

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

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Interview of: BRANDON PETER, Master
Victory Rover

Virginia Beach, Virginia



APPEARANCES:

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I N T E R V I E W

(9:15 a.m.)

1
2
3 CDR WADDINGTON: The time is 9:15. This hearing is now in
4 session. At this time, I call Captain Brandon Peter, master of
5 the Victory Rover. Lieutenant [REDACTED] will administer your oath
6 and ask you some preliminary questions.

INTERVIEW OF BRANDON PETER

BY LCDR [REDACTED]

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8
9 Q. Captain Peter, please stand and raise your right hand. A
10 false statement given to an agency of the United States is
11 punishable by fine and or imprisonment under 18 U.S. Code § 1001.
12 Knowing this, do you solemnly swear that the testimony you are
13 about to give will be the truth, the whole truth, and nothing but
14 the truth, so help you God?

15 A. (Nods head.)

16 Q. Please be seated. Mr. Peter, please state your full name and
17 spell your last name.

18 A. (Indiscernible) Peter, P-e-t-e-r.

19 Q. Can you go ahead and put on your -- turn on your microphone,
20 please? There's a little button right there in front of you.

21 Yep, we're good. Thank you.

22 A. Paul Brandon Peter, P-e-t-e-r.

23 Q. Thank you. And are you represented by counsel today?

24 A. No, sir.

25 Q. Okay. Please tell us what your current position and

1 employment is.

2 A. Captain with Rover Marine in Norfolk, Virginia.

3 Q. What are your general responsibilities in that job?

4 A. Vessel operations, running cruises, maintenance work.

5 Q. Can you briefly tell us your relevant work history?

6 A. I've been a tour boat captain with the Rover for -- well,
7 this will be the 23rd year. So, since 2000.

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

9 A. High school and college degree.

10 Q. Do you hold any professional licenses or certificates related
11 to your position?

12 A. A (indiscernible) masters license of inland waterways with
13 auxiliary sail endorsement.

14 Q. Thank you. Commander Roy will now have follow up questions
15 for you.

16 BY COMMANDER ROY:

17 Q. Good morning, Captain. Thank you for being here today. Let
18 us know if you need any breaks during the questioning. We'll take
19 a break for you. There is an exhibit binder on the table next to
20 you. And if there's any exhibits we bring up, that will be also
21 displayed on the screens. Just going to go in a little more depth
22 about your background before we start talking about June 7th. And
23 once we kind of get through that, we'll talk about June 7th in
24 particular. Can you explain to us how familiar you are with
25 Norfolk Harbor? How many -- how long you have been running

1 cruises in Norfolk Harbor and any of your experience around that
2 area?

3 A. I've been running cruises since 2000. I've been working on
4 the water in Norfolk and that vicinity since 1995.

5 Q. Have you been a captain the whole time, or what else were you
6 doing as far as being on the water? Can you kind of go into a
7 little more depth about your experience?

8 A. Okay. From '95 until 2000, I worked as crew, primarily on
9 the American Rover, which is another excursion vessel that runs
10 right out of water side in downtown Norfolk. August of 2000, got
11 my license, and I've been running the American Rover and the
12 Victory Rover since 2001, you know, five, six days a week, at
13 least during the summer times. So, you know, know the harbor
14 pretty well, at least from Norfolk to the Navy base and back from
15 downtown.

16 Q. Sir, can you go into a little bit more detail about your --
17 how you conduct drills, how your company conducts drills. Do you
18 have a drill schedule as far as evacuations, fires, mass rescue.
19 Can you go into little detail about how you do that on your
20 vessel?

21 A. Sure. We drill at least monthly, sometimes a little more
22 than that depending on like if we have a new crew member that
23 signed on, things like that, we'll do drills with them. We do
24 fire drills, man overboard drills, abandoning ship drills, loss of
25 steering drills. Generally, we'll get underway with no passengers

1 to do those drills just with the crew and operate those drills in
2 the vicinity of the Elizabeth River.

3 Q. Do you or anybody from your company attend harbor safety
4 committees?

5 A. I have not, and I couldn't tell you. I don't think anyone
6 has been on a committee or gone to any of the seminars or anything
7 like that that I can recall.

8 Q. Any time prior to the accident, have you ever had any
9 conversations, training meetings, exchange information with City
10 Cruises there in Norfolk?

11 A. Not official meetings, but we're 100 yards apart and, yeah,
12 we'll -- we talk to each other plenty. We share the same parking
13 lot, things like that, but nothing official.

14 Q. How familiar are you with the *Spirit of Norfolk*? The layout,
15 the vessel operations, the captains?

16 A. I know the captains, not intimately or anything like that,
17 not (indiscernible). And the vessel, I know the outside of it. I
18 wouldn't consider my knowledge of the inside layout of it extended
19 at all.

20 Q. We'll shift focus here a little bit, sir, to questions
21 relating to June 7th. On June 7th, how many passengers did you
22 have on board that day?

23 A. We left the dock with 66 adults and 3 children. 69 total.

24 Q. How many crew, sir?

25 A. Myself and four crew members. Five.

1 Q. When you're underway that day, at one point you passed the
2 *Spirit of Norfolk* northbound. Did you happen to see anything that
3 was unusual about the vessel? Smoke, exhaust, anything like that
4 was unusual.

5 A. Not at that time.

6 Q. Sir, take your time. Talk about the incident of June 7th,
7 from the time that you were aware that there was a problem on the
8 *Spirit of Norfolk* until you finished dropping off the *Spirit of*
9 *Norfolk* passengers. So just take your time, kind of think through
10 that day, how you were notified, and just kind of walk us through
11 what you did and what your crew did and what you saw witnessed.

12 A. Okay. Well, we were on our -- we do a two-hour naval base
13 cruise and we departed at 11:00, like you mentioned a minute ago.
14 We passed the *Spirit of Norfolk* outbound in the vicinity of
15 Lambert's point. We were outbound at roughly Pier 10 or so of the
16 Navy base. And there's like -- there's 14 piers. So, getting
17 towards the end of our naval narration. And the *Spirit of Norfolk*
18 called the Coast Guard on Channel 16, which I overheard reporting
19 a fire. So, I stopped my narration and took a look back behind us
20 at the *Spirit* and could see smoke.

21 At that time, I called my senior crew member, gentleman named
22 Corey Roy (ph.). I said, damn that, you know, *Spirit's* having an
23 issue, so we may need to help. I also called the *Spirit of*
24 *Norfolk* on Channel 13 and let Captain Ryan that we were there and
25 would be certainly willing to provide any assistance that we

1 could. And when it became obvious that they were going to need
2 assistance, which was, you know, a minute or two after first
3 contacting the *Spirit*, I made an announcement to my passengers
4 that we were going to curtail the Navy base narration and turn
5 around and head over to the *Spirit* to provide any assistance that
6 we could. And they were around Pier 4 at the Navy base.

7 So, we turned around and headed towards the *Spirit*. Talking
8 with Captain Ryan over the VHF. Came to the determination that we
9 needed to try to get the passengers off the *Spirit*. I'm familiar
10 with the way they do their boarding, which is on their portside
11 through a large embarkation door. And Ryan and I discussed that,
12 and I said I'd pull up my starboard side, to his port side, and
13 try to get the passengers transferred from the *Spirit* onto the
14 Victory. While we made our way to the *Spirit*, I had the crew
15 deploy a couple of ballfinders (ph.) to our starboard side, had
16 our crew put on lifejackets. When we got to the *Spirit*, we tied
17 off a single line from one of our cleats on the starboard side,
18 leading aft to a cleat on the port side of the *Spirit*.

19 When I arrived, there was two tugs already fighting the Fire,
20 the Condor (ph.) and one of the McAlister Bows (ph.), and the name
21 of it is escaping me right now. We -- I talked to them on the
22 radio, so let them know what we were planning on doing. They made
23 way so I could get into the *Spirit* and we tied off. And once we
24 determined that it was safe enough to start moving passengers, at
25 that point, two of my crew members were out on the starboard rail

1 of the Victory helping passengers over. I had asked the tug
2 Condor to push me up against the *Spirit* to reduce the amount of
3 gap between the two boats as the two were moving around. They
4 moved in at first and then they were relieved by another vessel
5 called the Ohio River, which is a smaller crew vessel.

6 So they were -- they were pushing us against the *Spirit* to
7 keep everything as tight as we could get it. And at that point,
8 we started having passengers come over from the *Spirit*, as we saw
9 on the -- in the video, there's a little bit of a height
10 difference between the two boats. So crew from the *Spirit* and
11 crew from the Victory were helping the passengers over the rail.
12 It's a short distance from where we got them on to the boat. They
13 walked aft a little bit and then we have two sliding doors on
14 either side of Victory. Had that door open where they could come
15 into the cabin.

16 I had made announcements for my passengers to please have a
17 seat, make as much room as possible that they could, to allow for
18 the *Spirit* passengers and crew and waitstaff to get on board. As
19 that was going on, talking Ryan on the VHF, talking to the other
20 tugboats on VHF as well. Once we had everyone on, we did a count
21 of how many people we had on board. Confirmed that with Ryan, who
22 stayed on board the *Spirit* with one other person. They had 108,
23 and we took 106. It was pretty easy to identify because they all
24 had lifejackets.

25 So, we checked with the captain on board the *Spirit*, Captain

1 Ryan, and then also the mate on the Victory that had come off the
2 *Spirit* to make sure we had everyone that we had planned on taking.
3 And once we confirmed everyone was on board, we moved away from
4 the *Spirit* and started heading inbound to our dock, which is right
5 at (indiscernible) Park, very close to where the *Spirit* departs.
6 On the way in, we opened all the doors that we could to allow as
7 much fresh air to come in for the people to have plenty of fresh
8 air.

9 Once we cleared the *Spirit* and were headed in, made
10 announcements that, you know, feel free to move around and go
11 outside, get fresh air, take any seat that you like, let them know
12 that we're going to head in, and where we dock is very close to
13 where they started their trip with the *Spirit*. We made water
14 available for free of charge for anybody that would want. And it
15 took us about 40 minutes, 45 minutes to get back into the dock in
16 Norfolk. And we were also met by the Coast Guard at the pier when
17 we -- when we got back in.

18 Q. Thank you, sir. I've just got some follow up questions
19 regarding some of the things you mentioned. When you came upon
20 the *Spirit of Norfolk*, what did you see? What were your first
21 actions you took and what did you see and what were your thoughts
22 as you came upon the *Spirit of Norfolk*?

23 A. The first thing, you know, when I first got the call, I took
24 a look and, you know, you could see smoke coming up over the boat.
25 So, we turned around. As I approached the boat, we kind of came

1 in around their bow and then -- and then turned and slid in from
2 the corner on the starboard side -- excuse me, port side of the
3 *Spirit*. And as I was coming in, you could see the smoke was
4 getting quite thick. I wasn't paying a whole lot of attention to
5 where the fire was because I was trying to aim for where we were
6 going to tie up. And then also talking with the crew.

7 We have walkie talkies that we use between the wheelhouse and
8 the crew members on the Victory. So talking with the guys that
9 are out on the deck, getting ready to tie off. We came in, got
10 the boat, tied off as best we could, and then as I mentioned, you
11 know, talked to the tug and then eventually the little Ohio River
12 launch boat to push us into the *Spirit*.

13 Q. So about how long was it between your initial radio call with
14 the *Spirit of Norfolk* and when you were alongside tied up? Do you
15 recall?

16 A. Five to ten minutes.

17 Q. And you mentioned also about accounting for passengers. Was
18 that a group effort? Is it -- was it both your crew and the crew
19 of the *Spirit of Norfolk*? Do you know how that worked out?

20 A. Yeah, we -- so we had a little clicker counter thing. So, we
21 use that to count everyone that had come off the *Spirit*. And the
22 *Spirit* crew also took their own head count and we made sure they
23 matched up. And then also, before I pulled away, had Ryan make
24 sure that everyone was clear. When we were -- when we were
25 finishing up the transfer, there was one crew member on the *Spirit*

1 which we asked to take a quick sweep to make sure that no one was
2 left on board that was supposed to be getting off, and then that
3 person was the last to come on board the Victory.

4 Q. So, who was in charge and who coordinated the accountability?

5 A. That was us, me, and my crew. You mean the head counts?

6 Q. The head counts and making sure all the -- all the passengers
7 were on board from the *Spirit of Norfolk*?

8 A. Yeah, we -- my crew and I, we had the clicker to count
9 everyone that had come on board the *Spirit* and working with the
10 crew with the *Spirit* to identify their passengers and also get a
11 head count, so both the crew of the Victory and the crew of the
12 *Spirit*.

13 Q. I'm going to ask Lieutenant [REDACTED] to bring up the Coast
14 Guard Exhibit 073, which are still images and videos taken from
15 the Victory over that day. We're going to watch a little bit of
16 the video and probably going to stop it and ask you some questions
17 as well, sir, and we can work our way through this. Stop the
18 video real quick. Sir, you hear somebody in the background
19 talking (audio lapse) your cruise. Do you remember what they were
20 and what you passed along the -- your PA system?

21 A. Basically, you know, starting at that point that you just saw
22 on that video, letting the crew -- excuse me, letting the crew and
23 passengers know that we were going to cut off the narration and go
24 lend any assistance that we could to the *Spirit of Norfolk*. Once
25 we determined that we were going to, in fact, tie up and make a

1 transport of the passengers, I let my passengers know over that
2 same PA system what we were doing that we were going to tie up
3 alongside and as quickly and safely as possible, move passengers
4 from the *Spirit* onboard the Victory.

5 I asked my passengers to, you know, have a seat, and make as
6 much room as possible and clear the way for the *Spirit* passengers
7 to quickly and safely get on and inside the boat. I did that
8 several times, that similar announcement. And then once we pulled
9 away from the *Spirit*, you know, made announcements of what we were
10 going to be doing at that point, which was basically just cruising
11 into our dock.

12 Q. Did you also make announcements or communication with your
13 crew? You said via radio, you had radios with your crew?

14 A. Yes, sir.

15 Q. And what kind of information were you're passing to your
16 crew members via VHF radio?

17 A. Actually, they were -- there was more of them passing
18 information to me. You know, I was asking them, hey, are we safe
19 to do this. Is -- are we tied off well, things like that. And
20 that was the kind of situation that we were doing via the walkie
21 talkie radios that we have.

22 Q. So how were you communicating if you had something to pass to
23 them? Were you doing it via the PA or are you doing it via the
24 VHF radio?

25 A. Using both.

1 Q. We'll have Mr. [REDACTED] continue the video. Stop the video
2 real quick. Sir, based on this video, who are the members helping
3 the passengers get onto your vessel? Do you recognize them?

4 A. You mean my crew members?

5 Q. Is that who they are, sir?

6 A. Oh, yeah. That's -- the one with his back turned to you,
7 right there, is Corey Roy. And my other crew member named Alex
8 Dubik (ph.) was the other one. A little further down helping
9 people find their way into the cabin of the Victory.

10 Q. And the gentleman that was instructing members to -- or crew
11 -- or I don't know who it was, or maybe it was a passenger to go
12 up front was also -- was that also a crew member?

13 A. Yes, sir.

14 Q. And when you were trying to coordinate the transfer of
15 passengers, when you were having radio traffic with the *Spirit of*
16 *Norfolk*, who was kind of coordinating that? Who was laying out
17 the plan to transfer those passengers on what side of the vessel
18 to tie up on and how you guys were going to coordinate that?

19 A. That was myself, and Captain Nadeau of *Spirit*. That kind of
20 happened as I was making my way to the *Spirit*. You know, I was
21 familiar with the way that they take on and off their passengers
22 and where their gangway is put on the boat. So we determined that
23 that would be probably the easiest place, you know, knowing the
24 layout of the outside of *Spirit* and was thinking that the height
25 level between our deck and their embarkation area was probably

1 something that would work out where we could transfer people.

2 Q. Would you say that was a joint effort between the two of you,
3 or was there somebody kind of leading that?

4 A. That was joint.

5 Q. You can continue, please, Mr. [REDACTED] Sir, during that
6 video, there's several more announcements. Was that you as well
7 making the announcements?

8 A. Yes. All of them were the same kind of thing. Just try to
9 please make room for the people coming on board.

10 Q. At one point in the video, there are some flames. Could you
11 see flames from your position, the wheelhouse?

12 A. I mean, when I'm in the wheelhouse, for the most part, I was
13 facing forward, you know, towards the bow of the Victory. Every
14 once in a while, I would walk up and check things on the top deck
15 so I could see the wheelhouse of the Victory. There's a lower
16 section and a few steps up to others. I did see a couple of
17 flames in some of those times where I went and looked out the back
18 to check things out.

19 Q. Were those flames a concern when you're alongside -- your
20 vessel?

21 A. A little bit, but not enough to make me want to stop
22 transferring the passengers.

23 Q. So the *Spirit of Norfolk* is certified to carry up to 600
24 passengers on board and up to 53 crew. If they had that many
25 people on board that day, would you have done something different

1 or there would have been a change in how you could have evacuated
2 that many people onto your vessel?

3 A. Well, there was -- if they had 600, there was no way I could
4 take 600 at once. Now, you -- I mean, this is all -- you could --
5 we were very close to the Navy base. So working with the Navy,
6 too, they have a security perimeter. They would have to open that
7 in order for us to get to a pier. If they had too many people
8 that we couldn't take safely, doing, some sort of ferry would have
9 worked. Also, the other tugboat had offered to take passengers as
10 well. And I made the determination that we could safely take all
11 of the *Spirit* passengers all at once.

12 Q. You just mentioned that there was communication from the
13 tugboat to take passengers. How did that communication -- who
14 were they talking to? Were they talking to you? Were they
15 talking to the *Spirit of Norfolk*? How did that communication
16 work?

17 A. Well, it's on the VHF, so everybody can hear it. So, it was
18 the Victory, the *Spirit*, the McAlister boat, the Condor, the Ohio
19 River, which is that smaller crew vessel. Basically, everybody
20 could hear it, and, you know, so it was kind of an open discussion
21 between those vessels. And, you know, everybody made the
22 determination that the Victory is probably the best to get in
23 there and tie up and transfer the passengers while the tugboats
24 fought the fire.

25 Q. If this was at night, would it have changed anything you did

1 or would that have been more difficult operation as far as
2 transferring passengers from one vessel to another?

3 A. It would have been a little bit more difficult just to do
4 the, you know, being nighttime and less visibility. But I don't
5 think I would have -- I don't think I would have not offered to
6 come alongside and transfer passengers just because it was
7 nighttime.

8 Q. Do you cruise when there are small craft warnings in effect?

9 A. For like a small craft advisory?

10 Q. Is there a limit on, like, the weather as far as wind and
11 seas that you won't sail?

12 A. Yeah. If it's -- if it becomes dangerous for us, then we
13 make the determination if it's too windy where we can operate the
14 vessel safely. We would cancel the cruise and stay at the dock.

15 Q. And what would that parameters be, sir?

16 A. It depends on the wind direction and the sea state. You
17 know, operating in a river, you know, you get a lot of fetch in
18 certain wind conditions so we can still operate, and we don't
19 leave the river. We stay close to shore the whole time. And
20 there are some conditions where we will cancel, like a strong west
21 wind coming down the James will make it pretty rough at the Navy
22 base. And so, we'll cancel in those kind of conditions. But --

23 Q. So if there was a like a 20 knot wind coming from the west,
24 would that have made it more difficult to conduct that operation
25 as far as transferring passengers?

1 A. It would have made it more difficult. Yeah. And on the 7th,
2 it was very calm conditions. And, you know, you can see from the
3 video there's a little bit of movement between the two vessels
4 just because they're both underway. But yeah, different sea
5 states would have changed the circumstances, some.

6 Q. At one point a large oceangoing vessel, the Spar Laura (ph.),
7 was approaching from the south. At the time, everybody was
8 working, fighting a fire and transferring passengers. Were you
9 aware of that or ship approaching? I remember passing that
10 vessel. I remember hearing her security call get underway from
11 the Lambert's Point dock. I did not talk to them. I did not talk
12 to the pilot of that vessel as I was making my way. When I passed
13 her, I had already left the *Spirit of Norfolk* with all their
14 passengers. I was inbound on the green side out of the channel.
15 They had moved over to the red side of the channel, and they were
16 on the far side of the red side of the channel. I was on the far
17 side of the greens. There was no need for me to call them and
18 arrange passage or anything. So, I did not talk to them on the
19 radio. I was aware that they were outbound.

20 Q. At any time during, did you ever find out that something
21 unusual has happened on the vessel and there was a problem with
22 that vessel? I did not find that out until a day or two after --
23 afterwards. I did not know at the time that they had any issues.

24 Q. So, you didn't hear anything on 16 or 13 that would have let
25 you believe that there was a problem on the vessel?

1 A. I did not. And I may have missed that. I don't -- I don't
2 recall them making any kind of security calls or anything like
3 that. And I did not -- when I passed them, there was just a
4 normal passage of me transiting inbound and that vessel headed
5 outbound.

6 Q. Did you any communications with any Coast Guard or
7 firefighting vessels that were on scene?

8 A. Yes.

9 Q. And what were those communications? I had -- I had radioed
10 the Coast Guard on 16 to let them know that we had taken the
11 passengers off the *Spirit of Norfolk* and were headed inbound with
12 those passengers.

13 A. Any communications between the tugs?

14 Q. I spoke with the McAlister boat and the Condor and the Ohio
15 River.

16 A. And just can you explain kind of the gist of those
17 conversations? I know you probably can't exactly (indiscernible)
18 talked about --

19 Q. Just kind of a logistical conversation with, hey, I need to
20 move in to get alongside the Victory -- or the *Spirit of Norfolk*,
21 excuse me. I remember the McAlister boat was up on the bow of the
22 *Spirit* and the tug Condor was back aft. And I know I remember
23 needing the McAlister boat to back off a little bit, so I had
24 enough room to get into the *Spirit*.

25 Q. Did any of the *Spirit of Norfolk* crew come up to the

1 wheelhouse that day, or do you have any discussions with them at
2 any point?

3 A. Yes.

4 Q. And can you tell us about those?

5 A. Sure. The first one was making sure that we had an accurate
6 head count, weren't leaving anyone on board the *Spirit of Norfolk*
7 before we pulled away. And then on the way in, you know, once
8 everybody was on board and we were underway and determined that,
9 you know, we could make our way all the way back to our pier
10 rather than going somewhere else, I let them know that their
11 passengers could take the lifejackets off and stack those up and
12 things like that.

13 Q. And anything -- did they say anything to you, that you
14 recall? Any of the crew members from the *Spirit Norfolk*?

15 A. Nothing specific.

16 Q. What was their demeanor?

17 A. They were they were calm. And, you know, I'm sure,
18 concerned. But, you know, nothing struck me as out of the
19 ordinary for a situation like that. I guess, nothing -- no one
20 was very stressed out or anything like that.

21 Q. Any conversations with any of the passengers on your voyage
22 back to the dock?

23 A. I don't recall any, you know. On the way back in I had made
24 some phone calls to our office to let them know what was happening
25 and to, you know, let them know that we were coming in and we had

1 the *Spirit* passengers and things like that. I don't recall any
2 conversations with any passengers from either vessel.

3 Q. When you pulled up to dock, can you tell us about any
4 interaction with the Coast Guard, how that process works to let
5 the passengers off, release the passengers from --

6 A. Sure. We got in and first thing, we talked to the Coast
7 Guard that met us there and they said, you know, our original 69
8 passengers, the Victory Rover passengers, could disembark and, you
9 know, head on their way. And they would ask us to keep the *Spirit*
10 of *Norfolk* crew, waitstaff, and passengers on board. And they had
11 -- had they had some interactions with them. I did not. You
12 know, we set up our gangway and our passengers left. The *Spirit*
13 of *Norfolk* passengers stayed. I think the Coast Guard had some
14 conversations with some of them that I wasn't involved in.

15 Q. Looking back on the incident and thinking through it, is
16 there anything that you would have done differently, things that
17 you know now that you didn't know then, that you might have done a
18 little different?

19 A. I can't think of anything that I would have done differently
20 in that situation. I mean, it was a calm day, you know, two
21 vessels that were decently familiar with one another and how they,
22 you know, with me, you know, remembering how they set up their
23 gangway and take passengers on and off the boat and things like
24 that. I don't think I would have done anything differently.

25 Q. Part of this investigation is to provide recommendations.

1 How can the Coast Guard and or industry improve the safety of
2 operations so we cannot have a repeat of this incident? Do you
3 have anything, recommendations that you want to give, or you can
4 provide to the Coast Guard or any of our industry partners?

5 A. I can't think of anything off the top of my head, sir. You
6 know, I wouldn't consider myself an expert on this kind of stuff.
7 I mean, no.

8 Q. That's all the questions I have, sir.

9 CDR WADDINGTON: Lieutenant Commander [REDACTED]

10 LTC [REDACTED] I have a few follow-up questions.

11 BY LTC [REDACTED]

12 Q. Captain Peter, what is the Victory Rover's hours of
13 operations?

14 A. We operate two-hour naval base cruises. Our schedule differs
15 a little bit during different times of the year, spring, summer,
16 and fall. Our summer schedule is three cruises daily, each two
17 hours. 11:00, 2:00, and 5:30. In the spring and fall we reduce
18 that to an 11:00 and a 2:00. And then in the early spring and
19 late fall, we just do one cruise per day at 2:00.

20 Q. So you don't provide any cruises in the late night hours?

21 A. We do not do late night cruises on the Victory, ever. No.

22 Q. So would it be a fair statement to say that you would not
23 have been able to assist the *Spirit of Norfolk* had this event
24 taken place at like 11 p.m., midnight?

25 A. We probably would have not been out there at 11:00 at night.

1 Q. And is your vessel a part of a mutual aid or a port emergency
2 plan to use your vessel for an emergency evacuation in the river?

3 A. No.

4 Q. Do you need authorization from someone in your company to
5 assist? Or is this decision solely yours, as the captain?

6 A. It's mine.

7 Q. You had mentioned that you took accountability with a clicker
8 counter and that the crew of the *Spirit of Norfolk* was taking
9 accountability as well. How are they doing their accountability?
10 Was it just a head count or did they use a clicker as well?

11 A. I believe it was just a head count.

12 Q. Can you kind of just briefly describe your vessel, how many
13 levels on the Victory Rover and how --

14 A. Okay. We have a main inside deck cabin which our gangway
15 attaches to the -- to the inside. When you board the boat, you go
16 inside one of those sliding side doors that I mentioned earlier on
17 the port side. There's bench seating in the aft end of the entire
18 cabin up. In the forward section, there's some settee benches on
19 either side. We have a small snack bar on the boat, on the
20 starboard side, and kind of basically midship of that cabin. And
21 across from that, just more of an open space with no seating.
22 There's two restrooms, men's room, and a women's and handicapped
23 restroom. Men's room is midships port side. The women's
24 handicapped bathroom is back towards the stern of the inside
25 cabin. There's a rear door, which is a glass push/pull door, and

1 there's a small stern deck on that -- on that level. And then
2 around to the starboard side is a stairway that leads up to our
3 top deck, which is also a passenger deck, which we have seating up
4 there as well. We also have a bow area that's open to passengers,
5 which is accessible by the top deck around to the starboard side
6 of the wheelhouse and down. And then underneath our inside
7 passenger deck is our machinery spaces, a void space, and some
8 storage.

9 Q. So you have a pretty good sized passenger vessel as well?

10 A. It's 95 by 24 feet.

11 Q. If you had a fire on board and had to evacuate your crew and
12 your passengers, would part of your steps of that evacuation and
13 assessing the fire, would you have included making a public
14 announcement on the public address system and informing your
15 passengers of the developing emergency and what the plan for
16 evacuation would be?

17 A. Yes.

18 Q. That's all my questions.

19 CDR WADDINGTON: NTSB, do you have any questions for this
20 witness?

21 MR. KARR: Thank you, Commander. Mike Karr with the NTSB.

22 BY MR. KARR:

23 Q. Captain, as you were approaching the *Spirit of Norfolk* to
24 come alongside, what channel of VHF were you using?

25 A. Two, radios, Channel 13. (Audio lapse) the *Spirit of*

1 Norfolk, which we asked them, take a quick look, make sure there's
2 no one else that's unaccounted for. And then Ryan told me that we
3 should have 106. We made sure that we had 106 and communicated to
4 him that he was staying on board with one other passenger or one
5 other person. It was not a passenger, a crew member of the
6 Spirit. So, we were took 106, he kept two on board.

7 Q. All right. Thank you.

8 A. Yes, sir.

9 CDR WADDINGTON: (Indiscernible), do you have any questions
10 for this witness?

11 UNIDENTIFIED SPEAKER: No, Commander.

12 CDR WADDINGTON: City Cruises. Do you have any questions?

13 (Audio lapse)

14 BY UNIDENTIFIED SPEAKER:

15 A. We have been, yes.

16 Q. So, the Coast Guard provided you with a commendation for what
17 you did?

18 A. Yes.

19 Q. And I believe the Coast Guard provided you -- not only you,
20 but the other tugboats and the other responding tug vessels?

21 A. I believe so, yes. I know the -- I cannot think of the name
22 of the McAlister boat, but the captain and crew of that -- of that
23 boat and the Ohio River were both recognized.

24 Q. Yeah.

25 A. And I think the Condor, too, but --

1 Q. Okay. Okay. And like I said, well-deserved. And
2 congratulations. And again, thank you. Are you familiar with 46
3 U.S. Code § 2304? It's called duty to provide assistance at sea.

4 A. Not off the top of my head. I'm not -- yeah.

5 Q. Are you familiar -- are you familiar with a with a federal
6 law that requires -- that requires mariners to provide -- to
7 render assistance at sea?

8 A. I know that there's a -- that exist. Yes.

9 Q. So, on the date of -- on the date of June the 7th, is it safe
10 to say that you had a legal duty to render assistance?

11 A. I suppose it is. I really wasn't thinking about the legality
12 of it.

13 Q. Right. And is it safe to say that all of the vessels that
14 responded that day had a legal duty under federal law to provide
15 assistance? Understanding that that wasn't what was going through
16 your mind?

17 A. Sure. Yeah, I don't know -- I mean, I don't -- I don't think
18 anybody looked up the legality of the situation before acting.
19 But, sure.

20 Q. Yeah, you just did it.

21 A. Yeah.

22 Q. Thank you. No further questions.

23 CDR WADDINGTON: Commander Roy, do you have any follow ups?

24 COMMANDER ROY: No, sir.

25 CDR WADDINGTON: No? Okay. Captain Peter, you are now

1 released as a witness at this formal hearing. Thank you for your
2 testimony and your cooperation. If I later determine that this
3 team needs additional information from you, I will contact you.
4 If you have any questions about this investigation, you may
5 contact the investigation recorder, Lieutenant [REDACTED] [REDACTED] Thank
6 you. The time is 10:00. We will reconvene at 12:45. However, if
7 we can push that up, we will make that attempt and we will
8 coordinate ahead of time and make sure everybody's here. Thank
9 you.

10 (Whereupon, at 10:00 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Brandon Peter

ACCIDENT NO.: DCA22FM022

DATE: [REDACTED]

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.

[REDACTED]
Melissa Bousquette
Transcriber