

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

AXEL SPIRIT ALLISION WITH THE  
AMBROSE LIGHT

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\* Docket No.: DCA08FM002  
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Interview of: CAPTAIN NILS MACK

Onboard the M/T AXEL SPIRIT  
Perth Amboy, New Jersey  
  
Tuesday,  
November 6, 2007

The above-entitled matter convened, pursuant to Notice,  
at 10:10 a.m.

BEFORE: LARRY D. BOWLING  
National Transportation Safety Board

APPEARANCES:

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I N T E R V I E W

(10:10 a.m.)

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2  
3 MR. BOWLING: All right, good morning. This is Larry  
4 Bowling with the NTSB. I'm onboard the Axel Spirit. It's  
5 November the 6th, approximately 10:10 a.m. We're going to be  
6 conducting a interview with the Master of the vessel. And in  
7 presence with the interview today representing the Coast Guard is.

8 PETTY OFFICER BREMER: Petty Officer Bremer.

9 MR. BOWLING: All right. I'll -- my fellow NTSB  
10 teammate, Mr. Bill Woody.

11 MR. WOODY: Bill Woody.

12 MR. BOWLING: Representing the vessel?

13 MR. MURNANE: For the vessel, Don Murnane, Freehill,  
14 Hogan and Mahar.

15 MR. BOWLING: And Vessel Master.

16 CAPTAIN MACK: Captain Nils Mack, Master of Axel Spirit.

17 MR. BOWLING: Thank you. We -- Captain, just -- this is  
18 your second interview, and I want to reiterate a couple of things.  
19 From the NTSB standpoint, we're here to learn from the casualty to  
20 see what we can to do either regulatorily or recommendations of  
21 course to aid with other agencies internally, industry, the IMO,  
22 various stakeholders in the maritime industry what we can do to  
23 learn from the casualty and prevent a reoccurrence. And that is  
24 our -- where we come from and where we want to go. Today what I'd  
25 like to do is just ask you some questions related to two areas.

1 First of all, the Safety Management System on the vessel, your  
2 familiarization with it, how you've implemented on the vessel.  
3 And then, secondarily, I want to reestablish some timelines after  
4 the allision with the aids to navigation, okay. All right.

5 First of all, I'm going to refer to these certificates,  
6 gentlemen, by title and document number. Because the, the  
7 Management System on here is fairly extensive.

8 INTERVIEW OF CAPTAIN MACK

9 BY MR. BOWLING:

10 Q. Captain, on the, the Safety Management Certificate, it's  
11 DNV Number 24858 issued on the 3rd of November of 2004. Are you  
12 familiar with this document?

13 A. Yes.

14 Q. Okay. This document tells you -- what does it tell a  
15 port -- control officer? What does it mean?

16 A. That we are cooperating with the system that is required  
17 by the certificate.

18 Q. That, that you meet the current provisions of the  
19 International Safety Management Code on the ship.

20 A. Yes.

21 Q. That you're operating within the company's safety  
22 management plan. Were you onboard during the issuance of the  
23 certificate, do you recall?

24 A. No.

25 Q. Okay. And it looks like you had a intermediate audit

1 done, and looks like -- I can't -- that looks -- '05 or '06.  
2 Going to have to pull that and look, because we're coming up for  
3 a, an audit, if I'm not mistaken -- the date --

4 A. 2006, 12/19.

5 Q. Okay. 12/19/2006. We're coming up for an audit. Is  
6 one scheduled on the ship?

7 A. I can't say.

8 Q. Okay -- make a note, we'll need to find out, because  
9 you're, you're coming up for your annual endorsement. All right,  
10 the next document I'm looking at is a document of compliance.  
11 It's DNV certificate number 181591, and that is issued on July 18,  
12 2007. Captain, in your understanding of this document, what does  
13 that --

14 A. We are cooperating with the Bahamas authorities, the  
15 regulations and so on.

16 Q. Okay. That the company's plan --

17 A. Yes.

18 Q. -- is in compliance with ISM.

19 A. Yes.

20 Q. Did -- were you onboard when this certificate was issued  
21 to the company? I know it wasn't, it wasn't issued to the ship.  
22 It was issued to the company. Were you sailing at that time with  
23 the ship?

24 A. No.

25 Q. Okay.

1 UNIDENTIFIED SPEAKER: Larry, would you, for the record,  
2 would you read off the subject that we're talking about. We have  
3 the numbers, but --

4 MR. BOWLING: Yeah, it's the company document of  
5 compliance.

6 UNIDENTIFIED SPEAKER: What --

7 MR. BOWLING: Commonwealth of the Bahamas. Basically it  
8 indicates that the company's Safety Management System is in  
9 compliance with the ISM code. The DOC is the corporate umbrella  
10 document. The SMC is specific to each ship within the company.

11 BY MR. BOWLING:

12 Q. All right, Captain, this passage plan was given to me  
13 yesterday. This is the one you completed. I'm going to ask you  
14 some questions, so hang on to this.

15 MR. BOWLING: But what -- gentlemen, I know other than  
16 some of my teammates here with the NTSB haven't had a chance to  
17 look at this system. So if you have any questions, let us get --  
18 let me get through the questions and answers for the Captain, and  
19 then we'll, we'll turn it over to the -- let the legal team ask  
20 the questions or the Coast Guard.

21 BY MR. BOWLING:

22 Q. But, Captain, we'll be referring to this. I want to  
23 look at these procedures, and I, I've bounced through your system  
24 yesterday. There's a lot of procedures to keep up with. From  
25 your standpoint as a Master, tell me how you managed to implement

1 this system on the ship.

2 A. It's really difficult, and the system is, is huge.

3 Q. Well, what -- give me an example. How difficult. What  
4 do you mean difficult for example?

5 A. Just, just to remember all the different procedures. Of  
6 course there is the mates which is on the bridge, they have  
7 their -- duties they -- for example when arriving, there is a  
8 special -- list for -- a form for that, arrival at anchorage, and  
9 before -- so on, testing, arranging and so on.

10 Q. Right.

11 A. And --

12 Q. The -- your role on the ship as the Master on the ship,  
13 the -- what does the company expect of you with regard to the  
14 Safety Management System?

15 A. That I implement all of the procedures that they, the  
16 company has given us.

17 Q. Well, is the system in your opinion usable?

18 A. Yeah.

19 Q. Okay. And you implement it on a daily routine on the  
20 ship?

21 A. Yeah. Yeah.

22 Q. How familiar is your crew with the system? Your, your  
23 key crew, your, your --

24 A. The officer --

25 Q. Officer --

1 A. -- or --

2 Q. Well, let's look at -- what I want to do is look at  
3 the -- actually I'm going to pull out a -- this is from a  
4 subdivision of the Safety Management System called Organization  
5 Role. It's document OR0017.

6 MR. BOWLING: And actually, strike that, gentlemen. I  
7 pulled out the wrong one. It is still from the Organization Role.  
8 It's document OR0016. This is titled the Master's  
9 Responsibilities and Authorities.

10 BY MR. BOWLING:

11 Q. And, Captain, have you seen that document before?

12 A. Yes.

13 Q. Okay. What about the, the authorities are very clear  
14 from your standpoint, but the responsibilities, do you agree with  
15 the responsibilities in there or do you disagree?

16 A. No, I agree with that.

17 Q. Okay. And there are a couple of key things in here that  
18 we all need to look at. The Master is charged with implementing  
19 the system, correct?

20 A. Uh-huh.

21 Q. And if you look at Item 4 under responsibilities, that  
22 the Master ensures that the personnel under their charge operate  
23 in accordance with the company's health, safety management,  
24 environmental quality policies using the -- they call it MOM  
25 System, Marine Operations Management System. To ensure

1 compliance, the Master must be conversant with the company's  
2 health, safety, environmental quality procedures, which is their  
3 Safety Management System. When is the last time you held training  
4 with your team on the vessel, Captain, with regard to the Safety  
5 Management System?

6 A. It was last week onboard here. Now I have been only a  
7 short while aboard so.

8 Q. Okay. Well, we talked about some issues yesterday about  
9 your bridge management. In this particular document, is there  
10 anywhere in here where it talks about what is expected you -- of  
11 you on the bridge on the responsibility form? Take a look at it  
12 if you want to. I'm sure you've been through there, but --

13 A. Yeah. We talked a lot, a lot about this yesterday.

14 Q. Well, is it something you refer to all the time or do  
15 you not get in -- how, how often do you get in the database --

16 A. Honestly, I don't have it in my head, but you go through  
17 with them according to the good seamanship.

18 Q. Yeah.

19 A. That's the procedure you follow.

20 Q. Well, would you -- Chief -- or -- Master, Captain, the  
21 second officers, all your command structure has responsibilities  
22 clearly defined --

23 A. Yeah, yeah.

24 Q. -- in the system. Is this document -- I'm referring now  
25 to the second officer duties and responsibilities --

1 A. Yeah.

2 Q. -- document OR0019.

3 A. Yeah.

4 Q. Would you agree that his responsibilities are pretty  
5 well defined in there?

6 A. Yeah.

7 Q. Okay. And I'll let the Coast Guard take a look at this,  
8 if they want to, but one of his key duties here is that he's  
9 basically required to work with you and provide you with good  
10 functional navigational tools.

11 A. That's --

12 Q. Now. The master is referring to some of the  
13 responsibilities of the second officer. The one he just referred  
14 to is reporting any unsafe acts or failure to comply with the  
15 regulations or company procedures. The one I was wanting to kind  
16 of discuss, Captain, here to see if you think the second officer  
17 met those needs was his responsibility under navigation.  
18 Compiling the passage plan from berth to berth, this key term  
19 here, in close consultation with the Master maintaining the  
20 records. Would you say he met that agenda?

21 A. No. Because we went to anchorage. It was plan from  
22 berth to berth, but then we was ordered to anchor.

23 Q. Okay. So at that time they just did the plan to  
24 anchorage instead of anchorage to berth?

25 A. Yeah.

1 Q. Okay. So basically we didn't --

2 UNIDENTIFIED SPEAKER: The title of this is?

3 MR. BOWLING: Well, this document is Second Officer  
4 Duties and Responsibilities.

5 BY MR. BOWLING:

6 Q. Captain, let's focus for a minute on the Passage Plan.  
7 Going to look at this real quick. And what this is, referring to  
8 the passage plan from Cayo Arcas, Mexico, to Perth Amboy, and it  
9 was prepared on November 26th --

10 A. Yeah.

11 Q. -- of this year, and this Passage Plan is the result of  
12 a procedure. Captain, you know the system better than me.  
13 What -- this form is required to be completed under one of your  
14 procedures, General Navigation Policy.

15 A. Yeah, yeah.

16 Q. Okay. There's a policy that the Safety Management  
17 System within the company called the General Navigation Policy,  
18 Document PL0018, and it has some responsibilities laid out in it,  
19 and one of them I want to talk about real quick, Captain, under  
20 Master, first one is ensure safe navigation. Second one is night  
21 orders. Third one is basically maintaining bridge resource  
22 management procedures. We come on down through some fairly other  
23 common components. Ensure passage plan is prepared as outlined in  
24 the Passage Planning Procedure.

25 A. Uh-huh.

1 Q. Which generates this document.

2 A. Yeah.

3 Q. And the document I'm referring to back is the Passage  
4 Plan. So with that said, I just have a question. And on these  
5 passage plans, is it common that you and the second officer sign  
6 these?

7 A. Yeah.

8 Q. Walk me through it.

9 A. He make up the passage plan, and he ask me to check it.  
10 I go through the map where he has pick out the passage, and when I  
11 agree, I, I sign that this is the way I want it.

12 Q. Okay. Well on this particular plan, that was initially  
13 prepared on the 26th of October for -- originally from the  
14 Mexico -- from trip to Mexico to --

15 UNIDENTIFIED SPEAKER: To --

16 MR. BOWLING: Okay.

17 BY MR. BOWLING:

18 Q. So, number one, is that date correct as the time of  
19 the --

20 A. -- the day before we left Mexico.

21 Q. Okay, all right.

22 MR. BOWLING: And through the Passage Plan for those of  
23 you that had a chance to look at it, it's got a lot of good  
24 information. Just what, what all is needed for safe navigation  
25 from Point A to Point B. And it's, it's -- they'll have forms in

1 here called -- various forms, and I've gotten printed up here.

2 BY MR. BOWLING:

3 Q. One of them is an Under Keel Calculation Form.

4 A. Yeah.

5 Q. Captain, you want to explain what that is?

6 A. That's the clearance between the bottom and the ship on  
7 various speeds, when we are squatting, what the distance from the  
8 ship to the bottom.

9 Q. Okay.

10 A. We have a minimum requirements to --

11 Q. This particular form is for the estimated time of  
12 arrival of November the 2nd.

13 A. Yeah.

14 Q. To be at the sea buoy.

15 A. Yeah.

16 Q. Or at the light. And, okay, walk me through this.  
17 What's the second officer telling you, Captain, that he's got?

18 A. That he has the high water, which is -- was 40, 44 at  
19 Ambrose.

20 Q. And then at least after the channel, they were showing  
21 21 meters.

22 A. Yeah.

23 Q. Okay. Now we're coming up in here to calculated maximum  
24 drafts. Now Block 3 talks about transit speed calculations.  
25 That's planned speed over ground 6 knots.

1 A. Yeah, but --

2 Q. That was just to the sea buoy.

3 A. Yeah.

4 Q. To the light.

5 A. Yeah.

6 Q. Effect of the tide and the effect of the current. There  
7 were no calculations there --

8 A. No.

9 Q. -- by the second officer. Is that something normally  
10 you don't calculate or do they normally calculate those?

11 A. When you have a, a good clearance, you don't usually do  
12 that.

13 Q. So --

14 A. Because the, the depth is on mean low water --

15 Q. Okay.

16 A. -- calculation, so.

17 Q. All right, but is it part of the process that the second  
18 officer would normally include the tide tables --

19 A. Yes.

20 Q. -- and the current tables just for you to look at?

21 A. Yeah.

22 Q. Okay. All right, so this form was signed by you and the  
23 second mate?

24 A. Yeah.

25 Q. All right, all right. Tide, current tables we're going

1 through there. And this, the reason this form only went up to the  
2 light rather than to the berth was the fact that again you got  
3 diverted --

4 A. Yeah.

5 Q. -- by the agent on the arrival time?

6 A. The pilot.

7 Q. Pilot. Pilot.

8 A. Yeah.

9 Q. Okay, this, we'll lay this aside. We don't need this  
10 anymore. Captain, one final question on the Safety Management  
11 System, actually two. If, well let me be topic specific. There's  
12 another procedure that talks right here -- and what I'm referring  
13 to -- actually several. Take it back. Three more we want to talk  
14 about. There's another procedure in here titled, Use of Voyage  
15 Data Recorder or Simplified Voyage Data Recorder, VDRS, VDR. It's  
16 Procedure Number SE0812. Have you seen that procedure before?

17 A. Yes.

18 Q. Walk me through what, what your Safety Management System  
19 expects of you as a Master to comply with this procedure?

20 A. This I haven't really thought of because they are  
21 running constantly VDR --

22 Q. Right.

23 A. So --

24 Q. Well the responsibilities down there.

25 A. -- be a --

1 Q. And then ensure recovery information is undertaken soon  
2 as possible after any significant accident --

3 A. Yeah.

4 Q. All right. Then in case of abandonment of a vessel,  
5 should take necessary steps to preserve the information data so it  
6 can be passed to the investigator. And then the last  
7 responsibility is form a ship team. Okay, and I assume the ship  
8 team is corporate office.

9 A. Yeah.

10 Q. Ship team in case the VDRS, VDR is not working or  
11 arranging --

12 A. Yeah, but that hasn't been any problem. It was -- once  
13 before I joined the ship --

14 Q. Okay.

15 A. -- we had the service on the VDR when I, when I joined  
16 the ship for the first time.

17 Q. Okay. Well in the -- once you found out we saw damage  
18 to the side shell that morning when the light came out. Did you  
19 use this procedure at all?

20 A. No -- it was too much other thing I had --

21 Q. And again don't -- you tell me exactly what's on your  
22 mind. We're trying to learn to prevent a reoccurrence. So I hear  
23 you. So basically, you didn't use the procedure?

24 A. No.

25 Q. Okay. Had you looked at it prior to this?

1 A. I, I've seen it, yeah, but --

2 Q. Okay.

3 MR. BOWLING: I'm going to try and keep these in order,  
4 gentlemen. I'll make sure that all the team members get copies of  
5 them as we go, but this is quite a program.

6 BY MR. BOWLING:

7 Q. All right, the next procedure, I just want to talk to  
8 the Captain briefly about is procedure titled Flag and National  
9 Incident Reporting Requirements Procedure. And it's document  
10 number SP0451, and basically this procedure -- well, Captain, you  
11 explain. What's this procedure do for you?

12 A. That we have to report to the flag state if any incident  
13 or --

14 Q. So you've got to report to the Bahamas?

15 A. Yeah.

16 Q. And -- this is about four pages. Have you seen this  
17 before?

18 A. Yes.

19 Q. Okay. And with the United States flag in territorial  
20 waters, what's the layout there we need to do? It's got the  
21 report of a marine accident, which is the 2692. The chemical and  
22 drug testing.

23 A. Yeah.

24 Q. And going through, I've got bunch of other stuff,  
25 supplemental reports and talks us into tripping the first alert

1 wires, right?

2 A. Yes.

3 Q. First alert again is what?

4 A. That's a company procedure if anything, environmental,  
5 whatever or accident onboard, we, we call first alert according to  
6 that, that, and there is a special number which we call, and when  
7 this company gets the call, we give them the data where we are,  
8 whose making the call, and what the accident or incident --

9 MR. BOWLING: Well, the Captain, and I've grabbed a  
10 form, gentleman, for the record.

11 BY MR. BOWLING:

12 Q. Captain, help me out. My glasses aren't that great.  
13 PT0054.

14 A. Yeah.

15 Q. It's a form called a First Alert Incident Notification  
16 for Personnel, Ship and Environment. It's got several columns  
17 across the top. Which -- casualties, collision, serious damage at  
18 sea, significant near miss, stranding, grounding, explosion, fire,  
19 pollution, serious injury, breach of security. Which incident --

20 A. The first one, collision.

21 Q. Okay. So that, that is the procedure you implemented?

22 A. Yeah.

23 Q. Okay. So time of incident -- and these are guidelines  
24 call for time of incident, date and time, ship's position,  
25 departure, destination ports, all this was fed up to the first

1 alert contact points.

2 A. Yes.

3 Q. All right. It goes down to a lengthy -- all the way to  
4 Items YY about things that should be done. Was this documented in  
5 your, your safety management records or are they going to be  
6 documented at some time --

7 A. I, I even didn't make anything in writing. I called on  
8 the, on the phone.

9 Q. Okay. Okay. Now one thing I've got to point out here,  
10 I want you to see this. I just saw it last night. If there's a  
11 significant or near miss, there's a column there too.

12 A. Yeah.

13 Q. Did you at any time entertain when you weren't sure if  
14 you hit the light about 1:45, that would fall under that column  
15 where it was a significant near miss or not?

16 A. I was thinking of that, but I didn't do anything before  
17 I actually saw the damage --

18 Q. Okay. One thing the company at least in their Safety  
19 Management System, one is to -- they have down here at the very  
20 bottom, if in doubt, then notify.

21 A. Yeah, yeah.

22 Q. So --

23 A. But and also that's during middle of the night, and  
24 you --

25 Q. I understand.

1 A. -- condition with all the -- and --

2 Q. No, I know. And you've got your hands full, Captain.  
3 There also is a procedure on the team here for everyone that talks  
4 about safety and orientation of all your crew. Can you walk me  
5 through that? For example, the second officer, when he showed up,  
6 what was he supposed to have completed from the familiarization?

7 A. No, we was talking about that when we, we was going down  
8 to, to a pilot station. I, I think it's normal in seamanship to  
9 discuss what we are going to do.

10 Q. Right. Well, with regard to his welcome aboard and  
11 onboard safety orientation and vessel familiarization, has that  
12 been completed?

13 A. Yeah, I'm sure.

14 Q. Okay. Well, we'll, we'll probably ask you to get us a  
15 copy of the forms. And if it hasn't, going to --

16 A. I'm sure we --

17 Q. Okay.

18 A. -- that we have it.

19 Q. So we'll take a look at that. Have you done your  
20 onboard? I know you're well seasoned, but have you been through  
21 the required training according to your Safety Management System?

22 A. Yeah.

23 Q. Because there's training in there for you.

24 A. Yeah.

25 Q. Have you completed it?

1 A. Yeah.

2 Q. And you've done the forms?

3 A. Yeah, and not the onboard, no.

4 Q. Okay. And well, no -- and again well no issue. We're  
5 just trying to figure out where we're at in the Safety Management  
6 System. With that said, is this a good tool for you, Captain, or  
7 if you, if you were the owner and president of the company and you  
8 could delegate safety tools for your, your masters at sea to, to  
9 implement and utilize on a ship, would you keep the system as it  
10 is? Would you not use it? Would you change it? What would you  
11 do? Tell me how you like the system.

12 A. If they could make it more simpler to use and easier to  
13 use. Now we have quite a lot to, to think of to use all this  
14 information. If they could shrink it into easier way to do it.

15 Q. A smaller, more useable format?

16 A. Yeah, yeah.

17 Q. Okay. How frequently do you get into the database and  
18 look at these procedures that we talked about? When was the last  
19 time prior to the casualty you were in there in a procedure?

20 A. Almost daily I, I take out some --

21 Q. Form.

22 A. -- form from --

23 Q. Good. Well, we have beat this Safety Management System  
24 to death, and I will -- it's, it's a very lengthy system, so we  
25 won't go any further. Captain, the, the final area, I just want

1 to confirm in my mind with regard to the timelines -- thank you.  
2 With regard to the timelines, can you take me in your own words  
3 from time from the point where you looked over the side with the  
4 Chief Mate or asked the Chief Mate to come up, which was around  
5 8 o'clock, I believe.

6 A. No. It was earlier. Maybe 7:40.

7 Q. The estimates on your time. Start me out there to the  
8 time you notified the agent. You notified the company, you  
9 notified the agent, and then the time you saw the Coast Guard.  
10 Can you get me through that timeline?

11 A. Yeah. When, when we was along side at 6 o'clock, I went  
12 out to try to see it from the ship side, but it was too dark, so I  
13 couldn't see anything. But in daybreak, I would say about 7:30, I  
14 was out -- so I, I met the Chief Mate. I said come and let's go  
15 and have a look and we was discussing it. I said I'm going to do  
16 the first alert now. So I went in and --

17 Q. When you say a first alert, that basically -- you  
18 implemented the procedures --

19 A. Yeah.

20 Q. -- Safety --

21 A. Yeah.

22 Q. All right.

23 A. And I was in touch with the company, which is on the  
24 first alert in Vancouver, in Canada. They call up the, the  
25 officer, the man who is on duty there in Glasgow and he called

1 back.

2 Q. Okay. And so that was your company notification?

3 A. Yeah.

4 Q. And then walk me beyond that. Did anybody on the ship  
5 get a hold of the agent at that point?

6 A. And exactly when I have been in touch with the company,  
7 I called the agent and told him to inform the Coast Guard.

8 Q. As soon as you hung up with first alert system?

9 A. Yeah, yeah.

10 Q. Okay. What time would that have been roughly?

11 A. I --

12 Q. Guesstimate.

13 A. I would say just after 8, maybe 8:15. I can't say  
14 exactly.

15 Q. Okay. And then your first interaction with the Coast  
16 Guard was when?

17 A. When they arrived onboard.

18 Q. So according to the security log, it was around little  
19 after noon on the third.

20 A. Yeah.

21 Q. Okay. All right, and then your first interaction with  
22 the NTSB was when we showed up, right?

23 A. Yes.

24 Q. Okay. We've got those records.

25 MR. BOWLING: I think timeline -- can we just pick it up

1 from there, Bill, with regard to the second command center, the  
2 notification. I, I don't have any further questions, gentlemen,  
3 for the Captain.

4 The Coast Guard.

5 PETTY OFFICER BREMER: Petty Officer Bremer.

6 BY PETTY OFFICER BREMER:

7 Q. Just one quick question, Captain, just getting clear.  
8 Who exactly ordered you to anchor? Was it --

9 A. It was the pilot.

10 Q. The pilot ordered you to anchor?

11 A. Yeah.

12 Q. All right, and is that, is that something that you have  
13 to run up to your -- the ship office or --

14 A. No, no, no. I got the message from -- with the schedule  
15 from agent before we arrived also that they, they -- it was  
16 scheduled to take pilot at 0200 in the morning, November 3rd.

17 Q. One last quick question along that same timeframe,  
18 Captain. When we spoke on Monday -- Saturday, excuse me, you  
19 talked about the pilot telling you that you needed to come up in  
20 speed for them to board.

21 A. Yeah. They, they told me to come up to 8 knots for  
22 boarding speed.

23 Q. Do you remember when, when approximately that was? Was  
24 that before you gave the anchor or after?

25 A. No. It was just before he arrived onboard, he, he asked

1 me can you please go up to 8 knots for boarding speed, and it was  
2 exactly 8 knots when he boarded.

3 Q. All right, I see.

4 PETTY OFFICER BREMER: No further questions.

5 MR. BOWLING: Before we -- let's work counterclockwise  
6 around the room, gentlemen.

7 BY UNIDENTIFIED SPEAKER:

8 Q. Captain, I don't want to rehash the Safety Management  
9 System, but you notice there's a procedure -- you know it better  
10 than I do, there's a procedure for establishing an anchor watch  
11 and anchor --

12 A. Yeah.

13 Q. Did you, did you implement that procedure --

14 A. Yeah.

15 Q. -- at the, at the light?

16 A. Yeah, and we have that on the file up there.

17 Q. Okay. We'll take a look at it. May need a copy of  
18 that. I may not, but --

19 MR. BOWLING: Okay. Bill, with NTSB.

20 MR. WOODY: Just one question on the timeline.

21 BY MR. WOODY:

22 Q. Now what -- did the Chief Mate go -- to the bridge when  
23 the ship came in, was he on the bridge when the ship moored?

24 A. He was there, yeah. The Chief Mate, he came on the  
25 bridge just before the docking point of --

1 Q. Okay. And did you have any discussion with the Chief  
2 Mate say when he was on the bridge that there might be a need for  
3 the -- or there might have been a need for -- there may have been  
4 a problem?

5 A. Yes. I, I discussed it with the Chief, yeah.

6 Q. And do you remember your words, how you described it?

7 A. I can't recall exactly my words, but I had probably said  
8 that I'm afraid we touch Ambrose --

9 MR. WOODY: I think that's all I have.

10 MR. BOWLING: Company representation? No?

11 Captain, hopefully we're done with you. I appreciate  
12 it. We'll terminate the interview at this point, gentlemen, and I  
13 do appreciate the openness and candidness and --

14 (Whereupon, the interview of Captain Mack was  
15 concluded.)

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## CERTIFICATE

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

IN THE MATTER OF:           The Axel Spirit's Allision with the  
                                  Ambrose Light at the Entrance of  
                                  New York Harbor  
                                  Interview of Captain Nils Mack

DOCKET NUMBER:           DCA-08-FM-002

PLACE:                    Onboard Spirit Axel

DATE:                     November 6, 2007

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been compared to  
the recording accomplished at the hearing.

\_\_\_\_\_  
Katherine Motley  
Transcriber