UNITED STATES COAST GUARD
WASHINGTON, D. C.

MVI
27 March, 1952
(DAUNTLESS NO. 12 -
MORANIA NO. 130 -
PENOBSCOT - a-9 PM)

From: Chief, Merchant Vessel Inspection Division
To: Commandant
Via: Chief, Office of Merchant Marine Safety

Subj: Marine Board of Investigation, SS PENOBSCOT, tug M/V DAUNTLESS NO. 12 and tank barge MORANIA NO. 130; collision, Buffalo River, 29 October 1951, with loss of life

1. Pursuant to the provisions of Title 46 C.F.R., Part 136, the record of the Marine Board convened to investigate subject casualty, together with its Findings of Fact, Conclusions, and Recommendations, has been reviewed and is forwarded herewith.

2. On 29 October 1951, the SS PENOBSCOT, a bulk freighter of 3,972 GT, in a light condition was outbound in the Buffalo River and the tug M/V DAUNTLESS NO. 12 of 140 GT, pushing the gasoline laden tank barge MORANIA NO. 130 of 1,278 GT, in the Buffalo Outer Harbor was inbound to the Buffalo River. Buffalo Outer Harbor lies in a northwesterly, southeasterly direction and the entrance to the Buffalo River lies in an east-west direction, so that vessels entering from the Outer Harbor into Buffalo River must make a course change in excess of 90°. The PENOBSCOT, when approaching the intersection of the Outer Harbor blew a warning band signal. The DAUNTLESS NO. 12 with tow, when approaching the intersection of the Outer Harbor and Buffalo River, failed to have a proper lookout posted and failed to blow a warning bend signal. When the PENOBSCOT neared the intersection and the DAUNTLESS NO. 12 and tow rounded the intersection of the Buffalo Outer Harbor and the Buffalo River, both vessels, although going at slow speed, were in such close proximity that collision was inevitable. At or about 2120 the PENOBSCOT and tank barge MORANIA NO. 130 collided, two gasoline tanks of the tank barge were ruptured. The resulting gasoline spillage became ignited, engulfing the vessels in flame and caused the loss of life of 11 persons from the vessels involved in the collision including the Master and Wheelsman on board the PENOBSCOT. The weather conditions at the time of this casualty were: visibility good, wind SSW, 20 miles, and no sea.

Chief, MVI Division to
Commandant

3. The Board made the following Findings of Fact:

"1. On 29 October, 1951, at approximately 2120, the SS PENOBSCOT with light draft, was outbound in the Buffalo River, Buffalo, New York, proceeding under her own power.

"2. The SS PENOBSCOT's Official No. is 190705. She is a bulk freighter of 3972 gross tons, owned and operated by the Nicholson Transit Company, Ecorse, Michigan.

"3. On 29 October, 1951, at approximately 2120, the Tank Barge MORANIA NO. 130 was being towed "push fashion" by the M/V DAUNTLESS NO. 12 across the Buffalo River at its intersection with the Buffalo Outer Harbor immediately to the westward of the Coast Guard Base in Buffalo.

"4. The Tank Barge MORANIA NO. 130, Official No. 255090, is an oil barge 230 feet long, of 1278 gross tons, owned by the Penn No. 5, Incorporated, New York, New York. The Tank Barge MORANIA was loaded with gasoline.

"5. The Motor Vessel DAUNTLESS NO. 12, Official No. 237962, is a diesel driven tug of 140 gross tons, owned and operated by The Dauntless Towing Line, New York, New York.

"6. On 29 October, 1951, at approximately 2120, the SS PENOBSCOT collided with TB MORANIA NO. 130, striking the barge approximately thirty (30) feet from the stern on the starboard quarter, opening the No. 5 and 6 tanks on the barge.

"7. The collision occurred in the Buffalo River, Buffalo, New York, where the river meets the Buffalo Outer Harbor at a point just west of the U. S. Coast Guard Base.

"8. At the time of the collision the weather was as follows:

Wind SSW, 20 miles, clear, no sea, and visibility good.

"9. Shortly after the impact the SS PENOBSCOT, the TB MORANIA NO. 130 and the MV DAUNTLESS NO. 12 were enveloped in flames.

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Chief, MVI Division to
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"10. The following personnel are dead or missing from the vessels indicated:

SS PENOBSCOT

D Louis F. Guyette, Master
4141 Pine Grove Road,
Port Huron, Michigan

D Roy Richardson, Wheelsman
4515 Lake Shore Road,
Port Huron, Michigan

MV DAUNTLESS NO. 12

M George Edward Van Steenburg, Mate
64 Fox Street, Gloversville,
New York

M Emil Emig, Chief Engineer
Lake Telemark, Rockaway,
New Jersey

M Clifford A. Rank, First Assistant
Engineer, 120 Sweetbrook Road,
Staten Island, New York

M Harold Holt, Deckhand
345 - 58th Street, Brooklyn, New York

D Alfred Aareeth, Deckhand
470 Court Street, Brooklyn, New York

M Arthur Reilly, Cook
44 Charles Street,
Jersey City, New Jersey

D Walter Brown, Oiler
848 - 68th Street, Brooklyn, New York

(One burned body, not identifiable, found on board the MV DAUNTLESS NO. 12)

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TB MORANIA NO. 130 M Olav Gullikson, Mate
53 North Avenue
Staten Island, New York

"11. The point of land upon which the Coast Guard Base is located, together with buildings and structures thereon, obstructs the view of the Buffalo River from the northly end of the Buffalo Outer Harbor immediately to the westward of the Coast Guard Base.

"12. The MV DAUNTLESS NO. 12 had arrived with the TB MORANIA NO. 130 at the north entrance light towing the barge astern. The tow was shifted from an astern tow to a pusher tow in Buffalo Outer Harbor.

"13. The MV DAUNTLESS NO. 12 with the TB MORANIA NO. 130 ahead was proceeding from the northerly end of the Buffalo Outer Harbor via the Buffalo River, Erie Basin, and the Black Rock Canal to Tonawanda, New York.

"14. The TB MORANIA NO. 130 is constructed with a "V" shaped stern in order that the bow of a tug may be inserted to facilitate maneuvering the barge. The tug and barge when made up in this fashion form a compact integral unit.

"15. The Master of the MV DAUNTLESS NO. 12 first sighted the SS PENOBSCOT after the TB MORANIA NO. 130 which was being pushed, was well into the Buffalo River.

"16. The Master of the MV DAUNTLESS NO. 12 upon sighting the SS PENOBSCOT sounded two blasts with his whistle and ordered full speed ahead.

"17. The SS PENOBSCOT sounded one blast on its whistle when about 1500 feet from the estimated point of collision and sounded the danger signal when an estimated 150 feet from the TB MORANIA NO. 130 and the MV DAUNTLESS NO. 12. At the time of sounding the danger signal the SS PENOBSCOT received an engine room order for full speed astern.

"18. The SS PENOBSCOT's engines continued to back until her stern struck the U. S. Coast Guard Pier, a period of approximately eight (8) minutes after the impact with the TB MORANIA NO. 130.

"19. The SS PENOBSCOT had a lookout on the forecastle head who warned the Master of the SS PENOBSCOT as soon as he sighted the MV DAUNTLESS NO. 12 and TB MORANIA NO. 130 when the SS PENOBSCOT was an estimated 150 feet from the TB MORANIA NO. 130.

"20. There was no lookout posted on the TB MORANIA NO. 130."

4. The Board made the following Conclusions:

"1. The MV DAUNTLESS NO. 12 after rearranging her tow in the northerly part of the Buffalo Outer Harbor, proceeded to push the TB MORANIA NO. 130 into the Buffalo River, rounding the point upon which the Coast Guard Base is located, preparatory to entering the Erie Basin and Black Rock Canal. In executing the initial move, namely that of heading into the Buffalo River, the Master of the MV DAUNTLESS No. 12 failed to observe the SS PENOBSCOT outward bound on the Buffalo River on a collision course with his own unit.

"2. This failure to observe the SS PENOBSCOT was due primarily to the obstruction of the view of this portion of the Buffalo River by the structures on the Coast Guard Base.

"3. Similarly, the Master of the SS PENOBSCOT failed to witness the TB MORANIA NO. 130 entering the river and it was not until the MV DAUNTLESS NO. 12 emerged that the Master of the SS PENOBSCOT realized the situation.

"4. The one blast sounded by the SS PENOBSCOT was a general precautionary measure taken by the Master in view of this blind spot at the entrance to the river. The single whistle blast does not appear to have been made because of awareness of the MV DAUNTLESS NO. 12 and the TB MORANIA NO. 130.

"5. The impact which split two gasoline tanks aboard the TB MORANIA NO. 130 caused considerable gasoline to spread immediately throughout the area and upon backing out from the point of collision a metal spark ignited the gasoline vapors, resulting in an engulfing flame which instantly killed the Master and Wheelsman on the SS PENOBSCOT and fatally injured an undetermined number of people on the TB MORANIA NO. 130 and MV DAUNTLESS NO. 12.

"6. Those persons aboard the TB MORANIA NO. 130 and the MV DAUNTLESS NO. 12 which were able to escape the flames took to the water where they were subsequently drowned in the blazing inferno.

"7. At the time the Master of the MV DAUNTLESS NO. 12 observed the SS PENOBSCOT bearing down upon him, the two-blast whistle signal and engine room order to full speed ahead came too late inasmuch as the TB MORANIA NO. 130 was already in motion into the dangerous area.

"8. It is the Board's considered opinion that the collision was primarily the fault of the Master of the MV DAUNTLESS NO. 12, which with her tow proceeded to enter Buffalo River from a blind spot without first ascertaining whether this was safe due to the possibility of outbound traffic.

"9. Failure to post a lookout on the bow of the TB MORANIA NO. 130 contributed greatly to the accident.

"10. Failure to sound a warning signal aboard the MV DAUNTLESS NO. 12 also contributed to the accident.

"11. It is the opinion of the Board that there were no material failures contributing to this accident. In particular, the steering mechanisms of both the SS PENOBSCOT and the MV DAUNTLESS NO. 12 were operating in a satisfactory manner.

"12. It is the opinion of the Board that the casualty could have been prevented entirely had a warning whistle been sounded by the MV DAUNTLESS NO. 12 and a lookout properly posted on the bow of the TB MORANIA NO. 130."

5. The Board made the following Recommendations:

"1. It is recommended that proceedings be initiated toward suspending or revoking the license of Torbjorn S. Sorensen, Master of the MV DAUNTLESS NO. 12, for gross neglect displayed upon this occasion (46 USC, Sec. 239) (RS 4450), (Sec. 9-5-3C MMSM). In this connection a charge of misconduct, alleging two specifications, failure to sound warning whistle, and failure to post proper lookout, have been forwarded to Coast Guard representatives at New York for service upon the accused.

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Chief, MVI DIVISION to
Commandant

"2. It is also recommended that Form No. 5 Ins., owners of the tank barge MORANIA No. 130 be cited for violation of 46 USC 391a(7) RS 4417a, failure to comply with the manning requirements specified on the certificate of inspection. Form CG 2636 "Report of Violation" has been forwarded to the Commander, 9th Coast Guard District, and copy is attached hereto.

"3. As there are no further recommendations by the Board, the investigation is closed."

SUPPLEMENT TO BOARD'S REPORT

"MVI
9 January, 1952
(PENOBSCOT - MORANIA
NO. 130 - DAUNTLESS
NO. 12 - a-9 Bd)

"From: Commandant
To: CAPT Harold C. Moore, USCG, Chairman
Via: Commander, 9th Coast Guard District (d)

Subj: Marine Board of Investigation; collision involving SS PENOBSCOT, Tank barge MORANIA NO. 130 and tug DAUNTLESS No. 12 at entrance Buffalo River on 29 October, 1951, with loss of life

"1. A preliminary review of the record of subject casualty which is herewith returned indicates that further information is necessary before final action by the Commandant may be taken on the record.

"2. The report of the Board, in effect, indicates that the collision was primarily caused by the failure of the DAUNTLESS NO. 12 to have a properly posted lookout on the MORANIA NO. 130 and to sound a warning whistle signal when rounding a bend at the entrance to the Buffalo River. The indorsement of the District Commander strongly infers that the collision occurred due to the location of the port and starboard navigation lights aft on the MORANIA NO. 130 and for this reason the District Commander recommends that 33 C.F.R. 90.19a, permitting navigation lights to be located aft on barges being pushed under the Great Lakes rules be amended to require such lights to be located on the bow as provided by 33 C.F.R. 80.18(h), Pilot Rules for Inland Waters. In view of the statement and recommendation of the District Commander with respect to the location of the navigation lights on the MORANIA NO. 130 as a cause for the collision and the absence of any information in this connection in the Board's report, it is necessary that the report of the Board contain information as to whether or not the location of the port and starboard navigation lights on the MORANIA NO. 130 caused or contributed to the cause of the subject casualty.

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"3. The Board's report, in effect, states that the failure of the DAUNTLESS NO. 12 to sound a warning bend signal contributed to the cause of subject casualty. In this connection, the report of the Board should contain an opinion as to whether or not such failure was a violation of 33 C.F.R. 90.6 providing for warning signals to be given by vessels nearing bends or curves in a channel.

"4. The evidence and Conclusions in the record to the effect that subject casualty was primarily caused by the failure on the part of the DAUNTLESS NO. 12 to have a properly posted lookout on the bow of the MORANIA NO. 130, and the failure of the DAUNTLESS NO. 12 to give a timely warning bend signal, is evidence of criminal liability arising out of the violation of 46 USC 526 1 and 18 USC 1115 on the part of the Master of the DAUNTLESS NO. 12. Accordingly, under the provisions of 46 C.F.R. 136.23-1 and Section 7-3-9P(3) of the MMS Manual, one original copy and 2 duplicate copies are required to be forwarded to Headquarters so that 2 copies may be available for transmittal to the United States Attorney General as required by the provisions of RS 4450, as amended.

"H. C. SHEPHERD
By direction

"Incl."

"30 January, 1952
A17-6

"From: Captain Harold C. Moore, USCG, Chairman
To: Commandant (MVI)
Via: Commander, 9th Coast Guard District (d)

Subj: Marine Board of Investigation; collision involving SS PENOBSCOT, TB MORANIA NO. 130 and tug DAUNTLESS NO. 12 at entrance Buffalo River on 29 October, 1951, with loss of life

Refs: (a) Comdt. ltr 9 Jan. 1952 MVI, (PENOBSCOT - MORANIA NO. 130 - DAUNTLESS NO. 12 - a-9 Bd)
(b) Report of Marine Board of Investigation
(c) CDR 9th CGD ltr 13 Dec. 1951, A17-6 forwarding Ref. (b)

"1. Members of the Marine Board of Investigation met at about 3:00 p.m. 23 January, 1952, in Buffalo, New York, to reconsider the Findings, Conclusions and Recommendations of subject investigation, as directed by Reference (a).

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Chief, MVI Division to
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"2. After extensive discussion and review of pertinent testimony and all information available, the Board concluded that the location of the port and starboard navigation lights on the TB MORANIA NO. 130 did not necessarily cause or contribute to the cause of this casualty.

"3. With respect to paragraph 3 of Reference (a), the Board is of the opinion that failure of the tug DAUNTLESS NO. 12 to sound a warning bend signal was a violation of 33 C.F.R. 90.6.

"4. In accordance with paragraph 4 of Reference (a), two additional copies of Reference (b) are attached for transmittal to the United States Attorney General.

"/s/ H. C. Moore
H. C. MOORE
Chairman"

REMARKS

6. The Board's Conclusion, paragraph 5, states that an undetermined number of people on the tank barge MORANIA NO. 130 and the MV DAUNTLESS No. 12 were fatally injured. Finding of Fact, paragraph 10, lists the names of persons who lost their lives in this casualty and states that one burned body, not identifiable, was found on board the MV DAUNTLESS NO. 12. From this Finding of Fact and Conclusion it is not certain whether all of the persons who lost their lives in this casualty have been accounted for. It is necessary, therefore, that a definite accounting be made of all the persons who lost their lives in this casualty or received an incapacitating injury in excess of three days, which accounting is to be forwarded to Coast Guard Headquarters and made a part of the record of subject casualty.

7. The Board's Recommendation, paragraph 2, indicates that the tank barge MORANIA NO. 130 was not manned in accordance with the requirements of its certificate of inspection at the time subject casualty occurred. Since this violation did not in any way cause or contribute to the cause of the casualty, the violation case opened against the owners of such barge is to be processed in accordance with Headquarters' letter to the Commander, 9th CG District, file MVI (MORANIA NO. 140 - 0-9), dated 4 January 1952.

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Chief, MVI Division to
Commandant

8. The failure of the DAUNTLESS NO. 12 to have a lookout properly posted, to blow a timely bend signal and to navigate with caution when rounding the intersection from Buffalo Outer Harbor into the Buffalo River constitutes evidence of criminal liability arising out of the violation of 33 C.F.R. 90.6, 46 USC 526 l and m, 18 USC 2196 and 18 USC 1115. In accordance with the requirements of R.S. 4450, as amended, duplicate records of investigation of subject casualty will be referred to the U.S. Attorney General for investigation by and prosecution through the Federal District Court of the district having jurisdiction, under the provisions of the Criminal Code.

9. Subject to the foregoing remarks, it is recommended that the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation be approved.

/s/P. A. OVENDEN
P. A. OVENDEN

M
1 April, 1952

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From: Chief, Office of Merchant Marine Safety
To: Commandant

Forwarded, recommending approval

/s/R. A. SMYTH
R. A. SMYTH
Acting

APPROVED: APR 4 1952

/s/MERLIN O'NEILL
MERLIN O'NEILL
Vice Adm., U.S. Coast Guard
Commandant