

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: BILL BURKET, Maritime Incident Response Team
Port of Virginia

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

LCDR [REDACTED] [REDACTED] Staff Member
Fifth Coast Guard's District Inspections
United States Coast Guard

MICHAEL KARR, Safety Program Manager
National Transportation Safety Board

DAVID FLAHERTY, Office of Marine Safety
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

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I N T E R V I E W

(3:25 p.m.)

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2
3 CDR WADDINGTON: The time is 12:55. This hearing is now in
4 session. At this time, I call Mr. Bill Burket, Port of Virginia
5 Maritime Incident Response Team.

6 LCDR ██████ Please stand, and raise your right hand. A
7 false statement given to an Agency of the United States is
8 punishable by fine and/or imprisonment under 18 U.S. Code 1001.
9 Knowing this, do you solemnly swear that the testimony you are
10 about to give will be truth, the whole truth, and nothing but the
11 truth, so help you God?

12 MR. BURKET: I do.

13 LT. ██████ Please be seated.

14 INTERVIEW OF WILLIAM A. BURKET

15 BY LCDR ██████

16 Q. Please state your full name and state and your last name.

17 A. William Abner Burket, Jr., B-U-R-K-E-T.

18 Q. Please identify counsel or representative if present.

19 A. None.

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

21 A. I am Senior Director of the Maritime Incident Response Team
22 and Business Continuity for the Virginia Port Authority.

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

24 A. Inside of our gates, my job is basically emergency
25 management, emergency operations for the Virginia Port Authority,

1 continuity of operations to be able to help mitigate any issues or
2 disastrous that might arise on our terminals. Okay?

3 Outside of our gates, because the Virginia Port Authority is
4 only responsible for five terminals in the entire Port of
5 Virginia, our container terminals. But outside of our gates, my
6 role is to work with, which the Coast Guard refers to as other
7 governmental agencies, all the OGAs, which includes both State and
8 local fire and police, municipalities, and agencies and other
9 folks.

10 To basically respond, prepare, and mitigate from an all
11 hazards perspective within the entire port. And under those
12 circumstances, either I'm assisting a local Incident Commander
13 and/or Sector Virginia, the Captain of the Port.

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

15 A. Okay. I started in the Volunteer Fire Department when I was
16 15 years old. I was hired by the city of Virginia Beach in 1979,
17 by which I was there, I was retired as a Fire Captain in 2010, and
18 from that point on, I've been working for the Virginia Port
19 Authority in the role that I'm in at the present.

20 And during that time, in the fire service, rose to the rank
21 of Captain. I was instrumental in getting our marine team up and
22 running, fire boats and those type of things. Also, I took a
23 liking to the maritime sector and started helped build our marine
24 capabilities, which include training.

25 And you know, most firemen have part-time jobs. So, my

1 part-time jobs I did marine safety consulting work for several tug
2 and barge companies in the Port of Virginia that allowed me to
3 travel board their vessels, watch their operations. And I trained
4 in them in everything from firefighting to CPR, all pollution
5 response, emergency barge recoveries, and those types of things.

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

7 A. My education to my position, of course, I mean, I have a
8 bachelor's degree in human resources. Within the Fire Service I
9 attained the rank of Captain. I was also a fire-all
10 state-certified in the Commonwealth of Virginia Fire Officer 3 and
11 Instructor 3, and other hazmat certifications.

12 And at the present, I am a credentialed IC, Incident
13 Commander for our type 3, IMT, Incident Management Team here in
14 the Port of, excuse me, in the Hampton Roads area. I also hold
15 100-ton master's license, but at this time, my medical certificate
16 just expired. I have not had an opportunity to renew that yet.

17 Q. Do you hold any other professional licenses or certificates
18 related to your position?

19 A. No.

20 Q. Thank you. Commander Roy will now have follow up questions
21 for you.

22 BY CMDR ROY:

23 Q. Good afternoon, Mr. Burket. Thanks for being here today.
24 Before we begin, we just ask if you'd please stay away from using
25 acronyms. I know the Fire Service has a lot of acronyms. So, if

1 you do use one, if you could just explain what that is for the
2 public, please.

3 A. Certainly.

4 Q. There's an exhibit binder in front of you and there will be
5 also be exhibits displayed on the monitors around the room. If
6 you need a break, please let us know. We can take a break anytime
7 you need it.

8 A. Okay.

9 Q. We're going to start off by asking some more questions
10 regarding your background experience. And then we'll shift into
11 what the maritime incident response team is, the role it plays in
12 the Port of Virginia. And lastly, we'll discuss the fire on the
13 *Spirit of Norfolk* and the role you took in support of that
14 response.

15 A. You mentioned your fire experiences. Did you hold any type
16 of command positions or temporary command positions while you are
17 a firefighter for the City of Virginia Beach?

18 Q. Yes, I rose to the rank of Fire Captain, which I was
19 responsible for an engine company and personnel there. There was
20 a short period of time for about a year that I was an active
21 Battalion Chief where I had multiple companies in a battalion,
22 engine and the ladder companies that I was responsible for.

23 And so, for the Fire Service, that's where I was. But right
24 now, as I mentioned, you know, with the Incident Management Team
25 which the Virginia Port Authority allows me to participate on that

1 team, I'm a credential Incident Commander for that type 3 team.

2 A. Can you also go into detail about any specific training you
3 had for maritime firefighting over the years?

4 Q. Certainly. In 1984, we had a group come from Seattle to
5 teach, do like, Train the Trainer program for us in the port. And
6 to be honest with you, that's at the point when we really had an
7 understanding that from the port perspective, we were lacking in
8 the marine firefighting field at that time.

9 So, I took it upon myself to become studious in the marine
10 firefighting. Attended those classes and some others. I also
11 participated, attended a Texas A&M Advanced Marine Firefighting
12 School.

13 And that's, that's basically focused on the merchant mariner,
14 which still was great information. And I've attended a lot of
15 other courses over the many years through this. But, but during,
16 once we determined --

17 And this was just about the time that conception of the
18 Maritime Response Team started to come into conception, I felt
19 there was a need for an annual marine firefighting type of school
20 or symposium in our area. So, in 1991, we put that together and
21 started to present that.

22 Q. Thank you, sir. I'm going to move into -- can you explain to
23 the public what the Maritime Incident Response Team is and what
24 function does it perform in emergencies in the Port of Virginia?
25 So, going maybe a little more detail about operations support,

1 equipment? You know, are you an advisor? Or do you take command
2 of things? Just kind of go a little bit more in detail, so we
3 really know what that team does and what your responsibilities
4 are.

5 A. Well, certainly. Early on in the formation of the team, to
6 be honest with you, it was a brainstorm of mine. So, I approached
7 back then MSO Hampton Roads. And I will say, before going any,
8 I've had the privilege and the honor to work with 14 Captain of
9 the Ports in a row.

10 And so, you know, I've had a lot of exposure to way the MSO
11 and the Sectors work. And, and I'll just go on to say it up
12 front, that we've, over the years, we have certainly instilled
13 that confidence and training.

14 Because if the Sectors do not trust what we do, then our team
15 does not exist. And I'll get more into that in a little bit. But
16 the Maritime Response Team was initially put together to address a
17 lack of firefighting capabilities. All right?

18 We initially started to try to train local firefighters from
19 the local jurisdictions. You know, the Port of Hampton Roads is
20 surrounded by multiple jurisdictions, unlike the Port of New York,
21 where you have New York and maybe New Jersey. All right?

22 Here, we could have up to 16 jurisdictions that surround the
23 port, which means identifying that Incident Commander can be
24 somewhat of a challenge. So, we wanted to make sure everybody had
25 an understanding, hopefully, what their duties and

1 responsibilities were.

2 And then, the training started out initially. Also, in this
3 port, we lacked dedicated fire boats. And there was a big push
4 throughout the history to get fire boats in the port. Every now
5 and then, a Fire Department would have one, you know, way back
6 when. But they wouldn't necessarily be put out of service.

7 So, we took on that larger role of trying. How can we build
8 our, not only from a training perspective, but also our resource
9 perspective, to be able to respond to mitigate maritime events,
10 whether they were afloat or shore side?

11 And fortunately, through the, what was back, which is now the
12 Virginia Maritime Association, but back then was the Hampton Roads
13 Maritime Association, we approached them, were able to
14 successfully lobby our General Assembly where a certain amount of
15 money was provided to start to purchase equipment, which included
16 portable fire pumps and other vehicles to help support that
17 marine, that marine response.

18 But as we moved on, you know, the fire piece certainly
19 started to expand, and went into hazmat, a lot of hazmat,
20 especially with containers and those type of things. So, we
21 started to train with that and help coordinate.

22 So then, as the Maritime Response Team started to build, we
23 started to kind of venture out into that response boat more, other
24 than just being at a training or resource provider. And because
25 of the legacy knowledge, in particular, that I had in a port, and

1 how I started to build relationships with our port partners, the
2 private sector, and the public sector, we ended up becoming on
3 scene advisors, basically what the team ended up providing.

4 So, we would meet up with that local Incident Commander,
5 based on their event. It could be a search and rescue. It could
6 be a fire. It could be a hazmat. Whatever it is. That we can
7 help provide them, help support that as a command, especially from
8 a resource base.

9 But soon, on, it's really gone to all hazards now. It's
10 where we are today. And again, we focus initially on
11 firefighting, but we soon had to understand that it did spread
12 across multiple disciplines within the port, which include law
13 enforcement, which includes security, hazmat pollution, and those
14 types of things.

15 So, presently, the team involves about 20 jurisdictions,
16 and there both police and fire that participate. But it mainly
17 focuses on the marine team. So, all their police boats, fire
18 boats.

19 We've identified from the private sector. Like instance,
20 your Mirand (ph.), and your McAllisters, and your Croft & Diving,
21 and all those folks with those private resources come to bear to
22 help to have us mitigate an all hazards event.

23 So, if you look at membership, there's only two full-time
24 folks with the marine team that works for the port. That's myself
25 and my colleague, Tracey Freeman. And then, if we need additional

1 support, we will reach out to those local agencies that
2 participate.

3 And then believe it or not, very seldom we ever get told no.
4 And that manpower will show up. And we've been so successful with
5 this, that we've actually had resources that will deploy from
6 Chesapeake and Virginia Beach, and have traveled all the way to
7 Chincoteague to help them in search and rescue cases.

8 So, just kind of blossom to that statewide. But I hope in a
9 way I've answered your question. Where we are an on-scene
10 resource to help provide liaison support and information. But if
11 the Incident Commander asked us or require that we go to more of a
12 command role, which has happened and to fill an operations piece,
13 or even be a Deputy Incident Commander, we have certainly assisted
14 that. But knowing that we are working for that responsible
15 agency's IC.

16 CMDR ROY: Yes, thank you, sir. I'm Lieutenant [REDACTED] please
17 pull up Exhibit 12, which are pictures of the maritime incident
18 response team equipment. Sir, once he brings that up -- it's also
19 in your binder.

20 BY CMDR ROY:

21 Q. Can you just tell us quickly about these pieces of equipment
22 and where they used on June 7th and subsequent days to support
23 this *Spirit of Norfolk Fire*.

24 A. Certainly. This is what we call PAC1, Port Authority Command
25 Unit 1. That's housed in the fire station in Virginia Beach.

1 It's a regional asset the Port Authority owns, but anybody can use
2 it. So, it was deployed for Virginia Beach to Pier 4 during the
3 event.

4 That is example of one of our support trucks was, one of our
5 3000-gallon per minute fire pumps. There are four of those trucks
6 and three of those pumps that are strategically display our
7 position throughout the port. One's in Chesapeake. One's in
8 Norfolk. The other pump's in Henrico. Because we are responsible
9 for the recent marine terminal up to James River.

10 And then, the other truck is just a support truck that's in
11 Hampton. At the time that support three, and pump three were
12 located in Norfolk Firehouse 12. But they were the initial engine
13 companies that responded from Norfolk Fire to this scene. So,
14 that truck was left back. But we had plans to get it and
15 responded if it was necessary.

16 CMDR ROY: All right, thank you. You can take that slide
17 down, thank you.

18 BY CMDR ROY:

19 Q. You mentioned in part of your testimony earlier about the
20 classes. Can you tell us about the firefighting class and the
21 command class real, just briefly, and what they cover, and what
22 would you learn if you took that class?

23 A. Certainly will. The Virginia Port Authority, we help support
24 four annual classes, every year. And that's mainly supported with
25 poor security grants and other funding that we can make, make

1 available. The first one is the annual marine firefighting
2 school. We are, in May will be our 31st year where we've done a
3 31 years. The only time we've had an interruption was COVID in
4 2020.

5 And that course is a five and a half day course based on
6 initially the 1405, NFPA 1405 standard, which is now based on NFPA
7 1005. And it, we get attendees, basically who from around the
8 world now that come and attend this course.

9 They come as far as Singapore, the Panama Canal, the
10 Netherlands. We've had them from Hong Kong. We expect some from
11 South Africa this year. And then, of course, we've got
12 departments up and down the East Coast of the United States, and
13 even from the West Coast that have attended over the past 30
14 years.

15 Q. Sir, can you tell us what NFPA is for the public, for those
16 who don't know?

17 A. Oh, gosh, National Fire Protection Association.

18 Q. All right, thank you.

19 A. Yes, you almost got me there. Sorry about that. But anyway,
20 so those are standards that were developed, and then for training
21 the land-based firefighter. So, this five and a half day course
22 consists of classroom and practical.

23 It's heavy practical, you only spend a half a day in the
24 classroom, basically two days out of the five and a half days.
25 The rest of the time is boarding vessels, or vessel tours for

1 vessel familiarization. The other time is actually going to the
2 Navy Fire School, to do live burns, and to stretch hose lines and,
3 and to deal with that type of environment.

4 We also, there's one full day where the Maritime
5 Administration, MARAD, allows us to access their vessels to get
6 crews on the vessels. And we rotate them through about four
7 different stations, five different stations.

8 And they include everything from an engine room fire.
9 Another one's called a treasure hunt, where they have to take the
10 fire control plan of that vessel and find certain areas by tracing
11 throughout their vessels just using that plan. There's a
12 dewatering segment. There's also a segment how to teach them how
13 to climb a Jacob's, or pilot's ladder. Fix CO2 systems. And, and
14 there's some other --

15 And we do work on their fire main systems on how the ship's
16 fire main system would interact when you have to utilize the
17 international shore connection. If for any reason those pumps
18 failed on that ship then we could connect into it, just like you
19 do a sprinkler or a standpipe system in a structure and supply
20 that fire main system with water from a shoreside from a fire
21 engine, or one of our portable pumps.

22 And the last day focuses on -- and there's another day of
23 where we work with a, or we simulate, we have to establish a water
24 supply to a vessel, and the way that we can do that both shoreside
25 and waterborne side.

1 So, the last day, which is a component that does exercise our
2 marine firefighting contingency plan, where we have a vessel
3 that's at anchor, often up to James River, off of Fort Eustis. We
4 considered it a dead ship, which means there's no power, no
5 nothing, but it is on fire.

6 And so, the firefighters have to utilize land-based equipment
7 and deploy by either putting apparatus on an Army landing craft
8 and/or using all of our local fire boats, and deploy from the
9 shore to the vessel, set up commands, establish their water
10 supplies, and start an offensive attack into the house.

11 And typically, this class, like I mentioned it's attended
12 from a wide range of folks. Unfortunately, we can only do it once
13 a year. Secondly, we have to hold the attendance down. We had it
14 as high as 130 a class. That certainly is too large. So, we had
15 to back it down. We tried to keep it to about 100 now.

16 So over the past 31 years, I would say that we have probably
17 trained over, pushing 3,500 professional firefighters. But it's a
18 mixture of those. And I would say, maybe 50 percent are here
19 domestically and -- well, let's say 60 percent and 40 percent come
20 from either outside the Commonwealth or outside the country to
21 learn how we do business.

22 That's the Marine Firefighting School. Then we hold our
23 annual search and rescue forum that is very well attended. We're
24 going on our 17th year. This, this training really sets the
25 foundation the way we do emergency response in the port.

1 And before I go any further, I have to say that these courses
2 are co-sponsored with Sector Virginia. Coast Guard's involved
3 with, with this. And then, Virginia Maritime helps us with the
4 marine firefighting school.

5 But in particular SAR (ph.), it's a coordinated course
6 between the Sector and us, the Virginia Port Authority. It's very
7 well received. What it does is really focus on, during special
8 boat operations, the fire boats, the police boats, all the crews
9 working together, whether it's a fire, whether it's a SAR case,
10 and most importantly, with *Spirit*, with that mass rescue piece.

11 It really provide confidence to me that we actually used the
12 *Spirit of Norfolk* for a mass rescue exercise during this event,
13 probably about 2018, 2019. And it just showed, you know, not only
14 from what the crew did, from the way the emergency responders
15 responded, but the public sector, how they responded. That the
16 training is working and starting to pay off, as our port partners
17 understand what we've been doing over the many years.

18 Q. So, that'd be your command course you're talking about? Or
19 is this something different?

20 A. That, we have a public safety die form to support the public
21 safety divers. Now, comes the command course. That was really
22 born three years ago when we could not do the full marine
23 firefighting school. But we've always recognized that we really
24 need to focus something for the Incident Commander. Okay?

25 For those individuals that would make, be making decisions on

1 the fire ground, in particular, a marine incident. All right?
2 That course started three years ago. We just wrapped up our third
3 one in October. So, we've only got two underneath our belt prior
4 to this year.

5 Q. Sir, based on being on the scene on June 7th, and any
6 subsequent days, do you recognize any Fire Officers, Battalion
7 Chiefs, Coast Guard personnel from Norfolk, Navy Norfolk or
8 Chesapeake that attended any of your courses?

9 A. Yes, there were several there. Now, again, the faces changed
10 so much, you know. And they may be transferred, or work maybe
11 off, or maybe at different companies, or excuse me, engine
12 companies. But certainly there were many there that had been
13 through the courses over the years.

14 Q. All right, thank you.

15 A. But most importantly, the Marine Firefighters School, maybe
16 not necessarily the Command School because we just started that.

17 Q. Thank you, sir. Last question, and we'll move on to the day
18 of June 7th and your actions that day. Can you talk about the
19 difference between like structural firefighting, marine
20 firefighting. Now, how are they different? Why are they
21 different? And can like a structural firefighter just walk into a
22 marine fire, and vice versa?

23 A. Well, certainly there is a big difference. And that's
24 certainly, that's why we try to work as hard as we do to train our
25 local land-based firefighters on the marine environment. And

1 especially when you get it, not only from the basic firefighter
2 perspective, but also from the IC level. Okay?

3 You know, the construction is different, the layout is
4 different. You know, the, what, your strategy and tactics, all
5 right on how you enter. I mean, a lot of land-based firefighters
6 really try to relate fighting a marine fire, like a high rise with
7 it, lay it on its side. Right?

8 That's kind of difficult to think. There's, it's really not
9 close. But you're trying to get that compartmentation, getting
10 ladders, and those type of things. Okay? So, from a structural
11 perspective to the marine firefighting, there's a lot of nuances
12 if you're not careful can get very confusing quickly.

13 One is terminology. Okay? If you know, we're sitting in
14 this room right now we're looking at ceilings, walls, floors, and
15 those types of things. You get aboard a vessel, you've got
16 bulkheads, overhead decks, passageways, and those things. A
17 perfect example is the term draft. In the maritime community,
18 when you hear the word/term draft, you think that's how much a
19 vessel is drawn below the surface.

20 In a firefighter's mind that's creating a suction. That's
21 why we pull the rig up our fire truck next to a pier or swimming
22 pool and get a suction from that water supply that may be a river
23 or a swimming pool, or those type of things.

24 So, you kind of rely heavily on terminology. All right,
25 teaching that. Most important is the interaction that the

1 firefighters need from either that responsible party, that they
2 need from the Coast Guard, that they need from a lot of other
3 private sectors to help them safely mitigate that. All right?

4 From an Incident Commander's perspective, from the land-based
5 side, it's important to understand that typically a local Incident
6 Commander for the Fire Department, when he or she assumes command
7 at a fire, you know, they are it.

8 They are the Incident Commander. All right? And they're
9 either looking at that building, or they're looking at that car
10 fire, or they're looking at a mass casualty, or even a vessel
11 that's tied to a berth. That's them. All right?

12 And there's not many occasions that they are, they have the
13 exposure, where to get these outside forces come and they start
14 asking them questions or providing input, or those type of things.
15 Because you know, that's just the way business is run. They're
16 used to doing that stuff, unlike, a maritime event. All right?

17 So, from the land-based perspective, especially for the
18 Incident Commander, that's what the Marine Firefighter School is
19 about is to educate the, the Incident Commander on what they can
20 expect and should expect. And hopefully, we'll expect from an RP,
21 from a salvor, from the Coast Guard, from the Sector, those type
22 of things. All right?

23 And then, when, especially when you transition into the
24 Unified Command becomes another thing. Because my experience
25 being a local Incident Commander in a Fire Department, very seldom

1 do I even think about is Unified Command. All right?

2 Like the way that the Coast Guard runs it and the way that
3 everything is set up and you're running through the planning P
4 (ph.). Those events typically don't last that long. So, also in
5 the Command School, we expose them to that type of, that exposure
6 to the Unified Command, and the way that it's set up, all right,
7 from that perspective.

8 Typically, our local Incident Commanders will see that as
9 some type of natural disaster, an event is ongoing for days. All
10 right? But most of these events don't last that long. So,
11 they're stuck as the IC. They may branch off a little bit with an
12 ops, or they might do a division here, or division there, you
13 know, as a breakdown or command, to hopefully manage their, their
14 span of control.

15 But there's a lot of different nuances to marine
16 firefighting. You have to watch your water. You have to be
17 concerned about how much water you're pumping in. You have to be
18 worried about stability. You have to understand terms and
19 constructions, construction.

20 You have to understand access. You have to understand how to
21 read a fire control plan, which is very similar to what a
22 building's fire pre-plan is. Okay? Just that, that outlines a
23 building, unlike a fire control plan.

24 Where to locate it? How do you interact with the
25 vessel's crew? What authority does that vessel's Captain have

1 over your decision making? Okay? So, those are some of the
2 topics we try to cover. And those are the nuances between
3 land-based and marine firefighting.

4 Q. Thank you, sir. And during your testimony, you used the
5 acronym RP. Can you explain to us what RP.

6 A. I'm sorry. That, responsible party, or the owner of the
7 vessel, or the operator.

8 Q. All right, thank you, sir. We're going to move into events
9 of June 7th. So, what I'm going to ask you to do is to kind of
10 think about the, the day of June 7th. Where were you when you
11 found out about the *Spirit of Norfolk*?

12 Can you discuss your actions and the actions of the people
13 who work for you under the Maritime Team? And kind of just walk
14 us through that day. And you can stop at, you know, the day when
15 you left on June 7th.

16 A. Okay. Thought about this a lot, of course. I was actually,
17 ODU has a facility in Suffolk, off a College Drive near the
18 Monitor-Merrimac Bridge Tunnel. We had just wrapped up reviewing
19 proposals for the Urban Area Security Initiative Grant Program,
20 UASI. And we were awarding those projects, just finished that.

21 And I get a phone call from Chris Carmel (ph.) who's the
22 Operations Manager at McAllister. He goes, Bill, the *Spirit of*
23 *Norfolk's* on fire with about 100 folks on it. I said, oh, really?
24 And he said, yes.

25 I said, all right, Chris, I haven't heard anything yet, but

1 I'll start to move on. And my next question to him, do you have
2 any boats heading that way? He says, yes, I have to tugs heading
3 that way. I said, okay, thank you.

4 So, and again, you have to understand from a maritime
5 incident notification can be very clunky. For instance, I'm sure
6 on the *Spirit of Norfolk* marine VHF radioed to the Coast Guard for
7 a Mayday, everybody hears it. All right?

8 They probably could have had folks on the *Spirit* dialing 911
9 from their cell phones. And what this can cause, and it happens
10 multiple times, is the fact that a 911 center may be aware of
11 incident maritime event, but yet the Coast Guard isn't. All
12 right? Because a went to a 911 call.

13 And so, we've been trying, working hard to bridge those gaps
14 to make sure if a first responder like Virginia Beach Fire's
15 responding to a marine event, and it was dispatched through their
16 dispatcher, they need to make sure that the Sector Command Center
17 is made aware. All right?

18 So, I'm trying to set the stage, right? That's how -- and
19 many times, I'll have folks call me directly before anybody else
20 knows what's going on. So, once I was made aware, I called the
21 Sector real quick.

22 And they say, yes, Bill, we just got the call. We're working
23 on it. And I know they're busy, so I let him go. So, I started
24 to respond. And I'll be honest with you, I was just heading to
25 Norfolk, because I was on the Portsmouth side.

1 Because I had no idea. All I knew was the *Spirit* was off the
2 naval base. Didn't know where it was going, or anything like
3 that. So, I called Tracey, and we knew we, in my mind, we had a
4 mass rescue, and we had a fire all wrapped up in one. And the
5 vessel was underway, or she was in stream.

6 So, I immediately reached out to the gentleman that works
7 with me, Tracey Freeman. I said, Tracey -- he didn't know about
8 it. And I said, hey, head to Sector, Sector Virginia, to the
9 Command Center is what I'm referring to.

10 And get on the phone with all of our fire boats. Let's get
11 them underway, fire and police boats. Just get everybody heading
12 that way. And come to find out, a lot of them already were.
13 Okay? We didn't have to tell them.

14 So, Tracey went by the Sector. Anyway, I continued. I got
15 on the -- I do have communications with most of the local Fire
16 Departments and Police Departments via what's called an 800 radio
17 system.

18 And I called Norfolk Fire. They told me which tack channel
19 that they were working on. I switched to that tack, and I talked
20 to a Battalion Chief directly that they were responding to. He
21 says, all we know we got a fire, but we don't know, and we hear
22 that it's probably going to go to the Navy base.

23 So, that's how far and how quickly this thing was starting to
24 involve, you know. So, I started to head to the Navy base. And
25 as I arrived, I was just listening to the communications on the

1 Norfolk command channel. Because they redirected --

2 I don't know where they're heading for initially, right? But
3 they redirected to the Naval base. So, as I arrived up on scene
4 on Pier 4, I drove my Tahoe near, I was only, it wasn't past the
5 *Spirit*. It wasn't there yet. But I could look at in stream. The
6 bulker, I know we all understand the issue with the bulker, or it
7 had already passed. And I think the tugs already had control of
8 it.

9 And so, I'm looking at the *Spirit*. Navy Regional Fire
10 Department already had apparatus on the pier. They had an engine
11 that was at draft, and they had a ladder at the head, already
12 flowing water waiting for the arrival of the *Spirit of Norfolk*.

13 So, as I stayed in on the dock, I was waiting, trying to get
14 an assessment of what was going on, on the scene. And then, the
15 other apparatus started to pull in behind me, which consisted of
16 apparatus and the command vehicles from Navy Regional, and Norfolk
17 Fire. And, excuse me.

18 And so, I was watching the *Rosemary McAllister* had alongside.
19 He was flowing water both on the port starboard side of his tug,
20 but most of the stream, I could see he was spraying on the side of
21 the *Spirit*.

22 And I never saw the *Victory Rover* because she was on the
23 other side. But I noticed she had come away, and had already
24 started to leave the scene, heading back to Town Point Park. And
25 then, this is when Captain Dees the Commander of the naval base

1 pulled up and said, hey, we're going to let it come in here to
2 pier 4.

3 There was a little bit of discussion between pier 4 and
4 pier 5. But anyway, so the McAllister tug was bringing her our
5 way. You know, due to the number of folks in the mass rescue at
6 the time, neither Navy Regional nor Norfolk Fire had a good
7 confirmation if everybody was off to *Spirit* yet.

8 So, the Incident Commander from Norfolk Fire, by the way,
9 Norfolk Fire, you had Norfolk Fire Battalion 3 was a Norfolk
10 Incident Commander. There right next to him was Navy
11 Mid-Atlantic, the Assistant Chief. All right?

12 And we'll talk more about that in a second if you don't mind.
13 But, so as a waiting for the tug to come, they asked me, Bill, can
14 you call the McAllister tug and please give us an understanding of
15 what's going on with the passengers and those type of things.

16 So, I reached out because my radio has triple unban. I
17 reached out on Marine VHF, I couldn't get a hold to the *Rosemary*
18 right away. So, I called his dispatcher. They told him what
19 channel I was on. So, I switched over and I talked to him.

20 And as he talked to the *Victory Rover* real quick, and they
21 confirm, they had all the passengers off of the vessel and they
22 were heading to, town Point Park at the time. And it was at this
23 time that I was able to convey that information to the command
24 post that was established, that everybody was accounted for, and
25 they were heading that way.

1 And so, but still, you know, did I tell you it was a sense of
2 this call that was really emotional, really high strung because of
3 the mass rescue, because of that passing ship that just went by.
4 So, you know, everybody's just trying to get their wits about
5 them, so.

6 I know there's been a lot of discussion about the command,
7 who was in charge. All right? Again, this is when a marine
8 event, this in stream, is very unusual for your typical local
9 Incident Commander to even contemplate. And what I mean by that,
10 is that that scene is actually moving. Okay?

11 And what we've outlined in the Marine Firefighting
12 Contingency Plan are boundaries, even cities' boundaries are
13 actually in the waterways. All right? So when the *Spirit of*
14 *Norfolk* is still in stream that really fell into the City of
15 Norfolk's responsibility from the Fire Department. That's, that
16 was their responsibility. And their folks were responding.

17 As you transition that vessel from that area, and now she
18 comes alongside and makes up at the naval base, that Incident
19 Command should transfer to Navy Regional because that's their
20 facility. All right?

21 But I'm, but what was odd about this one was the fact that
22 we're all standing there watching this transition taking place.
23 Norfolk, Norfolk's, you know, responding with their full response.
24 Navy Regional, is there with their full response. What I mean by
25 full response, that is your units, your battalions, your engines,

1 your ladders, your rescues, your medics.

2 We had no lack of equipment, no, there was no lack of
3 equipment on that dock whatsoever. Okay? So, that's when you had
4 the two Chiefs side by side. So, I walked up to them. And again,
5 I'm not in the command role, I'm there strictly as support role.

6 So, they said, they're bringing this vessel up alongside,
7 which they did do. They asked me to communicate with the tugs, so
8 they knew exactly where we wanted it, and those type of things,
9 which I did do.

10 And then, but I will tell you based on the layout of the
11 berth and the fendering system, and the way that the *Spirit of*
12 *Norfolk*, ties up, which is typically portside to, now she is
13 starboard side to, and with the fenders, access was a little
14 difficult to the vessel from the dock. So, we had to work through
15 that a little bit and get the moor line straight.

16 So, it was at that time that, when I was there that Ryan,
17 Captain Ryan showed up with Captain CJ (ph.). They got over
18 there. They were put on a, a tow boat, one of the commercial tow
19 vessels, tow boat U.S., and they brought them to pier 4.

20 And so, I, CJ and I spoke really quick. And he gave me, hey,
21 this is what's going on. Okay? Said, okay. And you know, engine
22 room 5, which I could definitely see, you see the flames out of
23 the vents and those type of things.

24 And the, and so, and then, and I think we did talk about it.
25 I can't say it 100 percent because based on what I was seeing, it

1 was almost assumed that, that engine room door was secure. It was
2 not open at the time. Because if it had been, then we certainly
3 would have had smoke generating throughout the rest of the vessel.

4 But everything seemed to be contained in the engine room.
5 The only areas that I saw smoke and flame were coming out of the
6 vents, the engine room vents, both port and starboard at the time.
7 Okay?

8 From that point on, once we got the vessel tied up, and I
9 talked to CJ, and by the way years ago, I've had the opportunity
10 to not only sail on the *Spirit of Norfolk*, but I've also, I think
11 in the 80s I helped provide some training for their crews. So,
12 I've actually been in the engine room of the *Spirit of Norfolk*.

13 I knew where that watertight door was, from down below that
14 you access. And I knew where the escape hatch was on the
15 starboard side. And, and talking with CJ, and my immediate
16 thought is, all right, we got this thing contained., so you know,
17 let's just hold what we got.

18 Q. Sir, sorry to interrupt. But CJ is who?

19 A. Oh, I'm sorry, Captain Ryan. CJ is Captain Brown. Okay?
20 With Captain Ryan speaking with him, you know, my initial thought
21 was to recommend to the Incident Commander was, let's hold what we
22 got.

23 Let's think about getting a foam source here, so that we can
24 go through that hatch, see what we got going on. And if we need
25 to, we can put a good foam blanket in an engine room from that

1 hatch.

2 And so, and I went to the command, you know, spoke to both of
3 them. Both Navy Regional and Norfolk were standing right side by
4 side. Everybody agreed. And so, then, you know, I am not in the
5 command role. I'm there to support them. All right?

6 So, I'm there just giving them advice. Then I would walk
7 away. And they asked me to work with the fire boats, get them on
8 the channel. So, I started to work through all that. But it was
9 then that, said, hey, we need a foam source.

10 And they had already called Chesapeake Fire Department.
11 Chesapeake Fire is our Fire Department that's been designated to
12 be our foam source. They've invested a lot of money and training,
13 and to be able to provide marine firefighting foam because they
14 have a lot of tank farms in their facility in order to take care
15 of that. So, they were on their way.

16 And so, in the meantime, while we're waiting to get that
17 done, it was recommended to put a recon team on board just to
18 number one, find to hatch. And number two, just to look to see,
19 make sure the fire wasn't spreading.

20 Because even though that door was closed, and secured, and
21 there was a fire in the engine room, if we're not careful if that
22 bulkhead heats or blisters, it could cause a spread of fire just
23 through conduction. All right?

24 At the time, apparently, that wasn't taking the place. But
25 the objective of the recon, initially, was to find a hatch to be

1 ready to go once our foam lines got here, and we're ready to set
2 up for that.

3 Then there's a lot of other activity going on, on the dock at
4 the time. You can imagine, you probably heard about that. And
5 there was a time where Captain Stockwell who was Deputy Sector
6 Commander came up to me, says, Bill if we have to flood this
7 engine room completely, it's safe to do so where the boat won't
8 sink. I said, okay.

9 And that was just the thought, even though in my mind, the
10 tactic, it was not to fill the engine room full of water. The
11 tactic was to get foam in there, and let's just knock it down, and
12 wait it out.

13 So, we kind of knew -- at the same time there was water
14 flowing into the engine room both from a ladder truck that was on
15 the dock that was going into the starboard vent, and there was a
16 tug flowing water, which is now Moran, was flowing water into the
17 port vent. So, we actually knew the engine room was taken on
18 water, of course. And that's why we paid close attention to the
19 draft marks and the draft readings.

20 This is, this as a matter of fact, that was one of my duties
21 to have the fire boats run up and down to give me the readings,
22 both bow, stern, so we could keep that information back to the,
23 the command post, the Incident Commanders who were Navy Regional
24 and Norfolk Fire that were standing right beside each other.

25 Q. Sir, to interrupt real quick. At this time, based on your

1 perception, was there a Incident Commander, or was it still dual
2 Incident Commander? Or don't you know?

3 A. In my assumption, Navy Regional had it. Okay? But come to
4 find out, I don't think that's 100 percent, right. Because I
5 never heard, never a broadcast, like, all right, you know,
6 Assistant Chief, I'm now in command, or anything like that. Okay?

7 But knowing what I know about the Marine Firefighting
8 Contingency Plan, and the lane of how things work, once that
9 vessel got alongside, it should have shifted to them. Okay?

10 But the fact that Norfolk Fire was responding because it was
11 in steam, you had both of them show up the same time. And both of
12 them had resources there. They were just working through it, as
13 one. That's the best way I can explain it. Okay?

14 That one advanced team did go. We had water flow in the
15 engine room. We knew she was, she was starting to squat at the
16 stern. The one advanced team went on. Checked what they had to
17 check, then they came off.

18 And then, they got ready to put the second team on because
19 the foam lines were being established, the foam line to be able to
20 take in there. At the same, at this whole time, water was flowing
21 into those vents.

22 So, the time switched to get everybody together to get the
23 rapid intervention teams into place, to get their backup teams
24 into place. Then, the second crew went on board. And while I was
25 standing there, all of a sudden, I noticed an immediate -- at some

1 time as it went on, there is immediate list report.

2 And one thing real quick about radio communications, there
3 really were three different types of channels that are being used
4 there. One was Marine VHF. Then, you had Norfolk Fire on their
5 command channel, or their TAC, TAC channel.

6 And then, Navy Regional uses a radio system called Elmar
7 (ph.). All right? So theoretically, there's three different
8 channels that are being operated on. And again when you get a
9 multi-jurisdiction, multi-agencies, this can become a problem.
10 Communications always does, so you got to be careful what channel
11 you are on.

12 And this is when the Mayday occurred. Because when the
13 vessel listed, apparently that team, they went down below, and
14 they opened that door. All right? And the only thing I can tell
15 you why they opened the door --

16 I really can't tell you why. I can't really tell you what
17 they were told by their command post on what their duties were, or
18 what the tasking was because I wasn't there. I was staying in
19 over by the side.

20 But the best way that I can really explain that is, that it
21 was a mistake in opening that door. Because that was not the plan
22 from the IC. Based on everything that I see, was to go through
23 the hatch on that main deck.

24 So, when that crew went down below when I've been thinking
25 about it, it could be a couple different things could have

1 happened. One, is that they could have, communications could have
2 been crossed. Terminology could have been used differently,
3 because I'm not sure what the Incident Commander told the actual
4 attack crews to go down below. All right? Or when they boarded
5 the vessel.

6 But no matter what, the door was open. And when she
7 immediately listed to port, unfortunately, my radio channel was on
8 a different channel. I did not hear the Mayday. But then, we
9 certainly knew that there was a problem because, you know, all the
10 rigs start to blow their horns, the fire boats, the tugs, that's,
11 that's the signal to get off to, to evacuate.

12 And so, that, I kind of had an idea what happened then. The
13 door got compromised. And when that happened, apparently, they
14 were there's a significant amount of water behind the door. And
15 in our marine firefighting we do teach how to properly open a
16 watertight door, whether it's a quick action, or not quick action
17 door.

18 But for whatever reason, this door opened. They opened it.
19 It got away from them. They were immediately engulfed with water
20 off their feet. From what I understand there was a flashover,
21 with some bursts of fire over the top of their heads. And so,
22 they call a Mayday.

23 And I will, and I tell you, in my almost 45 years of doing
24 this, that was a long ten minutes standing on that dock. Because
25 there was a time there that I thought that we lost four

1 firefighters, a minimum of four firefighters.

2 Fortunately, RIT teams were deployed, Rapid Intervention
3 Teams. People were trying to get aboard. The crew
4 self-extricated. And once they got off the ship, and they were
5 found to be okay, then what happened was that one of the Chiefs
6 from Norfolk, Chief Brooks asked everybody to come to the back of
7 their mobile, up to the SUVs, which was the command post because
8 PAC1 was not on scene yet, our mobile command unit.

9 And based on what just happened, the decision was made that
10 we weren't going to put anybody back on there. That we were not
11 going to flow any water on the inside of the vessel because we
12 cannot dewater it, and we didn't want to sink it, or affect any
13 more of the stability. And we're just going to let it burn out.
14 So I would venture to say that after that happened, this is
15 probably the start of the Unified Command.

16 CDR WADDINGTON: Mr. Burket, I hate to stop you there. But
17 be careful about speculating.

18 MR. BURKET: Okay.

19 CDR WADDINGTON: Thank you.

20 MR. BURKET: Such as, sir? I'm sorry?

21 CDR WADDINGTON: Yes, we're interested in what you know,
22 primarily firsthand, not what you speculate happened one way or
23 the other. I'd appreciate that.

24 MR. BURKET: Yes, no worries.

25 BY CMDR ROY:

1 Q. Or if somebody told you, could you tell us who, who you had a
2 conversation with about what you're testifying to?

3 A. Okay, got you. All right. After the Mayday had happened,
4 they, they mustered us off behind the mobile, the command post,
5 and that was representatives from Norfolk Fire, Navy Mid-Atlantic,
6 Captain Stockwell and the Coast Guard, myself, and others.

7 We all mustered up. And then, the Incident Commanders said,
8 okay, we're not going to go on board. This, this is what we're
9 going to do. You know, we're going to cool the outside of the
10 hull. Not put anybody back on it.

11 And we just want to let it burn out and try to keep it from
12 sinking at the pier. All right? So, that's where we were for
13 many, for at least a couple hours. All the water going into the
14 engine room stopped. We, we started to provide just cooling water
15 on the outside of the hull.

16 And by the way, I did talk to Captain Ryan from the *Spirit*.
17 And I mentioned to Captain Ryan, I said, Captain Ryan, you might,
18 if you haven't done already, you might want to get a hold to your
19 OSRO salvors. And let's get him heading this way. Because we
20 knew --

21 Q. OSRO, acronym? Do you know what that is?

22 A. Oil response organization, maybe?

23 Q. Close enough.

24 UNIDENTIFIED SPEAKER: Oil Spill Response Organizations.

25 MR. BURKET: Yes, there you go. Okay, so. And sometimes,

1 they're one and the same, maybe they're not. But you know,
2 definitely wanted to get them coming because I knew we were going
3 to need their expertise.

4 Mainly, my hope was to have the fire out. Just we would need
5 them for dewatering and for the salvage overhaul piece. But so,
6 we were in this waiting moments, going on. The salvor had not
7 arrived yet.

8 And it was during that time that, to be honest with you, the
9 conditions on the vessel started to subside. The smoke stopped.
10 We started taking temperature readings from the outside of the
11 vessel. And those temperature readings started to show lower
12 temperatures as time went on.

13 And, and by then the vessel had righted itself, at more
14 level. Okay? But still at stern, but she a righted, she had
15 leveled herself out. And so, for a while there, I thought maybe,
16 maybe this got, the fire got, we got to fire. And but, there
17 wasn't -- and thing that you learn, low temperatures doesn't mean
18 the fire's out. And that's exactly right. Because somehow, we
19 had a reflash.

20 And within an hour or two, she started to smoke again. And
21 it was at this time I approached the Incident Commanders. And I
22 said, hey, we've got Chesapeake Fire here, let's least try to get
23 some foam in through those vents on the engine room. Try to hold
24 what we have. And so they granted permission.

25 So, we did start to flow foam concentrate into, to the

1 starboard vent of the *Spirit of Norfolk*. But unfortunately,
2 knowing that the door was open, that the foam as it started to get
3 in there, it didn't have much effect on trying to knock the fire
4 down. Okay?

5 I'm not sure why. But I can tell you during the dewatering
6 aspect, a day or two, they got a lot of foam out of that engine
7 room. But the fact that we couldn't keep it contained because the
8 door was open, it's what made the foam system, in my opinion
9 ineffective at that time.

10 Q. Sir, at this time, was there any resolution, on the Incident
11 Command? Was there a Unified Command setup, or was it still kind
12 of a dual hat command?

13 A. Well, we officially, I mean, I would say that Unified Command
14 started, or its initial stages started when we all met about
15 nobody's going to go back on there. Okay? Then it wasn't long
16 after that fire reflashed and the foam operations were going on
17 that the command unit was on the dock.

18 And then, Captain Stevens, Sam Stevens was there by then.
19 And then, he came and got us, many of us, and we went into the
20 command unit. And I would say that's probably when, that was the
21 first actual call to meeting inside the mobile command unit, was
22 at that point, which was right around 16:00, 17:00 hours.

23 And in that meeting, that's when we sat down. And you had, I
24 was in there as a supporting agency. You had the Coast Guard.
25 You had the Navy, Captain Dees. You had, there was some

1 representatives from the owner, Cruise in there. I can't remember
2 who, to be honest with you.

3 And by then, the salvor had showed up. Okay? And so,
4 there's some preliminary things with them trying to figure out
5 some stuff. In particular, stability where we were. But they
6 ended up in the command unit.

7 And then, both Norfolk Fire and Navy Regional were in the
8 command unit at that time. And so, Captain, and then we had on
9 the phone was DEQ, Department of Environmental Quality, which is
10 our State folks in case there's a spill, or hazmat. They were
11 part of that.

12 And so, there was some discussion. And then it, basically,
13 Captain Stevens went around the room, for lack of better terms,
14 just to get where we are and what our strategy and tactics were at
15 the time.

16 And both Fire Chiefs agreed that nobody should still go on it
17 because we did not know the stability. Okay? And what the
18 calculations were to safely reboard the vessel. And because you
19 could not reboard the vessel in order to do, you know, to get
20 pumps in there to dewater because then you have a fear of sinking
21 it.

22 So, the decision was made to continue with that first. What
23 I would call the initial Unified Command strategy and tactics
24 where nobody is going on board. We're going to cool the hull. We
25 don't want it to sink. We don't want to cause an environmental

1 issue.

2 And at the same time, the determining factor of when we could
3 reboard is when we got the stability calculations that would tell
4 us when it was safe to do so. And that went around the, we went
5 around the table on that. Asked for any discussions, any issues,
6 any, any pushback on those decision makings and there were none.
7 Everybody agreed with that tactic. And that's the way that it was
8 move forward.

9 Q. What time did you leave that day, sir. Do you remember?

10 A. About 23:00.

11 CDR WADDINGTON: The time is 1:55. We'll take a ten minute
12 recess. Resume at 2:05. Thank you.

13 (Off the record at 1:55 p.m.)

14 (On the record at 2:05 p.m.)

15 CDR WADDINGTON: The time is 2:04. This hearing is in
16 session. Commander Roy, please continue.

17 CMDR ROY: Thank you, sir. Mr. Burket, thank you for your
18 recollection of the day of the June 7. I have some follow up
19 questions for you regarding some of the comments you made and some
20 of your testimony.

21 BY CMDR ROY:

22 Q. Do called the recon team, a suppression team? Were you aware
23 of the composition of those teams? Like what Fire Departments
24 made up that team? Or those both those teams?

25 A. Not at the time. Okay? But I've come to learn if I'm

1 allowed to talk about that. That they split the teams up. It was
2 two Navy Regional and two Norfolk Fire was the composition of the
3 companies that went aboard. So, that's what the command boat,
4 these commanders decided to do was two and two. And they sent him
5 on as a team.

6 Q. Based on your training and experience, is it common to do
7 that?

8 A. It's not uncommon, but it doesn't happen often. Let me put
9 it that way. In this case, you only got to be careful about it
10 careful about is communications. All right? So, when you sent
11 that team down below, two are on, one radio system, the other two
12 were on, on another radio system. I don't know how they worked it
13 out. They could have handed them each a different portable radio.
14 All right? But I did find out that they were from two different
15 agencies. Yes, sir.

16 CMDR ROY: All right, thank you, sir. Mr. [REDACTED] can you
17 pull up Coast Guard Exhibit 098, page 34? This is a document
18 provided by Norfolk Fire Rescue.

19 BY CMDR ROY:

20 Q. This document, on page 34, it says Navy Regional Fire rescue
21 was Incident Commander, but appear to be having internal personnel
22 issues. Various NFR, Norfolk Fire Rescue, personnel witnessed
23 disagreements between senior Navy personnel amongst Unified
24 Command. Did you witness any of that disagreement or any issues
25 with Navy Regional Fire?

1 A. I did not. But I was made aware of it. But I did not
2 personally witness it.

3 Q. And how were you made aware of that, sir?

4 A. There were just as I -- during the time after the 21:00
5 meeting when I was still on, on scene, I would have conversations
6 with the CAS (ph.) teams, or the company, or the personnel on the
7 dock. And some of them made me aware of the events, that there
8 have been disagreements.

9 Q. Was there any specifics that you learned about from any of
10 those personnel, from those discussions?

11 A. The only thing I know that there was one Battalion Chief who
12 disagreed with the IC, and he was asked to leave the scene. And
13 really that's the only thing that I know.

14 Q. And the IC was who, sir?

15 A. Well, at that time it was -- okay, to try to help me frame
16 this, if you don't mind. Okay? Initially, the ICs were both Navy
17 Fire and Navy Regional back behind their Suburbans. Okay? When
18 we work through that piece. So, that's, not uncommon.

19 Well, it's different when you have two of them there.
20 Typically, that lone Incident Commander for that Department, f
21 that was the case, they are the lead. And when the, as you start
22 to transition to Unified Command, and then once the Unified
23 Command is identified, all right, then then you have your ICs that
24 are given directions.

25 And basically, what ends up happening, that first do company,

1 or those folks there that were standing behind those SUVs, or in
2 that command post. What they really become, they were they really
3 become operations when you look at the Unified Command structure.
4 All right?

5 And not that, that morphed into that. But that's basically
6 what was going on. So, I don't know at what point those
7 disagreements occurred. Were they before the Unified Command was
8 starting to established, after the Mayday? Or were those
9 commands, was that disagreement before that, or after that?

10 Because, in my opinion, anything after the Mayday, and once
11 that Unified Command was formed there, the Unified Command was to
12 quote the Unified Command. And then, you had the local Fire
13 Department, would have been, would have been that operations piece
14 of that Unified Command. All right?

15 If you don't mind, we talked, you know, there was a 21:00
16 meeting. Correct? That that was held in PAC1. And this was well
17 after the Mayday was called. And in that meeting, the Unified
18 Command personnel were still the same that was identified in that
19 16:00 meeting, which was the Navy, the Coast Guard, DEQ, the
20 responsible party, you know, they were all together. Okay?

21 So in that 21:00 meeting, that meeting, the command
22 decisions, and objectives had not changed from that 17:00 meeting,
23 let's call it that, to that 21:00 meeting. What that 21:00
24 meeting really as to take a look at the objectives, see if they
25 did need to be changed or not.

1 But also, it started to fill out all the other command roles,
2 ops, logistics planning. That's really what that 21:00 meeting
3 was doing. Okay?

4 And I could tell you at that 21:00 meeting, from the Fire
5 Department perspective, Norfolk Fire, had de-move. The only Fire
6 Department that was left there was Navy Regional. Okay? So, I'm
7 not sure, I think right about 18:00, 19:00 is when Norfolk Fire,
8 started to de-move and just returned to their firehouses. And
9 Navy Regional was the Fire Department that was left there at that
10 point.

11 Q. All right, thank you, sir.

12 CMDR ROY: Mr. [REDACTED] can you bring back up Coast Guard
13 Exhibit 098? Same page, 34.

14 BY CMDR ROY:

15 Q. Sir, you mentioned also in your testimony about the
16 communications that each department was on their own frequency.
17 Again, this is Norfolk Fire Department's response to Coast Guard
18 questions.

19 And in then there they write, the municipal Fire Departments
20 responding to the incident were able to communicate on the same
21 frequency, but the Navy did not have access to those frequency
22 channels or frequencies. And the municipal Fire Departments did
23 not have access to Navy channels. And this is based on the
24 difference of equipment between the municipalities and Navy.

25 Did the Unified ever, the Unified Command, that you know of,

1 or were you part of any conversations that talked about this
2 communication? And did anybody ever asked for radios, so
3 everybody could communicate on the same frequency or channel?

4 A. I mean, I know of that problem because we live it day in and
5 day out on multi-agency responses. But for this event, I do not
6 recall any requests for our CAS team, or, or additional radios to
7 be able to meet the needs between net Norfolk Fire and Navy
8 Regional.

9 Q. Does the Maritime Incident Response Team have radios that
10 they could have provided?

11 A. Yes, we do.

12 Q. And how many, sir?

13 A. Well, we have approximately eight portable radios that we
14 keep on PAC1, our mobile command unit, which wasn't there yet.
15 Okay? And also, we have resources that we could call. They're
16 called the state-supplied CAS teams, which are, there's one in
17 Hampton, and there's one in Chesapeake.

18 Where we can reach out to them, and they can show up with
19 hundreds of portables or radios if they're needed. But again,
20 that takes time. Right? But if you're ahead of the game, and you
21 can call for those soon enough.

22 Now there is an interoperability channel that we use in our
23 area. It's called Orion (ph.). But again, unfortunately, Navy
24 Regional does not have Orion programmed into their radios. But
25 all the local municipal Fire Departments that use an 800 megahertz

1 system, or 800 system. You know, a lot of those cities have local
2 jurisdiction radio channels programmed in their radios. But
3 unlike the Navy, I mean, they, you know, have their own radio
4 system.

5 CMDR ROY: Thank you. You can remove that slide, please.
6 Sir, there's been a lot of discussion amongst the witnesses about
7 the watertight door, or the access recon team, and the suppression
8 team. Mr. [REDACTED] can you pull up Exhibit 88, which is the
9 internal agency fire report for Norfolk, page 14?

10 BY CMDR ROY:

11 Q. Halfway down the page, starts with, these efforts. Okay.
12 This is from, again from, Exhibit 88, Fire Agency report, the
13 Norfolk Fire Department. It says, these changes, this change was
14 sent to recon team on the ship to locate a vent hatch and fire
15 floor plan.

16 This action was executed with a team of four. Two members
17 from Norfolk Engine 12 and two members from Engine 4. While doing
18 a recon, the hatch which was supposed to be 15 feet deep and 10
19 feet to the right was never located. Conditions on board the
20 ship, on the end, and the deck was visible, was visible
21 conditions.

22 Very little obscuring of the surveying of all areas of the
23 ship. Crews then made their way into the kitchen area where the
24 engine fire room was located. Conditions in the kitchen were
25 dark, but clear enough for foot traffic.

1 Once the door was open to the engine room, rollover pre-flash
2 over conditions were noted. The door was then re-secured, and B-
3 7, a member of the Battalion 7, or their call sign was informed of
4 conditions found. The recon crew then ordered to exit the
5 structure and rehab. Were you aware when you were on scene that
6 the recon team actually opened that door and secured again?

7 A. No, not that, not the watertight door. No, I was not aware
8 of that.

9 CMDR ROY: Mr. [REDACTED] can you go to Coast Guard Exhibit 98,
10 Slide 20, please?

11 Q. This exhibit is from the City of Norfolk's response to Coast
12 Guard questions. In this particular slide it discusses, these
13 were the questions about the, if the initial plan changed, then
14 who changed that? And it states the fire attack team was tasked
15 with placing a foam line in the engine room escape hatch, securing
16 the line in place, and then withdrawing from the vessel.

17 Having failed to locate the engine room escape hatch, the
18 fire attack team, second team attempted to place the foam line in
19 the engine room, in engine door before securing. Were you aware
20 that that was the plan? Or, can you testify what your idea of the
21 plan was based on your knowledge?

22 A. That my idea was a plan that they were going to go through
23 the hatch that was on the deck, on the main deck of the *Spirit* of
24 *Norfolk*, not to utilize the watertight door.

25 Q. Based on your training experience, if they had opened the

1 door 40 minutes before that, and then re-opened it again, does
2 that change any tactics or procedures, or how you would have
3 thought that fire based on your past experience?

4 A. I think it depends on timing. If the fire's in an incipient
5 stage, or it's in a free burn, or whatever it may be, just from
6 what I understand, when that door was opened, the biggest thing
7 that they, that impacted them was the amount of water that was in
8 the engine room, that took them off of their feet. Okay?

9 Q. And so, I'm just trying to, everything that I recall, in my
10 mind, I was referencing the hatch. Okay? Everything in my mind
11 was to hatch. When I heard about the door, that was a surprise
12 for me, when they talked about the door, because I was taking
13 hatch.

14 And I had assumed that that's what they were talking about.
15 So, with that said, if they got down there on that first team and
16 open up that hatch and had a line, you know, that's one thing.
17 They could probably have knocked it down, a hose line that is.

18 The second time the time, the time this, from the first team
19 to the second crew going in, was enough time to allow for the
20 buildup of water in that engine room, which didn't occur the first
21 time, I'm assuming. Okay? So, that certainly would change the
22 strategy and tactics by which, now you have to worry about the
23 amount of water that's in the space, where at first maybe you
24 didn't have that hazard.

25 Q. Thank you, sir. I've got one last question. You when you

1 were talking about the Unified Command meeting, you both have,
2 what 16:00 and 21:00, is that correct? Is that what you?

3 A. Correct.

4 Q. Were --

5 A. Now, those were the meetings that were held in the command
6 unit.

7 Q. Correct.

8 A. Impact 1, yes.

9 Q. And you stated that there was representatives from City
10 Cruises there, the responsible party?

11 A. Both inside the brig, and also on the telephone.

12 Q. And you said that discussion, there was a unified decision
13 not to reboard the vessel?

14 A. Until we can -- that's exactly right. We were not, nobody's
15 going to reboard the vessel. And the only thing that would change
16 that were once the proper stability readings or levels could be
17 obtained to know when it's safe to go aboard.

18 Q. Was there any disagreement with that plan?

19 A. No.

20 CMDR ROY: All right, thank you. That's all the questions I
21 have, sir.

22 CDR WADDINGTON: Mr. [REDACTED] do you have some questions?

23 MR. [REDACTED] Yes, sir. Thank you. Hello, Mr. Burket.

24 MR. BURKET: Yes, sir.

25 MR. [REDACTED] A few brief questions.

1 BY MR. [REDACTED]

2 Q. At any time did you witness the captain of the *Spirit of*
3 *Norfolk* having a discussion with a firefighter or any firefighter
4 about difficulties with a hinge perhaps in the emergency escape
5 hatch?

6 A. No, I did not.

7 Q. Regardless of whether they opened the emergency escape hatch,
8 or the watertight door, the plan would have been to breach the A60
9 boundary, is that correct?

10 A. By opening either one of those entrances, certainly would
11 have. You're opening yourself into the space, yes, sir.

12 Q. And then, if, if I was a student and I attended the training
13 you provide firefighters, would I be correct in saying like, based
14 on the training, that a watertight door in a bulkhead typically
15 will have two stages?

16 One, you can crack the door and still have positive control
17 of the door, and water can cascade out. But then, you can dog the
18 door, generally, and secure the door from flooding or fire if you
19 saw it lick out around the scene.

20 A. That is correct. I mean, we teach them on a non-quick action
21 door where the dogs operate independently to open hinge-side
22 first. The hinges are designed to give enough flexibility for
23 that gasket to come off that knife edge. So, if you got, in this
24 case water, or if you're in a backdraft situation or heavy fire
25 conditions, you can immediately re-dog it. Okay?

1 A quick action door, which consists of either a lever that is
2 mounted on the bulkhead that when you operate this one lever, all
3 those dogs operate together, or you have a wheel that's right in
4 the center of the door, and is doing the same thing, operating all
5 those dogs.

6 And those, in that case, you don't want to put yourself into
7 a position if that door should fly open, it could trap you between
8 the door and a bulkhead. But at the same time, you open it
9 slowly, so as those gasket is coming off that knife edge, you can
10 see the same thing, then you can re-secure.

11 A. So, if I was attending your training, and I just simply in
12 the training scenario, opened the watertight door and let it come
13 open, what kind of feedback would you give me? Would you say I
14 had done it correctly, or incorrectly?

15 Q. And so, now, you need to control the door. You didn't
16 control the door properly.

17 MR. [REDACTED] Thank you, sir.

18 CDR WADDINGTON: NTSB, do you have any questions of this
19 witness?

20 MR. KARR: Yes. Mike Karr with the NTSB. And could you
21 bring up Exhibit 88, and go to page 12?

22 BY MR. KARR:

23 Q. Mr. Burket, do you recall we've got a fire report from
24 Battalion Commander No. 3 of the Norfolk Fire Department. Was he
25 one of the Incident Commanders that you were talking about?

1 A. Was it what? Battalion 3?

2 Q. Yes.

3 A. Yes, sir.

4 MR. KARR: All right. All right. So, on page 12, this is
5 the report. If you go down to the bottom of the page, you'll see
6 the Battalion Commander's signature. All right, maybe page 13.
7 All right, there we go. So report, Battalion Commander,
8 authorization. Now, if you could scroll up to page 12, slowly.
9 There we go, those codes.

10 BY MR. KARR:

11 Q. In Section F if Battalion, if the 3rd Battalion Commander, or
12 the Battalion 3 Commander was the IC, would he have listed that
13 that in the codes under Section F?

14 A. As far, as I'm sorry?

15 LCDR [REDACTED] Is it 88, page 12?

16 MR. KARR: Page 12.

17 LCDR [REDACTED] Of 88?

18 MR. BURKET: Yes. Oh, here, we go, I think. No, that's not
19 it. Now, you're referring to Section F, where he's actions
20 taking, correct?

21 MR. KARR: Yes.

22 MR. BURKET: Yes, okay. There we go. Established safe area,
23 notify other agencies, fire control. I mean, from his
24 perspective, that's what he was doing.

25 BY MR. KARR:

1 Q. But if he was the Incident Commander, he would have placed it
2 there?

3 A. Yes. Or, yes. As the IC, you would place it there, yes.

4 Q. All right. Thank you

5 A. Incident Commander, I'm sorry.

6 Q. So, what we were just shown in Exhibit 98 and 88 where the
7 recon team was shown to not have found the hatch, and then gone in
8 and look through the engine room door --

9 A. Correct.

10 Q. -- had you any contact with anyone from the Incident Command
11 post from the time you told them to go through the hatch until the
12 Mayday call?

13 A. We, there were several different times. Okay? The initial
14 was, IC recommend we go through the hatch.

15 Q. No, let me, let me clarify. What I'm looking for is, is I'm
16 wondering if anybody told you the result of that recon team that
17 that did not find a hatch, and instead opened the door? I just
18 went up there was an opportunity when you would have been --

19 A. No, I was never told that they did not find a hatch. Okay?
20 I was told that they saw fire, but I assumed that they saw it from
21 the hatch, not the watertight door.

22 Q. And when they told you about the fire, who was that? Was
23 that the Incident Commander?

24 A. No, it wasn't the Incident Commander. It was actually
25 somebody who knew about it that got the information from the -- it

1 was from one of the firefighters.

2 Q. But it was sort of third hand? So, it wasn't, it wasn't --

3 A. It was, it was, yes.

4 Q. -- official? So, can you kind of explain? Well, you have
5 explained your role. And you are not in an official role as an
6 advisor to the Incident Commander?

7 A. I was not a command role, but I was asked by the Incident
8 Commander to do a couple of things. One was to provide the
9 communications to the boats. Hey, Bill, handle the boats. Okay?
10 So, that was done either using Norfolk's frequency TAC channel, or
11 Marine VHF.

12 Because again, we had several different -- and when I mean
13 boats, fire boats. All right? You had Norfolk, Hampton, Newport
14 News, Virginia Beach. Those were the fire boats. Then you had
15 Norfolk P.D., and, and a couple of others there.

16 So, from that perspective it was easy to manage them from the
17 Marine VHF radio. So that's what I was doing. And so, and I just
18 went back to Command Center. And said, okay, I copy. You want me
19 to handle the water side or the boats? And they said, yes, so.
20 And there really wasn't much to do, to be honest with you, other
21 than getting draft readings and those type of things.

22 Q. During the discussions about the hatch --

23 A. Yes, sir?

24 Q. Was there any discussions or talk about the description of
25 the hatch? What to look for that you remember having?

1 A. I will say the first team that went on to do a recon, one of
2 the other things we asked him to do was obtain the fire control
3 plan.

4 Q. Well, specifically, I'd like to know about any specifically
5 to the hatch.

6 A. Correct.

7 Q. Did you hear anyone asked questions about the hatch? Did you
8 give them any instructions as to what the hatch looks like?

9 A. No. Well, not necessarily what it looked like, but where it
10 was. Okay? Starboard side, go through the aft door, go up about
11 ten or 15 feet, move to the starboard side, up near that bulkhead,
12 bulkhead of the house, you should be able to locate the hatch.

13 Okay?

14 Q. Were you aware that the hatch was covered with carpet?

15 A. I was not.

16 Q. All right. Do you recall any questions firefighters asked
17 you about the hatch?

18 A. No, I actually didn't talk to any of the firefighters about
19 the hatch. The folks I talked to about the hatch were the
20 Incident Commanders. Okay? And what made it easier to, to
21 describe the hatch, once the attack, the first crew got on board,
22 this was the document known as the Fire Control Plan, was in a
23 tube hanging from the aft steps.

24 They were able to remove that, hand it to us. And we went to
25 the back of the command unit by which I removed the fire control

1 plan out of the plastic tube. And once I laid it out, I was able
2 to quickly identify the deck that we were looking at, also
3 identified to hatch.

4 And I look at the Incident Commander. We left it, planned
5 there. I said, this is where your folks need to go. This is what
6 I'm recommending. It's right here. Okay? So, that's about all
7 the description of the hatch that I get to you.

8 Q. All right. And nomenclature question for you. Do you call
9 it a hatch or a manhole cover?

10 A. I call it a hatch. A hatch goes to a deck. Okay?

11 BY UNIDENTIFIED MALE SPEAKER:

12 Q. Sir, I appreciate you coming into answer our questions
13 concerning the fire onboard the *Spirit of Norfolk*. Just to get a
14 little bit of clarification, what time was it when you received
15 the first notification that the vessel was on fire?

16 A. I will say it was approximately 12:30 hours.

17 Q. And you proceeded to the Norfolk Naval Base without any
18 direction? It was just on your own initiative?

19 A. Right. What I did was, I'm not saying I self-dispatched,
20 kind of did. But what I did was, I notified the Sector, hey, I'm
21 going to head this way, which is not uncommon because on a
22 multiple events when I'm, when the Command Center reaches out to
23 us to help, alright, in many cases, they'll ask for me to go to
24 the scene. And at the same time, I was able to get on the radio
25 and communicate with Norfolk Battalion 3, that I was headed in

1 their direction, and they acknowledged that, and said, okay,

2 Q. All right. Just out of curiosity, when was the last time you
3 responded with the Coast Guard, and maybe the other Fire
4 Departments?

5 A. Before this? It's been multiple occasions. I mean, again,
6 not just for fires, but search and rescue up up in Chincoteague.
7 We've had multiple events on the Eastern Shore. We had the E2
8 Hawkeye that crashed at Chincoteague Bay where we were, were on
9 scene with the Coast Guard for up to almost two and a half weeks
10 in the Navy, until the airplane was recovered.

11 So, get frequently and it's for a multitude of calls. In
12 particular, a lot of them are search and rescue, missing persons,
13 boating accidents. You know, fortunately, we don't get many
14 fires. Okay? But the majority of them are that.

15 Q. Do you recall the last time you responded with the Coast
16 Guard for a vessel fire?

17 A. The last time I did, and was several years ago, was a board
18 the *Hogue* (ph.), no not the *Hogue*, the *Merstoha* (ph.) where we had
19 an economizer fire on an outbound ship where they had to anchor it
20 in the Lynnhaven anchorage off of Virginia Beach. So, I was asked
21 to respond to that. Yes, sir.

22 Q. Okay. So what time did you arrive at a Navy base?

23 A. Right around 13:00?

24 Q. And the vessel was not docked yet?

25 A. No, sir.

1 Q. What time was the vessel docked?

2 A. Probably about 13:30, within a half an hour to 45 minutes she
3 was alongside.

4 Q. All right. During that time, after your arrival, and as I
5 understand it, both the Navy and the Norfolk Fire Departments were
6 ahead. Also arrived at the approximate time?

7 A. That is correct. As a matter of fact, Navy reasonable (ph.)
8 units were already on scene.

9 Q. Okay.

10 A. And then, Norfolk Fire was right there with them.

11 Q. Again -- go ahead.

12 A. What made this thing so unique was the fact that you also had
13 the CEO of the naval base standing on the dock, watching this
14 whole thing go down. So, that's why the Navy was so quick to
15 respond.

16 Q. Okay.

17 A. Plus it's in their vicinity, right off their piers.

18 Q. Right. Did you, during that time after the arrival, and then
19 you had approximately 30 minutes until the vessel was at the dock,
20 and I'm sure there was time, as you describe it to require the
21 vessel to be safely tied up. Was, did you have any discussions
22 with the Fire Chiefs that were present on who would be in charge,
23 or the IC, Incident Command, or who would be the Incident
24 Commander?

25 A. No, sir, I didn't.

1 Q. All right.

2 A. I, I just had to assume what I thought it would be, so.

3 Q. All right. Was there any discussions that you're aware of
4 between the Fire Departments that they had a communication problem
5 prior to the arrival of the vessel?

6 A. No. Other than they had a problem communicating to the
7 *Rosemary McAllister*, and they asked me to take care of that, which
8 I did do.

9 Q. All right.

10 A. Because I carry multiple radios in my Tahoe that allows me to
11 do that.

12 Q. And was that? So, just for my clarity, there was no
13 discussion that you're aware of between the two Fire Departments
14 that the Navy Fire Department radios, and the Norfolk and the
15 Chesapeake Fire Department radios were not compatible?

16 A. Well that's a known fact. Okay? So, I don't know if they
17 made that an issue at that event. Because, I mean, look, we all
18 work together. Okay? And both, you know, Norfolk Fire assists
19 Navy Regional, and Navy Regional assists Norfolk Fire. Okay?
20 Even coming off base or going on base. So, I don't know if they
21 bought up a comms issue, or not. I was not aware of that
22 discussion.

23 Q. But would your experience teaching response activities, how
24 essential is good communication between the responding unit?

25 A. Well, they're very essential. The problem is we haven't

1 figured it out yet. I'm talking global. We haven't got an answer
2 yet. Okay? So, what you try to do is program your radios to have
3 each other's channels.

4 The only problem with that, is that with Navy, again, when
5 we're talking about big Navy, we're talking about a whole
6 different animal than you talk about municipalities. Okay? And
7 so, they, they operate on their own standards, right?

8 And so, it would be nice to have everybody on the same radio
9 type with the same channels. But that just isn't a fact of life.
10 So, the way that we try to overcome that, I know at Virginia
11 Beach, we would actually install our radios on their trucks.
12 Okay?

13 And vice versa, so we would have that communications. I
14 don't know, I've been gone from, from Virginia Beach Fire for 12
15 years now. So, I'm not sure what they do now. But for the most
16 part, you would carry each other's radios to make that work.

17 Q. Okay. So, when the vessel docked, how would you describe the
18 vessels condition?

19 A. Had fire and smoke showing out a both port and starboard
20 vents. Okay? And when I looked on the -- she didn't have any
21 list. She was righting fine. And I was able to take a look on
22 the inside and it seemed relatively smoke clear on the main deck,
23 and definitely the upper decks. They were clear.

24 Q. All right. Did you talk to -- and I'm just reminding myself,
25 did you talk to the captain of the *Spirit of Norfolk*?

1 A. I did. And when Captain Ryan got there, immediately, we saw
2 each other face to face. And I asked him a couple of quick
3 questions. I can't remember exactly what they were. All right?
4 Other than but it was able for me to get an exact, get somewhat of
5 an idea of what was going on. I mean, to me, it was evident they
6 had an engine room fire. Okay?

7 And what that case, based on the smoke and the flames, I'm
8 assuming it was some type of class Bravo, class B fire. All
9 right? Whether it was hydraulics, whether it was diesel, whatever
10 it may be, it was class B. And --

11 UNIDENTIFIED MALE SPEAKER: Be careful of speculation, here.

12 MR. BURKET: I'm sorry.

13 UNIDENTIFIED MALE SPEAKER: Yes.

14 MR. BURKET: I was reading smoke. Sorry, about that.

15 UNIDENTIFIED MALE SPEAKER: That's all right

16 MR. BURKET: And the fact that, like, and he did told me that
17 watertight door was secured.

18 UNIDENTIFIED MALE SPEAKER: Okay.

19 MR. BURKET: And he knew about the hatch, so. And then, I
20 also asked him about get a hold to their salvors, make sure those
21 folks are coming, and starting to get our game plan together.

22 BY UNIDENTIFIED MALE SPEAKER:

23 Q. Were you aware of any temperatures that were being taken of
24 the engine room prior to the recon team going on board?

25 A. No.

1 Q. All right . The recon team describes it as pre-flashover
2 conditions. Could you describe that, please?

3 A. Well, a pre-flashover, when you're inside of a superheated
4 environment, all right, there's ,there's a process of which things
5 reach their initial temperature, or their flashover temperature.
6 Okay? Where it can flash.

7 And basically, what that means, the products in the room have
8 reached the temperature by which they will flash, but maybe not
9 sustained combustion. Because sometimes that can be low. Right?
10 So, if they witnessed flashover conditions, or pre-flashover,
11 they're probably looking at, probably superheated smoking gases
12 and smoke pushing that type of scenario.

13 Q. Based on your firefighting experience, is it advisable to
14 enter a space that is, that has been identified as having
15 pre-flashover conditions?

16 A No, not what the proper equipment. What I mean by that,
17 making sure you have your team set up, what's your strategy and
18 tactics are going to be. What type of hose lines that you have.
19 And, but in this case, again, the whole thought process was to
20 leave that fire in its box. Right?

21 She's contained. Leave it there. Door's closed. And by
22 virtue, when you talk about your class 60 bulkheads, that engine
23 room was still open because it had free, on its vents, they were
24 still free to the engine room. All right?

25 So, you can still get smoke and heat and oxygen into that

1 space. Because it, as far as I know, it didn't have any external
2 dampers that could be secured to stop that. So, you still had,
3 excuse me, you still had that chimney effect. All right?

4 So, the only way to take care of those -- and because of
5 those vents being open, the ability for it to really, quote
6 backdraft or flash on you are greatly reduced because it's already
7 venting off.

8 Q. Okay.

9 A. Smoke and heat is going out. If it was completely closed,
10 and completely secured, you can certainly get that situation where
11 you could have that backdraft situation.

12 Q. Then, as I understand it, you are not aware that the recon
13 team did not find a hatch?

14 A. No. I thought whatever they were talking about, I thought
15 they were referring to the hatch.

16 Q. All right.

17 A. Okay? I did not know it was not located.

18 Q. Were you there? And again, just to clarify, you were not
19 there when the suppression team was briefed prior to entering the
20 vessel?

21 A. I was not next to the command post. I was on scene, but I
22 was over by the stern of the vessel.

23 Q. All right.

24 A. Working with the boats. So, I was not at the back of the
25 mobile command unit, or at the Incident Command.

1 Q. All right. Going back to your training profession, what are
2 some of the lessons learned that you gathered as a person who does
3 training and firefighting on shipboard would gain from this
4 experience?

5 A. What from this particular experience?

6 Q. Yes, sir.

7 A. There's, there's two main ones. All right? And we're
8 already implementing them. Okay? One is, is that command piece.
9 Okay?
10 You know, having the two ICs there, wearing IC vests can be
11 confusing.

12 Even though I'm confident, well, I'm going to be speculating,
13 I better not say what I was going to say. I'll let it go. But
14 still, they -- let me just say they were reading from the same
15 sheet of paper.

16 The question was, how was it being communicated to their
17 teams? I don't know that because I, I wasn't standing back there.
18 Okay? So, we are working hard in the Command Class, to work with
19 the Incident Commanders to understand how a marine environment,
20 knowing who the IC is important.

21 But identifying that IC, especially if the vessel is afloat,
22 or it's underway, you have to be very flexible and work a process
23 to allow the transfer of command. Okay? Secondly, I've learned
24 to when you're going to brief a team to go aboard a vessel, you
25 need to be extremely specific on what you tell them, and what you

1 want them to exactly do. Okay?

2 And this thing was to find a hatch. Okay? Not to look for a
3 watertight door. Not to open up a watertight door. And maybe if
4 it was said, do not. If you find a watertight door, don't open
5 it. I don't know, you know, I don't know if they ever told them
6 not to open up a watertight door. All right?

7 But I know I've learned from this, and we'll work to this is,
8 is that make sure we have a fire control plan there. Have a
9 description of the tasking that we exactly that we want them to
10 do, and hope they understand what is being asked of them to do.

11 And if they're not comfortable with that, then they don't go.
12 And at the same time, try to take your most experienced folks that
13 are on scene who have had shipboard firefighting training, and put
14 them together. Okay?

15 One thing throughout this entire event -- and by the way, I'd
16 like to go on to say, the most distressing thing there was at that
17 event, was watching that vessel burn. And I can't state that
18 enough. Right? I just could not, and lot of folks don't
19 understand why it was allowed to burn. That was a tough decision
20 that was made by the Unified Command. But it had to be made.

21 Because we, since the door was open and the stability was
22 unknown about that vessel, we could not put anybody back on it.
23 We could not dewater it because we didn't want to sink it at a DOD
24 facility, and also provide an, an issue for the environment, to
25 the protect environment, which is very important in our waterways.

1 And the fact that you almost lost four firefighters down
2 below. There's not an Incident Commander that I know of that will
3 proceed to have that risk to their people knowing that, hey, we
4 just, what are our risks from this point on? Let's mitigate them.
5 Let's hold what we got. And unfortunately, we're going to have to
6 let it burn.

7 And I tell you, that was tough, not only for me, but every
8 firefighter that was standing on that pier watching that happen.
9 And a problem is, I applaud the Unified Command because that was
10 the decision at the time that had to be made.

11 Now, if we would have got readings about the stability well
12 before that, that's another story. If that door had not been
13 open, that's another story. Okay? But processes were in place.
14 I thought the strategy and tactics were wrong. I mean, excuse me,
15 were strong. Okay. Please, strong, not wrong, but strong. Okay
16 Just the onus was that door was opened by mistake. And when it
17 was, it almost call says men their lives.

18 Q. Okay, final question. Prior to the team going on board, the
19 suppression team, was there any other discussion that you're aware
20 of by the Fire Chiefs present to do some other type of
21 firefighting strategy instead of opening the a hatch?

22 A. No, that was the strategy we focused on knowing -- we only
23 had one. Because the engine room was very limited to access.
24 Right? Either you had to hatch in a deck, or you had to
25 watertight door, which was in the forward space, a part of the

1 engine room. All right?

2 The only other thing we could have done, which is hold what
3 we got, hold the boundaries, and just let it burn itself out. All
4 right? Or, based on the information, we could have filled it full
5 of water, but -- that could have happened. But I'll be honest
6 with you. Typically, that's a tactic that I just, we try to
7 avoid.

8 Because I have no idea what penetrations may have been
9 compromised over the years, have no idea where the more water may
10 go. It cause, not saying that it would have, but those are some
11 of the things that I run through my mind, so.

12 And opening that hatch, based on the fact that the vents were
13 already opened, would really reduce the problem when we opened
14 that hatch. That's going to allow the smoke and heated gases into
15 that, that main deck area.

16 That's something we had to be aware of. But if we could have
17 got that hatch open, taken a look to see what we had real quick,
18 and put a good solid blanket of foam in that space. Then
19 re-secured it, and let it happen, I think we would have a much
20 different and better outcome.

21 UNIDENTIFIED MALE SPEAKER: Thank you.

22 MR. KARR: Mike Karr with the NTSB.

23 BY MR. KARR:

24 Q. Mr. Burket, prior to the Mayday, what time did you? Can you
25 estimate the time that you gave the last draft reading to the, to

1 anyone in the Incident Command?

2 A. I'd say the last draft readings were just before that first
3 recon team went in. That's, that's the best I can recall when
4 they were given.

5 Q. So, how many -- I was under the impression you gave many
6 draft readings while you were there.

7 A. Up until -- once the Mayday happened, I mean, draft readings
8 were, were taken, but they weren't taken by me.

9 Q. Prior to the Mayday --

10 A. Right?

11 Q. -- when was the last time you gave a draft reading?

12 A. Prior to the Mayday, it could be within a half an hour of it.

13 Q. All right. And who did you give that to? Or who were you,
14 you know?

15 A. I just called it a back to command.

16 Q. You called it? How did you do that?

17 A. By radio.

18 Q. By radio?

19 A. Right.

20 Q. To the Command? Do you remember who was on the other end?

21 A. Well, it was one of those two. Well, now, they also had
22 folks supporting them behind that Command Unit. Right? I'm
23 talking about the, the SUVs. Right? They had folks taken
24 documentation there were some -- I'm assuming.

25 There were people there taking it. So, I'd either call it

1 back to either to the Battalion -- the word I would use would be
2 Command. You know, MIRT 1 to Command. Then, somebody, may not be
3 the actual Incident Commander answering up. But it could be an
4 aide of the Incident Commander.

5 CDR WADDINGTON: Speculation, Mr. Burket.

6 MR. BURKET: Excuse me?

7 CDR WADDINGTON: Speculation.

8 MR. BURKET: Okay. I don't know who answered, other than it
9 was Command.

10 MR. KARR: Thank you, Mr. Burket.

11 MR. BURKET: You're welcome.

12 CDR WADDINGTON: Bay Diesel, do you have question of this
13 witness?

14 MR. ABELL: I do. There we go. Mr. Burket, thanks for
15 coming in and sharing your expertise with us.

16 BY MR. ABELL:

17 Q. You mentioned something before that may need a little
18 explanation, especially to the public. You made reference to a
19 class Bravo fire. In fact, there are at least to my layman's
20 understanding four different classes of fires A, B, C, D, Alpha,
21 Bravo, Charlie, and Delta, right?

22 A. Correct.

23 Q. Delta is burning metal, so we can probably throw that out.

24 A. Well, maybe.

25 Q. The other three that we're talking about, and I guess it'd

1 apply to Delta, as well. Whether it's a class Alpha, Bravo, or
2 Charlie fire, that's the fuel for the fire. That's what is
3 burning, right?

4 A. Correct.

5 Q. Okay. And a Bravo fire would be petroleum products, oil,
6 gas, whatever it may be. You mentioned lube oil. But whatever it
7 might be, that would be a class Bravo fire, right?

8 A. Flammable with liquids and gases.

9 Q. Yes, sir. What color smoke do you get from a class Bravo
10 fire?

11 A. Typically, it's a heart. I mean, it's a dark, heavy black
12 smoke.

13 Q. Okay. Class Alpha fire would be combustibles of some other
14 kind. Wood, paper, something like that, right?

15 A. Something that leaves an ash, that's correct.

16 Q. Okay. What color smoke would you typically expect from a
17 class Alpha fire, sir?

18 A. Well, it's been described, anyway a typically a light brown,
19 whitish, gray type of smoke. It's not as heavy as the Bravo's, or
20 even plastics.

21 Q. Sure. And that brings us to class Charlie fire, which I
22 understand to be electrical in nature. But you tell me, you're
23 the expert. What's a class Charlie fire?

24 A. What, it means it's energized electrical equipment. When you
25 see that on the side of a fire extinguisher class C, doesn't mean

1 it can put it out. What it means is, it's safe to use on
2 energized electrical equipment. The way you secure, or the way
3 you put out a class Charlie fire is you have to secure the power.
4 Once the power secured, then you can take care of the rest.

5 Q. Is there a particular color smoke you would associate with
6 class generally fire or it depends?

7 A. No, because the Charlies fire is igniting something else,
8 like insulation, or paper components of a fuse panel, you know,
9 which contain a lot of plastics, which could probably give you the
10 smoke color of something in the class B range.

11 MR. ABELL: Thank you, sir. No further questions.

12 MR. BURKET: You're welcome.

13 CDR WADDINGTON: City Cruises, do you have any questions of
14 this witness?

15 MR. DENLEY: I do, Commander. Mr. Burket, would you like a
16 break? I know we've been going for --

17 MR. BURKET: No, I'm good. Let's roll.

18 MR. DENLEY: Okay, got it. Good afternoon. It is, it is
19 truly good to see you again. And I guess, I just like to start by
20 thanking the Port of Virginia. And really just the impressive
21 work that you do as part of the part of the MIRT team, the MIRT.
22 I'd like to ask the recorder to pull up what's been marked as
23 Coast Guard's Exhibit 71, it's page 1277 of that Coast Guard
24 exhibit. Oh, okay, it is.

25 BY MR. DENLEY:

1 Q. I can read it. It's basically the last time you spoke to the
2 Coast Guard.

3 A. Okay.

4 Q. Yes, you're okay with that. You know, in that interview,
5 you, you said you have to understand in the world of firefighting,
6 the IC is the IC. And typically they like to handle their own
7 stuff. Does that sound like something that, that you would say?
8 And do you agree with that statement?

9 A. Certainly, if it's land-based, and there on the scene of a
10 typical land-based incident, the IC, from that particular agency,
11 typically, they want to handle it within their city or within
12 their department.

13 Q. And, and in this case, you know, you've already testified
14 that we had we had two.

15 A. Right.

16 Q. We had two ICs, and they were operating. Going ahead in that
17 particular transcript, again, which is really it's just the last
18 time that you provided testimony. Here, it's page 1284, for the
19 record of those transcripts.

20 And so, you were describing in this particular portion of
21 that of your testimony, you were describing the recon team. And
22 you, you said in response -- and this was a discussion about the
23 recon team. And you commented about it earlier. But I'll just
24 I'll just go and read it.

25 It was important to get the fire control plan. So, that way,

1 you had the document to take it to the command post, so folks can
2 read it, see what's going on. When that recon team went on, they
3 were able to get the document that was hanging in the tube on the
4 after ladder stairwell.

5 They passed the document over. I was the one that actually
6 pulled it out of the tube, laid it on the Command Board, and had
7 the Incident Commanders there. And so, there's your hatch, right?
8 If we need to go down to the watertight door, this is how to get
9 there. But they, but they need to go to the hatch. Leave this
10 door alone. Okay?

11 A. I did, okay.

12 Q. Does that sound like your statement? And would you agree
13 with those statements --

14 A. Yes, I would agree.

15 Q. -- as a very accurate recollection? So, you actually took
16 the fire control plan, pointed out where the hatch was to both
17 Incident Commanders, and told them not to go to the watertight
18 door, but go to the hatch?

19 A. Correct. I don't remember saying about the watertight door.
20 But if I said it, I said it. So, it sort of makes me feel better
21 that I told him not to go to the watertight door.

22 Q. Sure.

23 A. Thank you.

24 Q. So, you've already commented that having two ICs is somewhat,
25 it's not normal anyway.

1 A. No.

2 Q. And then, you also commented about kind of the, the fire
3 teams. There's a recon team. And then, there was a team that was
4 going to actually try to put the, you know, put the foam hose in.
5 It's about suppression.

6 A. By then, we had established the hose line for the foam
7 operations. So, that's what they were supposed to take with them.

8 Q. Okay.

9 A. Yes.

10 Q. So, it was a recon team. And then, is it referred to like a
11 suppression team? Was the second team?

12 A. Well, just the second team, probably would be better term --

13 Q. Second team.

14 A. for it, yes.

15 Q. First team, second team. Do you know if those were made up
16 from, made up of the same people? Meaning was the recon team, the
17 suppression team?

18 A. I was told -- at the time, no, I did not know who made up the
19 two different teams. All right? But come to find out, I was told
20 that some of those folks who were on the second team were part of
21 the first team.

22 Q. Okay. But they weren't the exact same team? Meaning there
23 was somebody on the second team that not on the first team?

24 A. That's correct. That's what I understand, correct.

25 Q. Okay. And so, you have, if I, if I understand this

1 correctly, you also testified that the comms packages, or the
2 comms systems were different. Meaning, the Norfolk's comm system
3 was different from the Navy's comms system?

4 A. That's correct.

5 Q. And that's different from the Coast Guard's comm system?

6 A. That's correct.

7 Q. So, you have three different comm systems, kind of on, I
8 guess, on scene if you will?

9 A. Well, if I don't mind saying it, in most marine incidents,
10 whether it's fire or SAR (ph.) case, typically, were responsible
11 for monitoring five different channels on different radios. If
12 that gives you an idea of what happens.

13 Q. Okay. So, we have two different teams made up of two
14 different Fire Departments reporting to two different Incident
15 Commanders using two different communication systems. Is that a
16 fair assessment?

17 A. That would be fair.

18 Q. So, is that? Do you, I mean, you wouldn't teach that as sort
19 of a goal as a part of your marine firefighting teams in the MIRT?

20 A. That is not optimal. But the benefit was both of those two
21 individuals at the command post were standing right next to each
22 other. Okay? So, it's not like -- they were both there together.

23 Q. Sure.

24 A. Right.

25 Q. They could communicate to each other?

- 1 A. Right, if they --
- 2 Q. And you don't really know what they communicated to their two
3 different teams made up of two different teams, on two different
4 communications systems.
- 5 A. Right, I mean, there could be a gap in that, certainly.
6 Certainly could be a gap in that.
- 7 Q. Got it. So, before today, had you ever heard that the recon
8 team actually opened the quick-acting watertight door between the
9 galley and the engine room?
- 10 A. No, I assumed that it all was the hatch.
- 11 Q. Because he you've commented about kind of hearing after the
12 fact quite a quite a bit of information, obviously, with your role
13 in the MIRT and relationship.
- 14 A. Right.
- 15 Q. But you hadn't heard that until today?
- 16 A. No, I assumed -- no, I've heard it after the event, but
17 before today. I was aware that the door was opened by mistake.
- 18 Q. Oh, right. I mean, what I'm referring to is that the recon
19 team actually opened the door. Had you heard that before today?
- 20 A. No. But I thought they had opened the hatch, not the door.
- 21 Q. Right.
- 22 A. I knew something was opened with the recon team.
- 23 Q. Okay.
- 24 A. But I assumed it was to hatch, not the door.
- 25 Q. So, you also commented, the first time that you were

1 interviewed, that the team was impacted, the second team, the team
2 that had the Mayday was impacted by, and in fact, the primary
3 impact was about a four foot wall of water when they opened that
4 door.

5 A. That's what I was told, yes.

6 CDR WADDINGTON: Is this speculation?

7 MR. DENLEY: I'm sorry?

8 CDR WADDINGTON: That's speculation by the witness?

9 MR. DENLEY: Okay. I'm just, I'm just, I'm just kind of
10 confirming that, that's what he stated.

11 CDR WADDINGTON: Okay, just be careful about what you know
12 personally, or what you heard, not what you think. And that's
13 what I'm talking about.

14 MR. BURKET: Okay. Yes, sir. I was told that they were
15 washed off their feet. And the level of the water, I don't know.
16 But there was a significant amount of water to put them on the
17 deck.

18 BY MR. DENLEY:

19 Q. So, on page 1313, of Exhibit 71, you again, the first time
20 that we talked, you stated a four foot wall of water. And does it
21 make sense to you that the first team could have opened the door
22 and there was no water? And the second team opened the door and
23 there was a four foot wall of water?

24 A. I'm sorry? The water? Go ahead.

25 Q. No problem, I'm sorry. Does it make sense to you that the

1 first team could have opened the door and there's no water? And
2 the second team opens the door, and they're swept off their feet
3 by a four foot wall of water?

4 A. The answer is yes. Because there was a time difference from
5 the first team to the second team of at least an hour, I believe,
6 for them to go on board. Okay? While they're waiting on the foam
7 set up and things like that.

8 And at the same time, both the tugboat and the ladder company
9 were flowing waters through both sides, flowing water in both side
10 of the vents, both port and starboard. So, from my professional
11 opinion, that's enough time to create enough water in there to
12 make a difference,

13 Q. Right. In fact, the last time we spoke you, you actually
14 said that there are two master streams, putting about 1,000
15 gallons per minute into the louvers. That's right.

16 A. That is correct.

17 Q. So, that engine space was continuously filling up, going up?

18 A. It is. And we knew that by the draft readings, also.

19 Q. Right.

20 A. Right.

21 Q. You commented that you participate with not just firefighting
22 exercises, but search and rescue, and different types of exercises
23 where the port is involved? As you kind of reflect do you believe
24 that the evacuation portion went well?

25 A. Without a doubt. I mean, I, I could from my, Bill Burket's

1 perspective and all the training that we do working with the
2 Sector for mass rescue drills, even drills that didn't involve the
3 *Spirit of Norfolk*, could not have asked for anything better to
4 happen.

5 Not only were they evacuated, but there were no injuries.
6 Okay? And I can tell you, I'll be honest, that's why the Navy was
7 so quick to let the *Spirit* come to their berth. Right. That is
8 why that this, this event was so --

9 CDR WADDINGTON: Speculation. You don't know why the vessel
10 went to the berth. And that's what I'm cautioning you about. So,
11 just be a little careful about, again, what you know.

12 MR. BURKET: Okay.

13 CDR WADDINGTON: What you heard. Not what you think.

14 MR. BURKET: Okay.

15 CDR WADDINGTON: Unless it's based upon your experience and
16 training.

17 MR. BURKET: Copy that, sir.

18 CDR WADDINGTON: Thank you.

19 MR. BURKET: You're welcome. Yes, the mass rescue went
20 extremely well. They were evacuated. The resources that we have
21 trained with and worked with over the many years, came into play.
22 All right? And basically, they self-dispatched once they heard
23 the Mayday. That's what you want. All right? So, all of that
24 worked. It could have been any better.

25 BY MR. DENLEY:

1 Q. And is it safe to say when you contrast that with the
2 firefighting portion of it, that maybe there were some unusual
3 things? And things that have really developed kind of lessons
4 learned and things that could be done differently going forward?

5 A. Very much so, I mean, yes. There, we identified, or I've
6 identified certain situations, and I've discussed it with a lot of
7 my peers, they agree. And so, we are working -- any, any incident
8 that we respond to, there are always lessons learned, always.

9 And if you're not evaluating yourself after an event, you're
10 setting yourself up for failure. So, yes, we've, we've learned
11 from this, and we are certainly making, I want to adjustments, but
12 really focusing on some of these lessons learned, so it really
13 brings it, brings it not, you know, brings it home.

14 Q. In finally, the Coast Guard has asked you, I think rightly,
15 not to speculate, you know, about what, you know, maybe the other
16 Incident Commanders were doing, or the other firefighting
17 individuals were doing. If the Coast Guard, you know, wanted to
18 get those answers, I guess, for the benefit of the public if the
19 Coast Guard wanted --

20 CDR WADDINGTON: Relevance? I'm not going to allow you to
21 ask that question.

22 MR. DENLEY: I'm just asking that there's a way to eliminate
23 the speculation if the Coast Guard so wanted to,

24 UNIDENTIFIED SPEAKER: That's outside the scope of this
25 interview.

1 MR. DENLEY: Okay. Thank you. I mean, let me ask it this
2 way.

3 BY MR. DENLEY:

4 Q. There are other people that you referred to during your
5 testimony that the Coast Guard could call as a witness to provide
6 information about what happened on the pier, the firefighting,
7 those types of things?

8 A. I'm sure there are folks out there that could certainly
9 testify what they saw. Right?

10 MR. DENLEY: Thank you. No further questions.

11 CDR WADDINGTON: Thank you. Mr. Roy, do you have any?

12 CMDR ROY: I have one quick question.

13 CDR WADDINGTON: Okay.

14 BY CMDR ROY:

15 Q. Mr. Burket, real quick, you just testified about the rescue.
16 Were you part of the rescue? Were you involved with it? Did you
17 witness it or see it or in any way?

18 A. No, sir, I did not witness it. But what I did, my part was
19 when I instructed my colleague Tracey Freeman to reach out to all
20 the local, other governmental, all of our police and fire boats
21 and get them underway, heading that way.

22 And at the same time, when I spoke to Chris Carmel with
23 McAllister, I asked him, when he told me it's on fire, I said, do
24 you have any boats heading that way? He says, already got two
25 going that way. So, that was my involvement with that piece.

1 But also trying to help the two Incident Commanders get a
2 good handle on, was everybody off the boat? And that was by
3 speaking to the *Victory Rover* directly and to, talking to the
4 *Rosemary*.

5 CMDR ROY: Thank you, sir.

6 MR. BURKET: Yes.

7 CDR WADDINGTON: NTSB, you had one more?

8 MR. KARR: Mike Karr, NTSB.

9 BY MR. KARR:

10 Q. In your experience of conducting search and rescue drills, or
11 mass rescue operation drills, had you participated in any actual
12 exercises similar to what occurred with the *Spirit of Norfolk* and
13 the *Victory Rover*?

14 A. Yes, I mean, maybe not to the extent of the number of folks
15 that they had on board. But like I mentioned in our search and
16 rescue forum, the last day of that event involves a full scale
17 exercise out in the harbor where we actually deploy a vessel of
18 opportunity that's going to help us.

19 And in this case, one year we did use the *Spirit* where we put
20 multiple people on board. And also, we have multiple debris
21 fields with life rafts, and mannequins, and everything else I
22 need. The boats that are participating, which are the same boats
23 and crews that respond to events.

24 And we set up the command posts and we work out of PAC 1, and
25 they deploy on a schedule, so we don't have them, we don't 30

1 boats showing up at one time. But they trained on everything
2 going alongside the *Spirit* removing passengers, taking them to a
3 collection area, making sure we're getting countability, removing
4 people from the water.

5 It involves triage. It involves accountability, which
6 accountability on a scene like this is extremely difficult. It's
7 time consuming, and it's just hard to get your -- as easy it may
8 sound, it certainly is not as easy as it sounds.

9 Q. All right, well --

10 A. So to answer your question, we do, do that, yes, sir.

11 Q. Thank you for answering my question.

12 A. You're welcome.

13 CDR WADDINGTON: Mr. Burket, you are now released as a
14 witness at this formal hearing. Thank you for your testimony and
15 cooperation. If I later determined that this team needs
16 additional information from you, I will contact you. If you have
17 any questions about this investigation, you may contact the
18 investigation recorder, Lieutenant [REDACTED] [REDACTED] The time is 3:12.
19 We will reconvene at 3:25. Thank you.

20 (Whereupon, at 3:12 p.m., the interview was concluded.)

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CERTIFICATE

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

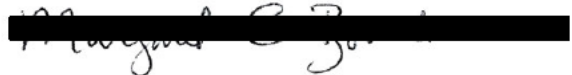
IN THE MATTER OF: FIRE ONBOARD *SPIRIT OF NORFOLK*
NEAR NORFOLK NAVAL STATION, VIRGINIA
ON JUNE 7, 2022
Interview of Bill Burket

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.



Margaret C. Boardman
Transcriber