

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

\*

FIRE ABOARD THE *SPIRIT OF BOSTON* \*

NEAR THE BOSTON SPORTS DISTRICT \* Accident No.: DCA23FM022

IN BOSTON, MASSACHUSETTS ON \*

MARCH 24, 2023 \*

\*

\* \* \* \* \*

Interview of: DANIEL SPILLANE, Captain

*Spirit of Boston*

Boston, Massachusetts

Wednesday,  
April 5, 2023

APPEARANCES:

██████████ Lieutenant Commander  
First District Formal Investigation Team  
United States Coast Guard

BRIAN YOUNG, Investigator  
National Transportation Safety Board

KEITH FAWCETT, Marine Accident Investigator  
First District Formal Investigation Team  
United States Coast Guard

██████████ Lieutenant  
First District Formal Investigation Team  
United States Coast Guard

██████████ Lieutenant Commander, Legal Advisor  
United States Coast Guard

██████████ Commander  
United States Coast Guard

ERIC DENLEY, Counsel  
City Cruises

STEPHANIE CHESNEY, Counsel  
(On behalf of Captain Spillane)

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I N T E R V I E W

1  
2 LCDR ██████ Interview to examine the events surrounding the  
3 fire on board the excursion vessel *Spirit of Boston*, which  
4 occurred on March 24, 2023, in Boston Harbor.

5 We're going to go around the room, and we're going to have  
6 everyone introduce themselves and spell their last names for the  
7 record, and then we'll come back to you, and have you introduce  
8 yourself.

9 So I'll start. I'm Lieutenant Commander ██████ ██████ My  
10 last name is ██████. And I'm with the First District Formal  
11 Investigation Team.

12 MR. YOUNG: Good morning, Captain. This is Brian Young. I'm  
13 with the National Transportation Safety Board.

14 MR. FAWCETT: Captain, good morning. Keith Fawcett. I'm a  
15 civilian investigator with the Coast Guard and Marine Safety  
16 Investigator, and I'm with this District First One Formal  
17 Investigation Team. Thank you. It's F-a-w-c-e-t-t.

18 LT ██████ Good morning, Captain. I'm Lieutenant ██████  
19 ██████ ██████. I am also with the --

20 LCDR ██████ Mr. ██████

21 UNIDENTIFIED SPEAKER: -- too awkward.

22 LCDR ██████ How's it going, Captain. Lieutenant  
23 Commander ██████ ██████ ██████ and I'm the legal  
24 advisor for the investigation.

25 LCDR ██████ And we have Commander ██████ on line?

1 CMDR ██████ Good morning. Commander ██████ ██████

2 ██████ .

3 LCDR ██████ And parties in interest.

4 MR. DENLEY: Yeah. Eric Denley, D-e-n-l-e-y. I'm counsel --

5 LCDR ██████ And, Captain, if you'd just introduce yourself,  
6 spell your last name.

7 CAPT SPILLANE: My name is Daniel Spillane, Captain, *Spirit*  
8 *of Boston*, S-p-i-l-l-a-n-e.

9 LCDR ██████ Thank you. And are you represented by counsel  
10 today?

11 CAPT SPILLANE: Yes, ma'am.

12 LCDR ██████ Can you --

13 MS. CHESNEY: Sure. Stephanie Chesney on behalf of the  
14 captain, C-h-e-s -- C-h-e-s-n-e-y.

15 LCDR ██████ Captain, you can -- if you want to change or  
16 modify anything that's said today, if you think of something or --  
17 we can -- with your counsel, we can put that on the record. If  
18 you want to, like, I don't remember that that way, or I misspoke  
19 that, or -- want to change things (indiscernible). You can appeal  
20 the final results of the Report of Investigation that will come  
21 out of this investigation. And if you need -- kind of want to go  
22 over the investigation process, how we run this, you can Google  
23 online. There's the *Marine Safety Manual*, the *Coast Guard Marine*  
24 *Safety Manual, Volume V*. That kind of explains the formal  
25 investigation process.

1 Do you have any questions before we begin?

2 CAPT SPILLANE: No, ma'am.

3 LCDR [REDACTED] We'll go ahead and start with Mr. Fawcett.

4 INTERVIEW OF DANIEL SPILLANE

5 BY MR. FAWCETT:

6 Q. Good morning again, Captain. We're going to first talk about  
7 your role as the Captain working onboard the *Spirit of Boston* in  
8 general terms, and then we're going to shift over and ask you to  
9 talk about your -- the accident day in general terms. I know you  
10 weren't aboard during the fire. So we just want to sort of get a  
11 thumbnail of what, what you experienced. And then after you, you  
12 know, you walked off the vessel, and somehow you got notified. So  
13 we'll talk about that. So I'd like to begin. You're a merchant  
14 mariner, and I'd like you to talk about your background, training,  
15 and experience in as much detail as you can.

16 A. Yes, sir. I started with, with -- at the time it was called  
17 Entertainment Cruises just through a, through a friend. After  
18 college, I needed a job. I asked for a job. I was hired as a  
19 deckhand, you know, obviously, 2008. I worked for aboard the  
20 *Spirit of Boston* and several other Hornblower or now Hornblower  
21 vessels for a few years full-time just as a deckhand. So I came  
22 into this job with no training right out of college. I studied  
23 history in college. So I didn't have any applicable experience.  
24 But I started as a deckhand.

25 At the time, it was the responsibility of mates and captains

1 to train your deckhands. And so I got my training from mates and  
2 deckhands. I'm sorry. Mates, senior deckhands, and captains  
3 onboard when I started. And I worked -- I became a mate onboard  
4 in, I believe, 2010, and I worked part-time for a number of years,  
5 and I got my license in 2019, February 2019.

6 So my background, and my, my education in the marines here  
7 just came onboard from my superiors at work.

8 Q. Have you worked -- yeah. Have you worked on the other  
9 vessels in Boston similar to the *Spirit of Boston*?

10 A. Yes, sir, I have.

11 Q. As captain?

12 A. I have been a captain on two of the four vessels we have.

13 Q. And we interviewed a server yesterday, and I'm trying to get  
14 a picture of how things work within Boston Harbor in particular.  
15 And I'll characterize it as alluded to like a season. So I don't  
16 know what kind of that means. In other words, in some harbors the  
17 boats are running all the time. It's fair weather and so forth.  
18 So how does it work in Boston?

19 A. So we, as you can imagine with the weather, people would  
20 prefer to cruise three seasons of four of the year. The winter is  
21 particularly a slow time for us. We typically dedicate our winter  
22 time to fixing the vessels up. We do our COIs in the winter,  
23 typically January, December, January, somewhere in there. But our  
24 seasonal staff onboard for the restaurant they, they come and they  
25 go. So there's a lot of turnover between seasons. But you can --

1 I would characterize a season as being like our, our busy time  
2 from late April to the end of October. We're typically pretty  
3 busy on all the vessels we have. That's just my, my experience,  
4 and my knowledge from year-to-year.

5 I will say that after the pandemic we sort of -- the  
6 restaurant had changed much of their staff. So we didn't really  
7 retain a lot of the restaurant staff between from before the  
8 pandemic to after the pandemic. But I think that's what they mean  
9 in terms of seasonality.

10 Q. So starting in January just give me an approximate idea of  
11 -- I don't need the number of trips, but were there any passenger  
12 carrying trips in January that you recall?

13 A. Of this January we had a few. We -- due to the construction  
14 at World Trade Center, which is where the *Spirit of Boston's* berth  
15 is, we would go over to World's Wharf and pick up passengers, but  
16 I ran, I ran a few cruises, maybe one. Between the other captains  
17 I don't know exactly how many. But just a few for January,  
18 February.

19 Q. And then in March did the volume of trips pick up?

20 A. Yes, sir.

21 Q. So this was a fire event, and I'd like to ask you to talk  
22 about any firefighting training that you might have had.

23 A. We do onboard drills, sir, with, with the crew. The mates  
24 and the captains are qualified to run these drills, and that just  
25 comes with experience. So we're asked by our employers to run



1 regular drills. Now between the captains, I can't say when they  
2 have run their drills, but I like to run a fire drill every two  
3 weeks or so with the crew that's on board. If we have any new  
4 crewmembers, we try to run a drill -- at least I try to run a  
5 drill to make sure that they understand how the fire pump works  
6 and how the, how the -- where the seven fire stations are, how to  
7 operate a fire extinguisher, et cetera.

8 Q. And just to be clear, when you talk about crew you're talking  
9 marine crew?

10 A. Yes, sir. I'll try going forward, sir, to refer to the  
11 restaurant as restaurant staff, and marine crew --

12 Q. Thank you. That's fine.

13 A. Sorry.

14 Q. Does the company offer captains -- and let's, let's talk  
15 about something also. When you talk about mate is that the first  
16 mate?

17 A. Yes, sir.

18 Q. And do they have a credential?

19 A. They can. They do not -- are not required to. I didn't, for  
20 example, I did not have a merchant mariner credential until 2019,  
21 but I had been a mate for years prior.

22 Q. So the company is unique in that they offer you marine  
23 license insurance. Do they offer you the opportunity to take  
24 firefighting training outside of the company?

25 A. To my -- I do not know, sir. To my knowledge, I don't know.

1 Q. So just describe for me the kind of firefighting -- let's say  
2 we have a fire drill on the vessel. What kind of training do you  
3 give the crew?

4 A. We'll assemble the either four or sometimes five deckhands,  
5 and we'll take a location. So whichever, whichever fire hose we  
6 want to use for the day we'll come up with a scenario, and say,  
7 okay, there's a -- for example there's a fire on the stern deck on  
8 deck two. Let's assemble there, and we'll talk about it. So I'll  
9 leave the mate in charge or I'll designate which deckhand does  
10 which jobs. We'll go through the different jobs they're assigned,  
11 and the deckhands will operate the fire pump, make sure the hose  
12 is pulled out the cradle, et cetera. So we'll come up with a  
13 scenario. We'll use that to discuss any sort of pitfalls or any  
14 sort of problems that might come up. But the drills largely are  
15 the same. So we try to exercise each of the hoses on a regular  
16 basis.

17 Q. When was the last time you had a fire drill?

18 A. I can't say for certain, sir, but a few weeks ago. We ran a  
19 drill on the back of second deck, exercised the hose. And I did  
20 so because we had a new, we had a new crewmember on.

21 Q. And when was the last time to your knowledge what -- and this  
22 could include talking to other captains who work on the vessel.  
23 Do you know when the last time they had a simulated fire in the  
24 galley or, or the vicinity of the galley?

25 A. I do not know, sir. I'm sorry.

1 Q. Have you been aboard -- you mentioned COI. For the record  
2 that's Certificate of Inspection. That's a Coast Guard process  
3 that's required not only annually depending on the type of  
4 inspection, but there's also an additional because the vessel is a  
5 Tier 1 vessel, a higher risk vessel. They come -- the Coast Guard  
6 comes aboard more frequently. Would that be correct?

7 A. Yes, sir.

8 Q. Have you ever seen the Coast Guard come aboard and conduct a  
9 fire drill?

10 A. To my knowledge, no, sir.

11 Q. So what firefighting equipment would I find if I were to walk  
12 into the galley? And by galley, I mean the broad area that's all  
13 of the food preparation areas on the deck one on the *Spirit of*  
14 *Norfolk*?

15 A. Boston.

16 Q. Pardon me, Boston.

17 A. I understand.

18 Q. Slip.

19 A. That's okay. Aboard the *Spirit of Boston* when you first walk  
20 into the, into the kitchen proper right at the bottom of the  
21 stairwell there's a, there's a dry chemical extinguisher right at  
22 the bottom of the stairs there. Due to the installation of the  
23 frialators, we have a pull, a pull tab suppression -- frialators  
24 as well that's gets inspected regularly. There's also fire  
25 blanket's at the bottom of the stairwell as well.

1 Q. And what type of fire would you extinguish with a dry  
2 chemical extinguisher?

3 A. You can do A, B, or C class.

4 Q. The burning paper, electrical --

5 A. Or oil.

6 Q. Or oil fires. And the fire blanket's purpose is what?

7 A. I -- to my knowledge, sir, it's used to either snuff out a  
8 fire, but we can also use it in an emergency situation as a  
9 blanket.

10 Q. If they had flames?

11 A. You can use it for that, yes, sir.

12 Q. And do you have any idea -- have you ever in drills or  
13 inspections or anything else have you ever pulled out the fire  
14 blanket or known the fire blanket to be pulled out and looked at?

15 A. I have used it in the past, sir, just on standby in case I  
16 needed it for a medical emergency, not for a, not for a -- never  
17 for a fire, sir.

18 Q. And that would be used as simply a blanket?

19 A. Yes, sir.

20 Q. How big is it?

21 A. I do not know off the top of my head, sir.

22 Q. Approximate?

23 A. 10 by 10 I'd estimate, sir.

24 Q. Are there any procedures that you might be aware of on how  
25 and when you should use a fire blanket that the company publishes,

1 written procedures?

2 A. No, sir, not to my knowledge.

3 Q. How about a dry chemical fire extinguisher?

4 A. Can you be more specific, sir?

5 Q. Are there written procedures of policy when you should use a  
6 dry chemical fire extinguisher?

7 A. As to when we should use one, I, I've always trained the  
8 staff to, to -- I've always trained the marine team to use the  
9 acronym PAS, pull the pin, aim to fire, squeeze the handle, sweep  
10 the bottom of the flame. And we've used our training -- I have --  
11 I've been instructed just from deckhands above me and mates above  
12 me when I started, that's always been the acronym that we used.  
13 So we -- I've passed that on to the other marine team members.  
14 But as far as a written -- any sort of written information on when  
15 to use a dry chemical extinguisher, I haven't seen anything like  
16 that, sir.

17 Q. So are you familiar with the new, new hire orientation  
18 program?

19 A. Not particularly, sir. I know that there, I know that there  
20 is one, but I don't know the details of it, sir.

21 Q. And then let's, let's suppose I was a, a new restaurant  
22 person, and I've just been employed, and I come aboard the vessel.  
23 Do I get an orientation on the vessel?

24 MS. CHESNEY: Objection. On the hypothetical grounds, and  
25 certainly giving a little bit of leeway to the fire protocols.

1 Because he's not a party of interest we're veering a little bit  
2 into hypothetical territory relative to the policies and  
3 procedures.

4 MR. FAWCETT: I'll rephrase. Thank you.

5 BY MR. FAWCETT:

6 Q. Does a new restaurant employee get a vessel orientation  
7 onboard the *Spirit of Norfolk* or *Spirit of Boston*?

8 A. I cannot say, sir. I don't know.

9 Q. Is there a -- do you know if there's a policy that requires  
10 them to be walked the vessel and shown where safety equipment is?

11 A. I do not know, sir.

12 Q. If there was a man overboard on the *Spirit of Boston* do the,  
13 do the restaurant staff have any responsibility for a man  
14 overboard?

15 MS. CHESNEY: Objection. Relevance.

16 MR. FAWCETT: It's safety protocol.

17 MS. CHESNEY: Right, but he's not here to talk about the  
18 safety protocol. He's here to talk about the fire at issue.  
19 Because he was not a designated party in interest.

20 MR. FAWCETT: I mean, the question is just to his knowledge  
21 as a captain he's responsible for the safety of the ship. So the  
22 question really is just if he was to have a man overboard who  
23 would be assisting if that happened.

24 MS. CHESNEY: That was not the question, respectfully. And  
25 I, I am giving leeway on questions relative to fire safety, of

1 course, but he's here to talk about the fire at issue, and he's  
2 not a party of interest. I think the other questions are more  
3 appropriately designated (indiscernible).

4 MR. FAWCETT: You want to take a brief recess?

5 UNIDENTIFIED SPEAKER: Yeah. Five minutes?

6 MR. FAWCETT: The recording will be on.

7 (Pause.)

8 MR. FAWCETT: Your objection is noted for the record. Thank  
9 you, ma'am.

10 MS. CHESNEY: Thank you.

11 BY MR. FAWCETT:

12 Q. I want to shift attention to a general description of the  
13 accident voyage on March 24th. Could you --

14 A. I'm sorry. Can you say again?

15 Q. Just a general description of the accident voyage on March  
16 24th.

17 A. To be specific, you're asking what the cruise --

18 Q. Yeah.

19 A. -- day was like?

20 Q. Yeah.

21 A. Okay. The cruise was slated from 7 o'clock to 10 o'clock,  
22 which with a boarding at 6 p.m. For a 7 o'clock cruise, the crew  
23 is supposed to get there 3-1/2 hours ahead of time. So shift  
24 starts at 3:30. After prepping the vessel, we got underway at  
25 7 o'clock on schedule. Returned to the dock at 10 o'clock on

1 schedule. I dismissed the crew around 10:30 after all -- after  
2 they had completed their, their assignments.

3 Q. And you walked off the vessel to where?

4 A. I walked to my car after, after leaving the vessel.

5 Q. And then what happened in terms of in relation to the *Spirit*  
6 *of Boston*?

7 A. I had driven out of the seaport garage, and I got phone  
8 notification that I had missed a call from the restaurant manager.  
9 I returned the phone call to no answer. I returned several times  
10 to no answer, and I received a call from my boss, Thayer Harris,  
11 advising me or informing me of a fire onboard, and I said I would  
12 return as quickly as possible.

13 Q. And Mr. Harris is who?

14 A. He's the marine director for the (indiscernible) of  
15 Hornblower.

16 Q. So as you got ready to depart the vessel --

17 A. Yes, sir.

18 Q. -- what was the status of the vessel in terms of the just  
19 general systems? What was the --

20 UNIDENTIFIED SPEAKER: Hold on. Let him finish his question.

21 BY MR. FAWCETT:

22 Q. Yeah. Let me just finish. So at some point -- let's start  
23 with the point where you're on ship's equipment running, the  
24 generators onboard are running. If you'll give me the from that  
25 point onward what happened.



1 A. Yes, sir. The boat docked -- we docked the vessel at 10  
2 o'clock. All passengers had departed in my estimation by 10:15.  
3 The crew set the shore power cable. From there once shore power  
4 was available, and all passengers were off, we advised the kitchen  
5 staff that we were switching over power, which is an indication to  
6 them to shut down their, their equipment, make sure the ovens and  
7 things are all off for the switch over. Vessel switches over  
8 power, and we proceeded to shut off all, all the engineering  
9 equipment. So the main, main engines are turned off when, when  
10 the vessel docks. We don't need them anymore. The generators are  
11 shut off. We don't need the generator power any more. So  
12 batteries, sea valves, everything's closed. Everything was closed  
13 by, by my estimation 10:20 or so, 10:25. From there the crew --  
14 check the crew, make sure everything is -- all the doors are  
15 locked, the bathrooms are clean, all of our objectives are checked  
16 off for the day (indiscernible).

17 Q. Is there a check sheet that I could see that shows how you  
18 secure the vessel when you depart?

19 A. To my knowledge, no, sir. There's no official check sheet.  
20 I mean, no, sir.

21 Q. And by crew, once again you mean the marine crew?

22 A. Marine crew, yes, sir.

23 Q. How does the trash get ashore that's -- who collects the  
24 trash onboard, and how does it get ashore, and where does it go?

25 A. I can't say in every, in every case. At the close of the

1 cruise the marine team is responsible to my knowledge of removing  
2 the trash in the, in the restaurant areas. So that includes third  
3 deck, second deck, any of the other trash bins, first deck bins  
4 with the exception of the kitchen. Everything's taken out back to  
5 large trash hoppers on the after of deck one behind the kitchen  
6 outside. Those trash hoppers are taken -- typically taken by the  
7 kitchen staff out to the dumpsters at World Trade Center where the  
8 trash bags are deposited, and the hoppers are brought back when  
9 they're empty.

10 Q. And is the vessel -- is smoking permitted on the vessel?

11 MS. CHESNEY: Objection. Staff or --

12 BY MR. FAWCETT:

13 Q. In general first.

14 A. To my knowledge it is not permitted on the vessel at this  
15 time.

16 Q. And shifting to staff, do you know if the staff smokes on the  
17 vessel, and if there are smoking areas or anything like that?

18 A. I do not know, sir. I know that I can say that I know that  
19 some staff do smoke. I don't know what the policy with regard to  
20 the staff specific smoking is, but I have been informed that the  
21 vessel is a non-smoking vessel.

22 Q. Have you seen in crew areas anything that could be used as a  
23 receptacle for cigarettes, cigars, vape devices?

24 A. Can you be specific about what you mean by crew areas?

25 Q. Well, I mean areas that the passengers aren't permitted to

1 go. For example, are there any areas like aft or forward where  
2 the crew might gather to have a cigarette? And what I'm asking  
3 about specifically is the receptacles. Because we -- there was a  
4 sign -- I did not see a sign something about don't throw cigarette  
5 butts on the floor aft.

6 A. To my knowledge there's no, there's no smoking area or place  
7 to put -- no receptacles for that, that I, that I know of. On the  
8 top deck outside there is, there is a, a pole for -- to deposit  
9 smoking butts or whatever you want to call them. I do know that.

10 Q. So the marine crew is preparing to depart the vessel. You've  
11 shifted over to shore power. Do the air conditioners and heaters  
12 and air handlers kick on automatically?

13 A. So we power off the HVAC plant when we switch over. So the  
14 HVAC plant and blowers get turned off. We switch over to shore  
15 -- to the shore power. Then we power back up the HVAC plant if we  
16 need it for the night. That particular night I don't recall if I  
17 -- if the blowers were turned back on. I do know that the heat  
18 was reset. So the heat was circulating. But I don't -- if we  
19 need heat overnight we can -- we have it obviously. We don't ever  
20 leave the AC running over night.

21 Q. So do the marine crew do like a vessel sweep prior to  
22 departure? Is that part of the process where they walk the vessel  
23 to make sure that everything is secure --

24 A. Yes, sir.

25 Q. -- and safe? Does that include the galley?

1 A. I can't say for certain, sir. I don't know what has been --  
2 or was that night. In general, I would expect the passenger  
3 spaces to certainly be, certainly be checked. I, myself, I like  
4 to check things like I like to make sure that all the lines are  
5 secured properly, that the shore power cable is on properly, that  
6 everything's shut off that pertains to the marine side of things.  
7 But I can't say for certain what was checked.

8 Q. And so that night what did you check?

9 A. I had checked -- I, I -- as I left I checked to make sure all  
10 the lines were on. I observed the crew putting the lines on  
11 properly. I don't recall exactly what, what I checked, but I did  
12 walk around the vessel. I also like to check in with the front of  
13 the house before I leave to make sure that -- and by front of the  
14 house I mean the front of the house managers or any, any of the,  
15 any of my colleagues in general that I might notice if they have  
16 any sort of trouble. On that particular night I checked with the  
17 front of the house because they were having some trouble operating  
18 the vacuums to clean the decks. So I helped them clean out a  
19 vacuum. Just like a push vacuum up on deck -- to help them clean  
20 it out, got the vacuum up and running again. But I like to sort  
21 of check and make sure that there are no problems with the cruise  
22 or the post-cruise stuff to make sure that I leave the vessel in  
23 good working order.

24 Q. Did you leave any -- so which restaurant manager did you  
25 speak to? Do you recall?

1 A. They were both sitting together. I spoke to both. They were  
2 both at the table on deck one when I spoke to them.

3 Q. So have you seen the vessel emergency response plan?

4 A. Yes, sir. It's on the bridge of the *Spirit*. Typically it's  
5 on the bridge of the *Spirit*.

6 Q. And do you know what the duties of the -- just in general of  
7 the restaurant manager are in there?

8 A. No, sir, I do not.

9 Q. Do you know if the *Emergency Response Manual* has any content  
10 about when only the restaurant staff are aboard, no passengers  
11 aboard?

12 A. No, sir. I do not.

13 Q. And on that voyage were there any new people aboard that you  
14 were aware of in the -- and I'll call it the crew. That entails  
15 marine crew and restaurant staff.

16 A. That were new that I know of? No, sir. I don't, I don't  
17 know who might have been new or not.

18 MR. FAWCETT: That's all I have for you, Captain.

19 I'll turn it over to my colleague Lieutenant [REDACTED]

20 LT [REDACTED] Lieutenant [REDACTED]

21 BY LT [REDACTED]

22 Q. I just kind of wanted -- so you had stated that in 2008 you  
23 came on with the company as a deckhand. In 2010 you became first  
24 mate. And in 2019 you got your captain's license, correct?

25 A. Yes, sir.

1 Q. As you were training, you, you kind of got all your skills  
2 from the senior captains, senior deckhands, senior mates and  
3 captains; is that correct?

4 A. Yes, sir.

5 Q. You stated that that's how it was before. Has that changed  
6 now? How does --

7 A. To my knowledge, no, sir. We expect -- it's expected of me  
8 and the mates as well to train new deckhands. So when we do have  
9 new hires we walk them through the vessel from top to bottom.

10 Q. Okay. And is that just vessel specific or does it also  
11 include just nautical, you know, procedures, policies, like  
12 recovery man overboard, firefighting, dewatering?

13 A. These are both I would say. Vessel specific things, but also  
14 general approaches to emergency situations.

15 Q. And is there a, is there a checklist? Is there a, you know,  
16 call them PQS or -- performance quality standard? Is there any  
17 type of sheet or a standard, a standard sheet or a standard  
18 progression that these people shall follow to get to say how you  
19 got from deckhand to mate and mate to captain? Are there certain  
20 items?

21 A. Sir, I did not have one when I, when I progressed to become a  
22 mate, but I know that there is one, a company one, but I, I didn't  
23 -- I don't know what it entails.

24 Q. How is it determined who becomes the mate or a first mate?

25 A. I do not know, sir. That's, that's --

1 Q. And can you tell me what was -- on the night of the 24th,  
2 what was your crew makeup?

3 A. I had -- there were six of us total. I was training another  
4 captain to -- training another captain to, to operate the vessel.  
5 Part of my responsibility is to make sure that these captains have  
6 their proper training shifts under proper supervision. So I was  
7 training Captain John Pornell (ph.) who is a captain on another  
8 vessel of ours, and it was his training shift, and part of the  
9 goal of the day was to make sure that he operated the vessel  
10 properly, and I walked him through engine start up. But it's --  
11 he's had a few training shifts with us before. I had a qualified  
12 mate for us, Liza McDonald (ph.). She has been a mate with us for  
13 a few seasons now. I can't say exactly how long. But I also had  
14 three deckhands who I've known from prior seasons who have been  
15 with use before. So there were six of us total; two captains, a  
16 mate, and three other deckhands.

17 Q. And what is -- call it a duty rotation. What is their duty  
18 rotation? Do they stay -- is it yourself and the first mate up in  
19 the bridge the whole time or what's the breakdown of where are  
20 people station throughout the vessel?

21 A. The deckhands and first mate are expected to patrol the  
22 vessel from a safety and security angle. Also to facilitate trash  
23 removal, making sure that the bathrooms are clean, toilets are --  
24 that the bathrooms are stocked with supplies and things like that.  
25 And typically the mate will assign who does, who does what at what

1 times. Cruises only last between two and three hours on the  
2 *Spirit of Boston*. In that time I expect the deckhands and mate  
3 would be on duty the whole time. So there is no off period.  
4 They're also responsible for responding to any sort of emergency  
5 scenarios that come up, and that includes anything that comes over  
6 the in-house radios.

7 Q. And as the captain of the, the *Spirit of Boston*, what's your  
8 expectation if they were to identify a fire? How would -- what is  
9 your expectation of the way that the crew would act or and/or  
10 notification?

11 A. The first step would be that they would call on the radio  
12 that there's a fire, where the location so that all crew could  
13 respond. Crew being the marine crew. So the expectation is that  
14 they would assess the damage -- assess the threat right away, and  
15 proceed to the nearest extinguisher. I can't speculate with that  
16 particular incident because I wasn't there.

17 Q. Have you ever -- how many fire drills have you held, have you  
18 been part of in your, in your 23-year career?

19 MS. CHESNEY: Has he held or been a part of?

20 BY LT [REDACTED]

21 Q. Been a part of, been a part of.

22 A. I can't say for certain.

23 Q. Multiple?

24 A. Yes, sir.

25 Q. Okay. Have you ever held -- or have you ever been part of a



1 fire drill that was held in (indiscernible) station where the,  
2 where the fire on the 24th broke out? Have you ever been part of  
3 a fire in that location or fire drill that was held in that  
4 location?

5 A. We've -- in the past we've talked about fire drills in that  
6 space, but we've never deployed a fire extinguisher or a hose in  
7 that space.

8 Q. Do you recall what you discussed if there were -- as a drill  
9 -- it's all hypothetical. We don't want to put things on fire to  
10 do fires, but as the discussion of how you would extinguish a fire  
11 in that space and/or whatever you would do?

12 A. Yes, sir. We've talked about that.

13 Q. And do you recall what that conversation was?

14 A. I don't recall exactly. I can say that a fire in a service  
15 station would be similar to a fire on -- in the middle of the  
16 dance floor, but every fire has different variables. We ask our  
17 deckhands to be receptive to those variables, and to communicate  
18 them properly.

19 Q. And as a captain what's your, what's your initial  
20 firefighting response?

21 MS. CHESNEY: Objection. Do you understand the question?

22 LT [REDACTED] So I can rephrase it.

23 BY LT [REDACTED]

24 Q. So you had mentioned -- and we -- you've run many a drill,  
25 and you are obviously discussing how you would extinguish that

1 fire. And as a captain what do you speak to your crew about being  
2 the marine crew about extinguishing a fire? What would be the  
3 primary extinguishing mode per se?

4 A. It would depend on the situation, the size of the fire, the  
5 contents of the fire. We teach our deckhands, and we discuss  
6 during drills that an engine room fire will be different than a  
7 service station fire. And the positioning and type of fire  
8 extinguishers we have available are different based on the spaces.  
9 But the main decks, the restaurant areas, everywhere outside of  
10 the engine room has dry chemical extinguishers which are  
11 (indiscernible). Does that answer your question?

12 A. Yeah, absolutely.

13 Q. Now in -- now, you, you have held -- you are in charge of as  
14 the captain many, a few, fire drills at least, correct?

15 A. Yes, sir.

16 Q. When you, when you set up the fire drill do you specify  
17 whether you're underway or whether you're at the dock or is it  
18 just -- how would you set up a fire drill?

19 A. I --

20 Q. Or one that you have one recently in the past.

21 A. Yes, sir. I don't designate -- I try not to designate  
22 whether we're underway or not, but the -- we like to -- I like to  
23 sort of approach a fire drill as a, as a blanket drill. So, like,  
24 if we were underway or not. Do it this way or this way. So I  
25 like to be able to provide options to the crew, hey, if you can't

1 use this extinguisher can you use this one kind of thing.

2 Q. As the captain do you have -- while underway do you have any  
3 expectations of the restaurant crew to help to a fire?

4 A. I don't -- I can't speculate about what they would do. I  
5 would ask -- I don't have any formal expectations on them. The  
6 safety and security of the vessel -- responsibility of the safety  
7 and security of the vessel is on myself.

8 Q. Have you ever held training with the non-marine crew to mean  
9 the restaurant crew with regards to firefighting?

10 A. Yes, sir.

11 Q. You have?

12 A. Yes, sir.

13 Q. And can you tell me about that?

14 A. Yes, sir. In previous seasons I would attend a front of the  
15 house meeting every now and then to talk about a safety topic,  
16 whether it's the extreme weather we might have or the, or the ice  
17 on the deck, or a first aid call or a number of different  
18 scenarios, one of which is I would ask has anybody ever used a  
19 fire extinguisher? Everybody hold this. Get used to it. Here's  
20 how you operate it. But just something, something quick and  
21 informal.

22 Q. Did you -- in that training did you operate the fire  
23 extinguisher or just talk to them?

24 A. Just talked.

25 Q. And with that training did you discuss fire hazards in the

1 galley area? By galley area I mean your galley, your cold prep,  
2 and the (indiscernible)? Have you ever discussed fire hazards  
3 with --

4 A. To my, to my knowledge, no, sir.

5 Q. Are you aware of the fire hazards that are in -- that are in  
6 -- that the restaurant crew and galley crew are utilizing  
7 (indiscernible)?

8 MS. CHESNEY: Objection. Could you say it one more time?

9 LT [REDACTED] Yeah, of course.

10 BY LT [REDACTED]

11 Q. As the captain you stated that you're responsible for the  
12 vessel, the crew, and the safety. There are flammable hazards  
13 that are being used onboard the vessel by the restaurant crew such  
14 as Sternos, little candles, and I think (indiscernible) stuff.  
15 But are you aware as the captain of, of those hazards on the  
16 vessel?

17 A. I am aware that certain things exist in the kitchen spaces,  
18 including things like candles and Sternos.

19 Q. And as the captain are you responsible for the disposal of  
20 those or responsible for the way that they're disposed of?

21 MS. CHESNEY: Objection.

22 You can answer.

23 CAPT SPILLANE: To my knowledge, no, sir.

24 BY LT [REDACTED]

25 Q. Are you aware of the way that they're disposed?

1 A. No, sir.

2 Q. So on the 24th, the night of the 24th, you said you departed  
3 at approximately 2230, and the restaurant crew was left onboard.  
4 And you had a meeting you stated, I believe, with both restaurant  
5 managers, correct?

6 A. Incorrect, sir.

7 Q. Okay.

8 A. I'm sorry.

9 Q. No, no. That's -- maybe I messed up.

10 A. No, no. I departed the vessel. I dismissed the crew around  
11 2215.

12 Q. Okay.

13 A. I stayed. As I was explaining to Mr. Fawcett I had helped  
14 the front of the house clear out a vacuum on the front of deck  
15 two, and I had circled back, and checked with the front of the  
16 house managers to make sure that the cruise went well. We  
17 discussed the cruise a little bit. I let them know of the  
18 passenger count. I know they need that for their notes. We  
19 talked about how things went because I knew it was, it was a busy  
20 cruise for them. I just wanted to make sure that everything went  
21 well. I didn't -- if I -- in an estimation I left the vessel  
22 around 2250.

23 Q. Okay. And in your conversation with the restaurant managers  
24 is there -- or like -- let me back up a second. So is there a  
25 process or a procedure as the captain of the vessel that when you

1 depart you pass the vessel to say the most senior person in the  
2 restaurant crew?

3 A. To my knowledge, no, sir.

4 Q. So when you depart you let them know that you're leaving, who  
5 does the responsibility of the vessel now fall?

6 A. Sir, I cannot say. I don't --

7 Q. So while you're onboard the vessel, you -- as the master  
8 you're responsible for the vessel?

9 A. Yes, sir.

10 Q. So when does your responsibility end for that vessel?

11 A. To my knowledge when, when the cruise is over, the machinery  
12 is all off, and the vessel is properly moored, and at that point I  
13 dismiss the crew.

14 Q. So to your knowledge anything that once you depart the vessel  
15 -- so you were called by Mr. Thayer, correct?

16 A. Yeah. That's right, sir.

17 Q. Okay. And is there a reason that Mr. Thayer, you -- I mean  
18 --

19 MS. CHESNEY: Thank you.

20 BY LT [REDACTED]

21 Q. Have you ever been called back to the vessel before in, in  
22 any other case?

23 A. I'm sorry. I'm trying to think.

24 Q. So --

25 A. No, no. I understand the question.

1 Q. Okay.

2 A. No, sir. I've never been recalled to the vessel after  
3 departing.

4 Q. Are you aware of any other emergency situation that happened  
5 after you had departed as the captain prior to the restaurant --

6 MS. CHESNEY: Objection.

7 You can answer.

8 CAPT SPILLANE: To my knowledge, no, sir.

9 LT [REDACTED] That's all the questions I have.

10 LCDR [REDACTED] Mr. Young, NTSB.

11 MR. YOUNG: Captain, do you need a break?

12 LCDR [REDACTED] Would you like a break?

13 CAPT SPILLANE: No. I think I'm okay.

14 BY MR. YOUNG:

15 Q. Sure?

16 A. Yes.

17 Q. My name's Brian Young. I'm a retired chief engineer. So I  
18 have a few engineering questions for you. I know you're on the  
19 deck side of the house, but kind of help me understand some of the  
20 way the vessel is being operated on the night of the fire. Just  
21 helps me understand. Do you ever have to ballast the vessel to  
22 control your trip?

23 A. No, sir.

24 Q. So does the vessel typically sit on an even keel?

25 A. Yes, sir.

1 Q. If you did have to ballast, do you have the ability to?

2 A. To my knowledge, no, sir.

3 Q. Okay. And that night of the fire was there any sort of a  
4 wind-driven list that may have been pushing the vessel to one side  
5 after mooring?

6 A. Wind-driven list?

7 Q. Did you --

8 A. No, sir.

9 Q. Okay. When you burn the fuel for the engines do you burn out  
10 of two tanks?

11 A. They come together, and central to -- it's central pipe in  
12 the engine room.

13 Q. Okay. So they're coming down evenly your tanks?

14 A. Yes, sir.

15 Q. How about the returns for the engine? Do they go back to  
16 both tanks do you know?

17 A. I don't know exactly, sir.

18 Q. Okay. And what I'm trying to do is figure out if the vessel  
19 was sitting even or if she was leaning port to starboard at any  
20 time to help understand how the fire grew. So when you shut down  
21 the engines and then the generators you announced to the, to the  
22 crew that you're going to lose power temporarily.

23 A. Yes, sir.

24 Q. How do you do that?

25 A. I usually -- I walk --



1 Q. Typically how do you talk to them? How do you announce that?

2 A. Typically I walk through the first deck. I'm sorry. It  
3 depends on where I start from. But if I'm coming from the bridge  
4 or coming from the, the boarding deck. I'll walk through deck  
5 two, and I'll announce lights out, which is a key for everybody to  
6 shut off your equipment, make sure the -- the DJs are still  
7 playing music -- or they still have (indiscernible) I'll advise  
8 them so that they can shut off their equipment properly. I'll go  
9 down to the first deck, walk through first deck, walk in, say the  
10 same thing, walk in the kitchen, make sure that ovens are off. If  
11 they're not, I'll turn them off myself if the kitchen staff has  
12 left already, or I'll shut off the dishwasher, automatic  
13 equipment. I'll make sure that that's off, and (indiscernible).

14 Q. And, obviously, by that time you have the shore power lead  
15 connected.

16 A. Yes, sir.

17 Q. Power energized on the pier?

18 A. Yes, sir.

19 Q. And then you just flip a few breakers, right, in the engine  
20 room, and just shift --

21 A. Yes, sir. There's an indicator light in the engine room that  
22 will set that will be green if you have shore power.

23 Q. I'm interested in the HVAC system. In order to bring heat or  
24 air conditioning up to the passenger spaces the unit in the engine  
25 room does that chill or heat some water that circulates through

1 the house --

2 A. We use --

3 MS. CHESNEY: I'm just going to raise the same objection  
4 about getting a little far from his scope.

5 MR. YOUNG: Well, you'll know where I'm going here in a  
6 minute. This is very -- it's very important based on some  
7 testimony we heard yesterday.

8 MS. CHESNEY: Okay. But I'm uncomfortable at having him  
9 answer that without knowing where you're going.

10 MR. YOUNG: Okay.

11 MS. CHESNEY: Because that has, as I sit here without any  
12 knowledge that has nothing to do with his role not being onboard  
13 at the time of the fire.

14 MR. YOUNG: Okay. I'll reword it.

15 BY MR. YOUNG:

16 Q. Do you know if (indiscernible) a gas called Freon in every  
17 air handling unit or do you know if it's chilled water or heated  
18 water?

19 MS. CHESNEY: Objection.

20 You can answer.

21 CAPT SPILLANE: The -- to my knowledge, the HVAC plant is  
22 inside, solely inside the engine room with a boiler which  
23 (indiscernible) boiler and two compressors that chills water or  
24 chills glycol which pumps either cold or hot glycol through the  
25 system. Blowers on the decks block over the, over the, the pipe,

1 the hot or cold pipe to provide either heat or air conditioning.

2 So it's water that's going through --

3 BY MR. YOUNG:

4 Q. When you restart everything on shore power does the boiler or  
5 the air conditioning compressor get restarted or typically not  
6 restarted?

7 A. When we switch over power if, if you don't -- I typically  
8 shut the system off. I shut off the compressors if we're running  
9 air conditioner. I shut off pumps if we're running for air  
10 conditioner. For heat I'll shut off the boiler. And I'll shut  
11 off the circulator pump as well. After performing a switch-over,  
12 I'll power everything back up to make sure it comes online.

13 Q. Okay. And when you shut those breakers down or switches does  
14 that shut the fan units up on the passenger decks?

15 A. The fan units have their own thermostats on the decks that go  
16 out which will restart. You can shut the blowers themselves off  
17 the entire deck's based on -- each deck has its own breaker.

18 Q. Okay. And do those breakers get --

19 A. I turn them off when I switch over.

20 Q. For all decks?

21 A. Yes, sir.

22 Q. And did you typically turn them back on to be operating  
23 through the night?

24 A. It depends on the weather conditions, sir. If it's very cold  
25 weather, we'll turn the blowers back on. If it's mild without a

1 major danger of freezing, we will circulate to warm  
2 (indiscernible), and that's enough to keep the boat from freezing.  
3 In the summer nothing will circulate.

4 Q. Okay. Because the air conditioning compressors are off?

5 A. Yes.

6 Q. Do you know on that night if the fan units or the AHUs as  
7 they call them were operational on the first deck after you shut  
8 those down and went to shore power?

9 A. I do not.

10 Q. After everybody leaves the vessel, and it's locked and  
11 secured and armed for the night, what would happen if there was a  
12 bilge alarm? Who would be notified?

13 A. To my knowledge there's a -- the alarm company that we use  
14 there's a bilge alarm sensor above the high water alarm sensor  
15 which will place a phone call on a call list.

16 Q. But before that would a sensor start pumping automatically?  
17 You have automatic bilge --

18 (Crosstalk)

19 Q. And would the same people be contacted in the event of a fire  
20 alarm after hours?

21 A. I do not know the -- how the call list is arranged, sir.

22 Q. Would you say that -- you were talking about the season. Has  
23 this season started for 2023? Is it open season now or high  
24 season whatever you would call it?

25 A. Sir, I would say we're getting into the -- would be getting

1 into the busy season now. I don't know exactly what was on the  
2 books. I just know that April was looking to be rather busy, sir.

3 Q. Okay. And when it comes to personnel issues especially with  
4 the marine crew have you noticed that it's hard to get people  
5 maybe because of COVID or whatnot or are you staffed  
6 appropriately?

7 MS. CHESNEY: Objection.

8 BY MR. YOUNG:

9 Q. Did you have a full crew aboard the night of the fire?

10 A. Yes, sir.

11 Q. And have there any -- been other nights this -- for any  
12 cruises this year that you have not had a full crew?

13 MS. CHESNEY: Objection. I don't think he needs to answer  
14 that.

15 MR. YOUNG: What is that?

16 MS. CHESNEY: I don't think he needs to answer that on the  
17 scope of relevance.

18 MR. YOUNG: Why wouldn't it be relevant?

19 MS. CHESNEY: Because he's not a party of interest. He's  
20 been asked about the night in question of the fire, and he  
21 answered that question and (indiscernible).

22 MR. YOUNG: Yeah. I mean, he's a fact witness. We have --  
23 we're trying to figure out what happened here tonight.

24 MS. CHESNEY: Understand.

25 MR. YOUNG: And we have to talk to people who were there, and

1 certainly what was going on, and he's the perfect person to talk  
2 to about it. He's the captain.

3 MS. CHESNEY: Understood.

4 MR. YOUNG: Shutting systems down --

5 (Simultaneous comments.)

6 MS. CHESNEY: -- no restriction, no restriction on his  
7 testimony regarding that night or that fire absolutely. But  
8 whether or not the ship was staffed on a different night is  
9 irrelevant for his designation here today as a fact witness  
10 relative to this fire.

11 MR. YOUNG: Okay.

12 BY MR. YOUNG:

13 Q. As a captain do you make any safety announcements to the  
14 entire passenger complement when people board?

15 A. Sir, I do not make any announcements. To my knowledge the DJ  
16 plays a prerecorded message at the start of the cruise.

17 Q. Okay. Is that something that he has made up or he has been  
18 supplied by the company or yourself?

19 A. To my understanding, sir, that comes from Hornblower.

20 Q. Do you know what it say?

21 A. I, I'm sorry, sir, I don't know.

22 Q. Have you ever walked down below the one deck to where some  
23 storage is and (indiscernible) and refrigerators, I think the  
24 booze is stored on starboard side and in that deck? I don't know  
25 what it's called, the lower storage.

1 A. Sir, we call it the lower galley storage.

2 Q. And then if you were to continue out and around, and go  
3 through a watertight door, you'd kind of have a forward ship  
4 passage way and pumps and everything. Have you ever noticed that  
5 the bulkhead is bowed? Is that something you've ever seen?

6 A. Are you talking -- just to clarify, there's -- you go through  
7 that watertight door.

8 Q. Yeah.

9 A. And you take a quick left.

10 Q. Yeah.

11 A. And there's the bulkhead that's there with the supports.

12 Q. Yeah.

13 A. I have noticed that that's bowed.

14 Q. I'm just wondering if that had happened as a result of this  
15 fire. Did you notice that prior to the fire?

16 A. Yes, sir.

17 Q. Okay. You have any idea why that's like that?

18 A. That's, sir, that's our water tank, and the --

19 MS. CHESNEY: No. Do you have knowledge is what he said.

20 CAPT SPILLANE: I do not have knowledge.

21 BY MR. YOUNG:

22 Q. Again, I'm trying to figure out if that was resulting --

23 A. Yes, sir.

24 Q. After you left the vessel and then returned, did you take any  
25 pictures or videos with your cell phone?

1 A. Sir, I did. I do -- I did, yes, sir.

2 Q. You think -- or would any of them assist us of determining a  
3 location of the fire within that room?

4 MS. CHESNEY: Objection. I'm not sure how he could comment  
5 on that, but I can represent that they're external photos.

6 MR. YOUNG: Of the exterior of the vessel?

7 MS. CHESNEY: Yes.

8 BY MR. YOUNG:

9 Q. Are there any pictures taken looking into any of the windows  
10 from the exterior?

11 MS. CHESNEY: You can answer.

12 CAPT SPILLANE: Yes, sir.

13 BY MR. YOUNG:

14 Q. Okay. Is that something that you would be willing to share  
15 with us to help us identify the source of the fire?

16 MS. CHESNEY: That's not -- that's a question I think that's  
17 more appropriately directed to me. And we are continuing to  
18 circle around to the same issues here.

19 UNIDENTIFIED SPEAKER: Can we actually take five minutes?

20 MS. CHESNEY: Yes, of course, of course.

21 (Pause.)

22 UNIDENTIFIED SPEAKER: The time is 11:43. We're back on the  
23 record.

24 Mr. Young.

25 MR. YOUNG: Thank you. Just continue (indiscernible).



1 BY MR. YOUNG:

2 Q. Underway on the night of the fire, who, who typically would  
3 -- who did make rounds of the engine room underway?

4 A. The deckhands are tasked with making rounds. I ask that they  
5 call on the radio, say, hey, I'm heading to the engine room. And  
6 when they're done with their checking, hey, engine room checks are  
7 complete (indiscernible). I ask they do it every 15 minutes or  
8 so.

9 Q. And how do you communicate with the crew, the marine crew?

10 A. We have in-house radio system, sir.

11 Q. Is every marine crew member equipped with a radio?

12 A. Yes, sir.

13 Q. In order to switch to shore power do you have to go down to  
14 the engine room? Is that where you do it?

15 A. The switch over is in the engine room, yes, sir.

16 Q. And after that switch over is made, does anyone else go into  
17 the engine room once you're on shore power?

18 A. To my knowledge there's no reason to.

19 Q. Okay. In order to get your captain -- what, what captain  
20 license do you hold?

21 A. 100 ton (indiscernible), sir.

22 Q. What did you have to do to get that license?

23 A. I had to do -- is the sea time, obviously, which I, I accrued  
24 at Hornblower. I took an online, I took an online class approved  
25 by the Coast Guard, and took a test in person with that class, and

1 the physical obviously.

2 Q. Were you required to do any firefighter training for the  
3 Coast Guard license?

4 A. No, sir.

5 Q. Can you talk a little bit -- when we're talking about fire  
6 protection about the remote release of the fire doors?

7 A. Yes, sir. It's on the port side of the bridge four fire  
8 doors, four buttons.

9 Q. Okay. And where are the doors located?

10 A. There's one in lower galley storage. There's a  
11 (indiscernible) door there. There's one between decks two and  
12 deck one the forward stairwell heads down. There's one that's in  
13 the galley, the stern of the galley between decks, decks two and  
14 deck one. Actually I believe those are the only three. I don't  
15 remember exactly, sir.

16 Q. Okay. Have you ever seen them in operation?

17 A. Yes, sir. We have to, we have to test them for the Coast  
18 Guard inspection.

19 Q. And have you tested them from remote from the bridge?

20 A. Yes, sir.

21 Q. And were they operational?

22 A. Yes, sir.

23 Q. Can you also operate them locally?

24 A. Yes, sir.

25 Q. Speaking of fire protection and detection, can you talk about

1 the fire detection system on the *Spirit of Boston*?

2 A. Yes. Yes, sir, I can. I do not know exactly the system. I  
3 know that there are smoke detectors around the vessel, and to my  
4 knowledge they detect both smoke and heat. The alarm panel for  
5 that system is on the starboard side of the bridge with a battery  
6 backup as well. And so that's all I really know about that  
7 system.

8 Q. Okay. And were some -- any of the detectors tested for any  
9 Coast Guard inspections that you may have been involved in? Do  
10 you know?

11 A. To my knowledge I believe that, that Hornblower inspects  
12 those or hires somebody to inspect them.

13 Q. Okay. Do you know what the sound would sound like if a  
14 detector senses smoke or heat?

15 A. Yes, sir.

16 Q. Would it be audible on the bridge?

17 A. Yes, sir.

18 Q. How about throughout the rest of the vessel?

19 A. I do not, I do not know exactly, sir. I do not, I do not  
20 know exactly, sir.

21 Q. Okay. If you needed to get the attention of the passengers,  
22 is there a general alarm system?

23 A. Yes, sir.

24 Q. And where would that be activated from?

25 A. It's right on the bridge, sir.

1 Q. And does that consist of the ship's whistle and the bells  
2 throughout the -- or is it buzzers or?

3 A. There's an electronic buzzer sound that plays over the in-  
4 house speaker system.

5 Q. And that's completely separate from the DJ system; is that  
6 correct?

7 A. It's the same system. It's plugged into the same system as  
8 the DJs. They don't have control over that of course. The  
9 control for that is only on the bridge.

10 Q. Is that the only place that a general alarm can be sounded?

11 A. The bridge. I'm sorry, sir. To my knowledge, that's the  
12 only place.

13 Q. Okay. Have you ever been trained or heard of any sort of  
14 tabletop exercise of having a fire at sea that required the  
15 evacuation of passengers while away from the pier?

16 MR. DENLEY: Objection. Calls for speculation.

17 UNIDENTIFIED SPEAKER: What was the question, Brian?

18 MR. YOUNG: If there has been any sort of training available  
19 about evacuating passengers at sea?

20 UNIDENTIFIED SPEAKER: So are you aware of any training that  
21 involves --

22 UNIDENTIFIED SPEAKER: Yes, sir.

23 CAPT SPILLANE: I cannot say for certain.

24 BY MR. YOUNG:

25 Q. And the last question I have is on the night of the fire was

1 there any security guards or security personnel working aboard the  
2 *Spirit of Boston*?

3 A. No, sir.

4 Q. Do you ever have them working onboard?

5 A. Security guards?

6 Q. Security service or someone in addition to your marine crew  
7 that would act as a security officer.

8 A. Yes, sir. If I may say. If we have a, a group that we're  
9 concerned about drinking or importation of (indiscernible) I  
10 can't, I can't say why we hire guards, but if, if we're going to  
11 conduct searches, we hire a professional organization.

12 Q. And would the security crew ride with the vessel for a  
13 voyage? Would they -- or would they just wait on the pier?

14 A. In a case like that, sir, yes, they would ride.

15 Q. Okay. They were not aboard the night of the fire?

16 A. No, sir.

17 MR. YOUNG: Okay. Thank you very much. Appreciate all your  
18 help.

19 CAPT SPILLANE: Yes, sir.

20 LCDR [REDACTED] (Indiscernible) parties in interest.

21 BY UNIDENTIFIED SPEAKER:

22 Q. Yeah, I do just have a couple questions, Captain. So I  
23 believe -- I just want to make sure I heard correctly that you  
24 were discussing whether you had done a fire drill with the Coast  
25 Guard. Do you recall that question asked?

1 A. Yes, sir, I recall that question.

2 Q. Okay. My recollection was that you said you had not.

3 A. Can I amend that?

4 Q. Absolutely.

5 A. Okay. We've done -- I can think of two occasions during the  
6 COI inspections where a Coast Guardsman asked us to discuss a fire  
7 drill or we talked about a fire scenario.

8 Q. And so in those two, in those two situations, it was a Coast  
9 Guard Certificate of Inspection. So it was an annual?

10 A. Yes, sir.

11 Q. And it was a tabletop?

12 A. Yes, sir.

13 Q. Okay. So since 2008 the Coast Guard has required you to do  
14 two drills, two fire drills in -- since -- in the last 15 years?

15 A. No, sir. I --

16 Q. You personally.

17 A. I haven't attended every COI, sir. Now, for the COIs we've  
18 also been asked to demonstrate the capacity of our, our water  
19 pumps. So we've discharged hoses. But as far as -- I interpreted  
20 that question as the drill --

21 Q. The drill itself.

22 A. -- and typically they ask what would you do in the scenario.

23 Q. Fair enough. And that's been twice?

24 A. I --

25 Q. Approximately.

1 A. I can't say, sir. I would say more like -- more than likely  
2 more than that.

3 Q. Okay. I'd like to ask you some questions about when you came  
4 back to the, to the vessel.

5 A. Yes, sir.

6 Q. What did you see when you came back to the vessel?

7 A. I exited the Seaport Garage as quickly as I could. There  
8 were three to four fire trucks there blocking Seaport Boulevard.  
9 I made my way across. I immediately encountered the front of the  
10 house staff. I inquired as to if everybody was off safely. I was  
11 informed that they were. I told them to stay where they were. I  
12 immediately called Captain Harris back to update him that, yes,  
13 the boat was on fire. To what I could see, I saw -- I can't tell  
14 you how many, but approximately 20 to 30 firemen responding to the  
15 fire, and laying out their hoses to respond.

16 Q. And at that point in time they were, they were. they were  
17 actively laying out hoses had they started to put water on the  
18 fire yet?

19 A. I couldn't tell, sir. I couldn't get up to the vessel  
20 itself. I was, I was still on the pier. I couldn't actually get  
21 down the gangway.

22 Q. Across the gangway?

23 A. No. I'm sorry. By gangway I was referring to the long, the  
24 long aluminum --

25 Q. I see.

1 A. -- 50-foot long or so piece to get onto the barge which is  
2 where our boarding deck is.

3 Q. I understand. Did you talk to any firefighters?

4 A. Yes, sir.

5 Q. What did they -- did they -- what did they ask you? I guess,  
6 what kind of information did you pass to the firefighters?

7 A. Well, sir, my goal was to, to somehow get in touch with the  
8 chief that was on scene or whoever was on charge of the scene  
9 because it was particular chaotic, and firemen were going toward  
10 the vessel. I wanted to inquire who the chief was. A fireman  
11 brought me to the chief. I introduced myself as, as one of the  
12 captains on the *Spirit*. How can I help? And I asked specific  
13 question do you want me to kill the power to the vessel? And the  
14 chief said, no, something along the line of, no, my guys would  
15 (indiscernible). So I said, okay, I'll stand right here for  
16 (indiscernible).

17 Q. Okay. Did they ask you anything else? So by the time you  
18 sort of did this, by the time you figured out who the chief was,  
19 and introduced yourself as the captain, and asked if you could  
20 help, there were firefighters onboard already?

21 A. Yes, sir.

22 Q. What were they doing?

23 A. It was difficult to tell because at the time they were  
24 breaking windows outwards. So there was glass everywhere. So I,  
25 I stayed on -- as far away from the vessel as I could on the



1 actual barge itself. So I couldn't tell or speak to what exactly

2 --

3 Q. Did they ask you if they should break, break the windows?

4 A. No, sir.

5 Q. Did they tell you why they were breaking the windows?

6 A. No, sir.

7 Q. Where were they breaking windows?

8 A. From what I had seen on all the decks.

9 Q. All the decks. So to your knowledge, the fire was on the  
10 first deck?

11 A. At the time I did not know where the fire was.

12 Q. Understood. But you observed them breaking windows on the  
13 third deck?

14 A. Yes, sir.

15 Q. And the second deck?

16 A. Yes, sir.

17 Q. And the first deck?

18 A. Yes, sir.

19 Q. And they never told you why they were doing that?

20 A. I can't recall, sir.

21 Q. Okay. So when they were breaking the windows were lights on?

22 A. Sir, I couldn't tell.

23 UNIDENTIFIED SPEAKER: Thank you. No further questions.

24 Appreciate it.

25 LCDR [REDACTED] Mr. Fawcett.

1 MR. FAWCETT: Still good to go?

2 LCDR ████████ Do you want a short break?

3 CAPT SPILLANE: Do you think you can -- break or --

4 UNIDENTIFIED SPEAKER: Yeah. The time is 11:56. We're going  
5 to take a recess, keep the recorders on, and please do, sir.

6 Thank you.

7 (Pause.)

8 MR. FAWCETT: The time is 12:02. We're back on the record in  
9 the interview with Captain Spillane. The recorder was left  
10 running in the background.

11 BY MR. FAWCETT:

12 Q. I do have some follow-ups for you, sir. On the accident day,  
13 do you know that the general announcement, safety announcement for  
14 the passengers was made?

15 A. I do not know, sir.

16 Q. And you don't know who makes the announcements?

17 MR. DENLEY: Objection, relevance.

18 MR. FAWCETT: We're talking about the --

19 MR. DENLEY: There weren't any passengers onboard when the  
20 fire happened.

21 MR. FAWCETT: Right.

22 BY MR. FAWCETT:

23 Q. But as a captain, how would you know that the announcement  
24 was made?

25 A. Unless I -- the only way I would know is if I heard it

1 myself. I didn't -- I don't recall hearing it through the outside  
2 speakers.

3 Q. And do you know if there's a specific announcement for a  
4 nighttime cruise as opposed to a daytime cruise?

5 A. I don't know, sir.

6 Q. You had also mentioned that one of the mates was qualified.  
7 Could you explain what you mean by qualified?

8 A. Yes, sir. In my estimation we use a, a (indiscernible)  
9 system. This particular mate would serve as mate on other vessels  
10 -- I'm sorry, on the *Spirit of Boston* for other cruises. That  
11 particular night I had Captain John on as well. But it doesn't  
12 --

13 MR. DENLEY: I'm just going to have an objection -- the  
14 question, but it's relevance. The mate, the mate in question  
15 wasn't onboard at the time of the fire.

16 MR. FAWCETT: Okay. Thank you. Objection noted.

17 BY MR. FAWCETT:

18 Q. Sure.

19 A. Ms. McDonald was, was a mate for us, and had served as a mate  
20 onboard the *Spirit of Boston* before.

21 Q. So there was a fire onboard the *Spirit of Boston*, and  
22 speaking specifically to fire prevention and fire safety, since  
23 June of 2022, have you received any guidance, procedures, e-mails,  
24 training of any kind about fire prevention and fire safety?

25 A. To my knowledge, sir, I can't say for certain, but I do know

1 for certain that I have received e-mails asking me to conduct --  
2 asking the captains in general to conduct regular --

3 Q. And you mentioned a contractor. The contractor was aboard  
4 during the fire event --

5 MS. CHESNEY: Is that --

6 MR. FAWCETT: The contractor being the DJ. It's a third-  
7 party individual.

8 MS. CHESNEY: Oh, I'm not sure. I'm not sure if he used that  
9 term, but, yes, understood. So we're talking --

10 MR. FAWCETT: Right.

11 MS. CHESNEY: -- got it.

12 MR. FAWCETT: Right.

13 BY MR. FAWCETT:

14 Q. So the DJ isn't employed by Hornblower, City Cruises. He's  
15 an independent individual

16 MS. CHESNEY: If you, if you know the answer to that.

17 CAPT SPILLANE: I don't know the answer to that, sir.

18 BY MR. FAWCETT:

19 Q. Okay. So who, who is responsible for his safety during the  
20 cruise?

21 A. I, sir, I, I assume that as captain that would be my  
22 responsibility. Anybody who is on.

23 Q. And if he's on the vessel -- because we saw video where he is  
24 on the vessel after I believe you've departed, who would be  
25 responsible for his safety? He doesn't work for the company.

1 A. I cannot say, sir. I do not know.

2 Q. Has anyone from the company, and this could be a -- I'm just  
3 -- a suggestion, but it could be anybody, the Director of Marine  
4 Operations for example, have they witnessed your drills, and  
5 provided feedback on how you conduct the drills for fire in  
6 particular?

7 MR. DENLEY: Objection, relevance.

8 CAPT SPILLANE: Can you be more specific? I'm sorry.

9 BY MR. FAWCETT:

10 Q. In other words you conduct fire drills aboard for the marine  
11 crew.

12 A. Yes, sir.

13 Q. Does anybody come aboard other than the Coast Guard from the  
14 company, and watch you perform the drill and say, for example,  
15 great job or you need to improve these drills?

16 A. No. No, sir. Not in an advisory capacity, but there have  
17 been situations where superior staff members have participated in  
18 drills with us or I participated in a drill that they --

19 Q. And do you know if the hospitality crew, restaurant crew,  
20 know how to operate the fire doors if there's a fire on the  
21 vessel?

22 MR. DENLEY: Objection. Calls for speculation.

23 UNIDENTIFIED SPEAKER: He can answer.

24 BY MR. FAWCETT:

25 Q. Well, do you know?

1 A. I do not know if they know how to operate that, sir.

2 Q. Do you know if anybody has suggested, yourself or anyone that  
3 you're aware of, replacing the small candles that go inside the  
4 votives or maybe coming up with an alternative -- well, I'll start  
5 with that. The votive candles. Has anybody that you're aware of  
6 or yourself said I suggest we replace those with battery powered  
7 devices or something like that?

8 A. I do not know, sir.

9 Q. I was aboard the vessel, and I appreciate the opportunity to  
10 go aboard the vessel. And in the galley area there appeared to be  
11 a fire alarm up on the bulkhead. Some kind of device to sound the  
12 fire alarm. Are you aware of a device similar to that?

13 A. To be specific, you're asking me if I know of a way to sound  
14 the in-house fire alarm system --

15 Q. Yeah.

16 A. -- from inside?

17 Q. From -- you know, is there a place -- I saw what I thought  
18 was a fire alarm in the galley where you could pull it or break  
19 the glass or whatever, and maybe sound the fire alarm.

20 A. I don't believe there is any -- there is that device in the  
21 galley. Can I ask you to be specific about where in the galley  
22 this was?

23 Q. It was -- if I was looking into the wait station, and I was  
24 in that fore and aft passageway, it would be on the wall bulkhead  
25 behind me up. There's two devices there.

1 A. You're talking on the, like, next to the window -- on the  
2 window side?

3 Q. No, no. I'll demonstrate. So here's, here's forward.

4 A. The bow side, yes.

5 Q. And I'm standing here in the vicinity of the galley, and  
6 there's a wait station here.

7 A. Yes, sir.

8 Q. Over here on this bulkhead there are a couple of red devices  
9 that appear to be fire alarm pull boxes or they're painted red for  
10 some reason. Do you know what those are?

11 A. I believe I know what you're referring to, yes, sir.

12 Q. And what are they?

13 A. Those are -- there's a pull tab which is for the -- there's a  
14 drop door for the top of the engine room. So there's a cable that  
15 runs which would drop the door on top of the engine room hatch.  
16 On the outboard side near the windows there's another pull tab for  
17 the engine room damper. They look -- they're this big with a pull  
18 tab. It looks like it might be a fire alarm pull box, but it's,  
19 it's just a tab.

20 Q. On the vessel are there any fire alarm like pull devices --  
21 so let's say a passenger saw a fire, they could run over and grab  
22 it, says in case of a fire pull, or anything like that?

23 A. To my knowledge, no, sir.

24 Q. And is there any -- and maybe -- I'm just trying to  
25 understand. The general alarm is the only audible alarm of its

1 type onboard?

2 A. Yes, sir.

3 Q. So there's not like a unique fire alarm?

4 A. To my knowledge, no, sir.

5 MR. FAWCETT: Thank you. I appreciate it Captain.

6 CAPT SPILLANE: Yes, sir. Of course.

7 LCDR ██████████ Lieutenant ██████████

8 LT ██████████ Yes. Just roughly three questions.

9 BY LT ██████████

10 Q. Appreciate it.

11 A. That's okay.

12 Q. Were you a part of the CIO inspection for 2021?

13 A. I'm trying to remember if I was -- I believe so, sir.

14 Q. And do you remember if any deficiencies were issued to the  
15 vessel?

16 MR. DENLEY: Objection.

17 BY LT ██████████

18 Q. You had stated as question from Mr. Denley regarding the  
19 running of the fire alarm, correct?

20 UNIDENTIFIED SPEAKER: Did I say that to you?

21 UNIDENTIFIED SPEAKER: No. I don't recall that.

22 BY LT ██████████

23 Q. You had stated that when Mr. Denley had said that --

24 A. I believe he was referring to -- maybe I'm wrong, but you  
25 were referring to Coast Guard inspectors asking you to operate



1 pieces of equipment that are required as part of the inspection.  
2 Not necessarily a drill, but a piece of required -- piece of  
3 equipment requirement by the regulations for inspection?

4 A. Yes, sir, that's right.

5 UNIDENTIFIED SPEAKER: Which was -- which is the installed  
6 fire (indiscernible), correct?

7 CAPT SPILLANE: Yes, sir.

8 BY LT [REDACTED]

9 Q. And is that something that's tested yearly by the Coast  
10 Guard?

11 A. Yes, sir.

12 Q. And -- okay. Are there any lithium ion batteries onboard the  
13 vessel that you're aware of?

14 MS. CHESNEY: Objection.

15 You can answer.

16 CAPT SPILLANE: That I know of, sir, no.

17 BY LT [REDACTED]

18 Q. And then uniform differentiations. You say you guys wear  
19 bars on your shoulders.

20 MR. DENLEY: Objection, relevance.

21 UNIDENTIFIED SPEAKER: He hasn't asked the question yet.

22 LT [REDACTED] So if --

23 UNIDENTIFIED SPEAKER: If we could maybe let him get a little  
24 bit further down the line, then I think we'd probably know if it  
25 was relevant or not.

1 BY LT [REDACTED]

2 Q. Do you have -- and this is basically for identification on  
3 CCTV to be able to differentiate between marine crew and  
4 restaurant crew. So what -- as a marine crew what uniform do you  
5 wear, and what's --

6 A. The marine crew uniform consists of black shoes, black pants  
7 (indiscernible) a web belt with a -- gold colored buckle.  
8 Typically like a C&T white shirt I believe they call it  
9 (indiscernible) with loops for shoulder boards. Starting  
10 deckhands are issued a shoulder board with one bar. What we call  
11 a senior deckhand somebody who has been there for a while, two  
12 bars. Three bars for a designated mate, and four bars for a  
13 captain. White undershirt.

14 Q. And what does the restaurant crew wear? Roughly colors. It  
15 doesn't -- like --

16 A. I don't actually honestly recall. I know what they switched  
17 their uniforms between last year and this year, and I believe, so  
18 I don't know exactly, sir.

19 Q. Okay.

20 A. It's typically a collar shirt, black pants, black shoes, non-  
21 slips.

22 Q. You're not sure if it was a black shirt or white shirt?

23 A. I can't recall. I'm sorry.

24 LT [REDACTED] Okay. Thank you. That's all I have.

25 UNIDENTIFIED SPEAKER: I do have follow-ups after Mr. Young.

1 BY MR. YOUNG:

2 Q. This is Brian Young with the NTSB. Only two other questions.  
3 When Mr. Fawcett was asking about the, the pull handle in the  
4 galley, the -- I know the area that he's talked about is the  
5 inboard bulkhead right by the fire blanket, and the stairs going  
6 up to the next deck.

7 A. Yes, sir.

8 Q. Just forward of that I have a picture of it, and there's a  
9 kind of -- just above the pull station is a push button with a  
10 hammer. Do you know what that might be? It's a -- the sign is  
11 burned so that's why we don't know what it is. The label.

12 MS. CHESNEY: Do you know what he's referring to?

13 UNIDENTIFIED SPEAKER: Can you show him --

14 (Simultaneous comments.)

15 UNIDENTIFIED SPEAKER: Maybe if you can identify both those  
16 places?

17 MR. YOUNG: That's the -- and I can't read the label  
18 underneath it because it's been damaged so that's what --

19 UNIDENTIFIED SPEAKER: Are these melted in this photo?

20 UNIDENTIFIED SPEAKER: Yes.

21 UNIDENTIFIED SPEAKER: Okay. Thank you.

22 BY MR. YOUNG:

23 Q. But I can read this here, and this says engine room vent fire  
24 damper release. So I believe --

25 A. That's absolutely --

1 (Simultaneous comments.)

2 Q. -- you were talking about.

3 A. The one on the left I, I do not know what that is.

4 UNIDENTIFIED SPEAKER: Do you need that zoomed into a little  
5 bit or are you good?

6 UNIDENTIFIED SPEAKER: I might.

7 UNIDENTIFIED SPEAKER: Me too. That's why I asked.

8 (Simultaneous comments.)

9 MR. YOUNG: If you can read any better than myself but --

10 UNIDENTIFIED SPEAKER: And for the record we're showing,  
11 showing Captain Spillane an image of the vicinity of the galley  
12 area inboard bulkhead starboard side.

13 UNIDENTIFIED SPEAKER: Can you read that number? Does it say  
14 Image 7884?

15 UNIDENTIFIED SPEAKER: 7894.

16 UNIDENTIFIED SPEAKER: 78 -- image 7894.

17 UNIDENTIFIED SPEAKER: Thank you.

18 CAPT SPILLANE: I do not know what that is, sir.

19 BY MR. YOUNG:

20 Q. Just try to identify more firefighting --

21 A. Yes, sir.

22 Q. Thank you. And the last question is do you know how the  
23 power was secured that night for the vessel?

24 UNIDENTIFIED SPEAKER: Switch over to --

25 BY MR. YOUNG:

1 Q. At the end after the fire and everything did someone secure  
2 the shore power or --

3 A. To my knowledge, sir, the power was left on intentionally so  
4 that we could have lights available. The power was left on until,  
5 until I don't recall exactly when, but it was at least the next  
6 day.

7 Q. So it wasn't shut off --

8 A. No, sir.

9 Q. -- as far as you know at any time?

10 A. I had suggested it that we could secure power. I don't know  
11 if certain breakers were turned off by certain other qualified  
12 individuals that were there, but I don't, I don't know when the  
13 power was shut off, sir.

14 MR. YOUNG: Thank you. Thank you for all your help today.

15 CAPT SPILLANE: Okay.

16 LCDR ██████████ Mr. Fawcett.

17 MR. FAWCETT: No. Thank you.

18 LCDR ██████████ Mr. Denley.

19 MR. DENLEY: I just have one.

20 BY MR. DENLEY:

21 Q. I just have one follow-up question kind of going back to the  
22 firefighting efforts from Boston Fire --

23 A. Okay.

24 Q. -- Department. So did you to your knowledge they're -- they  
25 only applied firefighting water to the, to the -- or do you know?

1 A. I do not know, sir. I heard that question asked by other  
2 individuals, but I don't know.

3 Q. So do you know if they used any fire extinguishers?

4 A. I do not know, sir.

5 Q. Do you know if they used a fire blanket?

6 A. I do not know.

7 MR. DENLEY: Thank you.

8 CAPT SPILLANE: Sure.

9 LCDR [REDACTED] Anyone else?

10 Okay. That concludes the interview today. Thank you,  
11 Captain, again, for your time.

12 (Whereupon, 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 ABOARD THE *SPIRIT OF BOSTON*  
NEAR THE BOSTON SPORTS DISTRICT  
IN BOSTON, MASSACHUSETTS  
ON MARCH 24, 2023  
Interview of Daniel Spillane

ACCIDENT NO.: DCA23FM022

PLACE: Boston, Massachusetts

DATE: April 5, 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.

  
Katherine Motley  
Transcriber