
22 from them, so I, I can't speak on that.

23 Q. All right, did anybody ever report to you?

24 A. No, no, sir.

25 Q. That there was any such problem?



1 A. No.

2 Q. Okay. On the day of the fire, I believe you'd indicated that  
3 you had Captain Brown, who was breaking in as a relief captain for  
4 you that morning. And the two of you guys went down to the engine  
5 room to light off the engines to start them up, right?

6 A. Yes, sir.

7 Q. Okay. And there were no problems at all in, in starting the  
8 engines that day.

9 A. That's correct.

10 Q. Okay, and -- in fact, as I understand it, the first time you  
11 had any indication there was a problem at all is when you lost  
12 control about noon that day during the cruise, even before you  
13 knew you had a fire, right?

14 A. Correct.

15 Q. Okay. And correct me if I've, I've got this wrong, but my  
16 understanding is the sequence is you lose control to at least the  
17 port main. And then subsequent to that, the gauges come up and  
18 you can see the engine is still running, it's still functioning  
19 even though you don't have control of it, right?

20 A. Yes, that's correct.

21 Q. At some (indiscernible) that happen in that sequence?

22 A. I never indicated that I lost steering. A steering is  
23 contingent on propulsion, so if I don't have propulsion, I can't  
24 steer the vessel.

25 Q. So, you didn't have enough headway on that, you were able to

1 make the rudders effective at that point anyway, is that right?

2 A. I, I wouldn't be -- yeah, that's correct. I was, I was  
3 moving slow enough that it wouldn't be -- I wouldn't be able to  
4 tell.

5 Q. Okay. Which, I guess, to clean that up a little bit, was  
6 there ever a point that you realized, never mind propulsion I  
7 don't have steering either?

8 A. No.

9 Q. Okay. You've been shown it before, and I'm going to ask you  
10 to look at it one more time. Exhibit 84. That's the one that's  
11 the photograph of the engine room. It's got labels on it.

12 A. Okay.

13 Q. All right. And the labels that -- there where you see the  
14 one turbocharger was replaced post-fire parted and damaged  
15 hydraulic pipe and that sort of thing. You, you, you didn't put  
16 those labels on there, did you?

17 A. No, sir.

18 Q. Do you know who put those labels on there?

19 A. It was not me.

20 Q. Okay. Let's look at one on the left. There, there's a  
21 yellow label with arrows up and down to something that's on, like,  
22 a stanchion that says engine control module equipment, port  
23 engine. Is the thing that is identified there, it's got a red  
24 circle around it in the lower image that that yellow is pointing  
25 to, is that the engine control module?

1 A. No, sir.

2 Q. Where is the engine control module for the engine? It's the  
3 port main engine is the one we're talking about.

4 A. The 3 -- EC 300, or engine control 300 units, are mounted on  
5 the bulkhead forward of that engine. On the top picture if you  
6 look closely, all the way forward to the engine, you can see a  
7 black and yellow safety tape about midway at the engine.

8 Q. Yes, sir.

9 A. That is a guard to protect the wiring and such that is  
10 connected to those, those EC 300 units.

11 Q. Got it.

12 A. And that's one for each engine, as well as a backup.

13 Q. So, the control module for the engine is all the way at the  
14 forward end, actually, beyond the forward end of the engine.

15 Correct?

16 A. Correct.

17 Q. And then as far as the fire itself was concerned, when you  
18 first saw any kind of smoke, I believe your testimony was a haze,  
19 but I don't want to put words in your mouth, sir. Can you  
20 describe for me color, density? What, what, what kind of smoke  
21 did you see? First instance, that you had any indication that  
22 there was some smoke out there.

23 A. As far as I recall, it was kind of a brown, gray haze.

24 Q. Okay. Was that a thick, black, oily smoke to start?

25 A. No, sir.

1 Q. I don't have any further questions, sir. Thank you for your  
2 time.

3 A. Thank you.

4 CDR WADDINGTON: City Cruises. Do you have any questions for  
5 this witness?

6 MR. DENLEY: Yes, I do. Good morning, Captain. I'm Eric  
7 Denley, and we've met before. I'm with counsel for City Cruises.  
8 Is that mic okay, or do you want me to try to get it closer?

9 CDR WADDINGTON: Please make sure it's still on. Thank you.

10 MR. DENLEY: I think it's on.

11 BY MR. DENLEY:

12 Q. So, I'd like to just go back to the, the, the date of the, of  
13 the, the fire, June the 7th. And you described earlier the --  
14 your day, if it will, on kind of how you go ahead and start your  
15 -- start to make sure that the vessel is ready for operations.  
16 And you discuss going on -- around the engine room with a  
17 gentleman by the name of C.J. Brown, a Captain C.J. Brown.

18 A. Yeah, that was right -- prior to getting underway.

19 Q. Okay. Did you do around earlier that day as well?

20 A. Yes.

21 Q. Okay. And I believe you described that as, you know,  
22 generally going through the entire vessel. Did that include the  
23 engine room?

24 A. Yes, sir.

25 Q. Did you see anything out of, out of the ordinary when you

1 when you did that round?

2 A. No, sir.

3 Q. Okay. Did you start the engines at that point in time or  
4 were the engines running when you did that initial round?

5 A. The engines had already been warmed up at that point.

6 Q. Okay.

7 A. So, I, I -- when I got to see them, they had just been  
8 running.

9 Q. Were they running at the time that you saw them?

10 A. No.

11 Q. Okay. When you did the round with Captain Brown later, later  
12 that morning before you got underway, were the engines running at  
13 that point in time?

14 A. The generator was already running. And when Captain Brown  
15 and I walked through the engine room, we lit off the main engines,  
16 started them from the engine room.

17 Q. Okay, so, you personally started those engines?

18 A. Yes, sir.

19 Q. And who is, who is Captain C.J. Brown? You, you, you  
20 indicated that he was going to start work with the, with the  
21 company.

22 A. Yeah, I, I had met Captain Brown in 2019. He was a member of  
23 the Coast Guard at that time. He was preparing to retire, I  
24 believe, within the next six months or so. But by the time he was  
25 retired, and we were available to start cruising after the 2020

1 drydock. Shortly after that was when COVID came, and Captain  
2 Brown and I had lost touch. And then just this summer, I heard  
3 that he was in town and still interested in a part time captain  
4 position or possibly full time. And I reached out to him to see  
5 if he was interested in working with us.

6 Q. And Captain Brown is a Coast Guard ship captain, correct?

7 A. Yes, sir.

8 Q. So, he's been in command of Coast Guard vessels?

9 A. Yes, sir.

10 Q. It's fair to say that he knows his way around boats?

11 A. Yes, sir.

12 Q. Fair to say he knows his way around engine rooms?

13 A. Yes, sir.

14 Q. At any time during that start up, when you were kind of  
15 showing him how to start the engines, did he express any concerns?  
16 Did he express any, any concerns with the engine room or the  
17 engines or how they were operating?

18 A. No, sir.

19 Q. When you started them, did you check all of the engine  
20 operating gauges?

21 A. Yes.

22 Q. And just to be clear, you did not see any leaks. And did  
23 you, did you think that there was anything wrong or anything out  
24 of the usual with the engine room or the way that those engines  
25 were operating on the -- before you got underway that day?

1 A. No.

2 Q. At any time between the time when the engine was put into  
3 service after Bay Diesel did the, did the overhaul until June the  
4 7th, did you notice any anything out of out of the ordinary?

5 A. No.

6 Q. In your opinion, were the engines operating well?

7 A. Yes.

8 Q. Let's talk a little bit about how the *Spirit of Norfolk* is  
9 constructed. We talk a little bit about structural fire  
10 protection and that, that has come up during the testimony and it  
11 certainly came up yesterday during this hearing. What is  
12 structural fire protection?

13 A. Structural fire protection is the boundary between two spaces  
14 to keep heat or fire from transferring from one space to another,  
15 essentially to keep people safe.

16 Q. And, and how does that actually work in terms of keeping  
17 people safe? Can you describe specifically within the *Spirit of*  
18 *Norfolk*. What is the vessel constructed of?

19 A. So, the vessel is made out of steel. And in any space like  
20 the engine room, or the bow thruster compartment, you would have  
21 an A60 fire boundary which is made to withstand a fire for a  
22 significant period of time in order for you to be able to get  
23 people away from the fire.

24 Q. So, the design of the vessel is designed to separate people  
25 from any place where there's a fire.

- 1 A. Correct.
- 2 Q. Is it also designed to contain fires if one should occur?
- 3 A. Correct.
- 4 Q. Can you talk about how that works?
- 5 A. Yes. So, the engine room itself is a watertight compartment.  
6 And that compartment, if -- is -- if all of the hatches are  
7 closed, you do have air that could get in through the vent shafts  
8 or water that can get in through the vent shafts. But the fire  
9 has no way of encroaching into any other spaces, so long as that  
10 space is closed.
- 11 Q. And so, is it safe to say that on the date of the incident,  
12 when you made the decision to move all of your guests up to the  
13 third deck -- up to the third deck, you were executing your pre-  
14 designated emergency plan?
- 15 A. Correct.
- 16 Q. You were removing people. You were separating people from  
17 where the fire was located.
- 18 A. That's correct.
- 19 Q. And the fire was contained in the engine room.
- 20 A. Correct.
- 21 Q. I'd like to talk a little bit about how were you directing  
22 your crew during this incident? How do you normally communicate  
23 with your crew?
- 24 A. Handheld radios.
- 25 Q. And who, who has those radios?



1 A. Everyone. All of my crew.

2 Q. So, during this incident, you were providing updates and you  
3 were giving direction and you were giving tasking to your crew.  
4 Is that correct?

5 A. Correct.

6 Q. And so, I mean, you're able to communicate into -- can you  
7 just maybe describe how that actually works?

8 A. Yeah. We, we have handheld radios that have a -- they  
9 basically sit on someone's hip and then there's a separate  
10 earpiece in case I need to communicate to them and they're  
11 standing by the dance floor and the music is playing. Or if  
12 they're in the engine room with the earmuffs, ear protection, on  
13 that way, they can still hear me reaching out to them for, for any  
14 kind of situation. I mean, it's relatively simple.

15 Q. And so, during this, during this situation, during the fire,  
16 you were repeatedly giving direction and you were giving orders  
17 to, to your crew.

18 A. Correct.

19 Q. And then how did you know that the tasks that you were giving  
20 were being conducted or performed?

21 A. So, I would reach out, depending on -- my crew at that point  
22 was spread out throughout the vessel where they were either  
23 helping with offloading passengers or working on the bow to help  
24 with the towing vessels mooring up to our ship, as well as, you  
25 know, securing fuel lines. When I needed something done, I would

1 reach out to anybody available that can shut off fuel, for  
2 instance. And then once somebody relayed back, okay, I got it,  
3 I'm on it. Then that person would go take care of it. All of our  
4 crew is trained to do all of those tasks.

5 Q. And so, as you're giving these tasks and your crew is  
6 responding to you. This is all happening on the radios, is that  
7 correct?

8 A. Correct.

9 Q. And so, if you were giving orders or direction to your crew,  
10 it's safe to say that a guest might not be able to hear that.

11 A. Correct.

12 Q. The Coast Guard asked you about your decision to, to not make  
13 a public address in this situation. Can you maybe just tell us,  
14 you know, why you made that decision and what were some of the  
15 factors that went into your thinking when you, when you made that  
16 determination?

17 A. Yeah. So, this particular situation, we had two kindergarten  
18 classes that were on board, as well as, every child was  
19 accompanied by one of their parents as well. And I personally  
20 have a kindergartner myself, and I felt that in that particular  
21 situation, that message would have come off better from my crew up  
22 close and personal, talking to the parents and talking to the  
23 children, then me from the wheelhouse on a microphone.

24 Q. Were you satisfied, as the captain of the ship, that your  
25 crew was executing your orders?

- 1 A. Yes, my crew did a phenomenal job.
- 2 Q. And were you satisfied that your guests knew what to do in  
3 this situation based on what you were asking your crew to do?
- 4 A. Yes.
- 5 Q. I'd like to talk a little bit about fire detection and fire  
6 suppression.
- 7 A. Okay.
- 8 Q. The Coast Guard talked about that earlier. Is the *Spirit of*  
9 *Norfolk*, or has the *Spirit of Norfolk*, ever been required to have  
10 fire detection or fire suppression on board?
- 11 A. No.
- 12 Q. If you had fire detection on board and you got a fire alarm,  
13 would you still send some -- would you still need to send somebody  
14 down into the engine room to check it out?
- 15 A. Yes.
- 16 Q. Why?
- 17 A. To evaluate the scope of the fire.
- 18 Q. So, an alarm isn't the same as a person.
- 19 A. Correct.
- 20 Q. So, you're able to get reports from somebody that is actually  
21 in, in, in the engine room space. Is that correct?
- 22 A. Correct.
- 23 Q. So, your crew does 30-minute rounds?
- 24 A. Yes, sir.
- 25 Q. And during those 30-minute rounds, they thoroughly check the

1 engine space.

2 A. Yes, sir.

3 Q. And then what happens after they do that round? How do you,  
4 how do you know that that's happened?

5 A. So, we have a, an alarm on the engine room door to indicate  
6 that a watertight door is open or that watertight door is open.  
7 So, whenever a crew member is making their way into the engine  
8 room, they call me on the radio and say, hey, engine check, going  
9 down there and then they go in. I can confirm it by the alarm  
10 going off. And when they come back out, the alarm goes off when  
11 they're leaving the engine room and if they have anything to  
12 report, they can call me on the radio.

13 Q. So, if they saw anything out of, out of the ordinary during  
14 one of their safety rounds, they could talk to you in real time?

15 A. Absolutely.

16 Q. They could give you information based on what they saw or  
17 what they were observing or what they were smelling.

18 A. Yes.

19 Q. So, on the date of the incident, before you got your first  
20 indication that there was something wrong in the engine room. How  
21 long had it been between the last safety round -- safety and  
22 security round that your, that your crew performed and when you  
23 got that first indication?

24 A. So, on that particular day, we had two crew members in the  
25 engine room doing an engine check for that 11:30 a.m. engine

1 check. When they went down, one of the crew members was still  
2 training, so he was learning about the engine check. It's in my  
3 experience that those engine checks typically take a little bit  
4 longer while you're training someone, you have to show them a  
5 little bit more. And obviously, versus, you know, doing it  
6 yourself where you already know what to look for, you're showing  
7 them all the different items and you're slowly walking through it.  
8 And I would guess that they probably didn't exit the engine room  
9 until 10:00 -- I'm sorry, 11:40, maybe 11:45.

10 Q. Can you estimate --

11 A. Maybe 15 or 20-minutes max?

12 Q. So, actually, on the date of the incident, on the safety  
13 around right before the fire happened, it was actually maybe a  
14 more thorough round that, that might normally happen because of  
15 the training situation. Is that, is that correct?

16 A. Correct.

17 Q. Okay. The escape hatch was discussed earlier in your  
18 testimony as well, leading from the engine space up to the main  
19 deck. What, what does the placard say? And just for the benefit  
20 of the public and for the benefit of everybody. What is, what is  
21 a placard?

22 A. It's just a, basically, a sign on the wall to indicate that  
23 something is there.

24 Q. And what does the sign say?

25 A. It would say escape hatch.

1 Q. Okay, so on the wall, at the escape hatch, there was a sign  
2 that said escape hatch.

3 A. Right.

4 Q. Just want to be clear. Before you made the decision to get  
5 off the *Spirit of Norfolk* after all of your -- after all of the  
6 guests had, had been disembarked -- actually, let me back up. The  
7 Coast Guard characterized what happened on the date of the  
8 incident as an abandon ship. What is the -- what is the operating  
9 restriction on the *Spirit of Norfolk*? What is it -- I mean, how  
10 far can it go from shore?

11 A. One mile.

12 Q. So, you can go one mile from shore. How far do you actually  
13 go from shore?

14 A. It depends on the cruise route.

15 Q. Okay.

16 A. Yeah, but it's less than a mile.

17 Q. On the date of this incident, how far did you go from shore?  
18 On this particular cruise that you were on?

19 A. At that point in the cruise, we were maybe 300 or 400 yards  
20 from the naval base gate.

21 Q. And you made arrangements to transfer your -- all of your  
22 guests and all of your crew to another vessel?

23 A. Correct.

24 Q. You located a vessel and you coordinated with that vessel.  
25 Is that correct?

- 1 A. He reached out to me, but yes. That's correct.
- 2 Q. And you made a determination on the, the safest and the most  
3 efficient way to get your guests and your crew off of your vessel.
- 4 A. Yes. My immediate concern was to get the passengers off the  
5 vessel.
- 6 Q. So, it was planned.
- 7 A. Yes.
- 8 Q. It was planned. It was coordinated by you?
- 9 A. Yes.
- 10 Q. It was directed by you.
- 11 A. Yes.
- 12 Q. Are you aware -- was anybody injured or hurt in the transfer  
13 of, of guests from the *Spirit of Norfolk* to the *Victory Rover*?
- 14 A. Not that I'm aware of.
- 15 Q. I, too, would like to ask that. The, now, infamous exhibit  
16 CG 84 be brought up on the on the screen, I know you've referred  
17 to it quite a bit. Thank you very much. Do you have that in  
18 front of you Mr. Nadeau?
- 19 A. Yes, sir.
- 20 Q. Great. So, just to be clear, I know that Mr. Abell asked  
21 you, but you did not label this in any way.
- 22 A. That's correct.
- 23 Q. In the top -- so, just to be clear, this isn't -- this is a  
24 picture of the port main diesel engine on the *Spirit of Norfolk*.  
25 Is that correct?

1 A. Yes, sir.

2 Q. Okay. The -- in the top portion -- well, in the top picture  
3 and in the bottom picture, there is a, a rack of storage where,  
4 where items are stored. And, I believe, you testified to that  
5 when the NTSB was asking you questions. Do you see that?

6 A. Yes.

7 Q. Okay. So, the middle image does not appear to have -- does  
8 not appear to have any kind of storage materials or any kind of  
9 storage racks. Is that correct?

10 A. That's correct.

11 Q. Okay. So, is it safe to say that all the images taken during  
12 the Milner survey all -- are all images taken during Milner  
13 survey, taken June 6, 2022? I mean, do you believe that these --  
14 all of these images were taken on the same day?

15 A. No, sir.

16 Q. And why?

17 A. Well, several reasons. But for starters, the two shelving in  
18 the boxes, as well as the discoloration from the -- on the water  
19 jacket just beneath the turbo is different from one picture to the  
20 next.

21 Q. So, when was the middle picture taken? Do you even know?

22 A. It would have been right after the engines were installed.

23 Q. And when were the engines installed?

24 A. 2020.

25 Q. Okay. So, the middle picture was taken at least two years or



1 so --

2 A Correct.

3 Q. -- before the other two, two images. You, you've testified  
4 that you've been working aboard the *Spirit of Norfolk* for 16  
5 years.

6 A. Yes, sir.

7 Q In those 16 years, have you always had those storage racks  
8 there? And have you always used that as storage?

9 A. Yes, sir.

10 Q. Have you ever had any issues with that location being used as  
11 a, as a storage location?

12 A. No.

13 Q. In the, in the 16 years that you've worked on board the  
14 *Spirit of Norfolk*, can you estimate how many times Coast Guard  
15 inspectors have been in the engine room?

16 A. Hundreds.

17 Q. Hundreds. And in those hundreds of times, has any Coast  
18 Guard inspector talked to you about those storage -- or had any  
19 issues with you using that location as a storage location?

20 A. No, sir.

21 Q. The turbocharger -- and again, we've been talking a lot about  
22 this this particular turbocharger -- and the images that were  
23 taken in right, right before the incident, it does indicate that  
24 the -- in the top picture that there's an orange arrow says  
25 turbocharger that was to be replaced and it's slightly discolored

1 when compared to the middle image which was taken two years  
2 beforehand.

3 A. Right.

4 Q. Why is there a difference in color?

5 A. I'm not 100 percent, however, I do know that that part is  
6 where the exhaust makes its way from the cylinders into the  
7 turbocharger. So, that's an extremely hot part. When I got the  
8 engine, I know that there was a lot of paint on it. So, I'm, I'm  
9 not entirely sure whether or not it had just gotten a fresh coat  
10 of paint when I had the engine. But the discoloration was a slow  
11 progress over the two years.

12 Q. Right. So, could you please pull up the Coast Guard exhibit  
13 58 Bravo?

14 A. Okay.

15 Q. So, this particular exhibit indicates -- or each picture, I  
16 guess -- could you please -- I mean, do, do you recognize those  
17 pictures? Can you identify those pictures?

18 A. Yeah. So, the picture on the right, obviously, looks more  
19 recent with the storage behind the engine and the picture on the  
20 left looks more like the picture from the 84 exhibit, which  
21 probably would have been taken in early 2020.

22 Q. Right. The -- and then this progression of discoloration of  
23 the, of the turbocharger. Did it happen over a period of time?  
24 And was it in any way related, in your opinion, to the loss of  
25 jacket water?

1 A. Not in my opinion, no. This was, this was something that  
2 progressively kind of made its way down. And I know that over the  
3 course of the two and a half years that we've had that engine, I  
4 trust that with the interactions we have with Bay Diesel, if there  
5 was a concern for a discoloration like that, that, you know, it  
6 would have been brought to our attention. But really, it's, it's  
7 just paint is missing.

8 Q. Yeah. So, two years ago it had a fresh coat of paint and it,  
9 and it doesn't now.

10 A. Correct.

11 Q. You know, as you sit here -- as you sit here, we've talked  
12 about the turbocharger, but are you aware of any evidence, or any  
13 facts, or any indication that the turbocharger was the cause of  
14 the fire?

15 A. No.

16 Q. So, going back to Coast Guard -- going back to Coast Guard --  
17 well, actually, you know what, we'll just stick with -- we'll  
18 stick with this, this exhibit. The -- just to be clear, Mr. Abell  
19 discussed it, the -- well, actually, let's go back to Coast Guard  
20 84. I apologize. The -- if you look at the, the top picture on  
21 Coast Guard 84, it indicates the engine control module equipment.  
22 And as Mr. Abell pointed out, and you testified, that is not  
23 actually the engine control module equipment.

24 A. Correct.

25 Q. I, I want -- I just want to be clear. I, I believe you

1 testified that's, like, local engine control, that.

2 A. It's just a start and stop circuit for the engine.

3 Q. And the --

4 CDR WADDINGTON: Excuse me, Mr. Denley, this has been asked  
5 and answered, this line of questioning.

6 MR. DENLEY: Yeah. I'm getting to my -- I'm getting to my  
7 point.

8 CDR WADDINGTON: Thank you.

9 BY MR. DENLEY:

10 Q. Okay, sure. And the actual engine control module equipment  
11 is, looking at this picture, it's to the right. Correct?

12 A. Yes.

13 Q. It's to the right, and what that means is that it's actually  
14 on -- its forward of the port main diesel engine.

15 A. Correct.

16 Q. And it's located on, on a bulkhead that is forward of the  
17 port main diesel engine.

18 A. Correct.

19 Q. Okay. Could you please bring up City Cruises exhibit ten?  
20 And I can provide --

21 CDR WADDINGTON: Mr. Denley, is that Charlie page ten?

22 MR. DENLEY: I'm sorry. Yes, yes, I'm sorry. City Cruises,  
23 Charlie, ten.

24 CDR WADDINGTON: Thank you.

25 MR. DENLEY: Thank you. I don't believe that's ten. If you

1 could click forward, I believe that's one. So, yeah. Yeah, right  
2 there.

3 LCDR ██████████ That one.

4 MR. DENLEY: Yep.

5 BY MR. DENLEY:

6 Q. So, Captain Nadeau, you probably wouldn't be surprised if I  
7 told you that these were post-fire pictures taken of the, of the  
8 port main diesel engine, the forward side, or the forward end of  
9 the port main diesel engine on the, on the *Spirit of Norfolk*.  
10 Does -- can you maybe just describe what you see? And, I guess,  
11 I'll ask the question. Is that where the engine control module  
12 equipment, that was mislabeled in Coast Guard 84, was actually  
13 located?

14 A. Yes. That, that bulkhead where you have that C-channel  
15 bolted to the wall. That is the particular piece I mentioned  
16 earlier that had the black and yellow tape on it. And just above  
17 that, you can see the studs that are welded on to the bulkhead  
18 that held up the, EC 300 control modules.

19 Q. And so, that's the piece of equipment that you first -- or  
20 when you first started to get an indication on the bridge or on --  
21 in the pilot house that there was a problem. That, that is the  
22 control module, that, that, that, I guess, connects to the system  
23 that you have on the bridge.

24 A. That would, that would tie both engines. So, that particular  
25 area would be responsible for losing propulsion on not one, but

1 both engines.

2 Q. Thank you. I like to move -- kind of go ahead a little bit,  
3 to after you've come ashore at the, at the Navy base. Can you  
4 just describe the scene, I guess, as you, as you arrived? I think  
5 you alluded to it earlier, but can you, you know, generally  
6 describe that -- the scene that you, that you observed when you  
7 arrived on scene?

8 A. Yeah. There were several fire trucks already on the dock  
9 lined up as we -- as I made my way on to pier four. I recognized  
10 Bill Burket pretty quickly and there were also probably three or  
11 four Navy and/or, maybe, Norfolk Fire Department chiefs on the  
12 dock wearing their white polos. They were -- there was also,  
13 initially just a few but increasingly, as the day went on, more  
14 and more Navy personnel, more and more Coast Guard personnel.  
15 Firetrucks were continuing to pull in throughout the day. There  
16 was several tugboats surrounding the *Spirit of Norfolk* spraying  
17 water onto the boat as well as a few Norfolk Fire Department  
18 fireboats. And I'm sure there was other entity fireboats out  
19 there as well. And there was, there was just a lot going on. It  
20 was pretty -- everybody was running back and forth and, you know,  
21 going from trying, initially, water to eventually foam and, you  
22 know, it was hard to tell for a good while there what exactly the  
23 plan was.

24 Q. Yeah. And did you know who was in charge?

25 A. No.

1 Q. So, during the period of time that you were -- you testified  
2 earlier that you provided some very specific directions and some  
3 very specific instructions to at least on, maybe two, maybe three  
4 occasions, I believe you said, to, to firefighting personnel about  
5 the location of the, the escape hatch. Is that, is that correct?

6 A. Correct.

7 Q. And during this period of time, I believe you testified, what  
8 was actually happening from a firefighting perspective?

9 A. They were consistently spraying water through the exhaust  
10 vents. Like I mentioned earlier, they -- at one point, they tried  
11 foam through the starboard exhaust vent, but there was a tugboat  
12 on the outboard side that was also spraying water throughout the  
13 whole process.

14 Q. And so, why were they -- why were the firefighters spraying  
15 water into the exhaust vents.

16 A. At certain times, particularly in the beginning, that's where  
17 you could visibly see flames, so, initially that was why. But  
18 from that point forward, I assumed it was to, like Mr. Burket had  
19 suggested, fill up the engine room.

20 Q. So, the effect of spraying water into those exhaust vents was  
21 twofold. One, it was potentially putting the fire out in the  
22 engine room, and it was having the practical effect of starting to  
23 fill the engine room up with, with water. Is that correct?

24 A. Correct.

25 Q. And so, as the, as the afternoon went on, was it fairly

1 continuous? Was there a, kind of, a continuous stream of water  
2 going into the engine room?

3 A. Until they breached the engine room door and that was when  
4 they had to stop putting water on the vessel because they were  
5 essentially filling it up with water and they were concerned it  
6 would sink.

7 Q. Okay. So, when you arrived on scene, you talked to Mr.  
8 Burket and Mr. Burket had told you that one of the contingencies  
9 was that you might just need to fill the engine room up with  
10 water. Is that correct?

11 A. Yes.

12 Q. And that's possible because it's basically a steel box,  
13 correct?

14 A. Correct.

15 Q. And so, when you departed the *Spirit of Norfolk* -- I believe  
16 you testified earlier, but I just want to make sure. You visibly,  
17 you visibly made sure that the watertight door between the galley  
18 and the engine room was secured, correct?

19 A. Yes.

20 Q. And so, when you left the vessel, the fire was secured in the  
21 engine space?

22 A. Yes.

23 Q. And is there any to -- any reason to believe that when the  
24 vessel arrived at base Norfolk, that the engine -- that the fire  
25 was not contained into the engine -- it was not contained in the



1 engine space?

2 A. Not to my knowledge, no.

3 Q. And you then observed the firefighters putting water down  
4 into the engine room, is that correct?

5 A. Correct.

6 Q. I'd like to draw your attention to City Cruise's exhibit  
7 Alpha.

8 A. Oh, now we've got letters. Okay.

9 Q. So, can you, can you just, kind of, describe what, what that  
10 is? What, what, what, what's the -- what, what is that  
11 describing? And what does that image show?

12 A. Yeah. So, this was about the time when the fire department  
13 had -- was sending a crew on board. There are tugboats on the  
14 port side that are either applying water through the vent trough  
15 or to the surrounding area to cool the bulkheads. You can see  
16 they're doing the same thing on the starboard side with a fire  
17 hose. And it would appear to me that there's very little smoke.

18 Q. And how do you know that this is about the time that the fire  
19 department decided to get on board.

20 A. Because that was -- that ladder on the truck -- that ladder  
21 going across to the second deck stern is the ladder that they used  
22 to board the vessel.

23 Q. And when you were demonstrating and showing and describing to  
24 the fire department what window they should break, where the  
25 escape hatch is located, I mean, can you estimate like how many

1 feet away from the actual window and escape hatch where you are  
2 standing?

3 A. Well with these -- on this pier with these fenders, I was  
4 standing right up at the very edge of the concrete.

5 Q. And you were standing right at that window.

6 A. Right.

7 Q. So, this isn't a situation where you were trying to, like,  
8 point in the distance and try to show somebody. You were,  
9 literally, standing in front of the window.

10 A. I walked right up to it to show him exactly where it was.

11 Q. And it was daylight when this happened?

12 A. Correct.

13 Q. So, even if there wasn't any power, like even if there wasn't  
14 any electric lights on inside the vessel on the main deck, would,  
15 would you be able to see?

16 A. Perhaps? I'm not sure. It really depends on the lighting.  
17 I'm not sure with no lights being on in the vessel.

18 CDR WADDINGTON: Mr. Denley, I don't want to stop your flow  
19 here, but do you have an approximate about how much time you have  
20 left?

21 MR. DENLEY: Hmm. Okay. I mean, I'm, I'm happy to take a  
22 break. I do -- I don't have -- I don't have too many more  
23 questions.

24 CDR WADDINGTON: Okay. Please continue, then.

25 MR. DENLEY: Okay.

1 UNIDENTIFIED SPEAKER: (Indiscernible) going to have a few  
2 based on this, and then obviously, Mr. Nadeau's -- or Captain  
3 Nadeau's counsel may have some sort of --

4 CDR WADDINGTON: Let's go ahead and take a five-minute break,  
5 then. The time is 11:51. Five-minute recess. Thank you.

6 (Off the record.)

7 (On the record.)

8 CDR WADDINGTON: The time is 12:00. The hearing is back in  
9 session. Mr. Denley, please continue as you were before. Thank  
10 you.

11 MR. DENLEY: Thank you, Commander.

12 BY MR. DENLEY:

13 Q. Captain Nadeau, just to reorient you, you're looking at what  
14 has been marked as City Cruise's Exhibit Alpha. And I believe you  
15 had described this as the scene at Naval Base Norfolk on the date  
16 of the fire, June 7th, around the time that the fire department  
17 made the decision to get on board the *Spirit of Norfolk*. Is that  
18 correct?

19 A. Yes.

20 Q. And so, up until this point, the fire department had been  
21 essentially putting water down into the engine room where the fire  
22 was contained. Is that correct?

23 A. Correct. Water and foam.

24 Q. Okay. And this is after you had instructed, instructed the  
25 fire department about the location of the escape hatch?

1 A. Yes.

2 Q. Okay. Now, something happened, obviously, at this point in  
3 time. Do you -- can you describe that? You describe this as a,  
4 as a period of time when all the fire department, you know, horns  
5 and sirens started to go off. Do, do you know what happened?

6 A. I was told after the fact that it was the engine room door  
7 was breached and the individual possibly was injured while trying  
8 to open that engine room door.

9 Q. So, when you say the engine room door was breached, what does  
10 that mean? It was opened?

11 A. Correct.

12 Q. And do you know who opened that door?

13 A. No, I don't.

14 Q. Do you -- is it reasonable to assume that it was somebody  
15 with a fire department?

16 A. Correct. Yes.

17 Q. And what was the effect of opening that door?

18 A. By opening that door, it essentially voided the fire boundary  
19 between the engine room and the galley and would have allowed not  
20 only water to transit from the engine room, but throughout the  
21 galley, which is a significantly larger space than the engine  
22 room, but it would also allow the fire to travel as well.

23 CDR WADDINGTON: Mr. Denley, real quick, let's, let's be  
24 careful about your -- this witness speculating.

25 MR. DENLEY: Okay. Thank you. Sure.

1 BY MR. DENLEY:

2 Q. And do you believe, based on what you've heard from people  
3 telling you, that that's what happened, that water and fire  
4 escaped from the engine room at this point in time?

5 A. Yes.

6 Q. So, all the fire -- all the firefighting water that the fire  
7 department had been putting in the engine, engine room up until  
8 this point now spread into the galley. Is that your  
9 understanding?

10 A. That's what makes sense to me. Yes.

11 Q. I'd like to draw your attention to, or I'd like to request  
12 that the recorder bring up City Cruises exhibit Bravo.

13 UNIDENTIFIED SPEAKER: It's the next one.

14 BY MR. DENLEY:

15 Q. So, Captain Nadeau, were you surprised, I guess, when you  
16 learned that the engine room door had been opened?

17 A. Yes.

18 Q. Why were you surprised?

19 A. Because it flew in the face of what I understood the easiest  
20 access point to the engine room was, which was the hatch. The  
21 escape hatch, that is.

22 Q. So, after this happened -- this event happened, were there  
23 any other firefighting efforts that you were aware of and were you  
24 approached by anybody to discuss additional firefighting efforts?

25 A. So, after that event, there was significantly less, if any,

1 water being put on the boat from that point forward for fear of  
2 sinking the vessel.

3 Q. Were you afraid that the vessel would sink or is that what  
4 you were hearing from other people? Firefighters or --

5 A. The marine salvage guys were concerned, I believe.

6 Q. So, what is this picture -- what is -- and again, I'm  
7 referring to City Cruises Bravo. What is -- can you, kind of,  
8 describe the scene? You know, were you there? What is this?

9 A. Yeah, this is the command post truck that I mentioned earlier  
10 that I went to when I initially got to the dock. It would seem  
11 that there's significantly less fire trucks than there was  
12 initially. And at this point, it looks like the efforts are  
13 strictly -- firefighting-wise, their efforts are strictly to cool  
14 the outside of the hull.

15 Q. Do you know what time of day this was? And do you know if  
16 this was on June the 7th?

17 A. This was -- I believe this is June the seventh, and this  
18 would be probably sometime between 7:00, 8:00 at night.

19 Q. Okay. And how do you know it's -- how do you know it's  
20 sometime around 7:00 or 8:00 at night?

21 A. Well, June, typically sunset is around 8:00, you know, 8:15,  
22 so, around --

23 Q. What time was the -- what time was the unified command  
24 meeting?

25 A. 8:00.

1 Q. Okay. So, about the time the unified command meeting is  
2 happening, this is the scene. Is that safe to, safe to say, based  
3 on your estimation?

4 A. Within, probably, in 30 minutes or an hour.

5 Q. And so, you just testified that when the fire department  
6 accessed the *Spirit of Norfolk*, they breached containment of the  
7 engine room. What happened to the fire, from that point on?

8 A. I, I -- just to my knowledge, the fire grew to encompass the  
9 rest of the vessel.

10 Q. I'm looking at this picture. Can you describe, you know,  
11 around 8:00 what the status of the fire was?

12 A. The fire around 7:00 p.m. that evening, I remember that was  
13 when the fire initially started making its way into the first deck  
14 dining area and dance floor area. And then by the time I got out  
15 of that meeting, that might have been around 9:30, it was -- there  
16 were flames above the wheelhouse.

17 Q. So, the unified command meeting, can you, can you describe  
18 that? What -- who was there? And, you know, what was the purpose  
19 of it, I guess, at this point in time?

20 A. Yeah. So, in that meeting, I, I recall there were a few  
21 members of the National Marine Team with City Cruises as well as  
22 the captain of the Port, Stevens, and the CO for the Norfolk Naval  
23 Base. There were probably a half a dozen other members of Coast  
24 Guard and Navy personnel that were there as well. And throughout  
25 that meeting, they were discussing essentially who was going to be

1 in charge of what facets for moving forward, how we were going to  
2 get access in the coming days, what we were going to do in the  
3 event that the boat sinks or things get worse. And other even --  
4 you know, other items as simple as, you know, who's going to bring  
5 water to the firefighters on the dock or port-o-potties or  
6 however, things like that.

7 Q. So, up until this point in time, do you know who's in charge  
8 of this response?

9 A. No.

10 Q. You know, who -- did you figure out who was in charge, I  
11 guess, at this meeting?

12 A. At the meeting it -- I would say that Captain Stevens was in  
13 charge. He ran the meeting as well as, it would seem that because  
14 it was a passenger vessel, it was kind of hard to tell whether it  
15 was a Navy base's jurisdiction or the Coast Guard.

16 Q. And you indicated that, I guess, the decision was made, I  
17 guess who, was in charge. And you talked about logistics and  
18 water and those types of things. Were, were, were any  
19 firefighting tactics discussed or any sort of operational plans  
20 discussed at this meeting? Or was it more of, kind of, a  
21 coordinating meeting?

22 A. Yeah, now that I think about it, there were some members of  
23 the salvage team that were in that meeting as well. And they did  
24 discuss a few items, but I don't recall what was being discussed.

25 Q. And just to be clear, that's City Cruises' salvage team.



1 A. Correct.

2 Q. This isn't firefighters or anything like that.

3 A. Correct.

4 Q. Do you know why there were not any additional firefighting  
5 efforts that took place between the -- at least the afternoon and  
6 kind of this meeting?

7 A. I, I, I, I, I was under the understanding that it was to  
8 prevent the boat from sinking.

9 Q. Just -- thank you so much for your testimony. Just to kind  
10 of take a step back. This was obviously a significant event in  
11 your life and in the life of your crew. How do you -- how do you  
12 feel like -- you know, as you kind of sit back. How do you feel  
13 like you and your crew did?

14 A. I certainly look back at that day with more frequency than I  
15 probably should. But I'm extremely proud of how everybody  
16 performed and responded that day to make sure everybody got off of  
17 that boat safely.

18 Q. And just to be clear, when, when the *Spirit of Norfolk*  
19 arrived at Naval Base Norfolk, all of your guests were safely off  
20 the vessel. Is that correct?

21 A. Correct.

22 Q. All of your crew is safely off the vessel, is that correct?

23 A. Correct.

24 Q. The fire was contained in the engine room.

25 A. Correct.

1 Q. So, you now, by my count, you've been interviewed four times.  
2 Is that correct? By the Coast Guard?

3 A. Yes.

4 Q. And I believe you talked about, during your testimony, the  
5 first time was actually, like, during -- while this was all  
6 happening. Is that correct?

7 A. Yes, sir.

8 Q. You know, you're obviously aware that this hearing is public.  
9 Do you know -- do you know if any of the responding firefighting  
10 agencies will be participating in this hearing?

11 A. Not to my knowledge, no.

12 Q. Do you know why?

13 CDR WADDINGTON: Eric, let's refrain from this line of  
14 questioning.

15 MR. DENLEY: Okay. Thank you. I have no further questions.  
16 Thanks, Commander.

17 CDR WADDINGTON: Thank you, Mr. Denley. I apologize for  
18 using your first name.

19 MR. DENLEY: Oh, no problem.

20 CDR WADDINGTON: Counsel for Captain Nadeau.

21 MS. GALITOU: No questions. Thank you.

22 CDR WADDINGTON: Okay. Mr. Abell, you appear as though you  
23 have a few questions.

24 MR. ABELL: I, I was just waiting for my cue, Commander.

25 BY MR. ABELL:

1 Q. Captain, I just have one or two questions based on what Mr.  
2 Denley said in his questioning of you a moment ago. Could we put  
3 up the -- and you have in front of you, sir, the exhibit that is  
4 City Cruises' Charlie 10, C 10.

5 A. There we go.

6 Q. Got in front of you, sir?

7 A. Yes, sir.

8 Q. Okay. You, you were shown this earlier, and you had  
9 indicated that the bulkhead that you see there with the Z-bar on  
10 it and the burn wiring and the studs, that, that that's where the  
11 engine control module, modules were for the main engines, right?

12 A. Yes, sir.

13 Q. Okay. And just so we're clear, for anybody who may be a  
14 little turned around by the nomenclature. We said a bulkhead, we  
15 mean a wall, right?

16 A. Yes, sir.

17 Q. Okay. And this goes, I'll say, decked overhead, but floor to  
18 ceiling, that wall.

19 A. Yes, sir.

20 Q. Okay. And so, the thing you see on the left in this photo,  
21 the lower left-hand corner, that is the forward end of the port  
22 main diesel engine.

23 A. Yes, sir.

24 Q. Okay. And then there's a gap of space and then this, this  
25 bulkhead, this wall that's ahead of it, right?

1 A. Yes, sir.

2 Q. And then on the other side of that wall, is that where the  
3 generator is? The, I guess, would be -- the port generator set?

4 A. No, sir. On the other side of that wall would be the air  
5 conditioning pumps, sea chest, and two batteries --

6 Q. So, if you're standing where the photo -- the camera is in  
7 this photo --

8 A. Mm-hmm.

9 Q. Where is the Port gen, gen set -- generator in relation to  
10 where you'd be?

11 A. You can probably -- if you reach your arm out at 3:00, you'll  
12 probably touch the back end of the generator.

13 Q. Okay, so, it's off -- if, if we continue the photo out to the  
14 right, it would be out there to the right if, if we panned around  
15 that way.

16 A. Correct.

17 Q. Okay. About how tall is the generator?

18 A. The generator, it probably comes up to about eye level on me.

19 Q. And, and I'm, I'm, I'm probably going to insult you, and I  
20 don't mean to you. I'm guessing you're, what, 5' 10", something  
21 like that, 5' 11"?

22 A. 5' 11".

23 Q. All right. All right, I got within an inch. I have no  
24 further questions. Thank you, Commander.

25 CDR WADDINGTON: Mr. [REDACTED] do you have any follow up

1 questions?

2 MR. [REDACTED] Yes, sir. Thank you, Commander.

3 BY MR. [REDACTED]

4 Q. Just -- I want to -- just a clarification here. When you  
5 made the rounds of the vessel and you observed the fuel shut off  
6 valves, did you say that you saw smoke and flames coming through  
7 them?

8 A. I just saw smoke coming through them.

9 Q. And we've talked about the, the -- in this hearing, the A60  
10 boundary, which is the boundaries for the engine room. Would it  
11 be correct to say they're designed to give approximately 60  
12 minutes of time to evacuate the vessel safely?

13 A. Yes, sir. It is, to my knowledge, that that's what the 60  
14 indicates.

15 Q. And we've had questions about the engine control modules.  
16 So, how does -- how do those devices -- because I'm not an  
17 engineer. Do they have, like, a wireless connection to the  
18 engine, or they have, like, different sensors mounted on the  
19 engine and then wires go up through the overhead or through some  
20 means and tie into the engine control modules, and then that  
21 information is transmitted to the bridge?

22 A. Correct. They, they transmit information from the engine  
23 into the overhead on the engine room. And each engine has an  
24 independent run from that engine itself to one of those three  
25 control modules.

1 Q. So, if I took a, like, a pair of hedge clippers and I cut  
2 those wires, what would happen in the wheelhouse?

3 A. I would lose control of the engine that you just cut the  
4 wires for. Or might possibly maybe just monitoring, but one or  
5 the other.

6 Q. Could I -- could a display, which is computer driven in the  
7 wheelhouse -- like, if the signal was interrupted. We've had  
8 technical problems here. Could it falsely display, like,  
9 momentarily but not accurately reflect the status of the engine  
10 that the engine is still running?

11 A. That's speculating. I, I, I, I don't, I don't believe -- I,  
12 I'm not sure about that, whether or not the components could show  
13 an errant message that it's not accurately depicting.

14 Q. Have you ever had examples of false information displayed on  
15 the engine control modules in the wheelhouse?

16 A. No, sir, not since we installed these engines.

17 Q. So, now you step aboard, you know, you catch your breath,  
18 you're on the dock at Navy Norfolk. After you caught your breath,  
19 did you go up to anybody and say, hey, I'm the master of the  
20 vessel directly, and in charge of that vessel, and I want to be  
21 part of the unified command?

22 A. I did not explicitly say that. However, I was on the dock in  
23 my uniform. I believe I stood out, and the only person in a, you  
24 know, dinner cruise boat captain uniform at the time standing on  
25 that dock. So, I -- and I did talk to Bill Burket, who I know is

1 heavily involved in that, and he's the one who directed me to the  
2 truck with the green flag on it.

3 Q. And when you arrived at that truck, did you ask who is in  
4 charge in this operation?

5 A. I don't recall.

6 Q. Thank you, sir.

7 A. There were still a lot of moving pieces at that time.

8 Q. Thank you, Captain.

9 CDR WADDINGTON: The time is 12:19. We will reconvene in one  
10 hour. Thank you.

11 (Off the record.)

12 (On the record.)

13 CDR WADDINGTON: The time is 1:19. The hearing is now in  
14 session. Mr. [REDACTED] would you like to continue to question the  
15 witness?

16 MR. [REDACTED] Thank you, Commander. We're going to clean up  
17 just one piece of housekeeping. We had technical audio  
18 difficulties in the beginning when we played the distress call,  
19 which is listed in the exhibit as Coast Guard 018. There -- you  
20 don't have to look at it, sir. We'll just play it, audio, for a  
21 moment.

22 (Audio for Exhibit 018 being played.)

23 BY MR. [REDACTED]

24 Q. So, the, the Coast Guard asks you for precise GPS  
25 coordinates, color-type, length. Did that serve as a distraction

1 or create frustration on your part while you were trying to manage  
2 the emergency?

3 A. I certainly wouldn't say I was frustrated. I just was trying  
4 to, as quickly as possible, get as much information as I could out  
5 without delaying anything else that I had to do that was necessary  
6 at that point in time.

7 Q. Thank you. We'll shift now to your role as director of  
8 Marine Operations. If you could very briefly describe for the  
9 benefit of the public what that entailed, given that at the time  
10 of the accident, you had two vessels under your area of  
11 responsibility?

12 A. Yeah. I oversee the safe operation of two vessels. At that  
13 time, it was the passenger vessel *Spirit of Norfolk* and the  
14 passenger vessel Freedom Elite. I'm responsible for maintaining  
15 those vessels to a standard and maintaining a COI on both of those  
16 vessels and allowing them smooth operation. Yeah, that's about  
17 it.

18 Q. So, who reports directly to you in -- within the  
19 organization?

20 A. Full time captains report directly to me. Part time captains  
21 report directly to me. Any of the crew mates, or senior deckhands  
22 if you will, and deckhands report directly to me.

23 Q. And then who do you report to?

24 A. Directly, I report to the general manager for City Cruises in  
25 Norfolk. Jolene, I mentioned earlier, as well as a regional



1 National Marine Member Tim Redman (ph.).

2 Q. And where is that person located? Where do they do their job  
3 from?

4 A. Washington, D.C.

5 Q. So, on May 15th, I'll just characterize, the vessel had a  
6 propulsion casualty attributed to the loss of coolant. And there  
7 was a suspected fire which turned out not to be the case. After  
8 you reviewed the -- what occurred that day, did you put any plans  
9 in place for the crew persons and the people that you supervise  
10 related to what you investigated -- because you weren't on the  
11 vessel when there was a problem, is that correct?

12 A. That's correct.

13 Q. So, is there a procedure to conduct an investigation, and  
14 from the investigation, create feedback which relates to changes  
15 in procedures and operations?

16 A. Initially, we were going through the process of finding the  
17 culprit as well as what other pertinent information, or pertinent  
18 details that that overheating may have had to that engine. Moving  
19 forward, we had -- for at least the next week, we only had one  
20 cruise where we really didn't have Bay Diesel on board working on  
21 that engine.

22 Q. So, was there an investigation as a result of the suspected  
23 fire? I'm talking about an in house City Cruises' required  
24 investigation to determine what happened and how to improve your  
25 vessel crew and crews' response to that event.

1 A. I was -- during that event I felt that the crew responded  
2 appropriately and as necessary to handle the situation.

3 Q. But is there a company requirement to conduct an  
4 investigation to determine what happened and as a result of that,  
5 document the event so upper management knows about it and can  
6 respond to it appropriately from a management perspective.

7 A. Right. Yes, part of our internal industry safe incident  
8 reporting system does include an investigation portion. So, when  
9 that incident happened, it was submitted sometime after, I'm not  
10 exactly sure, as an incident report into the industry safe  
11 website. And we -- there are prompts in that for an  
12 investigation. But at that point in time, we were still regularly  
13 working on what we were doing moving forward with the engine as  
14 well. So, as far as the culprit, we didn't -- the investigation  
15 was tied into us and Bay Diesel to try and, you know, assess  
16 exactly what the extent of the repairs there were that need to be  
17 made.

18 Q. Were any of the crew from the May 15th event interviewed as  
19 part of the investigation?

20 A. So, I had conversations with the crew that responded to that  
21 fire, as well as the captain that was on board that day.

22 Q. So, would it be, you know -- shifting to the ramifications of  
23 that overheating. Would you say -- would it be fair to say that a  
24 marine warranty surveyor is a trained, certified expert in  
25 evaluating the condition of a vessel?

1 A. I'm not sure.

2 Q. So, if you would, Lieutenant, please bring up Coast Guard  
3 Exhibit 020 page 1. While he's pulling that up, this is a  
4 warranty survey that was conducted by Knox Marine Surveyors. And  
5 if you scroll down to the date and location at the top, it says  
6 date 06-02-2022. I inspected the port engine of the vessel in the  
7 water at town park, and he goes on to say, I inspected the damaged  
8 parts removed from the port engine at Bay Power Solutions,  
9 Chesapeake, Virginia attending Richard Milner on behalf of Knox  
10 Marine. The insured captain Ryan Nadeau was present on 06-02-2022  
11 and Bay Power Solutions service manager Mr. Adam Culpepper does --  
12 it says Adam Culpepper attended on 06-03-2022. Do you agree that  
13 you attended the survey on the date specified?

14 A. To the best of my recollection, yes.

15 Q. And you had conversations with the surveyor?

16 A. Yes.

17 Q. Scrolling down to page eight, I'm sorry, page three, you'll  
18 see loss and damage. So, the surveyor concluded that both turbos  
19 were damaged from overheat. The recommendation was replace  
20 turbos. Was that part of your discussion which led him to include  
21 this survey recommendation in a survey conducted on behalf of City  
22 Cruises for the vessel?

23 A. So, this report was published on June 24th. So, I do not  
24 recall talking about turbochargers with this surveyor. And I --  
25 obviously, by the time this report was submitted or completed, I

1 wouldn't have seen it before the fire.

2 Q. Thank you. Moving on. Looking -- I don't, I don't have your  
3 time records, and we didn't ask for them. But were you on  
4 vacation towards the end of May or early June?

5 A. I don't -- I'm not sure.

6 Q. So, did you have any malfunctions of your cell phone or  
7 wireless device that you were aware of either provided by the  
8 company or personally towards that same time frame?

9 A. I'm not sure.

10 Q. So, the reason I ask, Mr. [REDACTED] if you'll please pull up  
11 Coast Guard Exhibit 057, which is a series of text messages  
12 between Bay Diesel and yourself as director of Marine Operations.  
13 Page three. And as an investigator, I will say that it is  
14 difficult some time to look at electronic records and get them  
15 straight. So, I want to ask you if I have this correct. So, it  
16 appears in the top in a little oblong horizontal box that on 5-31  
17 May 21st, 2022 in the afternoon, Bay diesel indicated by -- I've  
18 had to redact this because of the personal protection but he says  
19 it looks like that turbo showed up. What big -- what -- the --  
20 what's the big boat schedule looking like this week? Do you  
21 recall a text message like that?

22 A. Yes.

23 Q. Okay then scrolling down to zero six at the bottom, it says  
24 6-3-2022, or 22. It looks like 10:42 a.m., sorry, just saw your  
25 last text message. Yes, it's been running great, had to add a

1 little coolant in the first day or two, but I figured it was  
2 normal. Is there any explanation as to why you didn't see this  
3 text message and respond to it when you saw it?

4 A. Well, he asked me overall-- his question was, has the engine  
5 been running well? I would have read that message and I, I, I  
6 probably just didn't respond in a timely manner. But I would have  
7 told Adam ahead of time if there was a problem with the engine.

8 Q. But it's the, it's the introductory line up top. It says,  
9 looks like the turbo showed up. So, just for the public, there  
10 was a replacement turbo available which was immediately put on the  
11 engine during the overhaul process. Another turbo was ordered, is  
12 that correct?

13 A. So, I did respond to his initial message about the, the,  
14 looks like the turbo showed up. It says 12:00 to 2:00 and 7:30 to  
15 9:30 every day. That's my cruise schedule. So, I responded  
16 probably that day to tell him what my cruise schedule was. And  
17 then that's why he said, let me think about that, I don't want to  
18 risk this project taking so long that, you know, either A, we're  
19 having to work in an engine room that's 120 degrees or B, I don't  
20 want it to get in the way of your schedule.

21 Q. Okay. And so -- I appreciate the clarification. And as I  
22 said, these records are difficult sometimes to sift through. So,  
23 you did immediately respond to the comment about looks like the  
24 turbo showed up.

25 A. Yes, yes. That's what -- that's on the, the red mark on the

1 left hash -- left hand side. That's my response to him and that's  
2 within the May 31st. So, it doesn't show the next date until June  
3 3rd.

4 Q. Were there any opportunities before the fire where the vessel  
5 was not underway where that turbo could have been brought aboard?  
6 So, there was no cruise on a particular day. Like, could they  
7 have done that repair work that day?

8 A. I'm not sure. However, I do have a close enough relationship  
9 with Adam that on a pretty regular basis, if I need something from  
10 him, they're very quick to respond. And when I did have a window  
11 of time, which even later on in the week of the 7th, I did have  
12 openings where there would have been an opportunity for them to do  
13 that project. So, even yesterday, for instance, I needed  
14 something from Adam and within an hour it was down to the  
15 shipyard. It, it's, it's -- we text back and forth. If I need  
16 something from him and, you know, it's -- I don't necessarily have  
17 to plan out a month ahead of time with Adam to schedule a project  
18 like that.

19 Q. So, Mr. [REDACTED] please bring up the Coast Guard exhibit 034,  
20 which is a schedule of vessel movements. Taking a look down on  
21 the date of May 31st. Were there any trips scheduled for the  
22 *Spirit of Norfolk* that day? And please take your time.

23 A. No, I don't believe so, but was that a holiday?

24 Q. I don't, I don't know.

25 A. Memorial Day?

1 Q. Yeah, I, I don't know.

2 A. Okay.

3 Q. Even if it was a holiday, could the work have been scheduled  
4 if you decided to have it scheduled as director of Marine  
5 Operations?

6 A. So, he texted me the day of that -- on the 31st that the  
7 turbo showed up. I, I'm sure it's possible to, to accomplish  
8 that. However, I was never under the impression that there was  
9 something wrong with the turbo that I had on board.

10 Q. Thank you. You can take that down, sir. So, briefly,  
11 Lieutenant, if you'll pull up. Coast Guard Exhibit 008 TAC 4.  
12 This is organization charts of City Cruises. And I'm only going  
13 to ask you to put up page two, which is a redacted organization  
14 chart. And you see up there, when you get to it, on the bottom  
15 row, second from the left, there is a redacted name, but system  
16 oversight and maintenance planning. Is that -- if you've had a  
17 chance to look for it -- look at it, it's the second blue block  
18 from the left on the bottom line. Is that the individual that  
19 would provide you support for your decisions as director of Marine  
20 Operations when it came to vessel maintenance?

21 A. Vessel maintenance, most of my interactions would be with the  
22 regional Marine director, Tim Redman.

23 Q. And why would that be?

24 A. He is local, or semi-local, if you will. He's very familiar  
25 with our operation, he's familiar with our vessels. Yeah. And

1 yeah, he's, he's very familiar.

2 Q. But is he familiar in the sense of a thorough knowledge and  
3 understanding of complex mechanical system like engines,  
4 generators, hydraulic system, pumps, air conditioning units, and  
5 so forth.

6 A. I can't speculate on that.

7 Q. Who else would you go to if you had to make a decision on --  
8 let's say, for example, in the case of replacing the turbo, you  
9 said I'm going to defer that maintenance. Do you have to get  
10 approval from somebody outside of the Norfolk office or how does  
11 that happen?

12 A. Well, I don't think I was deferring the maintenance.  
13 However, it, it depends on the circumstances surrounding it. I  
14 mean, that's a, a pretty open-ended question on -- it, it depends  
15 on what we were talking about, as far as, are you talking about  
16 cleaning air filter grates or changing oil on an engine on a  
17 regular interval? You know, you know, those two items have a  
18 completely different repercussion for a lapse in preventative  
19 maintenance.

20 Q. Let's say the chief mate, who is responsible for the  
21 oversight of maintenance on board the vessel, typical routine  
22 maintenance. Would that be correct?

23 A. Yes.

24 Q. He comes down on the boat in the morning, cranks up the  
25 engine, because you're proactively making sure all systems are go



1 for today's cruises that are going to occur just before lunch or  
2 just after lunch. Would that be a fair statement?

3 A. Yes.

4 Q. If an engine did not start and you guys tried everything in  
5 your power to get it going, and you got to -- you made a call to a  
6 vendor and there was a problem with the engine. Who would you  
7 contact within the company to help you make decisions related to  
8 that engine that wouldn't start.

9 A. I would -- it would be a combination of two people, my direct  
10 supervisor, the general manager, as well as that regional marine  
11 director. I would reach out to both of them. She would need to  
12 know as well as he would. He might have some insight as to where  
13 to go next on our progression and interactions with Bay Diesel on  
14 how to rectify the problem. And she would need to know as far as  
15 the cruise is concerned if there is a threat of having to cancel  
16 the cruise for some reason.

17 Q. And speaking of support for what you do as a director of  
18 Marine Operation, if you look on that schematic, again, the same  
19 exhibit, same page, you'll see a number of positions vacant. Was  
20 that typical in your experience that you had? What I can see here  
21 is at least two vacant positions in leadership at the national  
22 level.

23 A. And I believe a few of these positions are relatively new.  
24 And at the time that this was made, I believe they were still in  
25 the hiring process.

1 Q. When you say relatively new, can you give me an idea when the  
2 organization changed to incorporate new positions? Was it in 2022  
3 or what year?

4 A. Yeah, I'm not sure. I just know that the -- as we grow as a  
5 company with City Cruises the National Marine Team has had to grow  
6 as well, in kind.

7 Q. So, as a professional mariner, master of a vessel, you're  
8 over -- you're in overall charge with the responsibility of the  
9 safe operation of the vessel. So, 46 Code of Federal Regulations  
10 182.100, which is the intent of the regulation. And I have to be  
11 honest that as merchant mariners, we may not get all this  
12 knowledge, but my question is, were you aware of this at the time  
13 of the accident that all machinery and equipment must be installed  
14 and maintained in such a manner as to afford adequate protection  
15 from causing fire, explosion, machinery failure and personal  
16 injury?

17 MS. GALITOU: I'm sorry, Mr. [REDACTED] I thought this line of  
18 questioning was in his capacity as director of Marine Operations.

19 BY MR. [REDACTED]

20 Q. Thank you. As Director of Marine Operation, responsible for  
21 the safe operation of the vessel. Were you aware of this?

22 A. Yes, I am aware that I am responsible for the machinery on  
23 board our vessels.

24 Q. So, there could be a variety of equipment aboard the vessel  
25 that could have caused the fire on the accident day. Just taking

1 one piece of equipment, the hydraulic system, for example. Can  
2 you talk about how the maintenance -- preventative maintenance was  
3 done for the hydraulic and steering systems?

4 A. Yeah. So, those systems, we -- based on the intervals that  
5 are recommended through our preventative maintenance system, we  
6 will change filters, you know, check hydraulic lines, any of the,  
7 the hoses that are connected to the steel pipes that run  
8 throughout. We're also greasing fittings at the rudder posts and  
9 inspecting to make sure that there's nothing that's getting close  
10 to failing or becoming cracked or anything like that.

11 Q. So, once you do that, how would somebody in an oversight role  
12 within City Cruises know that you had performed that preventative  
13 scheduled maintenance?

14 A. In our preventative scheduled maintenance program.

15 Q. So, it's all documented.

16 A. It, it's online.

17 Q. So, Mr. Wyatt, in his testimony yesterday, and I'm  
18 paraphrasing, he said that after the engine overheat, he noticed  
19 there was an upgrade recommended for the turbo supply lines, and  
20 that would be shifting from soft lines to hard lines -- hard  
21 piping. How do -- how would you know that as director of Marine  
22 Operations? In other words, do you get a, like, some kind of  
23 bulletin from a, a vendor? Do you get an email from the company?

24 A. No, actually, in, in this particular case -- and I know what,  
25 what you're talking about. When we first installed these engines

1 -- I'm not sure how long after they were put in place, but we did  
2 experience one of those hoses was cracked where the turbo oil  
3 feedline had little rubber -- it, it was -- there was a rubber  
4 portion of it, and it was cracked. And we reached out to Bay  
5 Diesel to get replacements installed. This -- I'm not sure when  
6 it was, maybe in -- sometime in 2020 or maybe even 2021, but when  
7 that was installed, we also ordered a second set for the other  
8 engine in case we did encounter an issue with those turbo lines so  
9 that we had spare parts on hand ready in case there was a problem  
10 with, with the other turbo lines.

11 Q. So, are you speaking of soft, flexible lines, for example,  
12 like a hydraulic or oil hose? Are you talking about hard fixed  
13 piping?

14 A. So, the original Scania part was hard fixed piping with a  
15 soft section in the center that was crimped, if you will, on both  
16 sides of the rubber hose or the -- that rubber mesh. My -- I  
17 believe it had like a stainless-steel mesh inside and the  
18 replacement part was a hard pipe. So, when we saw that it was --  
19 the replacement part was a hard pipe, that was when I decided to  
20 order spares for the other engine as well.

21 Q. But how do you get the, kind of, manufacturers updates? I'm  
22 not talking about what you did for an -- you know, a different  
23 incident. How do you get the recommendations from the  
24 manufacturer to change out equipment? Does it come from the  
25 company, or do you get a call from a vendor that says, hey, we got

1 an update, you need to do this?

2 A. Well, in this particular case, we updated it because there  
3 was a problem and we also do our regular routine maintenance on  
4 the vessel. We're on a pretty regular basis we have Bay Diesel  
5 out to perform regularly scheduled maintenance on the engines as  
6 well. So, if there was anything that would be necessary, we would  
7 look to them to identify it.

8 Q. So, Lieutenant [REDACTED] please pull up Coast Guard Exhibit 074  
9 As a result of a request, we did get a list of the preventative  
10 maintenance that was conducted on board the vessel. And what we  
11 did from those spreadsheets is we asked about steering system  
12 components. And while you're looking at that, what that distilled  
13 version of the master preventative maintenance reports shows  
14 different inspections and servicing. And it seems the dates seem  
15 to stop, based on the supplied information that we had, sometime  
16 in September. Was there an issue with the preventative  
17 maintenance computer system within the company that took place  
18 sometime in late 2021 leading up to the accident time?

19 A. Yes, we were working to get access for some more of the  
20 members of the marine team in Norfolk. We would still -- I had  
21 access throughout that period of time, so I would print lists for  
22 the guys to check off items as they did them until they were able  
23 to get access into the system themselves. And then after the  
24 fact, if I could, I would enter those manually myself.

25 Q. So, the last -- in the system that we got information from,

1 the last preventative maintenance checks were done on 9-13-2021.  
2 How would the company know that you were continuing to carry out  
3 the preventative maintenance checks on the steering and hydraulic  
4 system and other service items related to components?

5 A. I've had conversations throughout the process and -- or  
6 throughout that period of time where we were still trying to get  
7 those individuals access into the program. And -- but I assured  
8 them that these items were still getting completed. They just  
9 were taking a lot longer to get logged into the system.

10 Q. Did you do this by email at any point to document the results  
11 of the preventative maintenance checks?

12 A. No, not that I recall.

13 Q. So, in a minute, we'll talk about the senior deckhand that  
14 was on board, but Mr. Perry was a senior deckhand. Is that  
15 correct?

16 A. Mr. Perry was not a senior deckhand until -- I'm not sure.  
17 Mr. Perry is a senior deckhand on board our vessel, yes.

18 Q. So, you said in the Coast Guard exhibit 71, which are the  
19 preliminary transcripts on page 655. And correct me if I'm wrong,  
20 there, there's a flash drive in there. We can make that happen if  
21 it's necessary. But you said basically, in response, I'm not sure  
22 who said it, but then they make rounds of the engine room at  
23 specified intervals, meaning senior deckhands. And you said not  
24 all deckhands, only the senior deckhands that are designated, they  
25 will go down and make rounds. Does that seem correct?

1 A. Yes.

2 Q. So, we asked for the personnel file for the accident voyage  
3 crew, and there was only one document in Mr. Perry's personnel  
4 file. Where would he be, quote, unquote, designated as a senior  
5 deckhand?

6 A. Mr. Perry is -- he has an epaulette on his shoulder with the  
7 stripe. He has -- he, he's paid at a different rate than a  
8 standard deckhand that comes in. I, I don't -- other than that,  
9 there would be a senior deckhand list that was in the wheelhouse.

10 Q. So, we also interviewed one of the newer crew members who  
11 spoke about a crew training program that they have to complete.  
12 Would that be correct?

13 A. Well, yes. Anybody who starts -- is new with us will have to  
14 conduct training.

15 Q. Is there a training program formally that's provided by  
16 Hornblower -- Pardon me, City Cruises, that explains the duties,  
17 requirements, and training for a senior deckhand to be designated  
18 as a senior deckhand.

19 A. There are qualifications for a senior deckhand in general  
20 aboard our vessels, but I'm not sure if there's explicit policy in  
21 City Cruises.

22 Q. So, how does he become a designated -- and what I'm looking  
23 for is related to his duties or her duties in the engine room.  
24 Now, there's -- if I -- if it were me, how would I become  
25 designated?

1 A. So, as far as being capable of doing engine checks, we would  
2 have somebody trained and gone through all of the engine checks  
3 before, you know, as of -- a certain number of times, depending on  
4 how quickly they pick it up and understand what we're looking for.  
5 And then after our mates on board decide, okay, this individual is  
6 ready to do engine checks by themselves. Then we permit them to  
7 be able to do them.

8 Q. So, speaking again to documentation, who, who verifies the  
9 accuracy of the vessel logs for the *Spirit of Norfolk*?

10 A. Typically, the captain at the end of every cruise.

11 Q. But who above them to make sure that the logs accurately  
12 reflect the events that took place on the vessel?

13 A. So, we every month mail off our carbon copies to Chicago  
14 where our company headquarters are. But as far as the accuracy, I  
15 don't understand what, what, what details you're looking for as  
16 far as accuracy, that would be something that would be in  
17 question.

18 Q. So, we reviewed the subpoenaed logbooks that survived the  
19 fire that were ashore. And in reviewing them, I saw no log entry  
20 for May 15th for the propulsion casualty, suspected fire, or  
21 returning to the dock on one engine. Would that be unusual?

22 A. I'm confident that it is in circulation somewhere.

23 Q. So, if we could pull up Coast Guard exhibit 033, page 13, and  
24 I apologize, the date at the top of the page is difficult to see  
25 because it's a carbon.



1 A. Okay.

2 Q. You see an entry on that page related to a propulsion  
3 casualty, suspected fire, or returning to the dock on a single  
4 engine?

5 A. No, but there was -- we do have a pass down log on board.  
6 That's basically a, a separate book that we can log things like  
7 this for the oncoming crew the next day -- not, not something of  
8 this magnitude. However, I, I do not see that on this logbook.

9 Q. Is it unusual to be required to have a tug escort while you  
10 are underway?

11 A. Yes.

12 Q. If you look on the days and you can, if you like, that, you  
13 are under that restriction. I have looked through the logs. I do  
14 not see a tug escort listed on the logbook for those days. Would  
15 that be unusual?

16 A. I mean, there was a tug escort there.

17 Q. Yeah, I understand that. But the event is unusual in that  
18 the Coast Guard required a tug escort. Would that typically be  
19 required by the company to be logged in the logbook?

20 A. I'm not sure.

21 Q. Have you gotten feedback from management in the -- I think  
22 you said the Chicago office about reviewing these logs and  
23 correcting the inputs in your logs.

24 A. No.

25 Q. What did you instruct the tug Huntsman, who is your escort

1 vessel -- the Coast Guard put a restriction in. You voluntarily  
2 acquired an escort tug at great expense and told the Coast Guard  
3 in advance you were going to do it. Correct?

4 A. I requested their permission to do it.

5 Q. And what, what did you tell the tug escort to do while you  
6 were underway? In other words, did they make fast? Did they  
7 shadow you? Did they stay close?

8 A. They stayed relatively close while we were underway. My big  
9 concern in a situation like that would be for fear of losing  
10 propulsion with the other engine for some reason. So, we would  
11 keep them close by in order to make sure if something did happen,  
12 they could tie up to us relatively quickly. We didn't transit  
13 very far on those cruise routes. Obviously, we were hampered in  
14 how quickly we could cruise. And as we were docking, you know,  
15 depending on the wind conditions, we may have had them put a line  
16 on the starboard quarter and help us in or out of the dock.

17 Q. There is a log entry for a tabletop exercise for a fire  
18 scenario that you conducted while the vessel was under your  
19 command. Is that correct?

20 A. There's probably one, yes.

21 Q. Did that kind of training experience just provide benefit to  
22 the immediate crew that were aboard that day, or was there some  
23 opportunity that you took, and you talked to the other vessel crew  
24 and all the crew that worked under your supervision? Or was that  
25 just an isolated, hey, crew members, gather around, we're going to

1 have a tabletop today.

2 A. And we do them pretty frequently. We do anything from fire  
3 drills to man overboard drills, anchor, abandon ship, security  
4 drills. We do them on a pretty regular basis. So, I mean, with  
5 or without the overheating incident in early May, I don't think it  
6 would have changed how many drills we conducted throughout May.  
7 However, it was certainly at the forefront of our minds.

8 Q. So, in 2019 there is a marine university curriculum that your  
9 company utilizes. Would that be correct?

10 A. Correct.

11 Q. So, they had an objective, and we don't -- we didn't  
12 exhibitize (ph.) it for a reason, but it said develop plan to  
13 adopt Flagship Safety Management System. Are you aware of what  
14 the Flagship Safety Management System is?

15 A. I do not know.

16 Q. Do you know what the safety -- what a safety management  
17 system is as it would apply to the *Spirit of Norfolk*?

18 A. I understand what a safety management system is, how it would  
19 apply to the *Spirit of Norfolk*. We have several different facets  
20 of our operation that encompass many of the pieces of what a  
21 safety management system is without it being one all-encompassed  
22 safety management system.

23 Q. So, if I came to you as a new captain and I said, you know,  
24 Captain, could you hand me your standard operating procedure  
25 because I'm going to sit down on a computer at a desk and review

1 standard operating procedures for your vessels in Norfolk. Could  
2 I do that?

3 A. A lot of our training is on the job training. I -- with  
4 anyone that I bring in, I emphasize I'm starting from the bottom  
5 and learning what the crew members do from deckhand all the way up  
6 to captain. And we have a series of checklists for what the  
7 deckhands do, to the mates, the pre-cruise items for the captains.  
8 And -- but I'm not sure if we have a standard operating procedure  
9 for any given cruise other than what we normally do.

10 Q. I'm almost done, Captain. Thank you. So, Lieutenant, if  
11 you'll pull up the Coast Guard exhibit 86, TAC 1, and I'm not  
12 going to ask you to look at it unless you need to, but the emails  
13 describe the creation implementation of a port safety officer.

14 A. Yes.

15 Q. And they kind of go back to 2021. So, who at Norfolk was  
16 designated the port safety officer?

17 A. That would be me.

18 Q. And that was designated in writing.

19 A. Well, I am not entirely sure if it was designated in writing,  
20 but at the time being responsible for safety, it's kind of a, a  
21 default that it would go to me.

22 Q. So, if you'll go to, Lieutenant, Page 51, there's a list of  
23 duties for the port safety officer, and they're bounded in a red  
24 box that was applied to that. Take a moment when you find that.

25 A. You said 51. Oh, 86, 51.

1 (Background conversation.)

2 A. Okay.

3 Q. So, do you see that red box that has the port safety officer  
4 duties?

5 A. Yes, sir.

6 Q. So, all those duties, which includes facilitates port safe  
7 cruise meetings, manages, and assigns execution of regular  
8 inspections, attends ten-hour OSHA site worker certification --  
9 I'm skipping down. At the time of the accident, had you fully  
10 assumed all the roles of the port safety officer?

11 A. I believe that most of these roles are part of my job as the  
12 Marine Director regardless. Aside from the OSHA training course,  
13 I believe most of that is part of my regular duties.

14 Q. Thank you very much, Captain.

15 A. Thank you.

16 CDR WADDINGTON: Lieutenant Commander [REDACTED] do you have any  
17 questions for this witness?

18 LCDR [REDACTED] I do, Commander. Lieutenant [REDACTED] can you  
19 please pull up Coast Guard Exhibit 081 page 4? This Exhibit is an  
20 email correspondence between the Director of Marine Operations and  
21 Sector Virginia Inspections dated May 20th, 2022.

22 UNIDENTIFIED SPEAKER: Page four?

23 CAPT NADEAU: Yeah, I got it.

24 BY LCDR [REDACTED]

25 Q. Captain, is that an email from you?

1 A. I believe so, yes.

2 Q. In the highlighted portion, it states Bay Diesel has  
3 recommended an overhaul, including but not limited to replacement  
4 of cylinder heads, inbound turbocharger, and possibly main  
5 crankshaft bearing depending on inspection. When you send this  
6 email to sector Virginia inspections. What was their reply?

7 A. I do not recall. I know that I do see -- yes, so, I, I  
8 requested permission to operate with a tug assist until the  
9 overhaul was complete and they granted me that.

10 Q. And in your previous interviews, which again we had stated  
11 this Coast Guard Exhibit 71, you had mentioned that you thought  
12 sector Virginia's response to your emails and calls regarding the  
13 overhaul was unusual -- I'm kind of paraphrasing -- or surprised  
14 you. Can you kind of explain what you meant by that?

15 A. Typically, when I have an incident or a large project on  
16 board, there's a more physical presence than what I experienced  
17 throughout this process.

18 Q. And had something changed in the way the Coast Guard  
19 communicated with you that week? Was that a normal reply to  
20 reporting an incident like that?

21 A. Yeah, I think that was a normal reply.

22 Q. As the director of Port Operations, can you take us through  
23 the firefighting plan to fight a fire in the engine room.

24 A. In the event of a fire in the engine room, depending on the  
25 scope of the fire, and what was actually on fire, we would have

1 crew members identify what's actually happening, that there is a  
2 fire. They would communicate that to me. My role, then, as  
3 captain would be to, as I said before, sound the alarm. And we  
4 would begin the process of making sure passengers are moved away  
5 from the fire. After that, depending on the scope of the fire,  
6 that would be a decision made by the crew and the captain whether  
7 or not it was safe to try and put out the fire with either fire  
8 extinguishers or fire hoses.

9 Q. Could you use -- could you have used the closed-circuit TV to  
10 also monitor the engine room for an event such as a fire?

11 A. Possibly.

12 Q. And you touched on the fire hoses and fire extinguishers.  
13 Can you describe approximately how many fire hoses you had on  
14 board and where they were?

15 A. So, we had one fire hose right by the dishwasher, which is  
16 relatively close to the engine room, two fire extinguishers by the  
17 engine room door. We have two fire stations with fire hoses, one-  
18 and-a-half-inch fire hoses on the main deck, two on the second  
19 deck and one on the third deck.

20 Q. And since your crew is not equipped with firefighting  
21 equipment, so such as like self-contained breathing apparatuses or  
22 turnout gear, can you tell us what the purpose of the fire hoses  
23 on board the spirit in Norfolk and how the crew is supposed to use  
24 fire hoses?

25 A. Well, if there was an event where, even such as this, where

1 the crew could use the fire hoses. Maybe if there was something  
2 on third deck outside or on the deck, any of the exterior decks,  
3 it would be an option to try and help quell the fire. The fire  
4 hoses can also be used in extreme circumstances to try and cool  
5 bulkheads to keep the fire from spreading from one compartment to  
6 another. So, even if you were in a situation where you were  
7 concerned with the boundary being crossed with the fire, you could  
8 also use those fire hoses to try and slow that process down.

9 Q. Okay. Commander, that's all I have for him.

10 CDR WADDINGTON: NTSB, do you have any questions for this  
11 witness?

12 MR. KARR: I do. Thank you, Commander.

13 BY MR. KARR:

14 Q. Mike Karr with the NTSB. I'm going back to the firefighting  
15 response. Captain, when you arrived at Pier four, was there  
16 anyone else from your employer who was involved with firefighting  
17 operations or involved with the incident command?

18 A. So, I'm not sure exactly when the -- how quickly they were  
19 able to get down, but the salvage guys were hired by City Cruises  
20 to come down and respond and try and help coordinate firefighting  
21 efforts. I believe they showed up sometime late afternoon that  
22 day to help coordinate with the fire department.

23 Q. All right, thank you. And earlier, you talked about no one  
24 asking you to become, you know -- to get involved with the IC.  
25 But I want to ask you, what your thoughts on why you -- let me



1 know your thoughts and why you didn't insert yourself into the  
2 incident command post?

3 A. I'm not sure.

4 Q. Did you -- at the time, did you have any thoughts about  
5 whether you should or should not go to the incident command post  
6 to be more involved?

7 A. No, I, I, I did go to the incident command post at that  
8 meeting at 8:00 at night. I was at that truck talking to chiefs  
9 and talking to firefighters throughout the process. So, when they  
10 needed information from me, I tried to be as readily available for  
11 them to try and coordinate. I also helped with, you know, trying  
12 to get them the fire plan for the vessel. And as I mentioned  
13 earlier, the several times I told them how to access the emergency  
14 escape hatch.

15 Q. Right. The reason I asked that question is earlier, I  
16 thought you were showing regret that no one asked you to become  
17 involved in the firefighting operation before you officially  
18 joined the -- before you met with the incident command later on at  
19 8:00 at night. But I was talking about earlier in the afternoon  
20 after you just got there.

21 A. Yeah. I'm not sure if I was showing regret about that or  
22 not, but I was available.

23 Q. All right. Is there anything -- if, if, if you had been  
24 invited or if you had gone in, is there anything you could have  
25 added that as the captain the ship for -- you know, I'm not asking

1 you to think of, think of something or create something right now  
2 as I'm asking this question. But at the time, was there anything  
3 that you thought you could have added at that, that afternoon?

4 A. Nothing that I didn't already express to them.

5 Q. All right. And then last question, well -- we looked at, at  
6 an exhibit where the ladder I think it's -- don't -- you don't  
7 have to put it up. But City Cruises A, alpha, where the latter  
8 was on the ship. When you got -- when you got to Pier four after  
9 you got off the boat, was the ladder on the ship?

10 A. No.

11 Q. Was the ship docked?

12 A. When have I arrived, I, I was climbing onto the pier at the  
13 same time that the tugboats were maneuvering the boat into the  
14 pier.

15 Q. All right. Thank you.

16 CDR WADDINGTON: Bay Diesel, do you have any questions for  
17 this witness?

18 MR. ABELL: No, commander.

19 CDR WADDINGTON: City Cruises, do you have any questions for  
20 this witness?

21 MR. DENLEY: I do, Commander.

22 BY MR. DENLEY:

23 Q. Captain, Mr. [REDACTED] asked you about the hydraulic system on  
24 board and maintenance that was performed of the hydraulic system.  
25 Are you aware of any facts or any indication that the hydraulic

1 system was the cause of the fire on board the *Spirit of Norfolk* on  
2 June 7th?

3 A. No.

4 Q. Mr. [REDACTED] also talked to you about replacement -- parts  
5 that were replaced on the engine. Do, do you recall that, that  
6 line of questioning?

7 A. The turbo oil feed lines?

8 Q. Correct. The turbo oil feed lines. It seems to me that  
9 there may be a distinction between a recall and a replacement  
10 part. Do you, do you have a sense of, of maybe the difference  
11 between a recall on the part of an engine manufacturer and the  
12 manufacturers simply manufacturing a new kind of replacement part?

13 A. All right. I believe this just to be. I know that there's a  
14 distinction between the two, but I was not made aware of this  
15 being a recall part. It was still \$700.

16 Q. So, kind of going with your -- I, I -- in this morning's  
17 testimony, you talked about an analogy of, you know, if you're  
18 going to go in and replace the water pump -- you know, if you're  
19 going to go in and replace a certain part on your car, you might  
20 replace another, you know, another component along with it. Is  
21 it, is it reasonable for manufacturers to, to change the, the type  
22 of part that they, that they manufacture for replacement?

23 A. I'm not sure. I know it's not uncommon, but I'm not sure.

24 Q. You also were asked to discuss the preventive maintenance  
25 schedule and the preventative maintenance plan, on board, on board

1 the *Spirit of Norfolk*. Do you recall that?

2 A. Yes.

3 Q. I believe you testified that there was a period of time when  
4 your folks were trying to get access to the computer system and  
5 there might have been a delay and -- in preventative maintenance  
6 items being uploaded into that system? Is that, is that true?

7 A. Yes.

8 Q. Is that in any way indicative that the maintenance did not  
9 occur?

10 A. No, The, the maintenance -- and you will see it even on some  
11 of the ship logs. The maintenance was redundantly logged where  
12 even in the ship logs as well, we had written down every single  
13 item that had been done. So, any of the maintenance items that  
14 were completed were also written down in the ship log and a carbon  
15 copy was mailed to Chicago.

16 Q. And, and so, all of the preventative maintenance items were,  
17 were completed and logged in the ship's log.

18 A. To the best of my knowledge.

19 Q. You were also asked to comment about Mr. Perry and his role  
20 as a senior deckhand. Do you recall that?

21 A. Yes.

22 Q. Senior deckhand, is that a kind of, a port specific, you  
23 know, designation? And what, what, what does that mean from a  
24 practical perspective on board the ship?

25 A. So, a senior deckhand, by our local designation, for us, it

1 means that somebody has worked with us well as a deckhand.  
2 They've shown initiative and we enjoy having them as part of our  
3 crew and they're doing a good job. They've learned a lot of the  
4 facets and systems about our vessels. And they're also, you know,  
5 capable of doing engine checks.

6 Q. So, they have more skill, experience, and training than a  
7 regular deckhand.

8 A. Correct.

9 Q. Captain, to your knowledge, is there a Coast Guard  
10 requirement that you attend a ten-hour OSHA training?

11 A. Not to my knowledge.

12 Q. So, that would be something that the company would, would ask  
13 you to do as a way to enhance your skill and experience.

14 A. Sure. Yes.

15 Q. I don't have any other questions.

16 CDR WADDINGTON: Captain's counsel.

17 MS. GALITOU: No questions. Thank you.

18 CDR WADDINGTON: Mr. [REDACTED] do you have any follow up?

19 MR. [REDACTED] No, sir.

20 CDR WADDINGTON: So, the time is 2:21. Excuse me, let me  
21 release you first. Captain Nadeau, Nadeau. I did have one  
22 question. So, Mr. Denley spent some time talking about the, the  
23 spread of the fire, effectively, and asked your opinion on those.  
24 Do you, in fact, know how the fire spread on June 7th that day?

25 CAPT NADEAU: I know that when I got off of the boat, it was

1 contained to the engine room.

2 CDR WADDINGTON: Okay. Thank you for that clarification.  
3 So, Captain, you spent quite a bit of time testifying today.  
4 Thank you very much. You are now released as a witness at this  
5 formal hearing. Thank you for your testimony and cooperation,  
6 again. If I later determine that this team needs additional  
7 information from you, I will contact you through your counsel.

8 CAPT NADEAU: Thank you.

9 CDR WADDINGTON: If you have any questions about this  
10 investigation, you may contact the investigation recorder.  
11 Lieutenant [REDACTED] [REDACTED] The time is 2:22. We will take a ten-  
12 minute recess and I will emphasize 10 minutes, please. Thank you.

13 (Whereupon, at 2:22 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 Capt Ryan Nadeau

ACCIDENT NO.: DCA22FM022

PLACE: Virginia Beach, Virginia

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.

  
Melissa Bousquette  
Transcriber