

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

\* \* \* \* \*  
Investigation of: \*  
\*  
THE AXEL SPIRIT'S ALLISION WITH \*  
THE AMBROSE LIGHT AT THE \*  
ENTRANCE OF NEW YORK HARBOR \* Docket No.: DCA08FM002  
NOVEMBER 3, 2007 \*  
\*  
\* \* \* \* \*

Interview of: NILS MACK

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

The above-captioned matter convened, pursuant to Notice  
on November 5, 2007

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, ESQUIRE  
Freehill, Hogan and Mahar  
Attorney for Captain

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I N T E R V I E W

1  
2 MR. JONES: Captain, my name is Rob Jones. I'm the  
3 Investigator-in-Charge for this accident involving your vessel.  
4 We're here just to do a safety investigation, just to find out  
5 what happened and maybe through this investigation, and your  
6 cooperation and what you say to us, and what we find out, you  
7 know, this could help us maybe make recommendations to -- it could  
8 be anybody. It could be the Coast Guard, this company or how  
9 vessels do business in that area and hopefully, you know, maybe  
10 come to some type of, you know, issue a recommendation that might  
11 help.

12 With me is Bill Woody. He's also from the NTSB. I'll  
13 let him lead off on the questions with regards to the deck  
14 operations, and then I'll follow up with some. Also you've met  
15 from the Coast Guard, Jim Pritchard and also with us from the NTSB  
16 is Larry Bowling.

17 All right. So if you could, Mr. Woody, start us off.

18 MR. WOODY: All right.

## INTERVIEW OF NILS MACK

19  
20 BY MR. WOODY:

21 Q. We have the record going here. Would you give us your  
22 name one more time, sir. Your first name is N-i --

23 A. N-i-l-s.

24 Q. And the middle name was D-e-r-n-t.

25 A. Yes.

1 Q. And the last name is M-a-c-k.

2 A. That's correct.

3 Q. And your age, sir?

4 A. I will be 61 the 15th of November.

5 Q. 15th of November.

6 A. Birth date, 15 November '46.

7 Q. I see. Can you give us a brief outline of your maritime  
8 background? Just take about five minutes and explain how you  
9 started going to sea, plus schools you went to and how long you've  
10 been Master for example and how long you've been on this ship.

11 A. I been Master since 1993 here in this country. First  
12 time I was Master was in 1982 and I had some study both -- they  
13 call it second in command but it's Master on the Norwegian Coast  
14 on the Bristol.

15 Q. Okay.

16 A. I started at sea in 1963, and I did my work on deck all  
17 the way to up to AB. I also sailed as bosun and carpenter on the  
18 Coast. But most of the time I have been overseas. And after  
19 three and a half years, I went to navigation school and took the  
20 first year there and to get a third mate license. And then I keep  
21 on sailing again until -- I can't remember exactly the date but it  
22 was a couple of years, but during this time, I had Second Mate  
23 license and I was offered a job as a Chief Mate on the English  
24 (indiscernible) but they give me permission to sail, special  
25 permission to sail as Chief Mate, and then I sailed as Chief Mate

1 for six month and then I went home and started the second year of  
2 school.

3 Q. Uh-huh.

4 A. And after the second year, I went out again as Chief  
5 Mate and I've been sailing Chief Mate until 1980 when I finished  
6 the captain's school, and in '82, as I said I had my first  
7 command.

8 Q. You've been a Master ever since '82?

9 A. No. After '92, I changed company and then I was working  
10 as Chief Mate back here 1993.

11 Q. Uh-huh. Okay. And how long have you been with this  
12 company. I think you said '93.

13 A. They consider when they bought the company I was -- so I  
14 think '87 they consider me working for Teekay --

15 Q. Okay.

16 A. -- because they bought the Norwegian company which I  
17 was.

18 Q. Okay. And how long have you been on the Axel Spirit?

19 A. I had one turn before this, five months on board and now  
20 I joined the ship in Pascagoula, Mississippi, 24 October.

21 Q. The five months of your prior serve on the ship, about  
22 what year that was? You said you were five months previously on  
23 this ship.

24 A. It was this year.

25 Q. This year.

1           A.    I just have four months vacation and then I came back  
2 again.

3           Q.    Okay. All right. And I think we'll start off now with  
4 the --

5                   MR. WOODY: Does anybody have anymore questions on  
6 background?

7                   (No response.)

8                   BY MR. WOODY:

9           Q.    I'd like to start off by asking you, why you came to be  
10 anchored. You came into the port and you anchored somewhere to  
11 the northeast of the --

12           A.    Four miles northeast of Ambrose Lighthouse.

13           Q.    Can you tell us why you anchored at that position?

14           A.    I ask the pilot, he said anchor there between two and  
15 five miles northeast of Ambrose.

16           Q.    Okay.

17           A.    Because he said that the pilot will be on board there at  
18 2:00 in the morning and he will give us two hours notice in  
19 advance.

20           Q.    Did he give you two hours notice?

21           A.    Two and a half hours.

22           Q.    Two and a half hours. Okay. All right. So about what  
23 time was it you got your first notice, your two and a half notice,  
24 about what time?

25           A.    I think it was 2330. I was asleep and the duty officer

1 on the bridge, he was ordered according to night orders to call me  
2 at 2345. So I was supposed to start heaving early because of the  
3 sea state and I was afraid we could be delayed. So I started  
4 heaving at 0015.

5 Q. All right. And you mentioned about the weather. How  
6 would you characterize the weather at the time?

7 A. It was heavy blowing. I saw that the wind indicators  
8 show from 22 and gust up to 35, 36 knots.

9 Q. Gusts up to 36 knots.

10 A. Yeah, they gust.

11 Q. 32 to 36. Is that what you said? 32 to 36.

12 A. 22.

13 Q. 22 to 36. Thank you. Gusting to -- 22 --

14 UNIDENTIFIED SPEAKER: 22 gusting to 36.

15 MR. WOODY: Gusting to 36.

16 BY MR. WOODY:

17 Q. All right. And was there any problem raising the  
18 anchor?

19 A. Huh?

20 Q. Was there any problem raising the anchor?

21 A. No, but that's what I was afraid of because then I  
22 started to be early and, you know, when it's blowing you never  
23 know if the ship turn and you have to -- you (indiscernible).

24 Q. I see.

25 A. So I started to heave but it went off with absolutely no

1 problem.

2 Q. No problem. And who was on the bow handling --

3 A. The Third Mate which was 8:00 to 12:00 watch. When I  
4 came up on bridge before midnight, I told him to go forward.

5 Q. I see.

6 A. And (indiscernible) and extra watchman, the second  
7 watchman went together with them (indiscernible).

8 Q. All right. Now when the ship was still at anchor, which  
9 way was it pointing? What was the heading of the ship?

10 A. It was heading I would say 067 degrees?

11 Q. 067?

12 A. Yeah, yeah. Roughly. I cannot say exactly but --

13 Q. Okay.

14 A. -- it was pointing northeast.

15 Q. Okay. What was the relative bearing of Ambrose Light  
16 from your ship at that time?

17 A. It was 240, 235, 240. So when I heaved up, I decided to  
18 turn starboard --

19 Q. All right.

20 A. -- and I was in touch with the pilot. They asked me  
21 where are you going to -- are you going south of Ambrose or north  
22 of Ambrose because it was cruise liner coming in and he is  
23 supposed to have the pilot at 2:00 as well.

24 Q. Uh-huh.

25 A. And I was in touch with the cruise liner. We checked --

1 I told him that I just left the anchorage and I'm bound for the  
2 pilot station, and he accepted and agreed that he will take into  
3 consideration.

4 Q. And did you tell him that you're making a right turn at  
5 that time?

6 A. Yeah, it was after I had lifted the anchor.

7 Q. Uh-huh.

8 A. He was -- I can't remember how many miles but he was  
9 coming in from the east. So we have him on the ECDIS and -- but  
10 I saw he was making 22, 23 knots coming in. So rather quickly.  
11 So --

12 Q. Was he concerned about your going one way of Ambrose  
13 Light or the other?

14 A. Yeah, but then we was in contact with the pilot, and he  
15 I guess overheard because it was the same channel. We use Channel  
16 8 for final and also when I called him, he was in touch with the  
17 pilot just before I called, and the pilot advised me to tell this  
18 cruise liner that I'm also going into --

19 Q. And the name of the cruise liner was?

20 A. Norwegian Spirit.

21 Q. Norwegian Spirit. And did the Norwegian Spirit have any  
22 problems with your going south of Ambrose Light?

23 A. No, no, no. They didn't mention anything.

24 Q. Did they also go south of the light?

25 A. Yeah. I saw they was coming behind us south of light.

1 But honest when, when we was going to take the pilot, I didn't  
2 follow where he was going --

3 Q. Uh-huh.

4 A. -- because the pilot advised me that we will be the  
5 first vessel to receive pilot because we was bound for Sandy Hook  
6 Channel.

7 Q. Now you made your right turn. Did you come to any  
8 particular course?

9 A. Yeah. I think I -- we was discussing to go through 230  
10 but later on we altered it a little bit more to port to 225 I  
11 think.

12 Q. Now -- so you came around to course 230 or 225. What  
13 was the bearing of the Ambrose Light at that time?

14 A. Honestly, I just saw after when I saw the bearing he  
15 made in bell book the bearing was 235 but he didn't mention that  
16 to me. So -- okay. I should have seen it myself but --

17 Q. Well, I was just going to ask you, how many points on  
18 the starboard bow or port bow, for example, was the light if you  
19 recall?

20 A. Maybe three points. I only -- one guess, I can't say I  
21 recall exactly.

22 Q. Okay. And what other lights were you paying attention  
23 to at this time?

24 A. It was local lights from Sandy Hook which was confusing  
25 quite a lot. So --

1 Q. So you -- did you see the pilot ship or the pilot boat  
2 or the cruise liner?

3 A. Yeah, the cruise liner, I didn't see.

4 Q. Didn't see.

5 A. But pilot boat I saw.

6 Q. Okay. How many pilot boats were there?

7 A. There was the big one and the one who was coming up to  
8 us. I guess that's (indiscernible).

9 Q. All right. Now when the pilot boat came alongside, you  
10 had already passed -- had you passed Ambrose Light yet?

11 A. Yes.

12 Q. You were past that?

13 A. Yes.

14 Q. What course were you on at that time?

15 A. I think 225 but then the pilot boarded and told me to  
16 make a lee due to the weather. So I think I was 270, 280 and up  
17 against the pilot because he want me to have him on his -- on my  
18 port side.

19 Q. Okay. Now let's talk about the Ambrose Light. Was the  
20 light a very bright light?

21 A. It was very sharp light.

22 Q. Was the light -- do you recall the light being dead  
23 ahead or to the port bow or --

24 A. No, it was on starboard bow.

25 Q. Starboard bow.

1 A. Yeah.

2 Q. Starboard bow all the way in?

3 A. Yeah.

4 Q. Were you -- was your course fairly steady coming towards  
5 the light?

6 A. No. I was watching the time to be at the pilot station  
7 at two. So I reduced, I even stopped, and I told the watchman or  
8 the helmsman, in case you lose steering, inform me at once and I  
9 did that, I recall twice when I stopped, he said I have no  
10 steering, and then I gave power to the engine again.

11 Q. So you stopped twice. How far from the Ambrose Light  
12 were you when you stopped the first time?

13 A. I cannot immediately recall, but I would say three  
14 miles.

15 Q. And the second time? I realize these are estimates.

16 A. Yeah, and maybe two miles. That I cannot say 100  
17 percent.

18 Q. Okay. So you stated -- I think I saw in your statement  
19 the speed --

20 A. I think I kept around four or three knots.

21 Q. But the engine speed that you rang up, what is the  
22 order? Dead slow, slow --

23 A. Yeah, yeah.

24 Q. Which one? Do you recall?

25 A. I think I had the stop, dead slow then just to keep and

1 to be at pilot station at 2:00.

2 Q. Now, Captain, if you had been a little early at the  
3 pilot station, would that have a problem for the pilots or for  
4 yourself?

5 A. I don't know if it has been a problem but they told me  
6 twice to be there at 2:00.

7 Q. I see. I mean there's a triangle area on the chart that  
8 represents the pilot station.

9 A. Yeah, yeah.

10 Q. And could you have arrived in that area and wait in case  
11 you're early?

12 A. He just told me to be one mile west of Ambrose. That's  
13 where he wanted to board.

14 Q. One mile west of Ambrose. Did you -- did the pilot and  
15 you have any conversation about your ship, where you were  
16 anchored? Did you ever discuss with the pilot about the  
17 possibility of his coming to your ship where it was anchored?

18 A. No.

19 Q. No. Was it ever talked about?

20 A. No.

21 Q. Do you recall some of the headings that you were on when  
22 you were say giving different speeds? Did you look at the heading  
23 of the ship, for example, and --

24 A. Yeah, 2 2 5, 2 2 5, yeah, and -- but we have this swell  
25 from behind. So the ship was going like this.

1 Q. Going back and forth.

2 A. Yeah.

3 Q. How many degrees one way or the other?

4 A. Five, six, while I was stop, when I have power on the  
5 engine, he kept course.

6 Q. When you were stopped, did you (indiscernible) one way  
7 or the other in the current or the wind?

8 A. Yeah. At that point, I didn't notice --

9 Q. Uh-huh.

10 A. -- but afterwards, I notice that the current was pushing  
11 270 degrees. So we probably been pushed, but at that moment, I  
12 have to admit, I didn't notice.

13 Q. Okay. Now do you recall what the tidal situation was?  
14 What was the tide at the time?

15 A. I cannot recall.

16 Q. I was just wondering whether the --

17 A. Yeah --

18 Q. -- it was flooding into the city or flooding out of the  
19 port?

20 A. The tide should be high because they wanted to take us  
21 in at high water --

22 Q. High water.

23 A. -- to Sandy Hook. So I think it was 245, the high  
24 water.

25 Q. High water. So would you expect much current at high

1 water, being what, 45 minutes away and --

2 A. Honestly I didn't think about it. If they want to have  
3 us in at high water, then it's normally flat.

4 Q. Okay. This wasn't something you were thinking about  
5 that the time.

6 A. No.

7 Q. Now did you have any communication with the Second Mate  
8 in the course -- as you came toward Ambrose Light?

9 A. Now that's the problem. I was expecting him to inform  
10 me, getting to the lighthouse but he didn't say before, just  
11 before we, we probably touched the lighthouse, and also that the  
12 lookout said there is an object on our starboard side and then he  
13 gave power, more power, and I can't recall if I gave slow or half,  
14 try to alter and then occasionally when you do that, you keep the  
15 engine moving but then I saw it was too late. So I gave hard a  
16 starboard to try to avoid but I suspected that we have touched and  
17 I was hoping and praying that we hadn't but unfortunately.

18 Q. I'd like to go back for just a minute about what you  
19 said. You put the power on the ship, it may have been half or,  
20 or --

21 A. Yeah, max half.

22 Q. Maximum to half.

23 A. Yeah.

24 Q. And you put the rudder on. Which way was that?

25 A. I tried to go south to avoid the -- to come in close

1 (indiscernible).

2 Q. And that would be a left rudder?

3 A. Yeah, yeah.

4 Q. Okay. About how much rudder did you put on at that  
5 time?

6 A. I put on hard left.

7 Q. And then you changed the rudder to --

8 A. When I saw that we didn't make it, then I gave hard  
9 starboard.

10 Q. Hard starboard?

11 A. Yeah.

12 Q. And where was the light at that time when you gave the  
13 hard starboard? Was it on the bow or alongside the ship or --

14 A. It was almost mid ship.

15 Q. Almost mid ship.

16 A. Yeah.

17 Q. Now did you get any reports from the lookouts about the  
18 light?

19 A. Yeah, the lookout which was on the bridge, he said that  
20 there is object on the starboard side.

21 Q. Uh-huh. Do you recall the bearing of the object at that  
22 time?

23 A. No.

24 Q. Was it the Ambrose Light?

25 A. Yeah. Because when, when I saw the Ambrose Light on our

1 starboard side, I could see the construction but that was the  
2 first time I saw the construction of the tower.

3 Q. Okay. When you seeing the construction in the light,  
4 where were you standing?

5 A. I was in front of the telegraph.

6 Q. In front of the telegraph.

7 A. Yeah. I was standing there all the time, too.

8 Q. All the time you were there, you were standing at the  
9 telegraph?

10 A. Yeah.

11 Q. So from that position, you could see the structure of  
12 the tower?

13 A. Yeah, yeah.

14 Q. And what was the position of the tower at that time?  
15 Was it alongside your ship?

16 A. It was really close and when I put on hard a starboard,  
17 the ship was shaking but I thought it was due to the engine power,  
18 but afterwards, I know that we have been touching.

19 Q. Uh-huh. How long afterwards did you know you had been  
20 touching?

21 A. I was not sure before we came alongside, and I went out  
22 to check on the ship side, but first when I was there a couple of  
23 time, it was too dark. I didn't see anything.

24 Q. Okay.

25 A. But in the daybreak, when I saw then I went and called

1 the company, the first alert.

2 Q. Okay. Now when you were picking up the pilot, did you  
3 happen to look over the starboard side and see if any oil was in  
4 the water or anything like that?

5 A. It's double skin. So it's only ballast tanks on the  
6 side.

7 Q. Okay.

8 A. -- on the side, and if we get water in the system, there  
9 is monitoring all the time so in case of any water, it will alarm  
10 on the bridge.

11 Q. I see.

12 A. And there was absolutely --

13 Q. No alarm.

14 A. -- no alarm. So I was hoping and praying that we  
15 haven't touched and I was sure there was no leakage, because then  
16 we would have an alarm.

17 Q. Now -- one of the things that we tried to inquire about  
18 was this line on the chart right here, and it shows that the  
19 course to a position about a half mile south of Ambrose Light. Do  
20 you have any knowledge of what this line represents or who ordered  
21 it or how it got on the chart or --

22 A. Honestly, I think that line was done after we came  
23 alongside, because I was talking to company and they say did you  
24 have voyage plan from the anchorage to pilot station.

25 Q. Would you normally have a plan to go from anchorage to

1 the port?

2 A. Probably, no. These days we normally don't anchor. We  
3 go directly --

4 Q. Into the port.

5 A. -- yeah, into the port.

6 Q. But if the pilot had said to you, rather than pick you  
7 up in the triangle, I'll pick you up someplace else, you would not  
8 have come up with a voyage plan, would you?

9 A. No, because the old voyage plan, we was one and a half  
10 miles west of Ambrose to proceed into the berth.

11 Q. To proceed into port.

12 A. -- and from there all the way into the berth where the  
13 plant was (indiscernible).

14 Q. When you got into this area, where there other vessels  
15 in the triangle?

16 A. No.

17 Q. You were the only one in the triangle area?

18 A. Yeah, and cruise liner was following behind.

19 Q. Following behind. The Second Mate has plotted a couple  
20 of positions on the chart here, and he said that -- I think this  
21 is one --

22 A. 13122.

23 Q. -- .2 and he says that he read the radar and called out  
24 the bearing and range on the radar. Did you hear him? Were you  
25 aware of any of this?

1           A.    No.  I told him after or I asked him after why didn't  
2 you inform me that it was the same bearing --

3           Q.    Same bearing.

4           A.    -- and I could have taken action.  I was expecting him,  
5 because when you have navigation officer, you are expecting him to  
6 (indiscernible) but I cannot recall that he told me anything just  
7 before we was very, very close to the tower.

8           Q.    Did he make any report to you about the position of the  
9 pilot boat or the passenger vessel?

10          A.    No, the pilot boat, I was -- I saw and he was meeting  
11 the pilot on the deck.

12          Q.    What about the passenger vessel?  Did he make any  
13 reports about the passenger vessel's position?

14          A.    No, he just told me to watch him and I was in touch with  
15 (indiscernible).

16          Q.    But I was just saying, do you recall getting any kind of  
17 reports from the Second Officer about the position of the  
18 passenger vessel?

19          A.    At the beginning, I think he was starting  
20 (indiscernible) or something like that, and he told me that.

21          Q.    You were able to understand him all right?

22          A.    Yeah, I understand him.  And I have --

23          Q.    And along about this time, did you hear anything about  
24 this time about -- sorry.  Let me rephrase that.  When he was  
25 referring to the passenger vessel, do you recall him talking

1 anything about the bearing and range of the Ambrose Light?

2 A. No.

3 BY MR. JONES:

4 Q. Hi, Captain. This is Rob Jones. What was your last  
5 port?

6 A. Cayo Areas, Mexico.

7 Q. In Mexico. And where did you get on?

8 A. I get on in Pascagoula.

9 Q. Mississippi?

10 A. Yeah.

11 Q. Okay. And that was the port before Mexico?

12 A. Yeah.

13 Q. Okay. So two departure ports prior to arrival in New  
14 York?

15 A. Yes.

16 Q. Okay. As you came up the Ambrose Channel for arrival,  
17 when did you know that you had to go to anchor?

18 A. I was in touch with the pilot at least one and a half  
19 hours before we arrived up there. So when I came up, he decided,  
20 we decided to go from meeting direct to anchor position. As you  
21 know, that is a lot of cables. So I was studying where to anchor  
22 and I put on the line index from Ambrose and I can't recall  
23 exactly the -- it was 253 and 4.3 miles, then I would be inside on  
24 the cables, and 4.3 -- no, 3.7 and then 4.3 I will be exactly in  
25 the middle between the cables.

1 Q. And is that position shown on the chart?

2 A. Yes. Here. There.

3 Q. That square to that north of that course line is your  
4 anchor position?

5 A. Yeah. So I mark here with index line which I perform on  
6 Ambrose and the distance where we will be exactly inside, cross-  
7 checking but then I know I was inside the, the --

8 Q. Just so I understand your -- you're making an approach  
9 to New York and who informed you that there would be a delay or  
10 that you had to anchor. Was that --

11 A. The pilot.

12 Q. The pilot.

13 A. Yeah.

14 Q. So the pilot couldn't take you or were you waiting for  
15 the dock here?

16 A. I honestly don't know why they didn't take us in at that  
17 time because at the beginning, I got the message from the agent  
18 that we was going directly.

19 Q. And what time was that?

20 A. That was 2:00 in the afternoon.

21 Q. On the 3rd -- on the 2nd.

22 A. On the 2nd.

23 Q. Okay.

24 A. But then also the agent informed me that the schedule  
25 was set for 0200 on the 3rd.

1 Q. All right. So what was your original ETA with the  
2 pilots?

3 A. It was 2:00 in the afternoon.

4 Q. 1400?

5 A. Yeah.

6 Q. On the 2nd?

7 A. Yeah.

8 Q. At the pilot station?

9 A. Yeah.

10 Q. And then at what time were you informed to go to  
11 anchorage?

12 A. It was before 1:00 at least, we was told to anchor.

13 Q. In the afternoon?

14 A. Yeah.

15 Q. Okay. And they gave you the area you should go to  
16 anchor?

17 A. Yeah, he said from two to five miles northeast of  
18 Ambrose.

19 Q. And he left that up to your direction, wherever you felt  
20 the vessel would be in secure anchorage?

21 A. Yeah.

22 Q. And then what was the next time you heard from the  
23 pilots that told you they would be picking you up at 2:00 I the  
24 morning, that they would board you at 2:00 for arrival?

25 A. I -- when I was in (indiscernible) they said go there an

1 anchor and when we have anchored, I informed the pilot the  
2 position and what time I dropped anchor.

3 Q. Okay. Did they give you any indication whether it would  
4 be 2 hours, 6 hours, 12 hours?

5 A. They -- at that time they said it looks like it's going  
6 to be 2:00 in the morning.

7 Q. Okay.

8 A. And we will give you at least two hours notice.

9 Q. Now again was that because of someone at the dock here  
10 or ship movements that you had to wait for?

11 A. I have no clue. When we was coming in, we met one  
12 tanker in the Sandy Hook Channel. I don't know if he came from  
13 this berth or where.

14 Q. Okay. Did you take arrival when you anchored?

15 A. Take --

16 Q. Well, in the U.S. we call arrival and departure. I know  
17 some foreign ships make free and away, when you're clear of the  
18 harbor.

19 A. Yeah, okay. End of sea passage.

20 Q. End of sea passage.

21 A. Okay. I think I -- I think it was 1336 -- no, 42 I end  
22 the sea passage.

23 Q. So your arrival in from Mexico --

24 A. Yeah.

25 Q. -- before -- is this before you anchored or after you

1 anchored in the sea passage?

2 A. Before we anchor.

3 Q. But that's in the logs.

4 A. Yeah.

5 Q. Okay. So that ended that voyage.

6 A. Yeah.

7 Q. Now your voyage plan was from your last port of  
8 departure into this berth?

9 A. Yeah.

10 Q. Does your -- do you have a safety management system?

11 A. Yes.

12 Q. Does that safety management system require you to make  
13 voyage plans after the end of a voyage or are you now considered  
14 in the harbor, that you've taken arrival, end of sea passage?

15 A. It says we should make movement.

16 Q. So for any movements, your safety management system says  
17 you should make a movement. And just to clarify, you had said  
18 this before when Mr. Woody was interviewing you, that you're  
19 understanding, that line was made, the course line that we were  
20 describing before from the anchorage to south of Ambrose was done  
21 after you came alongside?

22 A. I really think so.

23 Q. Okay. So post-incident basically. Okay. Then do you  
24 know who drew that line?

25 A. Second Mate who draw line.

1 Q. And who instructed him to draw that line?

2 A. I told him that when I called company they said that  
3 they wanted voyage planning from the anchorage area into the  
4 berth.

5 Q. So the company asked you. Did you respond to them that  
6 you didn't know there was one, wasn't there one or did you just  
7 say that's what they wanted and you were --

8 A. There wasn't anything more. We were discussing on  
9 telephone and it wasn't mentioned about voyage plan.

10 Q. Okay. Well, the voyage plan, as it's drawn on the  
11 chart, and we'll look at it later, you know, is it in the  
12 computer?

13 A. Yeah, it's on the computer.

14 Q. Okay. So I see the voyage plan picks up from the  
15 anchorage and there's a waypoint south of Ambrose Tower, and then  
16 it picks up the original voyage plan which would have taken you  
17 through the pilot area just south on the southern limit of the  
18 pilot area and into the southern channels. So would you then --  
19 is there a voyage plan now that depicts that movement?

20 A. That I haven't checked but at the time it was no voyage  
21 planning from the anchorage to --

22 Q. Okay.

23 A. I asked about that but it was only four miles different  
24 from the anchorage.

25 Q. Right. During your interview, you had, you had

1 suspected you had touched --

2 A. Yes.

3 Q. -- at the time the buoy was going closely by. When the  
4 pilot came aboard, did you inform them?

5 A. No, I did not.

6 Q. So the pilot had no knowledge.

7 A. No.

8 Q. There was no discussion during the time that pilot was  
9 on board until you were all fast and he was away?

10 A. No, I probably have mention for the (indiscernible),  
11 don't talk about it when pilot come aboard.

12 Q. Okay.

13 A. I cannot recall exactly what I said but --

14 Q. When the tugboats came along, did you take a docking  
15 master?

16 A. Yes.

17 Q. Okay. So you had -- at that time, you had the pilot  
18 aboard, a docking master, how many tugs?

19 A. Two tugs.

20 Q. Two tugs. Any notification from the tugboats?

21 A. No, absolutely not.

22 Q. Okay.

23 A. There was one tug forward and one aft.

24 Q. On the starboard quarter or --

25 A. Yeah, in front of --

1 Q. (Indiscernible).

2 A. Yeah, and on the starboard (indiscernible).

3 Q. Okay. Did -- where did the docking pilot get aboard  
4 approximately?

5 A. Just before you enter (indiscernible) --

6 Q. (Indiscernible).

7 A. -- he was standing waiting for us.

8 Q. Right about here? Here's the bridge.

9 A. Okay.

10 Q. I'm sorry. I'm sorry. Where is it?

11 A. Here, yeah, yeah.

12 Q. My mistake. Okay.

13 A. It's exactly when you turn and head into the area. So  
14 harbor pilot need to call the ship before the bridge.

15 Q. Okay. Well, Captain, when you weighed anchor -- when  
16 did you come up on the bridge?

17 A. I was up there before midnight.

18 Q. Before midnight.

19 A. Yeah.

20 Q. And who called you?

21 A. The Third Mate.

22 Q. The Third Mate was on watch at the time?

23 A. Yeah, from 8:00 to 12:00.

24 Q. When you came up on the bridge, was the Third Mate still  
25 on watch?

1 A. Yeah, and I send him to bow to heave in the anchor.

2 Q. Okay. And at that time when you sent him below, the  
3 Second Mate was up there?

4 A. Yeah.

5 Q. They conducted their watch change?

6 A. I cannot recall. I didn't watch that at all.

7 Q. Okay.

8 A. But they normally do.

9 Q. But when you were up on the bridge at midnight, did the  
10 Second Mate have the watch? The Second Mate that was on the  
11 bridge had the watch?

12 A. Yeah.

13 Q. Okay. And when did you start heaving anchor?

14 A. Quarter past midnight.

15 Q. Okay. And did you have the con at that time?

16 A. I didn't specify it to Second Mate that I was conning.  
17 He said to me after he thought I was conning. Okay. When you are  
18 on the bridge, I guess it's natural to think for him that I was  
19 conning. But normally I used to tell them that I'm taking over  
20 and when I leave the other way, I always say now you are in  
21 charge.

22 Q. So who gave the order to weigh anchor, start heaving in  
23 on the anchor?

24 A. Yeah, I told him. He was on the radio. I just say --

25 Q. Who?

1 A. Okay. Second Mate was on bridge.

2 Q. The Second Mate was on the bridge?

3 A. Yeah.

4 Q. And you gave the order over the walkie-talkie?

5 A. No, I was standing beside him.

6 Q. Okay. So you told him.

7 A. Yeah.

8 Q. You gave the order to -- and any point from there to the  
9 anchor away did you say I've got it?

10 A. No.

11 Q. Any point after that did you say I've got the con as you  
12 started -- who started giving the helm orders to swing the ship to  
13 starboard and head down to the pilot area?

14 A. I did that to go hard starboard to turn and head for  
15 the --

16 Q. Going ahead on the engines?

17 A. Yeah.

18 Q. And are you just assuming at this point that the Second  
19 Mate realizes that you have the con?

20 A. Yeah.

21 Q. Do you feel you have the con at this point?

22 A. Of course. When I was there and I was doing the  
23 telegraph but as I said, I didn't specifically told him that I was  
24 conning.

25 Q. But usually you do?

1 A. Yeah.

2 Q. Okay. What do you feel the Second Mate's duties should  
3 be? You've got the con now. You're heading down to make up with  
4 the pilot boat. Have you given the Second Mate a course to look  
5 at that he can advise you of where you're going to be or are you  
6 just doing it by eye.

7 A. He was taking bearings all the time. So I was expecting  
8 him to -- I thought we was coming nicely down to Ambrose but he  
9 didn't say anything but I saw he was taking bearings and putting  
10 it in the chart.

11 Q. And what made you think you were coming down nicely  
12 towards Ambrose?

13 A. Since he didn't say anything.

14 Q. Okay. So would you have expected him to say something?

15 A. That's normal when you are on the bridge, the bridge  
16 team should -- when he's checking position and so on, he see that  
17 we are in the wrong position or wrong way, and then he will inform  
18 me. So that's normal.

19 Q. He's giving you ranges and bearings, and is he giving  
20 you ranges and bearings or is he giving that information to you?

21 A. No, he did not before -- just before we came down to the  
22 lighthouse.

23 Q. Well, from the time you were at anchor to the time you  
24 almost struck the lighthouse, didn't you ask for ranges and  
25 bearings? I mean if he's not giving them to you, why didn't you

1 ask him for them?

2 A. I probably asked for the distance, but I didn't ask for  
3 the bearings because when I decided to go south, I was 100 percent  
4 sure he was watching it, we was on the right track.

5 Q. But you also mentioned that the track wasn't on. If  
6 there's no track on --

7 A. No, no, no, but I mean the course and the position  
8 according to Ambrose was okay.

9 Q. Okay. Did you tell him at anytime how far south you  
10 wanted to pass Ambrose?

11 A. No, I didn't.

12 Q. Okay.

13 A. But we agree to -- I said I like to go south of the --

14 Q. And you're, you're in front of the telegraph at this  
15 time?

16 A. Yes.

17 Q. And you've got the ECDIS in front of you.

18 A. Yeah.

19 Q. And a 10-centimeter radar?

20 A. Yeah.

21 Q. Right to the starboard side?

22 A. Yeah.

23 Q. Do you remember what scale that was set on  
24 approximately?

25 A. I'm not sure but I think it was 6 or 12 mile.

1 Q. How about the 3?

2 A. We use one 6 and one 12.

3 Q. How did Ambrose show up as a target on the radar?

4 A. You could see it clearly.

5 Q. Could you see the racon clearly?

6 A. Yes.

7 Q. Now did you have on the radar, do you have a cursor on  
8 there --

9 A. Yes.

10 Q. -- that you can change the electronic bearing line?

11 A. Yes.

12 Q. Did you put that on the Ambrose at all?

13 A. No.

14 Q. No. Visually, could you see Ambrose? Was it a steady  
15 bearing that you saw out the window as you're looking at it?

16 A. I didn't recall that it was steady. I saw the light.

17 Q. What was the, what was the reactions to the crew members  
18 you had on the vessel up on the bridge, the lookout? Did they  
19 mention the light at all?

20 A. He reported to Second Mate that the object on starboard  
21 side and then he said we are very close and then that's when I  
22 tried to avoid.

23 Q. And just to reiterate, first you tried to avoid going to  
24 the left?

25 A. Yeah.

1 Q. And then when you saw it coming down the starboard side,  
2 you tried to kick the stern away?

3 A. Yeah.

4 Q. And go hard right?

5 A. Yeah.

6 Q. Did you do any engine maneuvers at that time?

7 A. Yeah, I probably up to half --

8 Q. To kick ahead.

9 A. -- to kick around.

10 Q. So you have a right-hand turning propeller?

11 A. Yeah.

12 Q. Do you know how many blades by any change? That was  
13 just a question. We can get that.

14 A. I --

15 Q. We can get a picture of the prop.

16 A. I'm not sure.

17 Q. Yeah. Okay. And it's standard rudder?

18 A. Yeah.

19 Q. Not semi-balanced or --

20 A. No.

21 Q. Okay. Is there -- there's nothing forward of the  
22 blades. It's just the standard rudder aft of the propeller?

23 A. Yeah.

24 Q. Okay. Do you have meetings with your officers, your  
25 deck officers so they know what to, what to tell you or what you

1 expect from them?

2 A. Normally yes but when I came on board, we were down in  
3 Mexico. I ate the fish they caught and I got food poison. I was  
4 almost flat out for four days, and I still have problems but when  
5 we left all the way up I was really sick.

6 Q. So how long a voyage was it from Mexico to anchorage, to  
7 Ambrose?

8 A. We left the 27th in the afternoon and so --

9 Q. Five or six days?

10 A. Yeah.

11 Q. What's the speed of this vessel, full speed?

12 A. Full speed we can make 15 but we was charted to make 14  
13 knots.

14 Q. You hit the Gulf Stream on the way up.

15 A. We hit the Gulf Stream north of Bahamas and then it was  
16 pushing but before, between that and (indiscernible) it was  
17 unbelievable bad weather.

18 Q. So there was a tropical storm, Hurricane Noel?

19 A. Yes.

20 Q. How was -- so if you were pretty sick for four days,  
21 were you able to make trips up to the bridge?

22 A. Of course.

23 Q. And when did that sickness abate? When did you feel  
24 okay and yourself where you could be up and around a lot more  
25 normally? How soon between arriving at anchorage and --

1           A.    A couple of days before we arrived here.  I still don't  
2 feel completely.  I cannot eat as I normally do but it was no  
3 problem to walk off alone or anything.

4           Q.    Do you feel a little worn out?  A little tired?  A  
5 little weak?

6           A.    Yeah, of course.  I was really, really -- because it was  
7 come both ways.  I was completely drying up.

8           Q.    How did you feel when you arrived in New York and  
9 anchored and knew you were going to be taking on the pilot a few  
10 hours even though you did anchor for 12, 12 hours, were you able  
11 to get some rest and did you feel well rested when you came up to  
12 the bridge to way anchor that night?

13          A.    Yeah.  I was sleeping from 9:30 to just before midnight.

14          Q.    Okay.  Do you write night orders nightly underway?

15          A.    Yeah.  It might be a couple of days when I was sick that  
16 I missed.

17          Q.    Okay.  That's all I have right about now, Captain.

18          BY MR. JONES:

19          Q.    Well, while we're on it, just -- I know you told us you  
20 were sick there, Cap.  Can you just go back from the accident time  
21 which was about midnight on the 2nd, 2:00, 2:00 a.m. on the --

22          A.    On the 3rd.

23          Q.    -- on the 3rd, can you just go back briefly and tell us  
24 about how much sleep you were getting per night and how much you  
25 were working per day for three days?  Go back about three days?

1           A.    I was -- Normally I'm up at 7:00 and I (indiscernible)  
2 1:00 to 2:30 in the afternoon, that's normal, and at 7:00 again in  
3 the night (indiscernible).

4           Q.    But this time, because of the bout with the bad fish, in  
5 Mexico, about how much sleep were you getting per night --

6           A.    That was --

7           Q.    -- for the three days before the accident?

8           A.    That was terrible.  I spend most of the time on the  
9 toilet.

10          Q.    A couple of hours per day?  A couple of hours per night  
11 of sleep?

12          A.    Yeah, up and down.  So, yeah, I was really exhausted.

13          Q.    And again, how were you feeling up toward the anchorage?

14          A.    I still have stomach problem but almost normal.

15          Q.    Okay.

16                   BY MR. WOODY:

17          Q.    I like to inquire about your illness.  Did you have any  
18 pains in your side or back or --

19          A.    No.  I was just vomiting and it came both ways.

20          Q.    Was anybody else on the ship sick?

21          A.    No, that's the funny thing because they caught quite a  
22 bit of fish but I think only me reacted.  I think it was the fish  
23 I ate because that's the only thing I can think of to make me  
24 sick.

25                   BY MR. JONES:

1 Q. Did you take any medication for it?

2 A. Yeah, we have some like charcoal tablets to stabilize if  
3 you if you have diarrhea or like this.

4 Q. Did you consult anybody or did you take it on your own?

5 A. No, I took -- the Second Mate was the one who was taking  
6 care of it. So I ask him if he had some tablets.

7 Q. Do you subscribe to a satellite service where you can  
8 call for medical advice?

9 A. No.

10 Q. Did you call back to the company for that or anything?

11 A. No. Yeah, I was talking to the, to the manager for  
12 cargo operation and I told him that I was sick, and --

13 Q. Okay. So you took pills that were -- maybe made your  
14 stomach feel better.

15 A. Yeah.

16 Q. Did you take anything to help you sleep?

17 A. No, I have never done that.

18 Q. Okay. So these were just like antacid pills maybe?

19 A. No, I still have the tablets on my --

20 Q. Yeah, well, we'll want that.

21 A. You want me to --

22 Q. Oh, no, not right now, but later one we'll just -- just  
23 so we have the name of what you were taking.

24 A. Okay.

25 Q. Because being sick like this, it does add a little bit

1 to the story.

2 A. Yeah.

3 Q. Just coming up full health and everything. So --

4 BY MR. WOODY:

5 Q. I would just like to ask further, do you think the fact  
6 that you were recovering from this illness, did that interfere  
7 with your ability to do piloting and --

8 A. No.

9 Q. -- run the ship and --

10 A. I don't think so.

11 Q. Okay. Thinking back on it, you know, looking at lights  
12 at sea is something that mariners do all the time. I'm just  
13 wondering if you observing this light ahead of you, if at anytime  
14 you became alarmed by what the lack of change of the light or if  
15 we need to be concerned about the fact that you might have a close  
16 quarter situation?

17 A. Of course, I was concerned not before we got too close  
18 and I was sure that we would be -- because all the lights in front  
19 of you. I was not aware that we were really that close.

20 Q. I see. As the light hit you ship, did it have a  
21 blinding effect on you or did it affect you as rather a bright  
22 light?

23 A. Yeah, when I saw it there on the starboard side, it was  
24 really sharp.

25 Q. I was just wondering, was it -- did the fact that it was

1 close to you and very bright, did this have any effect on your  
2 ability to keep track of the bearing of the light?

3 A. I can't really say. I (indiscernible).

4 Q. All right. It's just a thought.

5 BY MR. BOWLING:

6 Q. I have a few questions I just want to follow up on,  
7 Captain. One of the investigators had asked to describe what you  
8 were doing with the helm, and you used the term that basically  
9 when you ordered a left or port, you said at that point you knew  
10 it was too late, and then you went -- you kicked the stern. What  
11 did you mean by that? You used the term too late. It was too  
12 late.

13 A. It was too close to my liking. So then I saw if we  
14 would complete the turn to port, then we would hit with the stern.  
15 That's when I gave more speed and hard starboard to try to avoid.

16 Q. Were there any indicators that got you into that realm  
17 or where you thought it was too late? What made you think that?

18 A. No, when I saw the construction on the, on the platform,  
19 then I --

20 Q. So you actually saw the framing of the light support.

21 A. With the background from, from Sandy Hook.

22 Q. How visible was it at that time?

23 A. The visibility was really good.

24 Q. You mentioned that when you come to the bridge, if you  
25 take the deck and the con or the deck and the control, you

1 frequently will announce it.

2 A. Yeah.

3 Q. Do you also log that in the bridge record book?

4 A. It's written in a logbook. I don't -- I haven't check  
5 if he has it in there, if I was calling, but normally they do.

6 Q. Well, actually I'm going to refer to the deck logbook  
7 here, page 171. Is this the deck log from the night of the  
8 casualty?

9 A. Yes.

10 Q. Are there any entries in there or the day previous or I  
11 mean during that particular watch, between 12:00 and 4:00, where  
12 you indicated that you did take deck and the con?

13 A. I haven't honestly -- I haven't --

14 Q. Okay.

15 A. -- looked at the book.

16 Q. The Second Navigation Officer or the Second Officer  
17 filled this out for you?

18 A. Yes. Each duty (indiscernible).

19 Q. One entry on page 172, at 0140, can you read that to me?  
20 I don't know whose handwriting that is. Right here.

21 A. That's the Second Mate's.

22 Q. What's that?

23 A. (Indiscernible) Ambrose Light awaiting pilot -- weather  
24 conditions and heavy swell westerly - vessel probably touched  
25 Ambrose Light.

1 Q. Probably.

2 A. -- probably touch Ambrose Light.

3 Q. Is that the Second Officer that made that entry?

4 A. Yes.

5 Q. Did you order that entry made or did he make it on his  
6 own?

7 A. No, I told him just to be on the safe side to put in the  
8 time and so in case we touched.

9 Q. At what time did you give him that direction?

10 A. I cannot recall exactly.

11 Q. Generally speaking.

12 A. It was before the pilot came aboard I think but I do not  
13 recall exactly when I told him.

14 Q. So somewhere between --

15 A. It might even be after we came alongside. I cannot  
16 recall.

17 Q. You don't recall. In your mind, back to this, who had  
18 the control of the vessel, in your mind, who had the control of  
19 the vessel at the time you arrived at the bridge?

20 A. When anchor was up, I was giving the order and so on as  
21 I mentioned. I didn't tell him that I was conning.

22 Q. Do you recall what, what the draft readings were  
23 generally speaking around 1:00 that morning?

24 A. The draft readings?

25 Q. Yeah.

1           A.    We had arranged to arrive Sandy Hook at 33-11 or 34 feet  
2 even keel.

3           Q.    And that would put the height of eye, the height of your  
4 eye, at the bridge level, approximately what distance above the  
5 waterline? Generally speaking. Say 22 meters?

6           A.    Yeah, I have to see -- I cannot say exactly.

7           Q.    One of the investigators was asking you questions  
8 regarding the expectations for ranges and bearings. Is there a  
9 standing order anywhere with your signature or a company policy  
10 that would tell us what frequency you're supposed to be getting  
11 those when you're maneuvering an area like around the Ambrose  
12 Light?

13          A.    It doesn't say but it says in company's instructions  
14 that it should be either parallel indexing or safety--.

15          Q.    How frequently would you expect to get that information  
16 so that you can safely navigate the vessel from the Second  
17 Officer?

18          A.    Honestly, between the anchorage and the pilot, I was not  
19 expecting because we could see the pilot and so on.

20          Q.    Would it be an established interval or just as needed?

21          A.    As needed.

22          Q.    At anytime after 0140 hours, when you thought you  
23 touched the light, did you initiate any type of damage control  
24 procedures on the ship?

25          A.    No, not before we arrive (indiscernible). As I said, we

1 have automatic, we monitoring the ballast tank, and there was  
2 absolutely no alarm on the bridge because it goes off on the  
3 bridge, if there is any water coming in -- system.

4 Q. Did you direct the crew to make an assessment, make  
5 rounds, open any hatches to any void spaces to see if there was  
6 any ingress or incoming water or anything?

7 A. No.

8 Q. None of that. One of the investigators was talking to  
9 you earlier about the communications that were going on on the  
10 bridge, both internally and externally. You were talking to the  
11 pilots, the pilot boat on Channel 8?

12 A. Yeah.

13 Q. Was there any communications going back and forth on 16  
14 with the pilot on board the Spirit?

15 A. I heard there was conversation but I cannot say exact --  
16 I heard the Norwegian Spirit was conversating with I guess it was  
17 the traffic -- when the pilot boarded the (indiscernible) and I  
18 think they went up to New York.

19 Q. From your standpoint, your bridge did not communicate  
20 with the Spirit on any radio frequency?

21 A. No, only, only when I have pick up the anchor, I told  
22 him that I am leaving the anchorage now.

23 Q. (Indiscernible).

24 A. That's what pilot wanted me to do.

25 Q. I want to refer to just one more document. This is the

1 order book.

2 A. Yeah.

3 Q. And I'm referring to page 4. It's dated the 2nd of  
4 November. Were these the night orders you issued to the crew  
5 before you went to -- you retired?

6 A. Yeah, that's what time I written myself.

7 Q. Can you just relay for the record what's in there? What  
8 you wanted them to do before you went to retire direct?

9 A. Check anchor position frequently. If sign of dragging,  
10 call Captain at one. Keep monitoring the pilot channels, have  
11 people ready to start heaving at 2400 hours. Call Captain at 2345  
12 for watch.

13 Q. Were those orders adhered to in your opinion? Were they  
14 complied with?

15 A. I think so.

16 Q. Is this standard practice on the ship?

17 A. It's company procedure that it should be written.

18 MR. BOWLING: That's all I have. Thank you, Captain.

19 BY MR. PRITCHARD:

20 Q. Captain, this is Chief Warrant Officer James PRITCHARD  
21 from the U.S. Coast Guard. I have a couple of questions for you.  
22 After you departed anchorage, how did you determine what course  
23 you were going to steer to make it to the pilot station?

24 A. First, we decided to go 230 because that looks like it  
25 will take us clear of Ambrose on the south side.

1 Q. Who decided? You said we?

2 A. I told the Second Mate, it looked like 230 and then we  
3 will pass south of Ambrose.

4 Q. What were you using to navigate the vessel from when you  
5 left anchorage to the pilot station?

6 A. I was just looking at the -- I saw Ambrose and the  
7 Second Mate was doing the bearing and distance.

8 Q. So you were using Ambrose to navigate to the pilot  
9 station?

10 A. Yes.

11 Q. That was your reference point?

12 A. Yeah, of course, I was watching the course and then I  
13 altered the course 5 degrees to port to 225 I think it was.

14 Q. Why did you alter the course?

15 A. It looked like we was coming closer. So I wanted to  
16 have more clearance to Ambrose.

17 Q. How far away were you at that point?

18 A. I cannot recall exactly.

19 Q. When you altered the course to 225, how long  
20 approximately after your departure from anchorage?

21 A. Maybe 20, 30 minutes. I cannot say exactly when because  
22 we was going slow and stop, slow and stop.

23 Q. Did you use your ECDIS system?

24 A. Yeah, the ECDIS was on, yeah.

25 Q. Did you reference that or the radar during your transit

1 from anchorage to the pilot station?

2 A. I was looking at that but I really didn't watch because  
3 when I have a navigation officer on the bridge, he's normally  
4 doing the bearing and distance to the -- and putting on the chart.

5 Q. So normally the officer on watch with you would be  
6 giving you bearing and distance to whatever reference point you  
7 were using?

8 A. Normally, yes.

9 Q. Okay. Did the Second Mate during that voyage give you  
10 range and bearing to Ambrose that you said you were using --

11 A. Not before I said we was too close.

12 Q. Did you at anytime request for range and bearing?

13 A. No, I did not because I thought we was going well  
14 (indiscernible) so I didn't ask. I was 100 percent sure we was  
15 clear of --

16 Q. At anytime from when you came up onto the bridge, you  
17 say you came on just a little before midnight, correct?

18 A. Yeah.

19 Q. Did you take any fixes when you came up onto the bridge?

20 A. Yeah, we checked on Ambrose, and during the anchoring,  
21 we had a constant watch on, on -- with the distance to Ambrose.

22 Q. When you said we, was that you and the Second Officer?

23 A. I say we. I mean the whole bunch.

24 Q. So you personally never took any, any fixes --

25 A. No.

1 Q. -- when you came up? Are you a smoker?

2 A. Not a heavy smoker. I smoke only when I'm on board.

3 When I'm off the vessel, I never smoke.

4 Q. When you got woken up just before watch, to come up to  
5 the bridge, did you have a smoke when you came up onto the bridge?

6 A. I had a coffee and cigarette.

7 Q. Coffee and a cigarette. Do you -- I see you're wearing  
8 glasses and I noticed that you needed your glasses to look at the  
9 chart and read some of the logs. Do you need to wear your glasses  
10 to utilize the radar and the ECDIS also?

11 A. Not to see on the screen but if I want to do anything,  
12 then I need the glasses.

13 Q. Before you came up, were you on -- other than that one  
14 medication you were taking earlier, were you on any other  
15 medications before you came up for the watch?

16 A. No.

17 MR. PRITCHARD: That's all I have.

18 BY MR. JONES:

19 Q. Just a few follow up, Captain. This is Rob Jones again  
20 with the NTSB. You said you noticed a swell from behind. Is that  
21 when you started heading back down towards Ambrose?

22 A. Yeah.

23 Q. Was that a northerly swell from the local wind or was  
24 that a swell coming from the east, from the storm?

25 A. It was coming from the northeast, a slight swell, but it

1 was during the day before because when we come up, it was slightly  
2 rolling when we went up through to the anchorage area.

3 Q. Okay. And you said while you were steering that car,  
4 she was yawing kind of?

5 A. Yeah.

6 Q. The sloppy from the stern -- from the sea from the  
7 stern?

8 A. That's correct.

9 Q. And you also mentioned you realized the current was  
10 going to 270, 2 7 0?

11 A. Yeah, according to the, to the --

12 Q. Doppler. Do you have current?

13 A. No, no, no. The voyage plan.

14 Q. The voyage plan.

15 A. Yeah.

16 Q. So current goes to. So the current is pushing you  
17 towards 270?

18 A. Yeah.

19 Q. So as you went to the east of Ambrose, it's going to be  
20 setting you -- you realize that's going to be setting you onto  
21 Ambrose?

22 A. Yes.

23 Q. Okay. And you felt that the course you had given was,  
24 that was enough leeway to pass safely to the east of Ambrose  
25 Light?

1 A. Of course, that's what I felt.

2 Q. Okay.

3 UNIDENTIFIED SPEAKER: Passing south.

4 THE WITNESS: Yeah.

5 UNIDENTIFIED SPEAKER: You said passing east.

6 THE WITNESS: Yeah, passing south.

7 UNIDENTIFIED SPEAKER: Passing south.

8 BY MR. JONES:

9 Q. First it will past east.

10 A. Yeah.

11 Q. And then to the south.

12 A. Yeah.

13 Q. The current setting if there was. Now when you were --  
14 took your bearing on Ambrose, and you gave the course that you  
15 felt would take you to the left, the 2 2 5 or 2 3 0, where was the  
16 bigger pilot boat? You said there were two pilot boats.

17 A. I just saw the read and white light on the boat. I  
18 cannot exactly --

19 Q. Okay. That's fine.

20 A. -- point out --

21 Q. That's fine. But relatively from dead ahead, you had  
22 Ambrose to the right.

23 A. Yeah.

24 Q. And where was the pilot boat? To the right of the  
25 light?

1 A. Right.

2 Q. So --

3 A. He was on my right side.

4 Q. And further right than Ambrose?

5 A. Yeah, and then he said when you come south of Ambrose,  
6 come starboard to make the lee for me on your portside.

7 Q. That -- that's the smaller pilot boat that brings the  
8 pilot. There was also the other pilot boat which is the station  
9 boat.

10 A. Yeah, I think it was the station boat. Both of them was  
11 there.

12 Q. Okay. Wait. Were you trying to keep an eye on both  
13 pilot boats looking maybe past Ambrose towards those pilot boats?

14 A. I didn't see the small one coming before we  
15 (indiscernible) after, then I saw the light.

16 Q. Okay. And do you have an electronic chart overlay on  
17 the radars? Do you have the --

18 A. No.

19 Q. So the ECDIS is standalone?

20 A. Yeah.

21 Q. And a regular radar?

22 A. Yeah.

23 Q. Okay. And when's the last time -- your license is  
24 Norwegian?

25 A. Yeah.

1 Q. How often do you have to renew a Norwegian license?

2 A. Every five years.

3 Q. Okay. So it's like the U.S.?

4 A. Yes.

5 Q. And do you have to take radar courses for that to renew?

6 A. Yes.

7 Q. Have you taken ECDIS courses?

8 A. Yeah, I took in -- I can't recall. I have it in my  
9 papers when I did it. It was in Germany, in Hamburg, I was there  
10 for ECDIS system.

11 Q. Okay. And when was the last time you renewed your  
12 Master's license?

13 A. 2005.

14 Q. Sounds good. Which Master's license is this you're on?  
15 Do you know how many? So every five years. And your first one,  
16 Master in '82?

17 A. Yeah. But before in Norway, when you have done your  
18 license, it lasted for life and -- but I can't exactly say what it  
19 comes to. Maybe (indiscernible) five years (indiscernible).

20 Q. Now the -- when you got on board in Pascalouga, that was  
21 the first time you had met the Second Mate?

22 A. Yeah.

23 Q. How were --

24 A. No, actually when I sign off in New York in --

25 Q. Well, four or five months before that.

1 A. Yeah, four months back.

2 Q. But as far as when you came aboard, this is the first  
3 time you were going to sail with him professionally?

4 A. Yeah.

5 Q. He's going to stand and watch for you. And so what was  
6 your assessment of him, leaving Pascagoula, going to Mexico,  
7 departing Mexico?

8 A. To me he looked like a clever guy but quiet.

9 Q. We noticed. But did you -- any type of teaching or as  
10 you talked to him, what you kind of wanted from him so he got an  
11 idea from you of what you would want from him while you're on the  
12 bridge together or when he's up there alone?

13 A. No specific thing. The normal procedure, sometimes I  
14 call him up on the bridge and I normally on the bridge, at least  
15 once every watch during daytime when we are at sea.

16 Q. So you felt he was competent from what you could gather,  
17 from what you saw?

18 A. Yes, that was my impression.

19 Q. The -- now the time got -- the time that you could  
20 really observe him almost got cut, not in half but maybe by a  
21 third because of your sickness with the bad fish?

22 A. Yeah.

23 Q. So you had only really seen him doing his job and his  
24 duties for maybe instead of 2 weeks, maybe more like 9, 10 days --

25 A. Yeah.

1 Q. -- prior to coming into New York. So -- okay. When you  
2 came up from Mexico, did you come through the Straits of Florida  
3 or up through the Caribbean?

4 A. Yes.

5 Q. Straits -- Florida Straits. And he laid out all the  
6 courses and voyage plan for that?

7 A. Yeah.

8 Q. And no problems or issues. Everything you saw was fine?

9 A. Absolutely no problem.

10 Q. Did he -- was there anything that wasn't covered in the  
11 night orders or the standing orders? Did he call about traffic if  
12 he needed to?

13 A. I cannot recall if it was him but some of the weather,  
14 we have heavy rain and really have rain, so the visibility was  
15 reduced on the way up, and sometimes in Florida, I can't exactly  
16 tell, but I recall that some of them called and check visibility.

17 Q. That's it.

18 MR. WOODY: I would like -- I know the Captain  
19 (indiscernible) typical days as a Master, and I got a little bit  
20 about that. Maybe we want to cover that again. (indiscernible).

21 MR. JONES: He's not sick.

22 MR. WOODY: Well, right. Okay.

23 BY MR. JONES:

24 Q. Typical day, Captain, at sea, underway, mid ocean, open  
25 ocean, when you're feeling okay and not sick from the fish, what's

1 the standard operation for you?

2 A. They call me at 7:00. Normally I go down and open the  
3 mail so -- because we are not connected to internet so I connect  
4 -- private mail and so on. So that's the first thing I do in the  
5 morning normally. And then 8:00, I -- it's very seldom I eat  
6 breakfast but every Saturday I used to have egg and bacon. When I  
7 was sick, I was trying to get some fiber to try to control my  
8 stomach and so I took some Muesliex

9 Q. Muesliex.

10 A. Yeah, Muesliex.

11 Q. Metamucil?

12 A. It's a cereal.

13 Q. It's a cereal.

14 A. Yeah.

15 Q. Okay. But normally -- so you're up through the day, the  
16 ship's business in your office. How many a trips a day do you  
17 make to the bridge?

18 A. As I said, at the least one each watch and every night  
19 I'm up there and writing in the night order book and --

20 Q. About what time do you write your night orders?

21 A. It's differs from 8:00, 9:00, 9:30.

22 Q. And you turn in after that?

23 A. Yeah, normally.

24 Q. About how many hours of sleep do you get per night?

25 A. From 10:00 to 6:00, 7:00. Normally I need quite a

1 lot --

2 Q. So about eight hours would you say?

3 A. Yeah, at least.

4 Q. So except with the bout with the fish, normal working  
5 hours, underway at sea, eight hours of sleep and --

6 A. Yeah.

7 Q. -- you just a regular day?

8 A. Yeah.

9 Q. And just have the three mates on board? Chief Mate  
10 stands --

11 A. Chief Mate, that's day man.

12 Q. He stands the 4:00 to 8:00 watch.

13 A. No, no.

14 Q. No.

15 A. He's day man. It's two Third Mate and one Second Mate  
16 and Chief Mate is doing the watch.

17 Q. And underway they stand four-hour watches?

18 A. Yeah.

19 Q. So that's standard midnight to 4:00, 4:00 to 8:00, 8:00  
20 to 12:00.

21 A. Yeah.

22 Q. Two Thirds and one Second and Chief Mate.

23 A. Yeah.

24 Q. Okay. Do you ever use a -- coming in and out of port,  
25 do you ever use extra officers on the bridge depending on traffic

1 or conditions?

2 A. I normally have -- during -- if it's not middle of the  
3 night, the Chief Mate is also on the bridge with me. His  
4 procedure for teaching him, he's a young guy. So he -- I want to  
5 teach him (indiscernible) and so on. That's the procedure. When  
6 you are coming into port, Chief Mate is taking care of the cargo.  
7 So I let him sleep in.

8 Q. That's all I have, Captain.

9 MR. JONES: One more time around the block.

10 MR. BOWLING: I have a couple of questions to follow up  
11 on, and they will be my last two.

12 BY MR. BOWLING:

13 Q. The vessel touched the aid to navigation somewhere  
14 around 0140. At what time in your mind did you confirm that there  
15 had been contact between the vessel and that, that ATON?

16 A. I suspected it but I was hoping and praying but I was  
17 100 percent sure before we came.

18 Q. When did you become sure?

19 A. It was maybe 7:30. I saw it.

20 Q. Okay. You knew you hit it at that point.

21 A. Yeah.

22 Q. What did you do at that point? How did you notify the  
23 Coast Guard, the company? Walk me through that.

24 A. I went directly and called first alert which is a  
25 procedure of the company and then I was talking to the, to the

1 duty watch on Teekay, and I called the agent and told him that we  
2 have touched Ambrose, please call the Coast Guard at once and tell  
3 them.

4 Q. And so first alert is a company --

5 A. Yeah.

6 Q. -- contact.

7 A. Yeah.

8 Q. And then that -- then after that, your next call was to  
9 the agent?

10 A. Yeah, yeah.

11 Q. Approximately what time was that call?

12 A. I actually called between, when I called the first  
13 alert, that is a company in Canada, taking -- it's like a company.  
14 Taking all the --

15 Q. A clearing house for information.

16 A. Yeah, and then while I was waiting for Glasgow to come  
17 back to me, I was calling agent on the cell phone.

18 Q. Do you know if the first alert, this company system,  
19 actually has like a notification tree, where they will go in and  
20 notify the captain of the port, and all response companies? Are  
21 you aware of how they function?

22 A. Yeah, it should be according to the company standards  
23 but also when agent call, and he confirm that he has called the  
24 Coast Guard.

25 Q. At that point, what was your -- so around -- after you

1 contacted the agent, how long was it before you first interacted  
2 with the Coast Guard?

3 A. I cannot say exactly but --

4 Q. Generally speaking.

5 A. -- I was talking to agent, and he said he has report to  
6 Coast Guard and the Coast Guard will be on board.

7 Q. So you stood by at that point?

8 A. Yeah.

9 Q. Okay. Several, several times I've heard you discuss the  
10 voyage plan. Can you walk me through that process of how you  
11 establish a voyage plan, how you document it, where you record it.  
12 Is there a procedure in your safety manual system that outlines --

13 A. Yeah.

14 Q. -- what's supposed to be in there?

15 A. Yeah. (Indiscernible) have to be done (indiscernible),  
16 high water, the current and so on, should be in that -- in each  
17 voyage plan.

18 Q. Okay. Is that all in a safety management procedure  
19 somewhere? The company safety management systems, does it tell  
20 you --

21 A. Yeah.

22 Q. -- what needs to be in there and how to submit the  
23 voyage plan or how to --

24 A. Exactly. We have -- so he's following it step by step.  
25 So how I should be, and it's quite a big procedure.

1 Q. What was the last voyage data plan you recorded, that  
2 you submitted and recorded? Was it from Mexico to here?

3 A. Yeah. I signed it.

4 Q. You signed it. Is there a copy of that on the bridge?

5 A. Yeah, it must be.

6 MR. PRITCHARD: I have a follow up question. Jim  
7 PRITCHARD again from the Coast Guard.

8 BY MR. PRITCHARD:

9 Q. Captain, you said that your initial voyage plan had you  
10 going right to the pilot station and then to port?

11 A. Yeah.

12 Q. However, when you contacted the pilot station, they said  
13 you would have a later pilot time and that you needed to lay up,  
14 it was two to five miles to the northeast of Ambrose. Did you  
15 adjust your voyage plan from the pilot station to berth based on  
16 the fact that you were now having a later pilot time?

17 A. I believe he did check (indiscernible).

18 Q. So your later pilot time, do you know if the tides were  
19 the same as your original pilot time?

20 A. Almost the same. It might differ half an hour but it's  
21 also the high water times is in (indiscernible).

22 Q. So you assumed it was roughly the same as the original  
23 one?

24 A. Yeah.

25 MR. PRITCHARD: That's it.

1 BY MR. JONES:

2 Q. Captain, you've been going to see now for a little while  
3 now. A lot of changes paperwork-wise underway, safety management  
4 systems, ballast water exchange programs, port arrival  
5 information. How do you feel about that with regard to your  
6 normal duties, overseeing the bridge and the watch keepers?

7 A. Like water management plan is done by the Chief Officer.

8 Q. Okay.

9 A. And the voyage planning is done by the Second Mate. I  
10 just go through and when I'm satisfied, I sign.

11 Q. Do you feel there's been quite an increase in paperwork  
12 over your years at sea?

13 A. It's unbelievable.

14 Q. There's the answer. Does it -- do you feel that's tough  
15 to keep up with it?

16 A. Of course, it is.

17 Q. Yeah.

18 A. Sometimes it's like nonsense what you are doing.

19 Q. After you anchored, even though you felt a little sick  
20 or were feeling better but still a little queasy, did you still  
21 have a little paperwork to do prior to arrival or catch up on?  
22 Who does the payroll on board?

23 A. The payroll is done in Glasgow. We just fill in the,  
24 for example, cash advances, slop chest, overtime, and extra work  
25 and so on, the hourly overtime and if they have some special

1 allowance for cleaning tanks, something like that, we put in the  
2 hours and the deductions for cash advances but that's one of the  
3 thirds, he's doing that okay. I check it.

4 Q. The 12 hours, the approximate 12 hours that you were at  
5 anchor, were you able to catch up on any duties or paperwork that  
6 you might have had or did you feel that was a bonus or would you  
7 have rather gone to the dock?

8 A. Yeah, I thought it was opportunity to do paperwork.  
9 After when we was anchored, I was sending message to operating  
10 department and the charter agent and so on, on arrival time and  
11 the notice of anchoring time, notice was standard.

12 Q. Okay. Just one final question, Captain. I think we're  
13 going to end it there. Just in your logbook, and this is the  
14 original log, the entry, and I would assume this is like the  
15 remarks column.

16 A. Yeah

17 Q. I just -- who wrote that in?

18 A. Second Mate.

19 Q. Okay. And did he do it on his own or did you direct  
20 immediate to do it?

21 A. I told him to do it. I check it and I told him, I  
22 cannot say --

23 Q. I apologize but if I missed this.

24 MR. BOWLING: I think you had to step outside or you  
25 were doing something.

1 MR. JONES: Well, just entertain me for another second.

2 BY MR. JONES:

3 Q. So you're not sure what time you told him to do that?

4 A. No, I can't say for sure. It might even be after we was  
5 along side

6 Q. Okay. Do you -- when I have a logbook entry that came  
7 like that, I'd write late entry because anybody looking at this,  
8 except for those that were here at the time, will look at that as  
9 if it was logged at the time of the incident. So I would usually  
10 try to write like late entry and why or something like that and  
11 it's not an uncommon practice to write in things after they've  
12 happened because you're dealing with something as it happens.

13 A. Yeah.

14 Q. But -- so you did -- you directed the Second Mate to  
15 write that in?

16 A. Yes.

17 Q. Okay. All right.

18 MR. JONES: That's all I have.

19 BY MR. FERNANDEZ:

20 Q. What time -- do you recall what time the vessel was  
21 moored here?

22 A. 6:00, exactly 6:00 or approximately.

23 Q. By the way, this is Mike Fernandez from Freehill, Hogan  
24 and Mahar. 6:00. Now did you take any steps at 6:00 to  
25 investigate whether or not the vessel had struck anything?

1           A.    Yes, I was out on deck several times trying to see, but  
2   it was still too dark to see anything.  I think it was between  
3   7:30 and 8:00 that I really could see there has been some impact  
4   on the ship.

5           Q.    When you first then became aware of the impact, you did  
6   what?

7           A.    First I was talking to the Chief and I told Chief Mate  
8   come and have a look and we went back, and then I said to the  
9   Chief, I have to go and call first alert.

10           MR. JONES:  Okay.  That concludes the interview with the  
11   Captain, Captain Mack.

12           (Whereupon, the interview in the above-entitled matter  
13   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 Nils Mack

DOCKET NUMBER:           DCA-08-FM-002

PLACE:                    New York, New York

DATE:

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