

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

FIRE ONBOARD *SPIRIT OF NORFOLK* *

NEAR NORFOLK NAVAL STATION, *

Accident No.: DCA22FM022

VIRGINIA ON JUNE 7, 2022 *

*

* * * * *

Interview of: SCOTT SMITH, Senior Vice President Marine
Hornblower Group

Virginia Beach, Virginia

Monday,
January 30, 2023

APPEARANCES:

CDR RANDY WADDINGTON, Lead Investigating Officer
Chief of Analysis and Compliance Division
United States Coast Guard

LCDR [REDACTED] [REDACTED] Inspections & Investigations
Oversight
United States Coast Guard

MICHAEL KARR, Safety Program Manager
National Transportation Safety Board

CDR ERIC ROY, Technical Advisor
Chief of Response Training
Coast Guard Training Center Yorktown

[REDACTED] [REDACTED] Marine Board of Investigation
United States Coast Guard

CHRIS ABELL, Representative
Bay Diesel

ERIC DENLEY, Counsel
City Cruises

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Scott Smith:	
By Mr. [REDACTED]	6
By CDR Roy	44
By Mr. Karr	45
By Mr. Denley	47
By Mr. [REDACTED]	59
By CDR Roy	64
By Mr. [REDACTED]	65
By Mr. Karr	65
By Mr. [REDACTED]	67

found. Error! Reference source not

I N T E R V I E W

(9:56 a.m.)

1
2
3 CDR WADDINGTON: The time is 9:56. The hearing is now in
4 session. At this time, I call Mr. Scott Smith, Senior Vice
5 President Marine Operations, Hornblower Group. Lieutenant [REDACTED]
6 will you administer your oath and he will ask some preliminary
7 questions?

8 LCDR [REDACTED] Mr. Smith, please stand and raise your right
9 hand.

10 (Oath administered)

11 LCDR [REDACTED] Please be seated. Please state your full name
12 and spell your last name.

13 THE WITNESS: My name is Scott James Smith, S-m-i-t-h.

14 LCDR [REDACTED] Please identify counsel or representative if
15 present and have them state and spell their last name, as well as
16 your firm or company relationship.

17 MR. DENLEY: Good morning, I'm Eric Denley, D-e-n-l-e-y,
18 Deputy General Counsel, City Cruises, party in interest to the
19 Coast Guard's investigation.

20 LCDR [REDACTED] Please tell us what is your current employment
21 and position.

22 THE WITNESS: My current position is Senior Vice President of
23 Marine Operations for Hornblower Group.

24 LCDR [REDACTED] What are your general responsibilities in that
25 job?

1 THE WITNESS: I'm responsible for policy and oversight of
2 marine activities within the Hornblower Group.

3 LCDR [REDACTED] Can you briefly tell us your relevant work
4 history?

5 THE WITNESS: Sure, I'm a 1990 graduate of the U.S. Coast
6 Guard Academy. I graduated with a degree in electrical
7 engineering. I retired in 2017 as a Captain in the United States
8 Coast Guard. I have 13 and a half years of underway experience,
9 so afloat experience in the Coast Guard, including three
10 commands.

11 I have two-and-a-half years or two years at a float training
12 group which is a combined joint command between the Navy and the
13 Coast Guard that trains both Navy and Coast Guard personnel in
14 everything from firefighting to damage control to medical to
15 combat systems, you name it, everything on board a vessel we're
16 trained. I have multiple firefighting schools that I've attended,
17 ICS training with the Coast Guard, as well as (indiscernible)
18 masters from George Mason University.

19 LCDR [REDACTED] Do you hold any professional licenses or
20 certificates related to your position?

21 THE WITNESS: I have a 100-ton license, master license,
22 that's in continuity right now.

23 LCDR [REDACTED] Thank you. Mr. [REDACTED] will now have follow-up
24 questions for you.

25 INTERVIEW OF SCOTT SMITH

1 BY MR. [REDACTED]

2 Q. Good morning, Mr. Smith.

3 A. Morning, Mr. [REDACTED]

4 Q. So all my questions are going to relate directly to the time
5 period leading up to and including June 7, 2022, unless I ask you
6 specifically. And as a former Coast Guardsman and working in the
7 industry, try to stay away from acronyms (indiscernible).

8 A. Will do.

9 Q. We've provided you with an exhibit binder, and we will
10 display, in addition, on the screen. Please let me know if you
11 need more time to examine the exhibits, and then when you're
12 ready, we'll move on.

13 So we're going to break up your testimony into two parts.
14 One, we're going to talk about the management of *The Spirit of*
15 *Norfolk* from your perspective as the senior vice president.
16 Second, we're going to talk about the events that transpired on
17 June 7th when you arrived in Norfolk and were engaged with the
18 unified command. We may also discuss other events of June 7th.

19 So the first thing I'd like, Lieutenant [REDACTED] please pull
20 up Coast Guard -- I'd like to give you an opportunity to expand on
21 your role, if you would.

22 A. Sure.

23 Q. And just give me as much detail as possible.

24 A. My current role is to --

25 Q. No, your role on June 7th.

1 A. My role on June 7th as --

2 Q. Senior vice president.

3 A. Okay. So my role on June 7th, do you want me to start where
4 I was and go through the whole --

5 Q. Just briefly explain the role of the senior vice president in
6 managing a vessel such as *The Spirit of Norfolk*.

7 A. So my role as senior vice president of Hornblower, we have
8 multiple different companies within Hornblower, but as it pertains
9 to City Cruises, my role was I worked and operated with the Vice
10 President of Marine Operations within City Cruises and
11 participated as often as I could in any of the meetings that they
12 had to discuss marine operations or any issues of the city and
13 assure that required resources were brought to bear for them.

14 Q. So how many, I don't know how to phrase this, but how many
15 lines of business, in other words, you mentioned City Cruises, you
16 support those operations. Are there other entities that you
17 support the operate -- you don't have to name them, just is it
18 one, two or three?

19 A. Yeah, there are -- there are multiple other entities within
20 the company, both marine and non-marine.

21 Q. Could you tell me how many?

22 A. There are three different lines, divisions, I would say.

23 Q. And who do you report to?

24 A. I report to the CFO of the company.

25 Q. We've heard CFOs described, so that I'm a little confused.

- 1 A. Oh, yeah, it's the chief finance officer.
- 2 Q. Right, and so the chief operating officers for City Cruises,
3 there are two of them.
- 4 A. That's correct.
- 5 Q. Do they report directly to you?
- 6 A. They do not.
- 7 Q. Who do they report to?
- 8 A. They report to the president of the company.
- 9 Q. And who is the president of the company?
- 10 A. The president of the company is Kevin Rabbitt.
- 11 Q. And you report directly to him?
- 12 A. I report to the CFO who directly reports to the president.
- 13 Q. So, Lieutenant, if you'll pull up 008, Tack 4, page 2, you'll
14 see a organization chart provided. And then for the benefit of
15 the public in the upper left corner, would that be described as
16 your position as senior vice president?
- 17 A. That's correct.
- 18 Q. And then moving to the right, we see the vice president of
19 marine operations. Who would that be?
- 20 A. That would be Mr. Gary Frommelt.
- 21 Q. And there's a number of, within the organization chart, there
22 are two that aren't redacted with the black square. They're
23 vacant positions. How long have those positions existed within
24 the organization?
- 25 A. Those positions have existed as long as I've been within

1 Entertainment Cruises and were filled up through November of '21.
2 At that time, I brought those two individuals up with me to the
3 group level, which is when the group level marine team was
4 developed. But those two individuals are readily accessible to
5 City Cruises and really spend about 80 to 95 -- 80 to 90 percent
6 of their time with City Cruises working on both engineering and
7 (indiscernible) training certification.

8 Q. So to gather perspective, how many vessels are in the City
9 Cruise Fleet approximately?

10 A. City Cruises is 123, 124 if you count *The Spirit of Norfolk*.

11 Q. So those three second-line individuals would provide, at the
12 time of the accident, the support that the two vacant positions
13 would?

14 A. So that team along with resources on my staff would provide
15 support.

16 Q. You can take that down, sir. So there's a variety of
17 regulations such as the marine casualty reporting requirements
18 under federal law, the Code of Federal Regulations, that's part
19 405 to Tack 10 paragraph A. It states that the owner-operator
20 person in charge or master would be required to report a marine
21 casualty. Who is the owner of *The Spirit of Norfolk*?

22 A. *Spirit of Norfolk* would be owned by Hornblower Cruises and
23 Events, LLC, as the specific owner.

24 Q. And that would be the same thing, the operator?

25 A. That's correct.

1 Q. So as of today, and I clarify as of today, what is the status
2 of *The Spirit of Norfolk*?

3 A. The *Spirit of Norfolk* has been declared a (indiscernible)
4 total loss by our underwriters. We had the vessel at Colonna's
5 Shipyard here in Norfolk up until the beginning of January for
6 preservation of evidence and to allow the investigative team to go
7 onboard. We did take some usable parts of the vessel, and right
8 now, the vessel is currently in a shipyard that's across the river
9 preparing to be either scrapped or reefed.

10 Q. Thank you. So does City Cruises or the umbrella organization
11 for that entity, do they belong to the passenger vessel
12 association?

13 A. We do.

14 Q. And what kind of membership with the passenger vessel
15 association, what does that provide for you as a small passenger
16 vessel operation?

17 A. The PVA is our voice in Washington, D.C. They have numerous
18 committees that we participate on from regulatory to legislative
19 to safety and security. We are an active participant in all of
20 the committees, so it provides a collective voice for the
21 industry.

22 Q. So talk about the Marine University that's been provided --
23 that's been provided, portions of it, we've found an email and
24 we've made exhibits, so just talk about what that is.

25 A. Yeah, Marine University is a training program that we have

1 for our captains and any first mate that has a license is welcome
2 to attend. What that is is a one-to-two-day course that our
3 national marine team puts on within City Cruises. It's a City
4 Cruises specific event where they go out to different locations
5 within the fleet and provide, really, updates to, well, not
6 updates, but it's a refresher course for captains on their
7 obligations and authorities on the vessel and what they're
8 required to do whether there's an incident, and we look at other
9 topics that are relevant at that timeframe and add those to the
10 list of things to discuss at the Marine University training
11 session.

12 Q. So the Marine University had an objection of safety as goal
13 number one. Would you agree with me?

14 A. Absolutely. That's our primary goal, safety for the company.

15 Q. And one of the plans was to implement a safety management
16 system, in particular the PVA, Passenger Vessel Association, their
17 flagship safety management system. Do you know why that wasn't
18 implemented for a vessel such as *The Spirit of Norfolk*?

19 A. So if you're referencing the previously-discussed piece of
20 evidence that was essentially our voyage plan that I developed in
21 2019, that was a three-year strategic document that that was one
22 of the goals, was to implement that over the next three years,
23 sorry, from 2019. We are still looking to implement an SMS plan,
24 but to date, that has not been done.

25 Q. So we asked the general manager about the implications of the

1 downturn of the, you know, caused by the pandemic in vessel
2 operations. Did it have a significant effect on loading up your
3 vessels and having them going out on cruises?

4 A. Absolutely had an effect on everybody.

5 Q. She had mentioned, the general manager, that I think she said
6 the National Marine Team and she and Captain Ryan remained in
7 place. Would you say that's correct?

8 A. I would say that the Marine Team, as she stated, at the City
9 -- at the City units, there was a small contingent left in place,
10 as well (indiscernible) of the National Marine Team left in place
11 at that time.

12 Q. At any point, did you discuss or did people that work for you
13 discuss using that as an opportunity to accelerate the
14 implementation of a safety management system? And I say that
15 because there was a tragic fire on a small passenger vessel on
16 September 2nd, 2019, and as a result of that fire and the death of
17 34 passengers, the National Transportation Safety Board conducted
18 an investigation and released a report, and they recommended
19 vessel operators, as well as the Coast Guard, implement a safety
20 management system for small passenger vessels.

21 So my question was did you use the downturn in the pandemic
22 or discuss implementing a safety management system during that
23 period of time?

24 MR. DENLEY: I'm going to -- I'm going to object based on
25 relevance. I don't believe a safety management system is required

1 by regulation. Thank you.

2 CDR WADDINGTON: Mr. [REDACTED] do you want to articulate
3 relevance, or do you want me to make a ruling now?

4 MR. [REDACTED] Oh, I will, sir.

5 CDR WADDINGTON: Okay.

6 BY MR. [REDACTED]

7 Q. Mr. Smith, are there any vessels in your fleet that have a
8 safety management system that aren't required to have it by
9 regulation?

10 A. Yes, we do have a formal safety management system in place at
11 other places in our fleet.

12 Q. And why would you have those and not have one for *The Spirit*
13 *of Norfolk*?

14 A. Those are required by a contractual thing, and it's part of
15 a larger ISM system in place at those places.

16 Q. Contractual thing?

17 A. Yes.

18 Q. What does that mean?

19 A. It means, it allows those companies to --

20 MR. DENLEY: Objection, I'm going to object to relevance. I
21 don't think it has anything to do with Coast Guard regulation, nor
22 the fire on June the 7th, 2022.

23 BY MR. [REDACTED]

24 Q. Okay, and then ISM, that's an acronym.

25 A. Yeah.

1 Q. What's the relevant there?

2 A. ISM is an international safety management system.

3 Q. So are there any vessels in the fleet that have a safety
4 management system that aren't required to, that basically was my
5 question.

6 MR. DENLEY: And he answered it. The answer was yes.

7 MR. [REDACTED] And then I asked why.

8 THE WITNESS: And I answered that as well.

9 MR. [REDACTED] Thank you.

10 CDR WADDINGTON: Yeah, asked and answered. Let's move on.

11 Thanks, Mr. [REDACTED]

12 BY MR. [REDACTED]

13 Q. Who within the company was involved in the discussions to
14 implement potentially, I mean, you could develop your own safety
15 management system, correct?

16 A. Mm-hm.

17 Q. Or the implementation of the flagship safety management
18 system, who was involved with that three-year plan?

19 A. That would have been my level?

20 Q. Anyone else?

21 A. No.

22 Q. So we've asked for a set of standard operating procedures.
23 If I was, I asked, you were here when I asked Ms. Price-Thompson.
24 Do you have a set of standard operating procedures for vessels
25 such as *The Spirit of Norfolk* that you could either give me to

1 hold or on a bookshelf or in a computer system somewhere so I
2 could access those?

3 A. Each city is very, very different. They each have their own
4 policies and procedures that they follow.

5 Q. What about Norfolk?

6 A. Norfolk has policies and procedures that they follow.

7 Q. Do they govern all safety aspects of the operation of a
8 vessel such as *The Spirit of Norfolk*?

9 A. As far as I know, yes.

10 Q. And who audits compliance with those procedures?

11 A. We don't have a formal auditing process.

12 Q. Have you seen instances where audits of operations like those
13 described, safety operations, improves the overall and enhances
14 the overall safety of vessel operations?

15 MR. DENLEY: I'm going to object. Calls for speculation.

16 CDR WADDINGTON: Objection noted. Mr. [REDACTED] can you
17 rephrase?

18 MR. [REDACTED] Yes.

19 BY MR. [REDACTED]

20 Q. Have you witnessed examples of where audits have improved the
21 safety of operations and identified gaps or nonconformities with
22 the standard operating procedures of a company?

23 MR. DENLEY: Again, I'm going to object. It's a very open-
24 ended question, and I guess, I wouldn't -- I wouldn't know how he
25 should answer that. Is this at any time during his Coast Guard

1 career? Is this at any time during -- if you could maybe be more
2 specific about what you're trying to get at, Mr. [REDACTED] I'd
3 extremely appreciate it. Thank you.

4 CDR WADDINGTON: Objection noted for the record. Can you
5 rephrase, Mr. [REDACTED]

6 BY MR. [REDACTED]

7 Q. Within your experience working for Hornblower or any of the
8 subsidiary companies that may work for Hornblower?

9 A. I haven't personally observed those audits.

10 Q. So we've discussed the emergency response plan?

11 A. Mm-hm.

12 Q. Is that a document that addresses the operation of all the
13 vessels in the fleet?

14 A. That's a document that guides the operation of the City
15 Cruises fleet.

16 Q. So there are no particular -- are there any considerations
17 given in the emergency response plan for the size and type of a
18 vessel because you operate, not you personally, but the company
19 operates water taxis, correct?

20 A. Correct.

21 Q. And it, you know, it operates *The Spirit of Norfolk*. So does
22 the emergency response plan, like, individually tailored or
23 adjusted for the operation such as *The Spirit of Norfolk*?

24 A. It is not individually tailored to specific operations. It's
25 a general document that covers emergency procedures over multiple

1 cities.

2 Q. Would there be circumstances where someone could deviate from
3 the required procedures contained in the emergency response plan?

4 A. I believe it's in one of the exhibits that the emergency
5 response plan's, it's one of the first couple of paragraphs, talks
6 about the duties and responsibilities of the captain, and also
7 states in there that nothing in that emergency response plan
8 replaces the judgement of the captain that onboard during that
9 particular day.

10 Q. Would you have expected, as the senior vice president
11 responsible for the operations of *The Spirit of Norfolk*, that the
12 captain notify the passengers either by announcements of a
13 sounding of the general alarm, as to the nature of a serious
14 marine incident taking place on board the vessel?

15 A. I would say our policy says to do so, but I would -- I would
16 expect that the captain make a decision on whether that was
17 appropriate at the time.

18 Q. Were you aware of the overheating that took place where the
19 vessel had a propulsion casualty on May 15th, and they suspected a
20 fire onboard the vessel?

21 A. I was aware only from incident report.

22 Q. And did the incident report -- are you talking about the
23 Coast Guard report of marine casualty or something else?

24 A. No, our internal incident report.

25 Q. Talk about that a little more, that process.

1 A. Sure, it was part of our safe cruise process. We use a
2 commercial off-the-shelf software called Industry Safe that
3 documents all of our incidents, whether they be personnel or
4 whether they be hull and machinery related. Our cities are
5 required to report the incident using that form and that format so
6 we can capture data, and that's how I found out.

7 Q. So from your perspective, what is a Class II or Class III
8 incident in the parlance of an incident within the company?

9 A. Class II or Class III, either severity of the medical piece
10 other than first aid would be a Class II or Class III, and that
11 it's the severity of that. And then hull and machinery, it is the
12 nature of what the incident is.

13 Q. So with the structure of City Cruises, how would you define,
14 and you can use layman's terms, a safety-sensitive position?

15 A. A safety-sensitive position within City Cruises are those
16 that are assigned to the station bill, particularly would be the
17 crew, the deck crew, or captain or first mate. And if they chose
18 to use somebody that was adequately trained from the food and
19 beverage staff, they could, but they had to be -- they had to meet
20 training requirements.

21 Q. So we don't have access -- you know, for the record, we don't
22 have access to a station bill for *The Spirit of Norfolk* because
23 it's been described as destroyed in the fire.

24 A. I think everything on board that boat was.

25 Q. And there's no copy that you're aware of?

1 A. Not that I'm aware of.

2 Q. Does anybody audit, like, remotely or to see if a station
3 bill is adequate for a vessel within Hornblower?

4 A. They're reviewed with National Marine Team goes on board.
5 They look at those things.

6 Q. And the National Marine Team, is there a process when they go
7 aboard to inspect the vessel, and do they document their results?

8 A. There's not a formal process.

9 Q. Do you know if the restaurant manager for the event the
10 accident voyage June 7th was, and I will say that I think,
11 Lieutenant, pull up Exhibit 31, page 10, please. This is the
12 emergency response plan, and it talks about safety sensitive
13 position.

14 MR. DENLEY: Can you please give the exhibit number?

15 MR. [REDACTED] Yes.

16 MR. DENLEY: Thank you.

17 MR. [REDACTED] It's 031, Tack 1, and I believe it's page 10.
18 Do a word search on safety sensitive, please. I'll read it, sir.

19 BY MR. [REDACTED]

20 Q. Safety sensitive positions that ask as first responders in
21 emergency situations are normally filled by qualified marine
22 department personnel. However, properly trained restaurant
23 personnel may fill those positions as needed. Do you know if Ms.
24 Baker met that -- met that standard as defined here, in other
25 words, properly trained restaurant personnel?

1 A. I don't know, and I don't want to speculate.

2 Q. You can take that down, sir. So she, the restaurant manager,
3 during her testimony for the event that took place on June 7th on
4 the accident voyage, she basically said that on the deck she was
5 on, she was directing the movement of passengers, telling the disc
6 jockey to make announcements. Do you consider that a safety
7 sensitive position?

8 A. I don't consider our F&B staff, unless they are, food and
9 beverage staff, unless they are specifically designated within the
10 (indiscernible) as safety sensitive personnel. But we do expect
11 all of our people on board to be able to assist in an emergency.

12 Q. If any of the, like the restaurant, in the case of the
13 restaurant manager, if she was properly trained and so forth,
14 would she be -- would she be classified as a safety sensitive
15 position?

16 A. Not in my mind unless she was filling one of the primary
17 billets on a watch bill.

18 Q. And we have no idea because we don't have a station bill?

19 A. Correct. I don't think it was common practice for them to do
20 so.

21 Q. If she had been identified as a safety sensitive position,
22 would her position be required to be identified on the certificate
23 of inspection as a member of the crew?

24 MR. DENLEY: I'm going to object. It calls for speculation.

25 CDR WADDINGTON: Objection noted. Mr. [REDACTED] could you

1 rephrase?

2 BY MR. [REDACTED]

3 Q. Based on your knowledge, Mr. Smith, are restaurant personnel,
4 restaurant managers, bartenders, waitstaff, listed on a
5 certificate of inspection as members of the crew?

6 A. They are, as other crew members.

7 Q. On *The Spirit of Norfolk*?

8 A. They're listed as other. I guess could you rephrase the
9 question? They're noted on the COI as allowable other crew for
10 count on board. I'm not sure your question, Mr. [REDACTED]

11 Q. Are they -- are their -- are their positions required to be
12 on board? In other words, I agree with you that it's a total
13 count, and are you referring to Coast Guard Exhibit 002 Tack 1
14 which is the certificate of inspection? You can bring that up,
15 Lieutenant.

16 So this is the -- we're viewing the certificate of
17 inspection, and I believe what you might have been talking about,
18 in the highlighted area, the vessel is allowed to carry 600
19 passengers and 53 other persons in addition to the crew as a total
20 capacity of the vessel under the circumstances that are contained
21 in the certificate of inspection, is that correct?

22 A. Correct.

23 Q. So when I -- if you step above that, you see a block where it
24 says one master, one license mate, six deckhands. Do you see
25 anything about waitstaff, bartenders, or like required personnel?

1 A. No.

2 Q. Is it true that the more people that you carry, the more
3 deckhands you have to carry in general?

4 A. That's correct.

5 Q. But not waitstaff or other persons?

6 A. I would have to speculate. I'm assuming if you had more
7 people on board, you'd have more staff.

8 Q. Thank you. You can pull that down, sir. Can City Cruises go
9 to a Coast Guard officer in charge of marine inspection and add
10 people to a certificate of inspection if they chose to?

11 A. I guess I'm not understanding your question.

12 Q. Well, no, there's -- regulations generally represent a
13 minimum requirement, and I'm asking, like, could you, as a vessel
14 operator, not you personally, but City Cruises, go to the officer
15 in charge of marine inspection for sector Virginia or any other
16 port and say we'd like to add additional people to our certificate
17 of inspection as required crew persons?

18 MR. DENLEY: I'm going to object. It calls for speculation.
19 I think to answer that question it would be very, you know, fact
20 specific and based on a specific vessel.

21 CDR WADDINGTON: Objection noted for the record. Mr.
22 [REDACTED] can you either rephrase or move forward?

23 MR. [REDACTED] Yes, sir.

24 BY MR. [REDACTED]

25 Q. Do you have knowledge of any time that City Cruises or

1 Hornblower has asked the officer in charge because of the
2 circumstances, to add more members of crew?

3 A. I do not have knowledge of that.

4 Q. Lieutenant [REDACTED] please go to Coast Guard exhibit 002 Tack
5 1. We'll stay right where we are, page 2. And there's a part
6 that says when one of the deckhands has been designated a senior
7 deckhand in accordance with NVIC-1 Tack 91, that's navigation
8 inspection circular, a mate is not required. The number of
9 deckhands required (including senior deckhand) shall be as
10 follows. How do you designate within City Cruises a senior
11 deckhand?

12 A. The senior deckhand is designated by the city. It is a
13 person that has met the proficiency and knowledge outlined by
14 NVIC, Navigation Vessel Information Circular, that's published by
15 the Coast Guard. This one is 1 Tack 91. That specifies what a
16 deckhand and a senior deckhand is required to possess as far as
17 knowledge.

18 Q. As senior vice president, would you expect to find that in
19 the individual's personnel record?

20 A. Yes. They're also required to be designated in writing on
21 the bridge.

22 Q. You can pull that down, sir. I want to shift gears a little
23 bit. So just to refresh my memory, how long have you been in your
24 present -- in your position as -- that you were in on June 7th?

25 A. Since November of '21.

1 Q. And had you been with Hornblower before that?

2 A. Yes.

3 Q. And for how many years?

4 A. I was with Hornblower for two years, a year-and-a-half prior
5 to that.

6 Q. So the *Spirit of Norfolk* had four closed circuit black and
7 white TV cameras in the engine room, one over the door that was
8 opened, and you could -- the camera could look into the engine
9 room, and there were four of them in there. Do you have any idea
10 why those TV cameras were installed?

11 A. Those were installed prior to my coming to the company, so
12 I'm not sure of the exact nature.

13 Q. Does a vessel security plan, to your knowledge, require
14 multiple closed-circuit TV cameras in a vessel similar to *Spirit*
15 *of Norfolk*?

16 A. I don't believe the vessel security plan requires that.

17 Q. So the emergency response plan has a set of duties and
18 actions to be carried out by crewpersons, and then they have a
19 hierarchy, captain, first mate and so forth. Would you expect
20 that monitoring of those cameras in an event such as an engine
21 room would be contained within that plan?

22 A. Which plan are you specifically talking about?

23 Q. The emergency response plan.

24 A. No, I wouldn't say it would be specified within that specific
25 plan.

1 Q. Could you have used those closed circuit TV -- based on your
2 experience, your extensive sea-going experience, could you have
3 used TV cameras located in the engine room to monitor unusual
4 circumstances or situations in the engine room?

5 A. Yes, if they were clear and you could see without smoke.

6 Q. And you were here while the captain said, and I asked him on
7 May 15th, did he review the TV cameras after the overheating so he
8 could see what happened in the engine room and look at the actions
9 of the crew?

10 A. I was.

11 Q. So just to clear up a few questions we asked earlier of the
12 general manager, based on your knowledge of the company structure,
13 who would be the person that the general manager should turn to by
14 way of policy or procedure to be notified immediately in the event
15 of an emergency like a fire?

16 A. So their responsibility is to notify the regional vice
17 president in an emergency. (Indiscernible) that's who she would
18 notify.

19 Q. And when it comes to maintenance on the vessel, for example,
20 deferring maintenance, for example, the replacement of a
21 turbocharger, who would you expect, first I'll ask the director of
22 marine operations to consult within the company to seek approval
23 to defer maintenance?

24 A. I don't think that was deferred maintenance. I think it was
25 they were awaiting a part, and I would -- I would expect that the

1 marine director would, if they felt that they needed to consult
2 with the regional marine director.

3 Q. Given the circumstances that the vendor recommended
4 replacement of the turbocharger, would you expect that the captain
5 would reach out, either as director of marine operations or as the
6 vessel captain, to ask for advice or seek permission to delay
7 that?

8 A. I would assume those discussions were held with the regional
9 marine director.

10 Q. And that was the Atlantic Region, Mr. Redman?

11 A. Yes, yes.

12 Q. Is there a policy for that?

13 A. Not a policy. It's just direct supervision or a dotted line
14 in this case.

15 Q. So could you pull up, Lieutenant, go back again to 008 Tack
16 4, where you have the schematic of the, I believe it's the page
17 ahead of that. Yeah, go up one, please. Okay. So what I'm
18 looking at is system oversight and maintenance planning, and then
19 I'm looking at marine engineering.

20 Who would the captain reach out to, either as director of
21 marine operations in this case, to talk to and discuss about that?
22 Would he reach out to those two people? I mean, you mentioned the
23 regional director, but the regional director, if you could talk
24 about that person a little bit. Is he an engineer?

25 A. He is a 35-year captain and marine director with our city

1 with an extensive knowledge in engineering learned on the job.

2 Q. But he's not a marine engineer?

3 A. He's not a educated marine engineer, no.

4 Q. Are either of these individuals, we've redacted the name for
5 system oversight and maintenance planning, but would Mr. Chip Lee
6 in that redacted block second from the left, would he be a marine
7 engineer?

8 A. No.

9 Q. How about for marine engineer --

10 MR. DENLEY: I'm going to object to this -- to this line of
11 questioning. It's not relevant. I think we established earlier
12 on in this hearing there's no evidence to suggest the turbocharger
13 was involved. And I really don't see how there's any relevance
14 for how these various positions and their definitions impacted the
15 events of June the 7th, 2022.

16 CDR WADDINGTON: Objection noted for the record. We have not
17 established that yet.

18 MR. [REDACTED] I can rephrase, sir.

19 CDR WADDINGTON: That would assist greatly.

20 BY MR. [REDACTED]

21 Q. In your experience and based on your knowledge, do you
22 consider a turbocharger a critical engine component?

23 A. Yes.

24 Q. Could a turbocharger that malfunctioned cause fire,
25 explosion, or injury?

1 MR. DENLEY: Objection, it calls for speculation.

2 BY MR. [REDACTED]

3 Q. In your experience, sir, I mean, let me put it this way.

4 Have you seen Coast Guard safety alerts?

5 A. Yes.

6 Q. Have you seen accident investigations that may identify the
7 potential for a turbocharger to cause damage or destruction?

8 A. Yes.

9 Q. So if the captain made a unilateral decision without
10 engineering support to wait at some point to replace the
11 turbocharger, who would he get guidance from within the company to
12 help him make that decision?

13 A. There are multiple people that he'd get guidance from,
14 including the vice president of marine operations, the two
15 gentlemen you talked about before, the gentleman on my team who is
16 my engineering support director. There are multiple people that
17 he could get guidance from, in addition to the third party
18 organization, in this case, Bay Diesel, that do have expertise in
19 those systems that we work with on a regular basis.

20 Q. Bay Diesel is a vendor, though. They made the recommendation
21 to replace the diesel -- the turbocharger on the port main engine.
22 So what I'm saying is can you identify specifically within the
23 company who provides engineering support?

24 MR. DENLEY: Asked and answered.

25 CDR WADDINGTON: For my benefit, could you answer the

1 question just in case I missed it because I don't know?

2 THE WITNESS: I just said the two individuals that he just
3 specified, the vice president of marine operations for City
4 Cruises and the director of engineering support on my staff.

5 CDR WADDINGTON: Thank you very much.

6 BY MR. [REDACTED]

7 Q. That was very helpful. Did he reach out to any of those
8 people for engineering support on the decision to not replace the
9 turbocharger?

10 A. I don't know. I don't have the answer to that question.

11 Q. Lieutenant, could you pull up Coast Guard Exhibit 023, which
12 is a condition evaluation survey that was conducted on the 6th of
13 June 2022. Do you have knowledge of the survey?

14 A. What survey, I'm sorry?

15 Q. It's a January 6th evaluation survey.

16 MR. DENLEY: Can you identify the Coast Guard exhibit,
17 please?

18 MR. [REDACTED] Yes, Coast Guard Exhibit 023.

19 BY MR. [REDACTED]

20 Q. At the top of the page, it said that you requested it.

21 A. I did.

22 Q. Why?

23 A. It was a normal request from one of our insurance carriers.
24 It was one of the vessels that just happened to be selected.

25 Q. Did you engage with your insurance carriers about a claim for

1 the May 15th engine overheat?

2 A. I did not specifically.

3 MR. DENLEY: Again, I'm going to object to any conversations
4 about insurance claims.

5 MR. [REDACTED] It's an exhibit.

6 CDR WADDINGTON: Objection noted for the record. Continue.

7 MR. [REDACTED] Thank you, sir.

8 BY MR. [REDACTED]

9 Q. So, could you put up -- you can take that down, sir. Could
10 you bring up Coast Guard exhibit 031 Tack 1? And while you're
11 looking at that, there's a term serious marine incident. It is
12 described in the emergency response plan, Coast Guard 031 Tack 1,
13 as used in this manual, a serious marine incident is identified,
14 there's an asterisk, too, as the death, serious injury to a
15 person, a vessel fire, grounding, flooding, collision, mechanical
16 failure, structural failure, pollution incident, and all other
17 incidents with the potential to negatively impact or disrupt
18 normal operations.

19 Was the loss of propulsion with a suspected fire aboard,
20 where the vessel returned to the dock on engine classed in your
21 mind as a serious marine incident?

22 A. Yes.

23 Q. Was there a formal investigation conducted within your
24 company to determine what happened and how you could prevent a
25 similar occurrence?

1 A. That would have happened at the local level.

2 Q. But at this time, do you know if such an investigation was
3 conducted?

4 A. I'm not aware of one, and the events of June 7th would have
5 probably overcome that.

6 Q. And if you could bring up, Lieutenant, 086 Tack 1. That's
7 from a combined set of emails between the general manager,
8 different entities within the company, Captain Nadeau. There's a
9 flowchart of how an incident is investigated. And using the
10 example --

11 MR. DENLEY: Can you please identify the picture or the page
12 number?

13 MR. [REDACTED] Yeah, I'm sorry, it's page 72.

14 MR. DENLEY: If we could just have a moment to get there.

15 BY MR. [REDACTED]

16 Q. And once again, I apologize. That was the flowchart
17 contained in the 086 emails, Tack 1, page 72. Does that flowchart
18 represent how an incident is supposed to be investigated, such as
19 the serious marine incident on May 15th?

20 A. Yeah, I'm assuming I'm looking at the same one, yes.

21 MR. [REDACTED] So, Commander, I'm going to begin talking about
22 June 7th. This might be a good time for recess.

23 CDR WADDINGTON: The time is 10:43. We will take a 10 minute
24 recess. We will reconvene at -- let's go 10:55. Thank you.

25 (Off the record at 10:43 a.m.)

1 (On the record at 10:54 a.m.)

2 CDR WADDINGTON: The hearing is now in session. The time is
3 10:54. Mr. ██████ please continue.

4 MR. ██████ Thank you, Commander.

5 BY MR. ██████

6 Q. I just want to follow up on your line of questioning or my
7 line of questioning earlier. So were you aware two surveyors had
8 recommended replacement of the -- both turbochargers on the *Spirit*
9 *of Norfolk*?

10 A. I was not aware.

11 Q. Shifting to the events of June 7th and thereafter, what I'd
12 like you to do is sit quietly for a moment, kind of put yourself
13 back in the day, and with as much detail as possible, explain --
14 we're going to limit to June 7th. So what I'd like you to do is
15 explain where you were, what you were doing, and then just let the
16 story unfold. I won't interrupt you. And give me as much detail
17 about it as possible.

18 A. So you want me to stop at June 7th?

19 Q. At the end of the day.

20 A. Okay. So I happened to be in Chicago that day. I was
21 meeting with one of my team members on the group level. I
22 remember I was going into a meeting with that individual, and I
23 got called by the vice president of marine operations for City
24 Cruises. And he let me know that *The Spirit of Norfolk* -- there
25 was a fire onboard the *Spirit of Norfolk*. He, at that time,

1 didn't have a huge amount of details, but he wanted to let me
2 know.

3 We entered the meeting. Obviously our focus, between myself
4 and my director that I was meeting with quickly went to the
5 incident, and my director of marine is much younger than I am and
6 more savvy on the technical side of the house, found an app where
7 we could listen to the emergency fire channel for Norfolk. And so
8 we listened to the events that were unfolding for a couple of
9 hours there.

10 I also got on the phone and dispatched both two members of
11 the National Marine Team for City Cruises to the space, or to the
12 area, so that we could have some senior marine team members there
13 with experience, and that would be Tim Redman (ph.) and Chip Lee.
14 So through that afternoon, we listened to the events as they were
15 unfolding. First listened to them send a reconnaissance team on
16 board.

17 Once the vessel was moored up, that team got off. They were
18 -- we listened to giraffe (ph.) readings which over the period of
19 about 45 minutes went from (indiscernible) seven-foot to nine-foot
20 on the port after quarter, or port quarter. And then I heard them
21 mentioning sending a second team on board. And didn't over the
22 radio say where they were accessing the space to.

23 They backed out at one point because they didn't have
24 firefighting water at the nozzle, so they backed out, and then
25 they reengaged. Next thing I heard was the mayday call, which to

1 me, told me that they accessed that space which based on the
2 decrease in -- or decrease -- or increase of draft on that port
3 quarter which went -- there was probably water in that space
4 coming through the vents.

5 And I correlated that mayday event with them opening up that
6 door and getting knocked down because to me, that was an improper
7 way to access that space to fight that fire based on my experience
8 and training. I actually called no, no, no when I heard that
9 because I knew exactly what that meant, and I was very thankful
10 that the subsequent radio call, that those individuals got out
11 safely because that could have been a very dangerous situation.

12 And so I listened to that conversation as it was gone forth,
13 and then I called a couple of times to get updates from my marine
14 team on what was going on. They were very confused as to who was
15 in charge and who was -- what they were going to do. At that
16 point since the space had been breached, my understanding there
17 were stability concerns which were valid.

18 Once that space was no longer contained, once the
19 firefighting water and the fire were no longer contained in the
20 engine room. And I made arrangements to fly out the next morning
21 to be on scene. I know the vice president of marine was down in
22 Florida for City Cruises and made arrangements to fly to Norfolk
23 that evening.

24 I was made aware that there was a unifying command meeting at
25 8:00 that night, would have been 7:00 my time in Chicago. I made

1 arrangements to call in to the unified command meeting. There
2 were introductions. It was very hard for me to hear over the
3 phone. It was very -- a lot of talking going on, so it was hard
4 to discern over the phone, a little bit chaotic.

5 But there were introductions. I remember they were talking
6 about logistics. I don't remember a lot about that call, and then
7 I -- I alerted our team from my perspective or who I'm required to
8 alert. And we had a critical incident response team meeting
9 immediately following the unified command meeting on our side. So
10 that's my events of the 7th.

11 Q. And that was it for the day?

12 A. For the day.

13 Q. Did you get any calls during the night?

14 A. I did not. At that point, by the time the unifying command
15 meeting was done, the vessel had -- the fire had spread through
16 the night, and the decision based on as far as I knew was they
17 were not going to go on board to fight the fire because of
18 stability concerns.

19 Q. As you sit here today, do you know if the notification to the
20 company from the vessel or from the general manager and the
21 subsequent notifications within the company met procedures
22 developed by Hornblower? Did they conform?

23 A. Yes, to my knowledge, they conform with the notification
24 procedures.

25 Q. You mentioned the scanner that was a phone app, and by

1 director of marine, are we talking about somebody like director of
2 marine operations? Could you be a little more specific?

3 A. Who had the app on the phone? Is that who you're talking
4 about?

5 Q. No, I mean, each port has a, as I understand it, director of
6 marine operations.

7 A. Correct.

8 Q. Was that that type of an individual within the Chicago
9 office?

10 A. No the person that was with me in the Chicago office had been
11 at one of our cities. He was actually my director of training and
12 development one of the vacancies that you saw up there. That's
13 who I was meeting with on the group team.

14 Q. Lieutenant [REDACTED] please pull up Coast Guard exhibit 66,
15 which is a series -- we requested your notes that you took. So
16 how did you take those notes when you were sitting there with that
17 individual, or did he take them, did you take them?

18 A. He took them. He took all the notes, transcribed that based
19 on what we heard on the scanner. It was obviously just the
20 Norfolk emergency channel that we were listening to.

21 Q. So are these his notes or did he take them from like a legal
22 pad and transcribe them into this format so we could have them?

23 A. Yeah, he didn't type them. He took them from a legal pad and
24 transcribed them.

25 Q. Did you record the audio from the app?

1 A. No, I did not. I would assume the local fire department had
2 recording of that.

3 Q. Do you have any idea that -- what radio channel you were
4 listening to?

5 A. I'm assuming it was an emergency broadcast, emergency channel
6 for Norfolk safety because we also heard other fire dispatches,
7 safety dispatches, (indiscernible).

8 Q. If we ask you to follow up and find out that -- you could see
9 on the app what channel that was, could that be possible?

10 A. Yeah? I believe I could -- if you're asking me to see if I
11 could figure that out, sure.

12 Q. Thank you. And you mentioned the marine team in your telling
13 the tales of the event. You said something to the effect that
14 there was, you know, they were reporting confusion, is that
15 correct?

16 A. Yes, and that's the City Marine or City Cruises National
17 Marine Team.

18 Q. How would they know that?

19 A. They were -- once they arrived on scene and they were both
20 there -- this is midafternoon once the two individuals got there
21 is when they were discussing.

22 Q. And who were they?

23 A. Tim Redman and Chip Lee.

24 Q. So you're on the telephone that evening when everybody was in
25 the unified command truck. What comments did you offer them or

1 what support did you offer when you were on the phone call as the
2 senior vice president?

3 A. I was on the phone so I could listen. I know our salvage and
4 firefighting experts that we hired as part of National Tank -- or
5 non-tank vessel response plan were on the scene and in the
6 meeting. I know our clean harbor folks that were there for
7 environmental response were also there but I don't think they were
8 in the meeting. They were just on scene.

9 So I had multiple personnel in the room that were on scene
10 that were working for us. I did not offer a lot of guidance since
11 I was not on scene. I think it's dangerous for somebody to offer
12 operational guidance unless asked specific for any kind of
13 knowledge to a scene that was talking place almost 1000 miles away
14 from me.

15 Q. So did they ask you for any support?

16 A. Logistics, but not me directly. They were asking folks in
17 the room.

18 Q. And then what comments did you hear on that call as you
19 recall?

20 A. I can't recall specific comments on that call.

21 Q. And how about the people in the room that were supporting the
22 efforts back in the Chicago office?

23 A. I can't recall any specific comments that were made.

24 Q. If you would elaborate in detail a little bit more about what
25 you heard on the app regarding the fire team going down into --

1 first they went onboard the vessel, and then they -- I will just
2 characterize it to be brief, there was an issue with the engine
3 room escape hatch. And then they went down below to the galley
4 and they opened the water-tight door. Could you elaborate on what
5 you heard?

6 A. Yeah, I heard that they had sent a recon team on. The recon
7 team was off. I heard that they were sending a team that was --
8 they were deciding whether they were going to break up into two
9 individual teams or stay as one. Decision was made to stay as one
10 four-person team. And that they were -- that they were going on
11 board.

12 Next thing I -- I did not hear anything on the radio call of
13 the nature of what they were going to -- where they were going to
14 attack the fire from, I just heard the mayday which I assumed that
15 they were going to -- I assumed it was down below, that they
16 entered the (indiscernible) if they got knocked down, they called
17 mayday, that they entered the space from the engine room door
18 versus the hatch.

19 Q. Did you have access to, like, in that Chicago office, did you
20 have with you the plans and schematic, the emergency response plan
21 and those kind of documents to support the unified command should
22 they ask for your assistance?

23 A. I did have electronic versions of all of those documents.

24 Q. And did Salver have, the Salver who ultimately would arrive
25 on scene and then would ultimately be involved with the salvage

1 and response efforts, did they have full access to the electronic
2 version of plans, schematics, and so forth for *The Spirit of*
3 *Norfolk*?

4 A. The people that were on scene with them would have had full
5 access to that, yes.

6 Q. And how did you know on the scanner call that they were
7 talking like watertight door? How many watertight doors are on
8 *The Spirit of Norfolk*?

9 A. There's one watertight door going into the engine room.

10 Q. So did they -- did they mention door, watertight door?

11 A. No, like I (indiscernible) because they went mayday when they
12 opened. I wouldn't expect the mayday call from -- from opening up
13 the hatch if it's done properly.

14 Q. So there was a news conference later. Now we're going to
15 move on to -- briefly if you could, starting with June 8th, just
16 very briefly talk about your involvement with the salvage and
17 response operations.

18 A. So I arrived, my flight from Chicago landed sometime mid-
19 morning. I arrived, rented a car and arrived on scene as soon as
20 I could, sometime before noon. I met with some folks. I believe
21 there was a unifying command meeting shortly after noon that day,
22 and I introduced myself to the team to make sure they knew who I
23 was and I was on scene.

24 We -- I conferred with our salvage experts who were, at that
25 point, determining stability of the vessel with current draft

1 readings. And by that time, by the time I got there, the fire was
2 really contained to the galley area and the engine room. Really
3 most of the burnable substance main deck and above were already
4 gone and consumed by the fire the night before.

5 So I made myself available to the unified command there until
6 later that night for the next several days. We made efforts
7 through our salvage and firefighters to bring both sludge tanks as
8 well as a barge to the scene because we knew we would have to pump
9 off water before we could -- and gain stability before we could
10 access the vessel.

11 And that procedure took over the next couple of days.

12 Q. At what point did you know the accurate passenger count?

13 A. I knew the accurate passenger count fairly quickly on the day
14 of the 7th.

15 Q. And what did you understand it to be?

16 A. There were 89 passengers and 17 crew.

17 Q. For a total?

18 A. 108 people.

19 Q. So at the news conference the second -- the day you arrived,
20 you stated that the *Spirit of Norfolk* complied with all applicable
21 safety regulations. Is that correct?

22 A. Correct.

23 Q. Was there anything from a corporate perspective have
24 prevented you from fitting *The Spirit of Norfolk* with a fire
25 detection system and a fire suppression system, if you had desired

1 to do that as a company?

2 A. In the course of our normal business, there wouldn't have
3 been anything precluding us from doing that. I'm not sure I
4 understand the question.

5 Q. Yeah, simply, could the company have fitted the vessel with a
6 fire detection or fire suppression system if they wanted to at the
7 time of the accident?

8 A. Yeah, at the time of the accident we could have, but we
9 (indiscernible) regulations and safety. And if you look at the
10 system that was in place with structural fire protection, the
11 system as designed worked as designed and kept our passengers
12 safe.

13 Q. So you have a lengthy seagoing career. You also have
14 extensive experience in the management and oversight of vessels
15 and so forth. The NTSB and the Coast Guard are conducting this
16 investigation to make recommendations as a result of the
17 investigation to improve and enhance the safety of small passenger
18 operation. Knowing what you know now, do you have any
19 recommendations, thoughts, or suggestions that you would like to
20 that this opportunity to share with the investigation?

21 A. The one thought that I would like to share with the
22 investigation, particularly the NTSB, is that I would hope that
23 any fire department that is and operates around maritime
24 communities gets trained in ship board firefighting so that if
25 they do choose to and do go on board a ship board fire because it

1 is very different than a structural fire, that they have adequate
2 training and understanding of how to properly attack the ship
3 board fire to include boundaries, cooling, understanding stability
4 issues with firefighting water on board, and accessing spaces.

5 Q. Do you provide marine firefighting training, and by that I
6 mean you do have a training program for deckhands, correct?

7 A. Correct.

8 Q. And it shows and explains how to use a fire extinguisher. We
9 leave it up to the captains to explain how to use the fire hoses.
10 They have fire drills and so forth, is that correct?

11 A. Correct.

12 Q. Do you provide an opportunity for the captains of your
13 vessels to attend a formal marine firefighting school such as the
14 one that's put on by the Marine Instant Response Team in the Port
15 of Norfolk?

16 A. We don't have a formal program to do that. Each port is
17 authorized to provide funds for folks to attend additional
18 training.

19 Q. And do you know if either the general manager or the director
20 of marine operations has gone to the Marine Incident Response Team
21 for the port of Virginia? They put on a command course I'll call
22 it, which teaches leaders how to be involved and integrate with
23 fire departments and mutual aid groups. Do you provide that
24 opportunity for them, or have you before June 7th?

25 A. I haven't provided that. That'd be a local decision.

1 Q. Do you know if they've attended?

2 A. I do not know.

3 Q. Thank you, sir.

4 A. You bet.

5 CDR WADDINGTON: Commander Roy, do you have any questions of
6 this witness?

7 CDR ROY: Yes, sir, I have a couple follow-up questions.

8 BY CDR ROY:

9 Q. Good morning, sir. I have a couple follow-up questions. I
10 want to go back to the app you were listening to on the radio.
11 You mentioned it was Norfolk. Would that be Norfolk fire, Norfolk
12 Navy? Do you recall?

13 A. It was the Norfolk Emergency Services which included Norfolk
14 fire. So I'm assuming that's City of Norfolk.

15 Q. When you were listening to that, did you hear any
16 conversation about communication problems that the fire department
17 couldn't talk to each other or they were on different frequencies?

18 A. No, no, this was -- I mean, this was strictly just the
19 emergencies (indiscernible).

20 Q. Could you listen to Chesapeake Fire Department radio traffic?

21 A. I don't believe they were on that channel.

22 Q. Could you have -- did you listen to anything by the Navy fire
23 department?

24 A. They weren't on that channel either.

25 Q. You described earlier in your testimony regarding the recon

1 team, the attack team, when you were listening to that on the
2 radio, did you hear any traffic from the recon team or on the
3 radio regarding that the recon team could not find the hatch and
4 that they actually opened the engine room before the suppression
5 team went on board?

6 A. No, I had no knowledge to that. That wasn't on the radio.

7 Q. Thank you, sir. That's all I have.

8 CDR WADDINGTON: NTSB, do you have any questions of this
9 witness?

10 MR. KARR: I do. Mike Karr with the NTSB.

11 BY MR. KARR:

12 Q. Mr. Smith, the access from the main deck into the engine room
13 at Hornblower and City Cruises, what do you call that?

14 A. That's an engine room escape hatch.

15 Q. Escape hatch. Has anyone ever referred to that as a manhole?

16 A. Anyone? I can't speculate if anybody has. That's not normal
17 nomenclature that we use.

18 Q. But within -- but mostly when you're talking about your
19 procedures and your training --

20 A. Escape hatch.

21 Q. It's a hatch. All right. And with regard to shipboard
22 firefighting crew, what the crew could do to fight a fire, would
23 it be within the capability of *The Spirit of Norfolk* crew to have
24 opened the escape hatch and put a firehose in there or attack the
25 fire in some manner?

1 MR. DENLEY: Could you please repeat the question?

2 BY MR. KARR:

3 Q. Would it be within the capability of *The Spirit of Norfolk*
4 crew to open the hatch, the engine room access escape hatch, to
5 determine if there was any other measures or firefighting they may
6 have been able to do?

7 A. I would say that at the time that they would have been able
8 to do that and given the fact that they do not have any breathing
9 apparatus, self-contained breathing apparatuses or fire protection
10 gear onboard, because of the nature of the gasses that would have
11 been given off when you open up that hatch, that's not something
12 that I would advise for those personnel that were onboard.

13 Once they saw the fire, they opened the door, they saw the
14 fire, they closed the door, and the nature of the fire at that
15 point, I think they would have very quickly been overcome by super
16 (indiscernible) gasses and other gasses that are contained in that
17 kind of fire. And it would have left that space open to -- would
18 have broke containment on that -- on that space. And I would not
19 have advised -- if I was there, I would not have advised them to
20 do that, but they had the firehose and tools to do that if they
21 wanted to. But it would not have -- I would have not recommended
22 that, and that's not something I would have expected them to do.

23 Q. All right, thank you.

24 A. You bet.

25 CDR WADDINGTON: Bay Diesel, do you have any questions of

1 this witness?

2 MR. ABELL: I do not, sir.

3 CDR WADDINGTON: Thank you. City Cruises?

4 MR. DENLEY: Thanks, Commander. I do have a few questions.

5 BY MR. DENLEY:

6 Q. Captain Smith, I'd like to go back to talk about a topic
7 that's, you know, come up a couple times during the hearing, and
8 that's the decision for the captain to pass information and direct
9 his crew -- and direct communications to the passengers through
10 his crew. You've got significant experience, both in terms of
11 training and shipboard time. Can you comment on that decision?

12 A. Absolutely. You know, our policy does state that they should
13 make a PA announcement and obviously should sound the general
14 alarm, but also states that the captain should make a, you know,
15 is not bound to that based on on-scene information. So, you know,
16 I was hear during Captain -- I've been pronouncing his name wrong
17 for five years, so Ryan, I apologize, the Captain's testimony, and
18 I could understand what was going through his mind with 35, 36
19 children on board.

20 CDR WADDINGTON: Can we be careful with speculation here?

21 THE WITNESS: Absolutely.

22 CDR WADDINGTON: Yeah, what's in the Captain's mind, probably
23 none of us know that except the Captain.

24 MR. DENLEY: I'm sorry. Let me ask it -- was it reasonable
25 for -- was it reasonable for Captain Nadeau to do what he did?

1 THE WITNESS: It was reasonable to have those thoughts,
2 absolutely.

3 BY MR. DENLEY:

4 Q. Yeah, were the actions that he took, were the actions that he
5 took communicating with his crew effective?

6 A. They were absolutely effective based on the outcome of that
7 day.

8 Q. Were the actions that he took in communicating with his --
9 the guests on board effective?

10 A. They were definitely effective based on the outcome of that
11 day.

12 Q. And based on kind of the, I think one of the comments you
13 made was that the -- that the regulations and the safety systems
14 on board that day worked. What did you mean by that?

15 A. What I meant by that was that the structural fire protection
16 that was in place and required on board that vessel contained that
17 fire in the engine room until such time that the passengers could
18 be evacuated. In fact, it was contained in that space until
19 somebody made the error of opening up that door and breaking
20 containment of that space which allowed the fire to spread --

21 CDR WADDINGTON: Speculation. You were not on board, so
22 let's just --

23 THE WITNESS: Very well.

24 MR. DENLEY: So what is --

25 CDR WADDINGTON: Just a final caution.

1 BY MR. DENLEY:

2 Q. What is structural fire protection?

3 A. Structural fire protection is a series of, in this case,
4 probably wool layers that would allow -- basically enclose --

5 Q. The concept of it?

6 A. It encloses a space, machinery space particular, so that if
7 there was an incident within that space, it contains the fire.

8 Q. It contains the fire, and what is the -- what is the purpose
9 of -- what is the purpose of it from a safety perspective?

10 A. To allow a vessel like that with limited route to evacuate
11 personnel.

12 Q. So for example a vessel that was limited to no more than one
13 mile from shore would have time to evacuate guests and/or, you
14 know, be -- transit to shore?

15 A. Absolutely.

16 Q. And in this case, in your opinion, did it happen?

17 A. It did.

18 Q. Did it happen effectively?

19 A. It did.

20 Q. The Coast Guard has asked a couple of witnesses about what if
21 there were, you know, there were other cruises that had more than,
22 you know, 108 people on board. What if there were more than 108
23 people?

24 A. I'm sure the (indiscernible) to ensure the safe evacuation of
25 those personnel. Based on the length of time that that space

1 held, the tugboat could have pushed that vessel over to the Navy
2 pier and all those passengers could have walked over.

3 Q. So instead of being evacuated, the decision could have been
4 made to just have them, you know, have the vessel be brought to a
5 shoreside location --

6 A. If required, yes.

7 Q. -- and those guests could have -- could have walked off. So
8 I'd like to draw your attention back to Coast Guard Exhibit 66
9 which is your notes from listening to the -- to the scanner. You
10 mentioned that there were some differences between shoreside
11 firefighting and marine firefighting. And could you maybe
12 describe what those differences is, and again, this harkens back
13 to your -- let me start by asking a question. So you commented
14 that you were a qualified -- qualified --

15 A. Float training specialist?

16 Q. Float training specialist. Could you maybe give a little bit
17 more detail about what a qualified float training specialist is
18 and does with the United States Navy and the U.S. Coast Guard?

19 A. Yeah, and I'm not sure if that's still what they call it now,
20 but when I was a young Lieutenant, was a float training specialist
21 which qualified me to bring teams of personnel on board to train
22 both Coast Guard, Navy crews and in all manners of operations on
23 board a vessel including firefighting, as well as I was a damage
24 control training team lead on multiple vessels (indiscernible)
25 which I trained those the same firefighting -- shipboard

1 firefighting tactics on board.

2 And the major difference between a structural fire and a
3 shipboard fire is really the containment of the fire into a space,
4 accessing the space, and the understanding of the use of water on
5 board a vessel and the stability issues that you can cause on
6 board a vessel due to that firefighting water.

7 Q. So looking at -- I'm going to have to look at this one.
8 Looking at Coast Guard Exhibit 66 which has previously been
9 identified as the notes that you took in listening to the scanner,
10 there's a -- there's an annotation here at 1:39, 7-foot draft,
11 starboard stern, 7-foot -- I'm sorry, 6-foot draft starboard bow.
12 And then I believe maybe 20 minutes later at 1:56, there's some
13 more draft readings. Could you maybe, again, based on your
14 experience and kind of what you know, what was happening during
15 this period of time?

16 A. Absolutely. Based on my experience, if you have a vessel
17 that loses two feet of draft in a situation, that's most likely
18 due to added weight. Based on the reconnaissance, and if I'm
19 speculating, please don't want to --

20 CDR WADDINGTON: You're basically close, Mr. Smith.

21 THE WITNESS: But based on my --

22 BY MR. DENLEY:

23 Q. What was happening to the boat in layman's terms?

24 A. It was taking on water.

25 Q. Okay.

1 A. And the only water that I know of that was going on board
2 that vessel --

3 CDR WADDINGTON: Speculating.

4 THE WITNESS: Very well.

5 MR. DENLEY: Can he answer it?

6 CDR WADDINGTON: I prefer not to. I don't know that he
7 has --

8 UNIDENTIFIED SPEAKER: It's speculating. He was not on scene
9 and it's not in the notes.

10 CDR WADDINGTON: Yeah, let's move on from that if we can, Mr.
11 Denley.

12 MR. DENLEY: Thank you, Commander.

13 BY MR. DENLEY:

14 Q. But it's safe to say that -- so just from a practical
15 perspective, you don't know where the water was coming from, but
16 physically, what do these notes tell you was happening to the
17 vessel?

18 A. Those notes tell me, based on my experience, that there was
19 water being added to somewhere on that vessel --

20 Q. From somewhere?

21 A. From somewhere --

22 Q. Okay, fair enough.

23 A. -- on that vessel that was contributing to the downward trend
24 of that -- of those draft marks, or the upward trend depending on
25 how you want to look at it.

1 Q. Thank you, and did that -- did that trend continue based
2 on -- based on your notes? Again, I'm not -- you weren't there,
3 so I'm just asking you to look at this exhibit and based on the
4 evidence that's in this exhibit, what -- did that trend continue?

5 A. Yes.

6 Q. Okay, and how do you know that?

7 A. That's what it says in the --

8 Q. No, it doesn't say that. What does it say? Do the draft
9 (indiscernible) continue to change?

10 A. A significant shift in the stability of the vessel.

11 Q. Okay.

12 A. Or the draft on the portside.

13 Q. So, in terms of -- there's an annotation on this that says at
14 14:58, vessel has serious hard lean to port, and then one minute
15 later, there's the mayday, mayday, mayday. Does that -- does that
16 tell you anything?

17 A. That tells me that the stability of the vessel was affected
18 and that position of that water changed based on something that
19 happened.

20 Q. Did it change slowly or did it change quickly?

21 A. Based on that information, it changed quickly.

22 Q. Okay, thank you. During -- so you talked about two
23 fundamental differences, containment, I believe you did. I
24 believe you talked about two fundamental differences between
25 marine firefighting and non-marine firefighting, if you will. One

1 was water which we just talked about. The other is containment,
2 and can you elaborate on why containment is important in marine
3 firefighting?

4 A. Yeah, and I'm sure it's important and I'm not an expert on
5 shoreside firefighting from that aspect, but for marine
6 firefighting, containment is so you limit the spread of the fire
7 throughout the vessel. And the way you do that is through cooling
8 boundaries and making sure that the fire doesn't spread.

9 Q. So I know Captain Nadeau -- Captain Nadeau testified, and
10 there's certainly transcripts in the record already that he was
11 told one of the plans was, you know, we may just have to fill the
12 engine up with water. What does that statement mean to you in
13 terms of shipboard firefighting?

14 A. That they would have pressed the space up with water which
15 would have effectively put out the fire in that space.

16 Q. And is that a -- would that -- is that a reasonable
17 firefighting, marine firefighting tactic based on your experience?

18 A. Yes.

19 Q. And are you aware if that would have negatively impacted the
20 stability of the vessel?

21 A. It would have negatively impacted the stability of the
22 vessel, but it would not have caused that vessel to lose positive
23 stability.

24 CDR WADDINGTON: Speculation.

25 MR. DENLEY: And so from a marine firefighting perspective --

1 CDR WADDINGTON: Speculation.

2 THE WITNESS: It's a one compartment (ph.) space.

3 CDR WADDINGTON: The second, the second part of your answer,
4 noted for the record.

5 BY MR. DENLEY:

6 Q. So let's talk about how is *The Spirit of Norfolk* configured
7 from a compartment, compartmentation perspective in terms of
8 flooding.

9 A. I believe that that ship has six or seven different spaces
10 that are all individual spaces so that it doesn't -- to prevent
11 progressive flooding based on the structural content.

12 Q. So the construction of the vessel allows you to flood some
13 spaces without -- without --

14 A. Say one.

15 Q. One. And so again, from a -- from a marine firefighting
16 perspective, the plan to flood the engine room, was that
17 reasonable or not?

18 A. It would have been a reasonable plan.

19 Q. And in relation to the principles of marine firefighting that
20 you talked about earlier, why was it reasonable?

21 A. Why was it reasonable?

22 Q. Yes.

23 A. It would have put the fire out in that space where it was
24 contained.

25 Q. And so opening the watertight door between the galley and the

1 main space, what did it do from a firefighting perspective?

2 A. It allowed probably super heated gasses as well as any
3 contaminants in fire to spread from that space.

4 CDR WADDINGTON: Speculation. Last time, please.

5 BY MR. DENLEY:

6 Q. Were you surprised that -- were you surprised that -- were
7 you surprised that Ms. Jolene, that Jolene Price-Thompson, the
8 general manager, relayed a comment to you from a Navy firefighter
9 that, I believe the -- I believe she said somebody opened up a
10 door that they shouldn't have. Did that surprise you?

11 A. No, I was not surprised by that comment.

12 Q. Okay, why?

13 A. Because I wouldn't have expected that door to be opened in
14 the course of normal marine firefighting.

15 Q. Based on what you were --

16 A. Based on what I know in my experience and what I knew that I
17 listened to that day.

18 Q. The issue of fire suppression and fire detection has come up.
19 Does City Cruises operate vessels with fire suppression and fire
20 detection?

21 A. Absolutely.

22 Q. And does, I mean, are there plans to -- are there plans in
23 the works to add additional -- add that capability to additional
24 vessels?

25 A. Absolutely. We are -- we feel we are leader in this space,

1 and we have over the last year installed additional -- installed
2 fixed firefighting systems as well as smoke detectors and fire
3 detective systems onboard vessels that are not currently required
4 by regulation. And we continue to -- will continue to do so over
5 the next three years to ensure all of our TLs have that additional
6 measure on board. TLs (indiscernible).

7 Q. So kind of just going back a little bit to your testimony
8 about, kind of the, I guess, days two, three, four, you know,
9 really after the vessel had burned through. I just want to be
10 clear. I believe you said that it was City Cruises' salvage
11 professionals were on scene monitoring stability?

12 A. Correct.

13 Q. It was City Cruises' salvage teams that performed fire
14 overhaul onboard the vessel?

15 A. Correct.

16 Q. And it was City Cruises that brought in a tank truck and tank
17 barge to offload firefighting water?

18 A. Yeah, there were tanks. Not the (indiscernible), but yeah,
19 and the barge, correct.

20 Q. And it was City Cruises that developed a transit plan and a
21 towing plan?

22 A. Towing plan submitted and approved through the captain on
23 board (indiscernible).

24 Q. And to your knowledge, was there any pollution as a result of
25 this incident?

1 A. No pollution that I'm aware of.

2 Q. Just really one more question. You know, I've asked other
3 folks, you know, City Cruises has been a part of this community
4 for a long time, and in your role, any comments or statements that
5 you'd like to make, Captain?

6 A. Absolutely. In my role on behalf of City Cruises and
7 Hornblower, you know I'd like to thank all the maritime
8 professionals that responded that morning to this incident,
9 particularly Captain Peter and his crew on board *The Victory Rover*
10 did an exceptional job moving those passengers from vessel to
11 vessel along with our crew.

12 Also like to thank Captain Dees and the Navy for opening up
13 the gates to allow that vessel to moor to pier four. I know there
14 are many, many things he had to think about. I'd like to thank
15 the firefighters and the first responders that responded in a quick
16 manner. I'd like to thank our salvage and fire teams from Donjon
17 SMIT for a quick and thorough professional response.

18 And I'd like to thank Captain Nadeau and our crew for their
19 response that day and safely evacuating our 89 passengers and
20 guests, our guests on board and crew. We've been operating in
21 Norfolk since 1978 and will continue to do so safely. Our track
22 record within City Cruises is impeccable. So that's all I have to
23 say.

24 Q. Thank you. No further questions.

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

1 follow up?

2 MR. [REDACTED] Yes, Commander.

3 BY MR. [REDACTED]

4 Q. So we've mentioned an A60 boundary which was the
5 classification of the engine room space. What does the 60 refer
6 to?

7 A. 60 minutes. It's supposed to give 60 minutes to contain that
8 fire within that space or damage within that space (indiscernible)
9 fire for the A60 boundary.

10 Q. Is that a design and construction standard?

11 A. It is.

12 Q. Over the course of time, can the A60 boundary, based on your
13 experience, degrade? For example, wire penetrations going through
14 the compartment, gaskets on doors?

15 A. That would call for speculation on my part if they can
16 degrade or not.

17 Q. Have you seen instances where, for example, an engine room
18 has cable runs or pipe runs or something where they may not be
19 properly sealed?

20 MR. DENLEY: Again, that calls for speculation --

21 MR. [REDACTED] Has he seen that?

22 MR. DENLEY: -- and relevance.

23 BY MR. [REDACTED]

24 Q. So Captain Nadeau, in his testimony, stated he saw smoke
25 coming through the fuel shutoff valves located in the engine room

1 but he was on the main deck. Would you agree that based on your
2 experience that shows that the A60 boundary is being degraded by
3 fire?

4 A. Call for speculation. I'd have to be there. I'd have to
5 know exact schematics of the --

6 Q. So let's talk about what your expectations were for the crew
7 to fight a fire based on their training, experience, and their
8 equipment on *The Spirit of Norfolk* on the accident day or on any
9 day.

10 A. Yep.

11 Q. Could you describe what you expected them to do?

12 A. So I expected them to be on scene, notification that there is
13 an incident. I would expect them to respond to the scene,
14 determine what the issue was, if it was a fire, if it was of a
15 nature where first of all they notify the captain that there was
16 an issue and then bring proper equipment that they had on board to
17 bear, to fight -- to fight the fire if they were capable to do so.

18 Q. And we do these hearings for the benefit of the public. So
19 if, at the day of the accident, *The Spirit of Norfolk* was equipped
20 with a fixed-firefighting system, how would that be different
21 based on your experience? In other words, given the same
22 scenario, a fire was detected in the engine room, what would then
23 happen aboard a vessel that was equipped with fixed-fire
24 suppression system?

25 A. Once that fire is detected, they would make sure depending on

1 the agent that's being used within that system, they would ensure
2 the space is free of personnel, especially if you have some of the
3 older agents, and they would manually light off a fixed-fire
4 system within that space, once you seal that space and provide
5 containment for that agent. But fixed-firefighting systems are
6 not 100 percent, so that does not guarantee that the fire would
7 not continue.

8 Q. And you said manually?

9 A. Yeah, you can do it manually or you can do it remotely from
10 the bridge. There are different activation systems within that.

11 Q. So with a fixed-fire depression system, if a fire was
12 detected, the captain could push a button or pull a handle or
13 activate the system remotely without hazarding personnel
14 immediately to go into the environment and suppress, or attempt to
15 suppress the fire?

16 A. That's normal for a system to have a remote activation.

17 Q. And you mentioned newer agents. Are you talking about where
18 you could activate the fire suppression system and people that
19 might be in an engine room could survive long enough to exit the
20 engine room, secure the A60 boundary, and let this system work?

21 A. That's correct. Newer agents have become and have been made
22 more people friendly for allowing survival of personnel in a
23 space.

24 Q. So the captain on the accident day also secured the
25 ventilation powered fans to the engine room vents?

1 A. Correct.

2 Q. If the vessel was required to be equipped with remote
3 shutoffs to secure engine room ventilation, how would that have
4 contributed to the reduction of the fire in the engine room based
5 on design?

6 A. Yeah, that's based on -- that is made that way to reduce the
7 oxygen available to a fire and to keep the agent, if you do have a
8 fixed firefighting system, in the space to be more effective.

9 Q. Are you aware that the vessel crew thought about using a tarp
10 or some other device to cover the engine room breathing vents to
11 suppress the amount of oxygen going into the engine room?

12 A. Am I aware that they were going to do that or --

13 Q. That they considered doing it?

14 A. No, I did not.

15 Q. So I'd like to compare and contrast a little bit the -- we've
16 already heard in testimony that onboard *The Spirit of Norfolk* that
17 day, originally I asked the Captain if there was any difference in
18 a cruise with children versus 300 people at night, and initially
19 he said no. Later on he said that based on the fact that there
20 were children aboard, he made the determination not to sound the
21 general alarm or make public service or public safety
22 announcements over the PA. Would that be correct? You were here.

23 A. That's what I heard, yeah.

24 Q. You also witnessed *The Victory Rover* in video coming
25 alongside a burning vessel that had smoke and fire coming out, and

1 what was obvious to me is the Captain made continual and repeated
2 announcements to let the passengers know what was going on in a
3 highly unusual event. Would you say that that, based on what you
4 saw in this room, was the correct course of action?

5 A. I would say that that captain made the decision to do that
6 based on his situation.

7 Q. And then you made a statement about the number of people
8 aboard, the event, so forth, and you said the vessel would be
9 brought to shore under certain circumstances.

10 A. Could be is what I said.

11 Q. Could be -- that's a relatively simple statement. So *The*
12 *Spirit of Norfolk*, this accident happened to happen during the day
13 when there was a lot of waterside activity. It had lost
14 propulsion as we understand it. How would it be brought to shore
15 without the assistance of other vessels moving it ashore?

16 A. I would have to speculate about a future incident, but I
17 imagine the same way it was brought to shore during that day.

18 Q. If there were no tugboats, other watercraft in the general
19 area, how would it be brought to shore?

20 MR. DENLEY: I'm going to object based on speculation. I
21 mean, there's any number of different variety of factors, and
22 there's any number of different variety of facts that you're
23 asking Captain Smith to speculate on.

24 CDR WADDINGTON: Objection noted for the record.

25 Mr. [REDACTED] please rephrase.

1 BY MR. [REDACTED]

2 Q. Could the vessel be brought to shore if it had a total
3 propulsion casualty without the aid of other vessels?

4 A. No.

5 Q. Thank you.

6 CDR WADDINGTON: Commander Roy, do you have any follow-up
7 questions?

8 CDR ROY: I have a couple, sir, thank you.

9 BY CDR ROY:

10 Q. So just a quick couple follow ups on some of the statements
11 you made earlier. At one point, you were mentioning the
12 difference between structural firefighting and marine
13 firefighting, and based on your testimony, you have marine
14 firefighting experience. Do you have any structural firefighting
15 experience or any structural firefighting training?

16 A. No, I believe I said I wasn't an expert in structural
17 firefighting.

18 Q. And then part of your testimony we were talking about water
19 entering the engine room and Mr. Denley asked you some questions
20 about that. Is there any way for water to get onboard a vessel
21 other than firefighting activities?

22 A. Yeah, but there was no known -- there is, but there was no
23 known -- no known damage to the vessel other than the fire itself.

24 Q. But at the time, you didn't know that, correct?

25 A. No.

1 Q. Thank you. That's all I have, sir.

2 CDR WADDINGTON: Mr. [REDACTED]

3 BY MR. [REDACTED]

4 Q. And Mr. Edgar, the salvage expert contracted by you, in his
5 previous testimony contained in Exhibit 71, he stated that a 1-
6 inch line in the sea chest burned off. Were you familiar with
7 that testimony?

8 A. No.

9 Q. Thank you, sir.

10 CDR WADDINGTON: NTSB, do you have any follow-ups?

11 MR. KARR: Yes, I have one question. Mike Karr with the
12 NTSB.

13 BY MR. KARR:

14 Q. Looking at -- looking at *The Spirit of Norfolk* if it had lost
15 propulsion, it's at the Navy base, and the fire was out. How do
16 you address getting the passengers ashore?

17 MR. DENLEY: Again, that calls for speculation.

18 MR. KARR: No, plans, SOP. What's contingency plan for if
19 you've lost propulsion, you're at the Navy base, the fire is out?

20 THE WITNESS: So I'm trying to understand the question, Mr.
21 Karr. How would they exit the vessel?

22 BY MR. KARR:

23 Q. Correct. I mean, you're day has been disrupted. You've had
24 a fire. The fire's out. You've got 108 -- you've got 89
25 passengers on your vessel at the Navy base. It's 1:10 in the

1 afternoon. You're an hour from your pier. So what --

2 A. So if we're at the Navy base, this calls for speculation, so
3 I'm asking for what we would do is I would assume the Navy would
4 have given us permission to moor at the Navy base. I would assume
5 that our --

6 CDR WADDINGTON: Speculation.

7 (Simultaneous speaking.)

8 CDR WADDINGTON: This one's in your favor. Rephrase, please,
9 Mr. Karr.

10 BY MR. KARR:

11 Q. You know, based on your emergency response plan, any response
12 plan, how would you address the problem of getting your ship and
13 the passengers ashore?

14 A. We would arrange for alternate transportation back to their
15 vehicles.

16 Q. Pardon me?

17 A. We would arrange for alternate transportation back to their
18 vehicles.

19 Q. And where would the ship dock or how would the passengers get
20 off?

21 A. Well, your scenario you gave was at pier four.

22 Q. All right.

23 CDR WADDINGTON: City Cruises, any follow up?

24 MR. DENLEY: No, I don't. Thanks, Commander.

25 CDR WADDINGTON: Thank you. Mr. [REDACTED] one more?

1 MR. [REDACTED] Yes, sir.

2 BY MR. [REDACTED]

3 Q. If I told you for the record that there were 91 passengers
4 aboard the vessel, would you agree with me?

5 A. Yeah, I don't know. That's not the information I had.

6 Q. For the record, Coast Guard Exhibit 001, page 5, is the
7 opening Power Point presentation which has been verified for
8 accuracy and it lists 91 passengers. Thank you, sir.

9 CDR WADDINGTON: Mr. Smith, you are now released as a witness
10 at this formal hearing. Thank you for your testimony and
11 cooperation. If I later determine that this team needs additional
12 information from you, I will contact you through your counsel. If
13 you have any questions about this investigation, you may contact
14 the investigator recorder, Lieutenant [REDACTED] [REDACTED] The time is
15 1:52. We will reconvene at 1:55. Thank you.

16 (Whereupon, at 1:52 p.m., the interview was concluded.)

17
18
19
20
21
22
23
24
25

CERTIFICATE

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

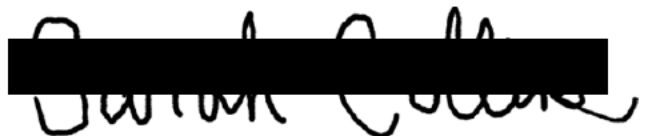
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Scott Smith

ACCIDENT NO.: DCA22FM022

PLACE: Virginia Beach, Virginia

DATE: January 30, 2023

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.



Sarah Collins
Transcriber