

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

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Investigation of: \*

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THE AXEL SPIRIT'S ALLISION WITH \*

THE AMBROSE LIGHT AT THE \*

ENTRANCE OF NEW YORK HARBOR \*

NOVEMBER 3, 2007 \*

Docket No.: DCA08FM002

\*

\* \* \* \* \*

Interview of: JACEK NIEWEGLOWSKI

On board M/T AXEL SPIRIT  
Perth Amboy, New Jersey

Monday  
November 5, 2007

The above-captioned matter convened, pursuant to notice,  
at 1:00 p.m.

BEFORE: ROB JONES  
National Transportation Safety Board

## APPEARANCES:

ROB JONES  
National Transportation Safety Board

BILL WOODY  
National Transportation Safety Board

LARRY BOWLING  
National Transportation Safety Board

JIM PRITCHARD  
U.S. Coast Guard

MICHAEL FERNANDEZ  
DON MURNANE  
Freehill, Hogan and Mahar  
Attorneys for Interviewee

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I N T E R V I E W

(1:00 p.m.)

1  
2  
3 MR. JONES: This is Rob Jones with the NTSB. We're  
4 engaged right now in the investigation into the accident with the  
5 Axel Spirit. We're interviewing the Second Officer. Sir, can I  
6 have you state your name?

7 SECOND OFFICER: My name is Jacek Nieweglowski.

8 MR. JONES: Louder.

9 SECOND OFFICER: My name is Jacek Nieweglowski, and I'm  
10 Second Officer (indiscernible).

11 MR. JONES: Okay. With us today is Mr. Bill Woody who  
12 will be the Deck Operations Group Chairman. Also representing the  
13 Coast Guard is Jim Pritchard, and the Second Officer is -- has  
14 representation by --

15 MR. FERNANDEZ: Mike Fernandez, law firm is Freehill,  
16 Hogan and Mahar, and my partner, Don Murnane, is here as well.

17 MR. JONES: Okay. I'm going to let Mr. Woody start off  
18 the interview with the Second Officer and it's 1300 on the 5th of  
19 November. I ask again the first name, first name, Jacek.

20 MR. NIEWEGLOWSKI: Yes.

21 MR. FERNANDEZ: Yes, sir.

22 MR. JONES: Please, just so we don't have to take up too  
23 much time, just speak up as loud as you can. I know you're very  
24 soft spoken but speak up as loud as I'm speaking now so we can all  
25 hear, and we'll do this one time and get it over with. Okay.

1 SECOND OFFICER: Okay. I will try.

2 MR. WOODY: Okay.

3 INTERVIEW OF JACEK NIEWEGLOWSKI

4 BY MR. WOODY:

5 Q. Mr. Nieweglowski --

6 A. Nieweglowski.

7 Q. And would you spell your name for the record please?

8 A. My name?

9 Q. Yes, just spell it for the record.

10 A. N-i-e --

11 Q. J -- or (indiscernible) through it. Just spell your  
12 name. It'll get you speaking louder and get used to us.

13 A. N-i-e-w-e-g-l-o-w-s-k-i.

14 Q. Okay. And your first name?

15 A. J-a-c-e-k.

16 Q. Okay. And you pronounce your name Jacek, Jacek?

17 A. Yes.

18 Q. Jacek. Is that close to the way your name is pronounced  
19 is pronounced, Jacek?

20 A. Yes, Jacek Nieweglowski.

21 Q. And your age, sir? Your age?

22 A. I'm 42.

23 Q. Forty-two. Would you -- how long have you been going to  
24 sea?

25 A. About 20 years.

1 Q. About 10 years.

2 A. Twenty years.

3 Q. Twenty years. Okay. Could you give us a very brief of  
4 your maritime background? Where you went to school at, how you  
5 got your license and that sort of thing. What, what -- where you  
6 sailed at and just very briefly, about four or five minutes.

7 A. I (indiscernible) school (indiscernible) was from 1989  
8 to '94. It was (indiscernible) was the name of the school.

9 Q. Would you say the name one more time for me please, the  
10 name of the school?

11 A. (indiscernible).

12 Q. Okay.

13 A. After the school, I've been two years in the Army and  
14 after that I start my, start work at sea.

15 Q. Uh-huh.

16 A. And then I start from an apprentice (indiscernible).  
17 About five years ago, I passed the exams and I got an officer's  
18 license.

19 Q. Okay. An officer's license five years ago.

20 A. Five years ago, in 2002.

21 Q. 2002. That was your first officer's license?

22 A. Yeah.

23 Q. Okay. 2002. And what was your job, your first job as  
24 an officer?

25 A. I bring my seaman's book because I don't remember.

1 Q. All right.

2 A. I'm not ready to (indiscernible). I don't remember  
3 everything from -- I came to talk about from the accident, not  
4 about my life. I'm not ready to answer for all questions.

5 MR. JONES: Let me just pause. All right.

6 BY MR. WOODY:

7 Q. If I can have you think back now, the accident happened  
8 in the early morning hours of Saturday, like about 2:00 on an  
9 early Saturday morning. Is that correct?

10 A. Yes.

11 Q. Approximately. Okay. Would you think back what you  
12 were doing on Saturday, and then think back what you were doing on  
13 let's say Friday and Thursday before that. Could you just give us  
14 a brief sketch of what you did on say starting on Thursday, Friday  
15 and Saturday? Proceed.

16 MR. PRITCHARD: Thursday, Friday, and Saturday.

17 MR. JONES: That'll be fine. If I can get that, I'll be  
18 happy.

19 BY MR. WOODY:

20 Q. Okay. Let's go with Wednesday. Do you remember  
21 Wednesday? Do you remember what you were doing Wednesday on the  
22 ship?

23 A. I was from midnight to 4:00.

24 Q. Midnight to 4:00.

25 A. Sometimes I stay longer (indiscernible) something like

1 that.

2 Q. Uh-huh. So you had mid watch at night and 12:00 to 4:00  
3 in the afternoon?

4 A. Yeah.

5 Q. Did you work off watch on let's say Wednesday?

6 A. I always stay longer.

7 Q. You always stay longer on watch.

8 A. I (indiscernible) some reports after (indiscernible)  
9 some corrections (indiscernible) I do after my watch.

10 Q. And about how long after the watch does this take you?

11 A. Minimum two hours.

12 Q. A minimum of two hours.

13 A. Yeah.

14 Q. So you stand four hours of watch and then you have two  
15 hours of corrections or --

16 A. Yeah (indiscernible).

17 Q. Now do you do the two hours after each one of your  
18 watches or do you do it after one of two watches?

19 A. During the daytime. During the night --

20 Q. Daytime.

21 A. Yeah. During the nighttime only when we arrive for  
22 departure or something, I stay longer during the nighttime.

23 Q. During the nighttime you stay longer.

24 A. No.

25 Q. You do not?

1 A. No, no, no, not in the nighttime.

2 Q. Not at night. Okay. So then you have (indiscernible)  
3 watch at 4:00, and do you go to sleep right away? Do you rest  
4 right away?

5 A. Yeah, I'm going to sleep 5:00 in the morning sometimes.

6 Q. And what time do you get up?

7 A. Around 11:00.

8 Q. Around 11:00.

9 A. Around 11:00.

10 Q. Okay. And then you go on watch from 12:00 to 4:00, at  
11 12:00. Your afternoon watch, that is 12:00 to 4:00.

12 A. Yes, 12:00 to 4:00.

13 Q. Now -- and this is when you work the two hours extra,  
14 the two hours extra?

15 A. Yeah, after the day watch.

16 Q. After the day watch.

17 A. After the day watch, yeah.

18 Q. Okay. And is this almost every day?

19 A. It's almost every day. Sometimes I'm on the bridge.  
20 Sometimes I'm in the cargo office (indiscernible) computer.  
21 Sometimes I using this room for different jobs. I (indiscernible)  
22 always after my day watch on the bridge (indiscernible).

23 Q. So sometimes you're working in the --

24 A. Sometimes I'm upstairs. Sometimes I'm in the computer  
25 room right across from cargo room.

1 Q. I see. And this is about two hours every day?

2 A. This is about two hours. Sometimes it's longer,  
3 sometimes not. If I have some corrections to print  
4 (indiscernible) use computers (indiscernible).

5 Q. All right. And when you're coming into port, does that  
6 make a difference how much work after a watch, after your day  
7 watch?

8 A. You mean the day before, yeah.

9 Q. The day before, yes.

10 A. The day before, I work, I work longer, but  
11 (indiscernible) I don't know about but you can check my rest  
12 hours.

13 Q. All right. Do you keep a record of your rest hours?

14 A. Yeah, we have to.

15 Q. You do. All right. Now -- so on this Saturday before  
16 coming into the port, I was trying to listen to what you did.  
17 After the day watch on Friday, did you work the two hours?

18 A. I don't know. I don't know.

19 Q. You don't remember. Well, do you remember if you might  
20 have been working on Friday?

21 A. The night before, yes, but two days before, but the day  
22 before I don't know.

23 Q. Okay.

24 A. We arrived, we arrived day before. So maybe I stay  
25 longer, I don't know.

1 Q. Well, now --

2 A. (indiscernible) anchorage the day before.

3 Q. All right. The day watch before the accident, did you  
4 work two hours after that watch?

5 A. (indiscernible) I have to check -- I don't remember. I  
6 have to check (indiscernible).

7 Q. All right.

8 A. I don't remember, but don't think so but maybe I stay  
9 longer on the bridge but not, not two hours. After, after the  
10 (indiscernible) because prepare the records (indiscernible) not  
11 two hours. Only time that I need for the, for the arrival records  
12 from the end of the voyage.

13 Q. Did you have other duties to do off watch? Did you have  
14 any other duties outside of watch because of the arrival?

15 A. I have (indiscernible) communication equipment and  
16 (indiscernible) communication equipment, some jobs every month,  
17 something like inspections, check (indiscernible).

18 Q. Did you -- do you recall eating supper, eating dinner,  
19 the evening meal before going on watch that night?

20 A. Yeah.

21 Q. Okay. Did you take a nap before or after the evening  
22 meal?

23 A. What do you mean?

24 Q. Did you take a -- did you rest? Did you sleep before or  
25 after the evening meal?

1 A. Yes, sometimes I'm sleeping before my night watch.

2 Q. Before your night watch. Do you customarily do that?

3 Do you customarily sleep before your night watch?

4 A. It's not every day but I -- if I feel, if I feel I need  
5 to sleep, I sleep.

6 Q. About what time would you take these rests?

7 A. About one or two hours.

8 Q. One or two hours.

9 A. Yes.

10 Q. Would this be like from 10:00 until midnight or would it  
11 be 9:00 to 11:00? When would it be? Mostly from 10:00 to 11:30.

12 Q. 10:00 to 11:30.

13 A. Just before 11:30. I no sleep in the afternoon.

14 Q. You do sleep in the afternoon?

15 A. No.

16 Q. You don't. You never sleep in the afternoon?

17 A. No.

18 Q. Okay. Now the night you were on watch, did you feel  
19 rested?

20 A. I feel good.

21 Q. Did you feel any better than usual?

22 A. No, it was the same.

23 Q. It was the same. The same. And who did you relieve  
24 when you took the watch?

25 A. (Indiscernible) always the (indiscernible) at 4:00 but

1 this night, on the 3rd of November, I been on the bridge until  
2 maybe 5:00.

3 Q. I'm sorry. I didn't hear that.

4 A. (Indiscernible) pilot leave the vessel and because it  
5 was around 6:00. I remain on the bridge (indiscernible) to 6:00  
6 (indiscernible).

7 MR. FERNANDEZ: He was asking you who you relieved?

8 THE WITNESS: Yeah.

9 MR. FERNANDEZ: Who was on the bridge before you, when  
10 you went to the bridge while you were at anchor. Not when you  
11 were relieved.

12 THE WITNESS: Third mate. Third mate.

13 BY MR. WOODY:

14 Q. Third mate. When did the ship anchor?

15 A. The ship anchored, get position from pilots was  
16 different one, we were waiting the U.S. Pilots (indiscernible).

17 Q. When did the ship -- what time and day did the ship  
18 anchor?

19 A. The ship anchored around 1:00 or 2:00.

20 Q. Okay.

21 A. Anchorage was given (indiscernible) the passage plan --

22 Q. Uh-huh.

23 A. -- the passage plan to the (indiscernible) south of  
24 Ambrose Lighthouse. And we get new position from pilot station  
25 (indiscernible) --

- 1 Q. Okay.
- 2 A. -- (indiscernible).
- 3 Q. I see.
- 4 A. I do remember (indiscernible).
- 5 Q. Do you remember what time of day that was?
- 6 A. It was afternoon but I don't remember exact time.
- 7 Q. Afternoon. Were you on watch?
- 8 A. I been on watch --
- 9 Q. Were you on watch when the ship anchored?
- 10 A. The Captain was on bridge and the Chief Officer also.
- 11 The Chief Officer was on the bridge and watch.
- 12 Q. I see. So when -- my question was when the ship
- 13 anchored, the Captain was on the bridge.
- 14 A. Yeah.
- 15 Q. What mate had the watch?
- 16 A. What --
- 17 Q. What, what mate was on watch? Which officer was on
- 18 watch?
- 19 A. I was on watch.
- 20 Q. You were on watch.
- 21 A. Yeah, and Chief Officer was also on bridge.
- 22 Q. Was also on the bridge.
- 23 A. Yeah.
- 24 Q. This is during your afternoon watch?
- 25 A. Yes, it was the afternoon watch.

1 Q. What officer was on the bow?

2 A. Third Mate was on the bow.

3 Q. Third mate?

4 A. Third mate.

5 Q. And the Chief Mate was also on the bridge when the ship  
6 anchored?

7 A. Yeah, Chief Mate was on the bridge. Chief Mate  
8 (indiscernible). He has contact with the Third Mate and give him  
9 the orders when we drop the anchor.

10 Q. Okay. Now the Captain was on the bridge?

11 A. Yes.

12 Q. Who had the con? Who was in control of the ship?

13 A. The Chief Mate.

14 Q. The Chief Mate. The Chief Mate had the con.

15 A. I think because he give orders to the Third Mate.

16 Q. Okay. Now during any of these times, like when the ship  
17 anchored until you went on watch, were you involved in any of the  
18 cargo operations, like ballasting or anything like that?

19 A. Can you repeat please?

20 Q. Yes. When the ship was at anchor, were you involved in  
21 any cargo operations such as putting on ballasts or putting  
22 ballasts off the ship, putting ballasts on or off?

23 A. The Chief Mate.

24 Q. The Chief Mate.

25 A. Yeah, he's --

1 Q. You were not involved?

2 A. No.

3 Q. Okay. Now I see in your statement here you took the  
4 watch about midnight. Is that correct?

5 A. This is correct.

6 Q. And you relieved the Third Mate?

7 A. Yeah.

8 Q. And who was in charge of the ship at that time? Were  
9 you the sole watch officer?

10 A. Yeah, but the Master was also on bridge.

11 Q. Was the Master on the bridge when you were --

12 A. Yeah. And he spoke to the engine, this time, you know,

13 Q. Okay.

14 A. -- the beginning of my watch.

15 Q. Yeah, at the beginning of your watch.

16 A. He gave me orders, you know, (indiscernible) engine and,  
17 and start (indiscernible).

18 Q. So when you relieved the watch, was the Master already  
19 on the bridge?

20 A. I don't remember he -- maybe he came together with me,  
21 maybe he was on bridge before, when I came, I don't remember but  
22 it was around midnight on the bridge.

23 Q. He was on the bridge at midnight. But you can't  
24 remember whether you were there first or he was there first?

25 A. I don't remember.

1 Q. Okay. Do you understand what I'm asking, whether he was  
2 there when you got there or not?

3 A. Yeah, I understand.

4 Q. Okay. But you don't know whether he was there?

5 A. I don't remember.

6 Q. Do you think he was there?

7 A. I'm not thinking about this time

8 Q. Uh-huh.

9 A. -- but I would remember. Maybe it was just before.  
10 Maybe it was after. Maybe together with me but must be around  
11 12:00 because he's pumping the engines in this time.

12 Q. I see.

13 A. And I spoken (indiscernible) that time also spoken to  
14 (indiscernible).

15 Q. Okay. Do you recall anything -- any communication with  
16 the pilots?

17 A. Yeah, we informed the pilots before (indiscernible) we  
18 also informed the pilot station after dock and vessel was  
19 underway. We informed the pilot station at 1:00.

20 Q. Did the pilots tell you what time they'd be out to meet  
21 the ship?

22 A. Yeah, the pilot station, the pilot station, they say the  
23 pilot approximately be ready around 2:00 but (indiscernible) pilot  
24 station, the pilot (indiscernible) same time.

25 Q. Same time.

1 A. The same time.

2 Q. Were there two pilot boats?

3 A. No, no, no. One, but they say the pilots were not  
4 around, that's why it would be the same time.

5 Q. Uh-huh.

6 A. We (indiscernible) the pilot station.

7 Q. Did the pilot boat come to your ship or the other ship  
8 first?

9 A. After that, make decision, the Captain spoke to the  
10 pilots, made decision that the pilots would be, the pilots  
11 (indiscernible) the pilots take our vessel first before the other  
12 one, before the Norwegian Spirit.

13 Q. Uh-huh.

14 A. That's -- but the Captain, I don't know who, who first  
15 call our Captain, talking to the Norwegian Spirit but that was our  
16 contact and they exchange information that we were being first and  
17 we approach by the pilot station but (indiscernible) pilot  
18 station. After that then (indiscernible) approach the pilot  
19 station from south of Ambrose Lighthouse.

20 Q. Approach the pilot station from -- I didn't understand  
21 that. You were going one way -- please explain that to me again,  
22 will you? I didn't understand that.

23 A. After this, when the Captain -- after this --

24 BY MR. JONES:

25 Q. Jacek, you explained to Mr. Woody that the Captain was

1 talking with the pilot --

2 A. No, no, no.

3 Q. -- I mean, I'm sorry, the Norwegian Spirit. Okay. Take  
4 your time. Take your time and just -- I don't want you to worry  
5 over this too much. Right now we're just -- I'm just -- I don't  
6 want to put words in your mouth either, but we want to explain  
7 what we just tried to hear. The Captain of your vessel was  
8 talking to the Captain of the Norwegian Spirit?

9 A. Yeah, our Captain talking to the Captain from Norwegian  
10 Spirit.

11 Q. Over VHF.

12 A. Yeah.

13 Q. Just to arrange arrival.

14 A. Yeah.

15 Q. Did the Norwegian Spirit go in first?

16 A. No, no, the notice from the pilot station just before --  
17 this notice from the pilot station that our vessel would be first.  
18 This was information from the pilot station, not from the Captain  
19 of the Norwegian Spirit.

20 MR. WOODY: Okay.

21 BY MR. JONES:

22 Q. Okay. So the pilot, the pilot station let this  
23 vessel --

24 A. That we would be first.

25 Q. -- know that your vessel would pick up the pilots first.

1 A. First, yeah.

2 Q. The Norwegian Spirit would be second.

3 A. Yeah.

4 Q. So there was communication between your vessel and --  
5 the Captain of the Axel Spirit and the Norwegian Spirit was just  
6 for traffic, just to talk over VHF, just was passing maneuvers?

7 A. Yeah, I think the Captain from Norwegian Spirit  
8 (indiscernible) but I'm not sure. But our Captain talked to other  
9 Captain.

10 Q. So they talked on the radio --

11 A. They exchange information about, about approach.

12 Q. Okay. But the pilot station told you who was first and  
13 who was second?

14 A. Yeah, the pilot station.

15 Q. Okay.

16 BY MR. WOODY:

17 Q. Okay. Let me go back just a little bit. Now when you  
18 were on the bridge, we assume that the Captain was on the bridge  
19 very soon or very close to the same time you were. That means you  
20 and the Captain were on the bridge about the same time?

21 A. About the same.

22 Q. About. So who else was on the bridge at that time? Did  
23 you have a helmsman?

24 A. Not yet because the vessel was anchored.

25 Q. At anchor.

1 A. And it was one watchman on bridge --

2 Q. Uh-huh.

3 A. -- and then Third Mate.

4 Q. Okay. Chief Mate.

5 A. No, no.

6 Q. Okay.

7 A. No, the Chief Mate --

8 Q. I'm sorry. I misunderstood.

9 A. Only the Second Mate and watchman.

10 Q. Okay. Just you and the -- okay. When did you -- now  
11 when you got ready to heave up the anchor, to raise the anchor,  
12 who was on the bridge then?

13 A. Captain, me and one watchman.

14 Q. One watchman. Was he at the helm?

15 A. Yes, when we start to pick up the anchor, the watchman  
16 (indiscernible) he start steering answer the watchman -- the  
17 helmsman.

18 Q. Okay. And so when the anchor was, the anchor was  
19 aweigh, when the anchor was up, above ground, what commands did  
20 the Captain -- let me ask you. Who had the con of the ship? Who  
21 had control of the ship? Was it the Captain who was giving the  
22 orders?

23 A. No, the Captain give the orders only to the helmsman,  
24 not, not me.

25 Q. Okay.

1           A.    I called the positions only but after the anchor's  
2    aweigh.

3           Q.    Uh-huh.

4           A.    But during this time, from -- during this time to anchor  
5    aweigh the Captain give the orders to the Third Mate and also to  
6    the helmsman.

7           Q.    Okay.  The Third Mate was on the bow?

8           A.    The Third Mate was on the bow.

9           Q.    And the Chief Mate, he's not -- what was the Chief Mate  
10   doing?  Was he involved in any way?

11          A.    He was not on the bridge.

12          Q.    Not on the bridge.  Now when was the first speed that  
13   the Captain ordered after the anchor was up?

14          A.    I don't know what the first speed was because the  
15   Captain, the Captain was operating motor.

16          Q.    Okay.  And what, what course did the Captain order?

17          A.    I don't remember the course because, because I not  
18   recall, you know, (indiscernible).

19          Q.    Now where were you standing on the bridge at this time,  
20   when the anchor was raised?  When the anchor comes up, where were  
21   you standing on the bridge?

22          A.    The second (indiscernible) on the bridge and the anchor  
23   was aweigh after --

24          Q.    When anchor aweigh where were you at?  Where were you?  
25   What were you doing?

1           A.    During this time I was between the two radars, checking  
2   our position --

3           Q.    Okay.

4           A.    -- and also monitoring the Norwegian Spirit.

5           Q.    Okay.

6           A.    I check the distance of the course on this  
7   (indiscernible) vessel and also the pilot station, where the pilot  
8   will be at.

9           Q.    What was the bearing of Ambrose Light at this time?  
10   What was the bearing? Was it -- say the relative bearing. Was it  
11   on the starboard bow, port bow?

12          A.    When the vessel was, when the vessel was underway, the  
13   lighthouse was ahead of us.

14          Q.    Ahead of you.

15          A.    Ahead of us. Ahead of the vessel.

16          Q.    When you were anchored, where was the lighthouse then?

17          A.    The vessel was anchored, the light house was almost  
18   astern of the vessel.

19          Q.    I'm sorry. What?

20          A.    Astern of the vessel.

21          Q.    The stern of the vessel.

22          A.    Yes.

23          Q.    Was it on the port side or starboard side or directly  
24   astern or --

25          A.    I don't know because when we start the -- watching the

1 positioning on the vessel, it was on the right and, in fact, I  
2 don't remember the time when we first positioned --

3 MR. JONES: Why don't we pull the chart up. Take a  
4 drink of water if you like. You've been talking a long time.  
5 Just take your time.

6 You can set it down, Jacek. Just for the transcription,  
7 what we've done now is taken out Chart 12326, the entrance to the  
8 New York Harbor, or the approaches to the New York Harbor and  
9 we're asking the Second Mate to just show us the position of where  
10 the vessel was at anchor. I'll describe that since we can't see  
11 on the tape recorder what he's doing.

12 BY MR. JONES:

13 Q. Jacek, where was the vessel anchored? Do you have an  
14 anchored position that's still on there that you can show us?

15 A. (Indiscernible) position of the (indiscernible).

16 Q. Okay. And do you remember, was the vessel being -- was  
17 it wind rode? Was the heading to the north? Was the wind --

18 A. The wind was heading northeast.

19 Q. Northeast. But into the wind?

20 A. Yeah.

21 Q. Okay. And when you started heaving up on the anchor,  
22 when the anchor was aweigh, who started giving -- who gave the  
23 commands to the vessel to start turning her into the New York  
24 Harbor and towards the pilot?

25 A. The Master.

1 Q. The Master. So the Master at this, and don't let me put  
2 words in your mouth. I'm just trying to help along here but --  
3 and if I'm wrong, you tell me what actually happened. The Master  
4 was handling the con? He's got control of the vessel?

5 A. Yeah, because he control the speed limit. He --

6 Q. So the Master's giving rudder orders?

7 A. Yeah.

8 Q. And speed of the engine orders?

9 A. Yeah.

10 Q. And the anchor's still coming up or is it home?

11 A. He gives orders to the helmsman.

12 Q. Okay. Now what are your duties?

13 A. Mine (indiscernible). I check the positions --

14 Q. Okay.

15 A. -- all the positions and check the other traffic, you  
16 know, the vessels and pilot, pilot boats, plus monitoring the  
17 (indiscernible) and the --

18 Q. Okay. Where was the --

19 A. -- (indiscernible) --

20 Q. Okay. So you're advising the Master of everything  
21 relative to the vessel underway, the traffic situation, the  
22 position of the ship, the depth underneath the keel. All right.  
23 The Master has the con, and you're advising him of these certain  
24 facts, all right?

25 A. Yeah.

1 Q. Is that okay? Now which way do you turn to come about  
2 on your course? Do you remember that? To starboard or to port?

3 A. I think we turned to starboard.

4 Q. Okay. So you turned to starboard.

5 A. Yeah.

6 Q. The wind's taking her down to the starboard and you're,  
7 you're bringing her around on this course and starting to look for  
8 Ambrose and the pilot, pilot boat again?

9 A. We look for Ambrose and we're turning the vessel into  
10 the pilot boat.

11 Q. Okay. Where was, you know, when you turned around and  
12 started heading towards Ambrose, where was -- approximately where  
13 do you remember where the Norwegian Spirit was?

14 A. It was about 10, 11 miles, 12 miles but more than 10  
15 miles.

16 Q. Okay. So which traffic scheme?

17 A. Approaching from east.

18 Q. Okay. Just --

19 A. (Indiscernible).

20 MR. JONES: Second Officer showed the northern most  
21 traffic scheme inbound.

22 BY MR. JONES:

23 Q. All right. Now when the vessel came around, could you  
24 see Ambrose Light?

25 A. I saw the lights in the radar because I know the

1 positions.

2 Q. Okay. You saw it on radar.

3 A. Yeah.

4 Q. Did you --

5 A. It was on the ECDIS

6 Q. On ECDIS

7 A. Yeah.

8 Q. And did you see the racon on the radar? Was the racon  
9 noticeable on your radar?

10 A. Yeah, the racon was on the radar. It was on the ECDIS.

11 Q. Okay. And the -- how about visibility-wise? Could you  
12 see the actual light itself as it was flashing?

13 A. The visibility was good. I saw the flash lights.

14 Q. Okay. Visual. And the -- now --

15 A. It was other lights but from the (indiscernible) I saw  
16 the lights.

17 Q. Okay. You could see the pilot boat at this time?

18 A. I saw the pilot boats all the time.

19 Q. Okay. Now did you see one pilot boat or two pilot  
20 boats? One comes alongside to drop the pilot off, and there's  
21 another pilot vessel that's out there stationed. Did you see that  
22 one?

23 A. In the beginning, I saw the -- two pilot boats.

24 Q. Right.

25 A. Later on, I saw one only.

1 Q. Okay. All right. Could you tell any difference in the  
2 sizes of them?

3 A. Yes, it was different the size but I don't know which  
4 one was (indiscernible).

5 Q. Okay. Plus you're looking in the radar and you're  
6 plotting the position, too?

7 A. Yeah.

8 Q. Okay. Now this, this one course that is a little longer  
9 and runs to the south of Ambrose Tower, who plotted that? Who  
10 drew that line?

11 A. I drewed it in.

12 Q. Okay. And who told you to draw that line?

13 A. Who?

14 Q. Yes. Or why did you draw that line there?

15 A. Was the first, first racon -- was the pilot station  
16 (indiscernible).

17 Q. Okay.

18 A. (Indiscernible) I plotted it after, after  
19 (indiscernible) pilot station from south of the lighthouse.

20 Q. Okay. So you were given information either -- who did  
21 you get that information from? From the Captain or the pilots?

22 A. From the Captain.

23 Q. Okay. So you drew a course south of the pilot -- south  
24 of Ambrose Light to rendezvous with the pilot boat?

25 A. Yeah.

1 Q. Okay. The -- now I just want to go back a little bit  
2 before we go further. You do -- you're in charge of the voyage  
3 plan, the Second Mate, all the charts?

4 A. Yes.

5 Q. Where does your voyage plan take you up into New York  
6 Harbor?

7 A. My voyage plan, this was the course to pilot station --

8 Q. Okay.

9 A. -- close to where anchorage.

10 Q. Okay. So this line coming in from the Barnegat to  
11 Ambrose, the VA Channel?

12 A. Yeah, but when we approach this pilot station, they give  
13 us information about anchoring.

14 Q. Okay.

15 A. (Indiscernible) pilots, the anchorage for vessel like  
16 this one, east of the Ambrose Lighthouse (indiscernible) but not  
17 in this place.

18 Q. Okay.

19 A. Everything (indiscernible). This is the approach to  
20 pilot station and this is approaching to anchorage.

21 Q. Jacek, I understand. You made a voyage plan giving the  
22 route that you knew you were going to take and as things changed,  
23 you just -- the vessel had to just adapt and you now are going to  
24 anchor north and east of the light tower. All right. So this  
25 voyage plan, is this kept on the bridge? We get a copy of the

1 voyage plant? Do you keep the --

2 A. Yeah.

3 Q. Do you keep those records?

4 A. Yeah.

5 Q. Okay. And where was your last port? Where were you  
6 coming from?

7 A. We come from Cayo Arcas, Mexico.

8 Q. So you had been at sea for quite a few days.

9 A. Yeah, I guess five days.

10 Q. A week and a half -- five days.

11 A. Five or six days.

12 Q. Okay. So were you on the -- I'm sorry. We might be  
13 going back a little. Were you on the bridge when you anchored?

14 A. Yeah.

15 Q. Okay. Now this -- now we're going to go back to -- take  
16 you back after we've picked the anchor now and the Captain's at  
17 the con and you're giving him information and there's a mate on  
18 watch. The helmsman, is he in hand steering?

19 A. Yes.

20 Q. Okay.

21 A. The vessel (indiscernible).

22 Q. So the Captain's giving the helmsman steering orders?

23 A. Yeah, that's right.

24 Q. Okay. And this, this next -- this other line which kind  
25 of crosses north of the line you laid out to go south of Ambrose

1 Tower, actually kind of intersects Ambrose Tower. Who drew that  
2 line?

3 A. Which line?

4 Q. Is this --

5 A. This is not line.

6 Q. It's a line right there.

7 A. This is (indiscernible).

8 Q. Okay. And how about -- well, how about this position?

9 A. This is the position. This is the bearing line.

10 Q. Okay. So that's a bearing line from Ambrose to the ship  
11 and then the fix.

12 A. Yeah.

13 Q. And is that, is that you writing the times?

14 A. Yeah, this is my times. This is my positions.

15 Q. Okay. So at this point, that position compared with the  
16 line that you drew is a little to the north, north and west of it.

17 A. Yeah.

18 Q. And so what are your -- what are you doing at that  
19 point? When you put that fix on the chart, what's the next thing  
20 you do?

21 A. I give the Master, distances between the point to the  
22 vessel and also the pilot station, and I get the position from the  
23 radar number one which is on the right side from the Master  
24 positioning. He was on the middle of the wheelhouse and he give  
25 position from the starboard radar and the regular chart

1 (indiscernible) the positioning chart.

2 Q. Okay. So this is a range and bearing, not a GPS.

3 A. This is, this is the range and bearing.

4 Q. Okay. And that --

5 A. GPS is on there. (Indiscernible) one time but is not  
6 plotted --

7 Q. Okay.

8 A. -- but this is the bearing plan (indiscernible).

9 Q. Okay. So are you -- when you put this position down,  
10 are you letting the Master know anything? I mean you're not on  
11 that track. Are you telling him where -- has he seen that  
12 position?

13 A. No, I looking for -- we are not on track. I told him  
14 only -- I informing him about the distance and the bearing only.

15 Q. Okay. The distance and bearing to the light.

16 A. Yes, the light because I took the position from that.

17 Q. Okay. Now you got ECDIS, an ECDIS display also on  
18 the --

19 A. Yeah, yeah --

20 Q. Okay.

21 A. -- (indiscernible) was our track and Ambrose Lighthouse.

22 Q. Okay. Now this next position is almost along that same  
23 track line, just closing with the light tower. It's remaining on  
24 the same bearing and the range is decreasing. You know, what  
25 happened at this point? Which -- 0134. Is that correct? Is that

1 the time?

2 A. It's 0134.

3 Q. Okay. So at 0134 you've made that fix again off the  
4 range and bearing from Ambrose, and is there any action you've  
5 taken now?

6 A. Yeah, I put this position -- I took this position  
7 (indiscernible) on the chart. I told the Master about bearing and  
8 distance to the, to the pilot boats and the distance to the  
9 Norwegian Spirit.

10 Q. And what was the distance to the Norwegian Spirit  
11 approximately? Was it still pretty far away? Eight miles. Five.

12 A. Less than, less than five.

13 Q. Less than five.

14 A. Maybe four.

15 Q. Do you know what kind of speed they were doing?

16 A. In the beginning she was around 18, maybe 20 knots in  
17 the beginning --

18 Q. Okay.

19 A. -- one hour before the pilot station call. Right now,  
20 they slow down.

21 Q. Was anybody --

22 A. But I remember when I spoke with Officer, the last time  
23 with the Captain, the CPA was about 20 minutes from our vessel  
24 from --

25 Q. From what time? Any of these fixes?

1           A.    Was -- I don't know but was -- I took the bearing again  
2 on the No. 1 radar I took the bearing, took the bearings and  
3 distances data from the radar.

4           Q.    And where's the Captain at this time? By the telegraph?

5           A.    He was there all the time --

6           Q.    Okay.

7           A.    -- near the telegraph.

8           Q.    Did anybody go out to the portside, bridge wing, or out  
9 the portside by the coffee pot and look out the windows to see if  
10 the Norwegian Spirit was coming up on your port quarter? Was  
11 anybody worried about that or was everybody looking in the radar  
12 and the ECDIS?

13          A.    We don't (indiscernible) Norwegian Spirit because we was  
14 close to the pilot boats.

15          Q.    But you were giving the Captain the time and the  
16 position of the Norwegian Spirit along with the Ambrose Tower and  
17 the pilot boat. So --

18          A.    It was closer to the pilot boat and to Ambrose.

19          Q.    Okay.

20          A.    But the Norwegian Spirit was the second one to the pilot  
21 station. (Indiscernible) pilot boat, not, not discuss about  
22 the --

23          Q.    I'm just, I'm just trying to see, Jacek, was the  
24 Norwegian Spirit of great concern to you and the Captain or was it  
25 just information that you were passing along to the Captain?

1 A. I don't understand.

2 Q. Well, you're, you're assisting the Captain up on the  
3 bridge. You're giving him the position of your ship, the speed,  
4 the position of the Norwegian Spirit coming up behind you and also  
5 the distance to the pilot boat.

6 A. Yes, because he asked me about, about the Norwegian  
7 Spirit and about the pilot station.

8 Q. Okay.

9 A. So I give him this information. He asked me about it.

10 Q. Okay. So you gave him the information.

11 A. Yeah.

12 Q. Okay. Now where was the lookout at the time of that  
13 last fix, at 0134? Because that's about -- just for the record,  
14 that's about half a mile away from Ambrose on the chart.

15 A. He was, he was on the bridge very close to the window.

16 Q. Okay. Did he point the light out to you or the Captain?

17 A. He say, he say -- I don't know. You know, maybe he say  
18 only to me but Captain -- I repeat it. This was directed to the  
19 Captain but -- I don't know, if he said to me only or to the  
20 Captain or to all of us, I don't know, but I heard him say report  
21 but I repeat it to Captain.

22 Q. Okay. Now obviously you're Second Officer. You've got  
23 Second Officer's license. You can see by these fixes, it's just  
24 slowly stepping closer and closer right onto the light tower. As  
25 you approached that light, what did -- did you hear anything? Did

1 you see it? In your statement, I think you mentioned that you  
2 think you probably touched the Ambrose Light. So what, what gave  
3 you indication that you probably touched the Ambrose Light?

4 A. The pilot boat was on our starboard side and maybe we  
5 change the course. Maybe we thought the pilot before the Ambrose  
6 Lighthouse, you know, maybe the Captain changed his mind, I don't  
7 know but I didn't think about --

8 Q. Take your time. Just try to remember what happened.  
9 Remember, this is about safety, nothing more. We're just trying  
10 to ask questions so possibly this doesn't happen again.

11 A. (Indiscernible) lighthouse and I repeat the, I repeat  
12 the report from the lookout (indiscernible) port. The Captain  
13 give order to the helmsman.

14 Q. The Captain gave the order to the helmsman?

15 A. Yeah.

16 Q. What was that order? Do you remember?

17 A. Give him the course.

18 Q. Was it a course or was it a rudder order?

19 A. It was --

20 Q. Was it left to 1-8-0 or was it hard left?

21 A. It was the course, something 2-2-0 or 2-1-0, something  
22 like that he said, 2-2-0 or 2-1-0, I don't remember --

23 Q. Okay.

24 A. -- exactly hearing it, you know, but it was something  
25 like that.

1 Q. And this course was given after you had informed the  
2 Captain at the 0134 time that the bearing was decreasing or the  
3 bearing was staying the same and the range was decreasing?

4 A. No, I give him only the distance and the bearing.

5 Q. Okay. Can you show me a position on here where you --  
6 where the Pilot came aboard? Did you plot that?

7 A. I leave the bridge after 0145 because this is my last  
8 position and I came again 0203 because this is my first position  
9 when I came on the bridge with the Pilot.

10 Q. Okay. So can you show me again where your last position  
11 was?

12 A. This is the last one, 0145.

13 Q. 0145.

14 A. Yes, and --

15 Q. Which almost shows a little west but almost due south of  
16 Ambrose Tower by about half a mile.

17 A. But after this time, I go down, down to the deck to the  
18 portside.

19 Q. Okay. For the Pilot.

20 A. To wait for the Pilot.

21 Q. Okay. Let's -- I just kind of wanted an idea of where  
22 they came aboard. Let's just go back a little bit. Again, you  
23 had wrote in your statement that we probably touched the light.  
24 What made you think you probably touched the light?

25 A. I saw the tower and the tower was close to vessel, saw

1 the lights on. The lights looks like it's far away, long distance  
2 to the vessel, you know. And I saw the tower, the tower was mid  
3 ship of the vessel but the vessel was -- at this time, the vessel  
4 was turning at this time. We had vibration, some brief vibration.

5 Q. So you felt a vibration a little bit.

6 A. It was from the engine or something. The vibration was  
7 -- sounds like vibration from the engine.

8 Q. Was a different engine order given at that time?

9 A. It was not any engine order because (indiscernible) all  
10 the time, the engine telegraph.

11 Q. Same speed on -- the telegraph didn't change. It was  
12 the same speed.

13 A. Changed the speed but he don't give the orders and I  
14 know this because the telegraph (indiscernible).

15 Q. Does anyone on the bridge keep a bell book of telegraph  
16 orders or is it just automatically kept?

17 A. Automatically.

18 Q. Okay.

19 A. This is a printer.

20 Q. Okay.

21 A. Automatically.

22 Q. Okay. So no one on the bridge, even with an  
23 automatic --

24 A. No, no, no, we have an automatic log for the telegraph.

25 Q. So when you saw the light, the beam closely, did, did

1 anyone go out on the starboard bridge wing to get a good view of  
2 it, to watch you go by, the lookout, the Captain, yourself?

3 A. It was very fast, you know, (indiscernible) from, from  
4 the bridge, you know, we observe all the time the pilot boat  
5 (indiscernible) but when we passed the lighthouse, we turn to the  
6 starboard to make the lee for the pilot boat.

7 Q. Well, what was the -- after this close approach where  
8 you stated that you think you might have probably hit the light,  
9 what was -- what did you do next after, after that position? Did  
10 the Captain give you any orders next?

11 A. No, no, he don't give me any. He didn't give me any  
12 orders but the next one, he send me to deck to pilot station, to,  
13 to -- on deck to pick up the Pilot.

14 Q. Okay. So you go on the deck to pick up the Pilot.

15 A. Yeah.

16 Q. Not a side port that's down lower. The Pilot comes up  
17 over the freeboard rail? Do you have a pilot ladder?

18 A. Yeah, we have a pilot ladder. The pilot just inform us  
19 from the time when we leave the anchorage, other time because it  
20 was already (indiscernible).

21 Q. Yeah. And do you remember about what speed you were  
22 going when you left the bridge to pick up the Pilot approximately?

23 A. I remember the speed, the last speed was about four,  
24 four to five knots.

25 Q. Okay.

1 A. It was the last speed I remember.

2 Q. And you saw that on the GPS or the ECDIS or the radar?

3 A. It was, it was GPS, on the radar.

4 Q. Electronically.

5 A. Yeah.

6 Q. Okay.

7 A. It was from radar from GPS.

8 Q. Is that your normal duties as the Mate on the watch when  
9 you're approaching the Pilot, that the Mate goes down below to get  
10 the Pilot and bring him up?

11 A. Yeah.

12 Q. So --

13 A. This is normal --

14 Q. Okay.

15 A. -- (indiscernible).

16 Q. So when you go below, the Captain is left on the bridge  
17 at the con with the helmsman and lookout?

18 A. (Indiscernible) the Pilot, reach the Pilot just  
19 before --

20 Q. Okay.

21 A. -- (indiscernible).

22 Q. Now when you went to pick the Pilot up and he came  
23 aboard and you greeted him and then you walked up to bring him up  
24 to meet the Captain, did you mention anything about the light  
25 tower?

1 A. No.

2 Q. When you were up on the bridge, and the Captain and the  
3 Master -- sorry -- the Pilot and the Master, your Captain, did  
4 they do a Pilot to Master exchange? Just an information exchange?

5 A. Yes, they exchange information but I don't remember any  
6 information about the light, only about the, only about the  
7 hurricane (indiscernible) next course and the speed and about the  
8 boat --

9 Q. Yeah.

10 A. -- not about --

11 Q. Just underway navigation.

12 A. Not about the Ambrose Lighthouse.

13 Q. Okay. Did the Captain, while you were on the bridge,  
14 before going down to the Pilot, make any mention to you about how  
15 close or probably hitting the light tower? Did he say anything?

16 A. I don't remember. Maybe he say something but I don't  
17 know. I don't remember. It was -- I don't know. I don't  
18 remember. Maybe he say something but I don't remember any orders  
19 like that.

20 Q. Did you log anything in your deck log about coming close  
21 or hitting the light tower?

22 A. Yeah, but later on, not, not in the same time.

23 Q. Okay. Well, usually a logbook gets filled at the end of  
24 the watch. Maybe significant events should be filled out right  
25 away but, you know, I think that it's in there is good. So when

1 the Pilot's aboard with the Master, how long -- how much longer  
2 were you on the bridge? Were you on the bridge all the way to  
3 docking or did --

4 A. Yeah.

5 Q. You were?

6 A. Yeah.

7 Q. All right. so when the Pilot came up to the bridge and  
8 you made your way into the New York Harbor and under Staten Island  
9 to the dock, did -- was there any talk about the lighthouse or the  
10 possibility that you struck it?

11 A. No.

12 Q. None. Did the Captain and the Pilot talk about it at  
13 all?

14 A. Talk but they talk about the (indiscernible) talks about  
15 the -- it's normal talk, not, not about, not about the lighthouse.

16 Q. Okay. And for docking, is that your normal position on  
17 the bridge for docking?

18 A. Yes, one of the -- whoever is on watch on bridge.

19 Q. Is it whoever's on watch or if you -- do you get called  
20 out for the docking on the bridge?

21 A. No, if it is a situation like that, my watch is to 4:00,  
22 you know.

23 Q. Okay.

24 A. This time we start docking (indiscernible) I'm not  
25 leaving from deck but next (indiscernible).

1 Q. And do you know what time you docked approximately? I'm  
2 sure it's in the logbook. You can refer to that if you need to.

3 A. About two hours.

4 Q. Two hours after you picked up the Pilot?

5 A. Two hours -- no, it was about two hours, was almost  
6 6:00.

7 Q. Two yours after your watch.

8 A. Two hours after my watch.

9 Q. After my watch.

10 Q. Okay. So are you -- I'm sorry. I thought you were  
11 standing 12:00 to 4:00. Are you standing midnight to 6:00 or  
12 midnight to 4:00?

13 A. Midnight to 6:00.

14 Q. So you stand six hour watches on the bridge?

15 A. Yes.

16 Q. Okay. Is that your normal underway watch, 6 hours -- 12  
17 hours on the bridge?

18 A. Not six hours but just if I (indiscernible) bridge.  
19 That's a normal station (indiscernible). This is continuous job.  
20 I can go and take a rest.

21 Q. Okay. I'm just, I'm just trying to get the watch  
22 scheduled out, very standard stuff for all ships at sea. All  
23 right. You're at sea, underway, out in the middle of the ocean,  
24 midnight to 4:00, that's your watch?

25 A. Yeah.

1 Q. Noon to 1600. Okay. So coming in that day, at 0400,  
2 that's really the end of your watch, but you stayed -- that's your  
3 bridge position for docking? You're on the bridge, and the Third  
4 Mate is the Third Mate on the stern or the bow or is the Chief  
5 Mate up on the bow?

6 A. This is not (indiscernible) situation. It's not -- the  
7 Chief is always (indiscernible) depending on the situation. I'm  
8 on the bridge. The Chief Mates going out to the stern. If the  
9 Chief Mate is on the bridge, I'm going to the stern.

10 Q. Okay. All right. So that's the normal. So you've tied  
11 up on the stern before depending upon what time of night or day  
12 you pull in on your watch?

13 A. I don't understand.

14 Q. Do you, do you -- during docking or undocking, do you  
15 undock from the stern? Is your position on the stern?

16 A. It depend on the situation but I no position like that.  
17 I always -- this is the --

18 Q. It's different every time?

19 A. -- this is the Master's decision.

20 Q. Okay.

21 A. If he assign me forward, I go forward. If he  
22 (indiscernible).

23 Q. Okay.

24 BY UNIDENTIFIED SPEAKER:

25 Q. Jacek, if you make arrival, okay, at the light, do you

1 take it all the way to the dock even if the watch changes?

2 A. No, no, no. This is only (indiscernible) 4:00.

3 Q. Okay.

4 A. That's the reason I stay longer on the bridge.

5 Q. Okay. We can ask later, too.

6 MR. JONES: All right. I'm going to stop for a minute.

7 Bill, do you have anything more right now?

8 MR. WOODY: Just one question.

9 BY MR. WOODY:

10 Q. You mentioned that you had a CPA of 20 minutes. Do you  
11 recall saying something about CPA 20 minutes to Ambrose Light?

12 A. Twenty --

13 Q. Twenty minutes. Did I hear you say that?

14 A. I don't understand.

15 Q. All right.

16 A. (Indiscernible).

17 Q. When you were here, what was the CPA to the light? What  
18 was the closest distance you come past the light?

19 A. I don't know. I don't remember the CPA from this  
20 position.

21 Q. All right. When you got this position, what report did  
22 you make to the Captain?

23 A. It's -- this is 146 --

24 Q. Okay. 146.

25 A. -- to Ambrose Lighthouse, and the speed was about 4,4

1 1/2 knots.

2 Q. Uh-huh.

3 A. The CPA was more than 20 minutes.

4 Q. Twenty minutes. Okay. What report did you make to the  
5 Captain at that point? What did you tell the Captain?

6 A. I give him only the bearing and distance.

7 Q. Only the distance.

8 A. Yeah.

9 Q. All right.

10 A. But I inform him of the situation, Norwegian Spirit,  
11 and --

12 Q. Okay.

13 A. -- about the Norwegian Spirit.

14 Q. Okay. That's where I got mixed up. Thank you. What  
15 did you tell the Captain about this position here? Not according  
16 the -- what's the time of this position?

17 A. 1-3-4. This is 0-1-3-4.

18 UNIDENTIFIED SPEAKER: 0-1-3-4.

19 BY MR. WOODY:

20 Q. 0-1-3-4. And what was the distance to the light at that  
21 time?

22 A. 0.7.

23 Q. 0.7. Did you make a report to the Captain at that time?

24 A. Not the position. I took this position from the radar,  
25 from the --

1 Q. Right.

2 A. I don't remember now. But if I say the position, I  
3 repeat --

4 Q. Uh-huh.

5 A. -- the bearing and distance.

6 Q. Repeat.

7 A. But -- so I know I told him or not but repeat it. I  
8 take bearing and distance plus I want to remember --

9 Q. You told the Captain that. Do you remember whether the  
10 Captain heard you?

11 A. Well, no, I don't, I don't ask him about something like  
12 that.

13 Q. Did the Captain respond? Did he indicate to you that he  
14 heard what you said or he -- did he have any kind of a response?

15 A. I took the position but --

16 Q. If you take the position from the radar and plot it on  
17 the chart, do you say anything to the Captain at that time?

18 A. I think I say the bearing and distance.

19 Q. You say the bearing and distance.

20 A. I say the bearing and distance plus I think I took the  
21 -- each one of the positions I, I repeated the bearing and  
22 distance.

23 Q. To the Captain.

24 A. Not to the Captain. It was not (indiscernible) the  
25 Captain but --

1 Q. Did you, did you speak very loud when you said this?

2 A. I don't know. Maybe --

3 Q. Did you say it loud enough for the Captain to hear?

4 A. No, I say (indiscernible). It was not something like  
5 (indiscernible), you know.

6 Q. Uh-huh.

7 A. It was --

8 Q. All right.

9 BY MR. JONES:

10 Q. Jacek, when you communicate to the Captain, what  
11 language do you use? English?

12 A. Yes, English is the language but I talk to him and I  
13 spoke to him, you know, face-to-face.

14 Q. In English?

15 A. Yeah.

16 Q. Do you speak Norwegian?

17 A. No.

18 Q. Do you speak Polish?

19 A. Yeah.

20 Q. Do you speak Polish to him at all?

21 A. I communicate to the Captain only in English.

22 Q. So all your navigation communication, while you're on  
23 the bridge with him is in English?

24 A. Yeah.

25 Q. Okay. All right.

1 BY MR. WOODY:

2 Q. Do you remember what the tides and currents for New York  
3 coming into port?

4 A. We have tides and currents but only from  
5 (indiscernible).

6 Q. Okay. And what were the tides doing at that time?

7 A. (indiscernible) 240, something like that, about one and  
8 half meter.

9 Q. I'm sorry. What please? It was the height of it.

10 A. It was high water.

11 Q. It was high water.

12 A. Yeah, around 230, 240.

13 Q. 240 high water?

14 A. Yeah. One and half meter.

15 Q. So what would you expect the tide or the current to be  
16 doing at that time? Would the current be flowing toward New York  
17 or away from New York Harbor?

18 A. I don't know.

19 Q. Do you have any knowledge of the tidal currents --

20 A. Yeah.

21 Q. -- at that time? What were they?

22 A. The high water one and half meter.

23 Q. That was what the height, the height of the water was.

24 A. Yeah.

25 Q. But which way was the water going? Which way was it

1 going?

2 A. Going in.

3 Q. Going in.

4 A. Yeah.

5 MR. JONES: Is that on your voyage plan?

6 THE WITNESS: Yeah, it was on my voyage plan.

7 MR. JONES: Okay.

8 BY MR. WOODY:

9 Q. In your training, what courses have you taken in the  
10 recent years? For example, you indicate STCW courses, like bridge  
11 resource management, ship safety, and have you taken those  
12 courses?

13 A. Which course?

14 Q. Yes, the STCW, do you know what I mean?

15 A. Yeah, yeah.

16 Q. Okay. There's a number of courses. Have you taken all  
17 of those?

18 A. I take all of the course which I need.

19 Q. Okay. Have you taken bridge resource management?

20 A. Yes.

21 Q. You have. Where did you take that at?

22 A. (Indiscernible) two, three year ago.

23 Q. Two or three years ago. And where was the school at  
24 that gave the course?

25 A. It was school in Gadinya (ph.), Maritime School.

1 Q. What school?

2 A. Maritime School, Maritime School in Gadingya.

3 Q. Martin School in Denmark?

4 A. Gadingya.

5 Q. Gadingya. Gadingya. Okay. Maritime School in Gadingya.

6 I guess we've asked this question before but let me ask again. At  
7 the time you think that the ship may have contacted the light, did  
8 you hear or feel or sense anything?

9 A. I hear vibration -- I feel the vibration but I heard  
10 something like increasing the speed, increasing the speed,  
11 something like that.

12 Q. Uh-huh.

13 A. It was shaking and it was like vibration.

14 Q. Like a vibration.

15 A. Yeah.

16 Q. And whereabouts were you standing at that time? Where  
17 were you located at that time? Were you at the radar or --

18 A. In my place close to the chart.

19 Q. By the chart table.

20 A. Yeah.

21 Q. When you saw the light here and took the bearing, what  
22 was the relative bearing of the light? By relative bearing, what  
23 direction on the ship was it?

24 A. It was about 2-3-5, something. I don't remember exactly  
25 what the bearing was. 2-3-5.

1 Q. 2-3-5. Okay. And was it on the starboard bow? When  
2 you were headed up this way here --

3 A. I think this time the, the pilot boat was from starboard  
4 bow, from the starboard bow and the light was a little bit on the  
5 port bow.

6 Q. A little bit on the port bow?

7 A. Yeah.

8 Q. And when was this?

9 A. I'm not sure. The pilot boat was from our starboard  
10 side.

11 Q. Uh-huh.

12 A. Yes, the pilot boat was on the starboard side. The  
13 pilot boat was on the starboard side.

14 Q. Okay. Now your vessel is going in this general  
15 direction, and you believe that sometime the light was on the port  
16 bow?

17 A. Yeah, the course was (indiscernible) not the position  
18 (indiscernible) but the course was (indiscernible). It's not same  
19 course, you know, same course but the course was not the same, but  
20 the course changing --

21 Q. Changing.

22 A. -- many times on the (indiscernible).

23 Q. Uh-huh.

24 A. But I can't tell you how many times and how many times  
25 we changed the course.

1 Q. I see.

2 A. But we change it because the vessel was almost  
3 (indiscernible).

4 Q. Uh-huh.

5 A. We're running the slow speed.

6 Q. At slow speed.

7 A. Very slow speed. Sometimes we were (indiscernible) but  
8 we have almost one hour in this position.

9 Q. And during slow speed, did the ship yaw back and  
10 forth --

11 A. Yeah.

12 Q. -- because of slow speed?

13 A. Yes, but also the course was different. Not on the  
14 speed but by the rudder also.

15 Q. By the rudder also. Because the Captain is giving  
16 orders?

17 A. Yeah, the Captain (indiscernible). He's  
18 (indiscernible).

19 Q. Okay.

20 BY MR. JONES:

21 Q. Jacek, while we're on this, if the Captain's giving  
22 orders, and this is for the approach to the pilot, why is he  
23 giving orders? What is he looking at to change helm orders?  
24 You're plotting. Are you telling him he's off course, he's  
25 starboard of the course, he's setting to the west and the north?

1           A.    No.  I give him only the distance.  I don't remember  
2  (indiscernible).

3           Q.    Okay.  And now you said that you drew that line on it.  
4  Do you remember that course line, what it's actual course is?  
5  This course here?  From that square to that square.  Is that  
6  about, I don't know, 220, 235?

7           A.    220.

8           Q.    All right.  You drew that.  Now once you see you're  
9  making these fixes, you're coming off that course.  Are you  
10 telling the Captain that you're coming off that course or are you  
11 just giving him range and bearings to Ambrose?

12          A.    I told him this course after the (indiscernible) south  
13 of Ambrose.

14          Q.    Right.

15          A.    It was not from beginning.

16          Q.    That's a new course.  Your voyage plan is set, you've  
17 been at anchor.  The pilots have informed you that, you know,  
18 they're going to come south of the tower and you're going to pick  
19 up the pilot.  So you prudently put in a new course, this one  
20 here.  But now that you've drawn that course, and you're trying to  
21 make that course good as you approach the pilot, you plot and see  
22 that you're now coming off that course.  What are your duties now  
23 as a navigator to inform or instruct or let the Captain know  
24 what's, what's happening or are you -- do you feel it's your  
25 duties to tell him, Captain, we're off to the right or are you

1 just giving him range and bearings like you've said before to  
2 Ambrose Light Tower?

3 A. (Indiscernible). I didn't inform the Captain but --

4 Q. You didn't tell him you're falling off to the right? I  
5 mean you put this one on the chart. Again, we're back to the  
6 0134. What's the next thing you do? Captain, the range and  
7 bearing to Ambrose is or, Captain, we're to the right of the  
8 course line?

9 A. I inform the Captain the bearing and distance to the  
10 lights.

11 Q. Okay.

12 A. And to the pilot station but not, not (indiscernible).

13 Q. Okay.

14 A. I don't remember.

15 Q. Did this new line that you drew in, did you put that on  
16 the electronic chart? Is that on ECDIS at all or is this just on  
17 paper?

18 A. Just only on paper, not on ECDIS On ECDIS, it was only  
19 the route from --

20 Q. The original ones.

21 A. -- (indiscernible).

22 Q. Okay. Now the Captain at this time, as you're making  
23 these plots by the telegraph? Is he standing by the telegraph?

24 A. Yes.

25 Q. So he's got --

1 A. He was all the time by the telegraph.

2 Q. Okay.

3 A. He (indiscernible) but he was on the telegraph all the  
4 time.

5 Q. So the -- so if I saw your bridge correctly up there,  
6 the ECDIS is right in front of him and a 10 centimeter radar is  
7 just to the right of the ECDIS

8 A. Yeah.

9 Q. Okay. And you're to the left of the chart table with a  
10 radar --

11 A. Yeah.

12 Q. -- with a three centimeter to your right?

13 A. Yeah.

14 Q. Okay.

15 A. Yeah.

16 Q. How many times have you been into New York Harbor  
17 approximately? Not exactly. Approximately.

18 A. I've been one time before.

19 Q. Just once?

20 A. Just one.

21 Q. As a Second Mate?

22 A. Yes, was beginning of my contract I arrived to New York.

23 Q. Okay. And were you on the bridge during this same time,  
24 through the pilot area?

25 A. Was four months ago.

1 Q. Four months ago.

2 A. Yeah.

3 Q. But were you on the bridge at this time coming through  
4 here?

5 A. I don't remember.

6 Q. Okay. Was it during the day or at night?

7 A. I don't remember if it was day, four months ago.

8 Q. Okay.

9 A. And we leave, because we leave New York.

10 Q. So you were on as you left? So am I getting that right  
11 or am I getting that wrong? Have you arrived in New York before?

12 A. No, no, only --

13 Q. Only departed.

14 A. -- depart.

15 Q. Okay. So this is your first time into New York?

16 A. Yeah.

17 Q. Okay. Ever.

18 A. Yes.

19 Q. Okay. So your first time into New York as a Second Mate  
20 ever, and as a Second Mate at night?

21 A. Yes, this is first time.

22 Q. Okay. And how long have you been second mate on this  
23 ship?

24 A. This ship?

25 Q. Yes.

1 A. Four months.

2 Q. Just four months, first time?

3 A. First time.

4 Q. Okay. How long have you been with this company?

5 A. This is first time.

6 Q. First time. Is this the first time you've worked with  
7 this Captain?

8 A. Yes.

9 Q. Has he been on for the four months that you've been on?

10 A. No. We only have this Captain about two weeks.

11 Q. Okay. So this is the first time you've worked with him  
12 for two weeks.

13 A. Yes.

14 Q. Okay. How many ports have you been in and out before  
15 the other night? Like leaving Mexico and before that with this  
16 Captain?

17 A. We leave Pascoulouga and two or three ports. That was  
18 not exactly -- the port, it was around (indiscernible) SP, not,  
19 not --

20 Q. SP, that's A single point mooring.

21 A. Yeah.

22 Q. Okay. So you weren't in port? You were offshore on a  
23 single point mooring?

24 A. Yes.

25 Q. Okay. Your interaction with the Captain, do you feel

1 you could talk to him, tell him what needed to be told on the  
2 bridge? Do you feel he would listen to what you had to say with  
3 regards to charting and plotting and positions? Was he easy to  
4 approach and did he listen to what you had to say?

5 A. Well, it's normal situation, he gives orders, I follow  
6 it. I tell him something.

7 Q. Okay.

8 A. Nothing (indiscernible).

9 Q. When you did your voyage plan into New York Harbor this  
10 trip, did you bring it up to him to approve first?

11 A. (Indiscernible). I give him everything to sign off.

12 Q. Okay.

13 A. But I never ask him, you know, about it because  
14 (indiscernible).

15 Q. So if he had a problem with he, he would probably come  
16 to you. If you have any problems --

17 A. I'm always asking, I will know, is there something  
18 (indiscernible). I ask him.

19 Q. You ask him.

20 A. (Indiscernible) like with this way or this way be  
21 better --

22 Q. Okay.

23 A. -- or shorter or longer, how far we have to  
24 (indiscernible) the distance from the shoreline for example.

25 Q. Yeah. So you could ask him questions and he would

1 answer.

2 A. Yeah, I ask him.

3 Q. And how long have you been Second Mate, in career, not  
4 just this ship?

5 A. Two years.

6 Q. Two years. So three years as Third Mate and two years  
7 as Second Mate?

8 A. Yeah.

9 Q. And you've been Second Mate for two years but how many  
10 times have you sailed on board ships as a Second Mate?

11 A. How many times?

12 Q. How many months, years? Have you been sailing as a  
13 Second Mate for the two years that you've --

14 A. Four contracts.

15 Q. Four, and what would that be in months?

16 A. Four or five months.

17 Q. Each?

18 A. Each one.

19 Q. Okay. So 12 months, about a year as Second Mate?

20 A. Sixteen, seventeen, something like that. Weeks, months.

21 UNIDENTIFIED SPEAKER: Four months per contract?

22 THE WITNESS: Yeah.

23 UNIDENTIFIED SPEAKER: And how many contracts?

24 THE WITNESS: Four.

25 UNIDENTIFIED SPEAKER: So about 16 months.

1 THE WITNESS: Sixteen months.

2 BY MR. JONES:

3 Q. Sixteen months. Okay. Bad math on my part. Okay. Did  
4 you feel you had a good relationship with this Captain even though  
5 it's only two weeks?

6 A. I get along with him very well, you know, it's only two  
7 weeks but I think yes.

8 Q. Okay. Where did the Captain get on? When did the  
9 Captain board the ship?

10 A. Pascagoula.

11 Q. Pascagoula. Okay.

12 MR. JONES: All right. That's all I have right now.

13 BY MR. WOODY:

14 Q. I think we asked this before but did -- at the time the  
15 anchor was aweigh, did the Captain give you any orders, any  
16 firsthand orders?

17 A. When the anchors aweigh?

18 Q. Uh-huh.

19 A. No, no orders but he asked me about CPA to Norwegian  
20 Spirit and pilot boats. It's only questions, not orders.

21 Q. Okay. Only questions. I see. Thank you. That was a  
22 good answer. Only questions about CPA to the pilot vessel and the  
23 pilots. And except for the calling out the bearings from the  
24 radar, the range and bearing, that's the only communication you  
25 had with the Captain?

1           A.    But I give him distances to the pilot boat  
2 (indiscernible).

3           Q.    Right.

4           MR. JONES:  Mr. Pritchard, do you have any questions?

5           MR. PRITCHARD:  I do.

6           MR. JONES:  This is James Pritchard, U.S. Coast Guard.

7           BY MR. PRITCHARD:

8           Q.    Real quick.  I had a question.  You said you laid the  
9 track line from anchorage to Ambrose to the pilot station.  It  
10 wasn't part of your original voyage plan because you made that  
11 arrangement as you were parting anchorage, the Captain did.  Did  
12 the Captain ask you for a course to steer when he departed  
13 anchorage?

14          A.    No, I don't remember.

15          Q.    Did he give a course to the helmsman to steer from  
16 anchorage?

17          A.    Yes, I give him the bearing and the distance and he give  
18 the order to the helmsman.

19          Q.    Do you remember the Master giving the helmsman a course  
20 to steer after the anchor was aboard the vessel?

21          A.    I remember him giving the orders but it was  
22 (indiscernible) I don't remember how many times we change the  
23 course but we see the Ambrose Lighthouse in the same course all  
24 the time.  We are (indiscernible).

25          Q.    So you said the Captain didn't ask you for the course.

1 Did you give a course to the Captain after you drew the track line  
2 on the chart?

3 A. No, because the line after the, after that -- after the  
4 (indiscernible) we have (indiscernible).

5 Q. Okay. Is this the fix you made on the chart here?

6 A. Yeah.

7 Q. Okay. And then you drew this track line from here to  
8 here after that fix?

9 A. That was later on, later on. That was later.

10 Q. Before you got to the pilot station or how much later?

11 A. (Indiscernible) south of the, south of the Ambrose  
12 Lighthouse.

13 Q. Was that when you were still at anchor or after you had  
14 left anchorage?

15 A. The vessel was underway.

16 Q. Okay. So when you plotted the fix, this fix right here,  
17 the -- I can't see the time.

18 UNIDENTIFIED SPEAKER: What's the time?

19 THE WITNESS: It's 0057, this position.

20 UNIDENTIFIED SPEAKER: 0057. Is that right?

21 THE WITNESS: It's right, yeah.

22 UNIDENTIFIED SPEAKER: Do you have a question?

23 BY MR. PRITCHARD:

24 Q. So when did you, when did you put this fix on or when  
25 did you put this track line on the chart? About what time?

1           A.    I don't remember the time but not, not -- was not before  
2 (indiscernible).

3           Q.    Okay.  Was it after you left the anchorage?

4           A.    Yes, I'm sure after.

5           Q.    Okay.  Before this fix or after that fix?

6           MR. JONES:  Referring to -- just so -- 0057.

7           BY MR. PRITCHARD:

8           Q.    The 0057 fix.

9           A.    I don't remember.  It was not before, not before the  
10 (indiscernible).

11          Q.    Can you say that again?

12          A.    It was not before standby, not before leaving anchorage.

13          Q.    Okay.  So you plotted that track line after you departed  
14 the anchorage?

15          A.    Yes.

16          Q.    About when after you departed the anchorage did you plot  
17 that track line?

18          A.    I do not remember the time.

19          Q.    Was it before the next fix?

20          MR. WOODY:  What is the hour?

21          THE WITNESS:  I not remember exactly but I did it after  
22 that.

23          BY MR. PRITCHARD:

24          Q.    Before you got to the light or after you got to the  
25 light?

1           A.    It was soon after the vessel underway.  I don't remember  
2 now was the -- before or after.

3           Q.    When you got underway from anchorage and the light was  
4 about an hour at that point.  Do you remember was it at the -- did  
5 you lay that track line towards the beginning of that or towards  
6 -- closer towards when you got to the light, the latter half of  
7 the hour?

8           A.    I'm not sure now but I know (indiscernible) not before  
9 leaving anchorage.

10          Q.    Okay.  Was it before you got to the light?

11          A.    I don't remember now.

12                   BY MR. JONES:

13          Q.    Did you plot these two at the same time?

14          A.    I think so, yes.  I think it's the same.

15          Q.    Okay.  Why did you pick this point?

16          A.    Because this is south of lighthouse.

17          Q.    It's south, but why that distance and not this distance  
18 or a smaller distance?  Did the Captain say pick me a spot south  
19 of the light?

20          A.    No.

21          Q.    Did you pick that spot?

22          A.    He didn't say anything about distance, you know.

23          Q.    But what -- how did you determine to pick that?  Your  
24 judgment, the Captain's judgment?  Did he just say south of the  
25 light and you felt that was --

1           A.    I didn't spoke to the Captain about the number.  I talk  
2 to him after that and he say (indiscernible).

3                   MR. WOODY:  What did he say?

4                   BY MR. PRITCHARD:

5           Q.    Now you said the Captain didn't ask you for a course.  
6 Did you recommend a course to the Captain to steer, to go south?

7           A.    No, he didn't ask me about that course to the -- I give  
8 him only the bearing to the lighthouse.

9                   UNIDENTIFIED SPEAKER:  Can I ask one question?

10                  MR. WOODY:  We're going to ask you.

11                  UNIDENTIFIED SPEAKER:  Just to try and clarify for a  
12 little.

13                  BY UNIDENTIFIED SPEAKER:

14           Q.    Mr. Mate (sic), as the vessel proceeded down the course  
15 line in the generally southwest direction, as you came up towards  
16 the tower, did the Captain ever ask you for a position?

17           A.    I don't remember.  I don't remember.  I remember I  
18 inform him about the position but I don't remember any questions  
19 about the position.

20           Q.    Okay.  Could you see the light from the tower as you  
21 made the approach toward it visually?

22           A.    Visually, no.  It was close to the city lights, but I'm  
23 not all the time in this place.  Sometimes (indiscernible) chart  
24 room behind the helmsman.

25           Q.    I understand.  You were taking fixes, but do you recall

1 seeing the light at anytime visually from the bridge?

2 A. I don't see it all the time, the lighthouse. Sometimes  
3 I took only the bearings from the (indiscernible) I can't see  
4 these lights because I be behind.

5 Q. But do you have any recollection as you made this  
6 approach towards the Ambrose light, of physically seeing the light  
7 forward of the ship? You personally.

8 A. Not on (indiscernible) not on -- not all the time.

9 Q. I'm not asking all the time. At anytime? At anytime  
10 between the 05 -- what was that time?

11 MR. JONES: 0057.

12 BY MR. FERNANDEZ:

13 Q. At anytime between 0057, when you weighed anchor, from  
14 when you passed the racon, did you see it physically with your  
15 naked eye forward of the ship?

16 A. Yes, I saw it.

17 Q. Okay. Do you know if the Master saw it?

18 A. No, I do not.

19 Q. Was the vessel being maneuvered to pick up the pilot at  
20 the time you passed the racon?

21 A. We saw the pilot, yes.

22 Q. You saw the pilot.

23 A. When we passed the racon, we saw the pilot  
24 (indiscernible) and we saw the pilot.

25 Q. Okay. But had the Captain, was he, was he changing the

1 ship's position to allow the pilot to come onboard at that time,  
2 do you know?

3 A. It was -- I don't know how long but it was couple  
4 minutes after that.

5 Q. Okay. So to your recollection, the Master had not  
6 changed the vessel's heading to allow the pilot to come on board  
7 before you went past the light?

8 A. Will you repeat the question?

9 Q. Okay. If you remember, when you passed the light --

10 A. Yeah.

11 Q. -- you saw the light close, a beam on your starboard  
12 side --

13 A. Yeah.

14 Q. -- at that time, was the Master altering the vessel's  
15 course to allow the pilot to come on board?

16 A. When we passed the lighthouse, we alter (indiscernible).  
17 We alter when we pass the lighthouse.

18 Q. You altered course to --

19 A. To starboard side.

20 Q. Okay. And do you know why that was, why that was done?  
21 Was that for the pilot or was that for the light or both or --

22 A. I don't remember.

23 Q. Okay.

24 A. But I know we alter.

25 UNIDENTIFIED SPEAKER: I just have one for

1 clarification.

2 BY UNIDENTIFIED SPEAKER:

3 Q. Mr. Mate, yesterday when you were talking to the Coast  
4 Guard, you had indicated that you logged in the deck log that the  
5 vessel probably touched Ambrose Light, correct?

6 A. Yes.

7 Q. And I asked you what the word probably meant to you.  
8 Can you explain to us what probably means? What you meant when  
9 you wrote that entry?

10 A. When I saw the starboard side (indiscernible) I'm sure  
11 we touched the lighthouse, but during the nighttime, I didn't know  
12 at this time that this was happening that -- but the distance was  
13 very close, very close and --

14 Q. Did you know at the time that -- during that evening  
15 whether you touched or not?

16 A. I remember, I remember -- I saw the tower and the tower  
17 was (indiscernible).

18 Q. It was very close.

19 A. It was very close, but when we pass the lighthouse, and  
20 we come to the starboard side but it was something more than close  
21 passing but I didn't know at this time.

22 Q. You didn't know at that time?

23 A. Yeah.

24 UNIDENTIFIED SPEAKER: Thank you.

25 BY MR. PRITCHARD:

1 Q. You said you thought it was more than a close passing at  
2 that time. Is that what you just said?

3 A. Sorry.

4 Q. You said you thought it was more than a close passing.

5 A. But I understand (indiscernible) is not, for example,  
6 (indiscernible). It is very close. This is, this is  
7 (indiscernible). I saw this tower very well, you know,  
8 (indiscernible) the last moment.

9 Q. And then you said earlier when you passed close by, that  
10 you also felt an unusual vibration, maybe like the engine speed  
11 increase.

12 UNIDENTIFIED SPEAKER: I don't believe he said unusual.  
13 He said vibration. When it's usual or unusual. He said he felt a  
14 vibration.

15 BY MR. PRITCHARD:

16 Q. You felt a vibration as you passed close by?

17 A. (Indiscernible).

18 BY MR. BOWLING:

19 Q. I'm Larry Bowling. I'm with the NTSB. I'm the newest  
20 team member. I'd like to ask you to recall the interaction of the  
21 lookout at the time, his interaction with you as the Second  
22 Officer and then with the Master, but before we go into that area,  
23 I would like you to follow up at least on the question we were  
24 asking about once you felt this vibration on the ship, was there  
25 any discussion amongst the persons on the bridge about what was

1 that?

2 A. No, because we not discuss because we don't discuss  
3 about this. We passed the lighthouse and continued our voyage

4 Q. Okay. I have just a few questions related to your  
5 interaction with the lookout and I believe his name is Magno --

6 A. Yeah.

7 Q. -- an AB? Do you recall when the lookout informed the  
8 Officers on the bridge, either you and the Captain on the first  
9 time he reported the position of the pilot boat?

10 A. Pilot boat?

11 Q. The position of the pilot boat as a potential target.  
12 Do you recall that coming in from the lookout?

13 A. I don't remember any reports from the lookout about the  
14 pilot boat.

15 Q. Okay. Do you recall the first communications exchange  
16 between you and the lookout or the or the Captain and the lookout  
17 regarding the position of the navigational light?

18 A. Well, I had only one report from the lookout, but I  
19 repeat this directly to the Captain but it was only one report.

20 Q. What was the extent -- can you tell us what the report  
21 was?

22 A. Was -- said something like -- just like this, pretty  
23 close and (indiscernible). The light is very close, the  
24 (indiscernible) is very close, he said something like that.

25 Q. Okay. The lookout said that. Did he say that to you or

1 did he say that to the Master?

2 A. I don't know but I repeat it to the Master.

3 Q. Okay. And what exactly did you repeat to the Master?

4 A. After that, the Master give order to the helmsman.

5 Q. That wasn't the question. What did you say to the  
6 Master when the lookout said what he said? What did you repeat to  
7 the Master?

8 A. I said -- I repeat, I repeat the message. Maybe it was  
9 the same (indiscernible) what the lookout say. It may be the same  
10 but it was we are very close, something like that, we are very  
11 close to the lights.

12 Q. What was the Master's response to you? Did he  
13 acknowledge it or did he --

14 A. I remember only that we start -- the wheel order to the  
15 helmsman, we started turning to the left.

16 Q. So at that point, the Master ordered the helmsman a  
17 change of course?

18 A. Yes, when I repeat the report, the Master, he will go  
19 and change course.

20 Q. All right. Do you recall what course the Master ordered  
21 at that time?

22 A. I don't remember the course. All he said was something  
23 like 2-1-0, 2-1-0, but it was the course to the left.

24 Q. A course to the left.

25 A. To the port.

1 Q. Did the lookout relay any further affirmation or any  
2 contact information to you or the Master after that steering  
3 change regarding the lighthouse position, the aids to navigation  
4 position?

5 A. I remember only the one from the lookout.

6 Q. Just one.

7 A. Just one.

8 Q. All right. Was there any communication between you and  
9 the helmsman at anytime?

10 A. No.

11 Q. Was there any communication from the helmsman to the  
12 Master that you recall?

13 A. Yeah, he repeat the Master's orders.

14 Q. Okay. Was there anything else?

15 A. No. I remember only the, only the -- he repeats the  
16 orders, nothing else from the, from the helmsman.

17 Q. One final question for me. The -- from your standpoint  
18 on the bridge, did the illumination of the light at anytime impair  
19 your operational capacity as the Second Officer from the aids to  
20 navigation?

21 MR. JONES: Which light?

22 BY MR. BOWLING:

23 Q. From the lighthouse.

24 MR. JONES: Do you understand the question?

25 THE WITNESS: No, not really.

1 MR. JONES: The tower light --

2 THE WITNESS: Yeah.

3 MR. JONES: -- was it very bright? Did you not look up  
4 and see it? Did it hurt your night vision? Do you understand?

5 THE WITNESS: Yeah, I understand. It is a bright light.

6 BY MR. BOWLING:

7 Q. When it was --

8 A. But --

9 Q. Sorry.

10 A. But it's almost like it blended with the other lights.  
11 If you don't know that this is the lighthouse, it's difficult to,  
12 it's difficult to find between the lights, you know. This is  
13 (indiscernible).

14 MR. WOODY: I'm sorry. Difficult to find between the  
15 lights?

16 THE WITNESS: No, the illumination from the -- of  
17 (indiscernible) --

18 MR. WOODY: Uh-huh.

19 THE WITNESS: -- because this is high tower, you know.

20 MR. WOODY: Uh-huh.

21 THE WITNESS: You can feel the distance to the lights,  
22 you know, because the tower is very high, you know, and the light  
23 is the same level as the city lights

24 BY MR. JONES:

25 Q. Just one further question. Did you know whether this

1 light, Ambrose Tower, was a fixed light?

2 A. It was a flashing light.

3 Q. Fixed, fixed to the bottom of the ocean?

4 A. Oh, yeah.

5 Q. Or did you think it -- or did you know it to be a  
6 floating aid to navigation? Did you know it was fixed or did you  
7 know it was floating?

8 A. I don't know.

9 Q. You didn't know before, before you approached it whether  
10 it was a buoy or whether it was a fixed light, fixed to the bottom  
11 of the, you know, fixed to the ocean floor?

12 A. I don't know.

13 Q. Okay.

14 A. I don't know.

15 Q. All right.

16 MR. BOWLING: I think that's all.

17 MR. JONES: One follow-up question.

18 UNIDENTIFIED SPEAKER: This is it.

19 BY UNIDENTIFIED SPEAKER:

20 Q. When you felt this vibration that you talked about  
21 before, on that night, okay, what did you think the vibration was?

22 A. I think maybe I think that this is coming from engine or  
23 something. I think it was from engine.

24 Q. Did it feel like an increase or decrease in the engine  
25 speed?

1 A. It feel like increase decrease of speed, yes.

2 UNIDENTIFIED SPEAKER: That's all.

3 BY MR. JONES:

4 Q. Did you ever feel anything like that before in the four  
5 months that you were on board this vessel?

6 A. The --

7 Q. The vibration.

8 A. Yes. We, we made the engines -- we increased the engine  
9 revolution, you feel the shaking of -- the vibration.

10 Q. So every time you increase engine revolutions, you feel  
11 vibration?

12 A. I feel it, you know, from -- for example from stop to  
13 slow or from --

14 Q. Well, those are stern vibrations.

15 A. From stern or -- not only revolution of the slow speed,  
16 but (indiscernible) and this is very difficult but in the  
17 (indiscernible) on the slow speed, it is very shaky.

18 Q. Okay.

19 A. Very shaky.

20 MR. JONES: All right. Thanks. We're going to conclude  
21 the interview now of the Second Officer. All right. Thank you.

22 (Whereupon, the interview in the above-entitled matter  
23 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:           The Axel Spirit's Allision with the  
                                  Ambrose Light at the Entrance of  
                                  New York Harbor  
                                  Interview of Jacek Nieweglowski

DOCKET NUMBER:           DCA-08-FM-002

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DATE:                     November 5, 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.

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Kathryn A. Mirfin  
Transcriber