

DEPARTMENT OF TRANSPORTATION



COAST GUARD

INVESTIGATION REPORT

INVESTIGATION OF THE COLLISION OF THE
USSC (NAME) AND (NAME) ON (DATE) AT (LOCATION)
WEST COAST AREA

U.S. COAST GUARD
MARINE (NAME) AND (NAME) (NAME)
AND (NAME) (NAME)

REPORT NO. USCG/NISB (NAME)
RELEASED (DATE)

REPORT NO. USCG/NISB (NAME)
RELEASED (DATE)

FOUNDERING OF THE MOTOR VESSEL COMET
OFF POINT JUDITH, RHODE ISLAND ON 19 MAY 1973
WITH LOSS OF LIFE

TABLE OF CONTENTS

	<u>Page</u>
ACTION BY THE NATIONAL TRANSPORTATION SAFETY BOARD	
Synopsis.....	1
Analysis.....	2
Probable Cause.....	8
Recommendations.....	8
ACTION BY THE COMMANDANT - U. S. COAST GUARD	
Remarks.....	10
Action Concerning the Recommendations.....	11
MARINE BOARD OF INVESTIGATION	
Findings of Fact.....	14
Conclusions.....	26
Recommendations.....	28



National Transportation Safety Board

Washington, D.C. 20594

M/V COMET
POINT JUDITH, RHODE ISLAND
MAY 19, 1973

ACTION BY THE NATIONAL TRANSPORTATION SAFETY BOARD

This casualty was investigated by a U.S. Coast Guard Marine Board of Investigation, which convened at Providence, Rhode Island, on May 22, 1973. A representative of the National Transportation Safety Board observed part of the proceedings. The National Transportation Safety Board has considered only those facts in the investigative record which are pertinent to the Safety Board's statutory responsibility to determine the cause or probable cause of the casualty and to make recommendations.

SYNOPSIS

During its last inspection by the Coast Guard on May 19, 1971, numerous deficiencies were found in the hull of the COMET, which resulted in the owner's forfeiture of the vessel's certificate to carry passengers for hire. Consequently, the owners placed the COMET up for sale without making repairs. On June 14, 1972, the new owner took possession of the COMET, and not being informed of the extent of the deficiencies, operated the COMET without restoring the hull to a seaworthy condition.

At approximately 0710, on May 19, 1973, the M/V COMET, with a fishing party of 25 and a crew of two (including the unlicensed captain-owner), departed Galilee, R.I. Small craft warnings had been lowered at 0600. Shortly after departing, the vessel encountered moderate seas, and at approximately 0800, the COMET flooded and quickly sank by the stern. Most of the persons were able to don their life preservers before abandoning the COMET and entering the 48°F. waters off Point Judith, R.I. There was no "MAYDAY" message. About 22 persons swam to and held on to the COMET's buoyant apparatus and flotsam. Within an hour of abandonment, two persons died, and about six more died within 3 hours of abandonment.

At approximately 1230, a passing yacht, the sailing sloop DECIBEL, sighted survivors of the COMET, commenced picking them up, and notified the Coast Guard. The first Coast Guard boat arrived on scene about 23 minutes later. Of the 27 persons on board, 11 were rescued, 12 died, and 4 are missing.

The National Transportation Safety Board determines that the probable cause of the sinking of the COMET was major, undetected flooding due to the ingress of water through the deteriorated hull planking. The loss of life following the sinking was caused by the absence of a radio distress call, the absence of signal devices for use by persons in the water, and the lack of adequate equipment to protect the victims from prolonged exposure to cold water.

ANALYSIS

This analysis is to be read in conjunction with the facts reported in the Marine Board investigative report. Additional information developed by the Safety Board is identified as such in this report.

Watertight Integrity of COMET

The Coast Guard identified numerous deficiencies in the COMET's hull and hull fittings in its drydock examination on May 19, 1971, which required corrective action to assure continued safe operation of the craft. However, these deficiencies were not made known nor required to be made known by the seller to the new owner. On the other hand, the buyer was remiss by not requiring an examination of the COMET's suitability for service by a competent person.

The craft's deficiencies may not have advanced to the point where serious leakage would have been obvious to the new owner. Further, automatic features of the bilge pump, in keeping the engine compartment sufficiently dry, may have made any warning signs of leaking while in port less evident. Due to the owner's lack of expertise, the seriousness of the hull's deteriorated condition was probably not recognized and the necessary repairs were not made.

Small craft warnings had been lowered about an hour before the COMET entered unprotected waters on the morning of the accident. The record indicates that sea conditions were sufficiently rough to cause members of the fishing party to consider aborting their fishing expedition. The hearing record also states that the COMET's owner-operator remarked that "the water was really rough out there" while picking up his passengers. However, these sea conditions were probably more a matter of discomfort to the passengers rather than of immediate danger to the stability of a 47.7-foot motorboat.

The increased loading, due to the embarking of 25 passengers and to the moderate seas, probably placed greater stresses and pressures on the COMET's hull and through-hull fittings than had been experienced in the owner's previous operations of the COMET. Also, during the 2-year intervening period since the Coast Guard's drydock examination, the COMET's hull had further deteriorated. The weakened hull, unable to sustain the higher stresses, began to flood at a rate which exceeded the bilge pump capacity.

The COMET was not recovered so that a specific source of flooding cannot be determined. The flooding rate estimated to be necessary to cause an approximately 2-foot loss of freeboard just after the time of departure from Galilee exceeds that likely to have occurred through the stern tube, through-hull fittings, and piping. There were no other sources of flooding when the hull was intact. The Safety Board therefore concludes that a failure in the COMET's deteriorated hull planking was the primary source of the flooding.

Certification Standards

Since it did not meet the inspection requirements for small passenger vessels, the COMET was restricted by regulation from carrying more than six passengers. ^{1/} However, it could continue legally to carry more than six persons as long as they were not classified as passengers and provided that the specified lifesaving and safety equipment was carried.

The requirement for vessel inspection is determined essentially by the vessel's for-hire status as a small passenger vessel and not by the vessel's characteristics which may or may not make it suitable for carrying persons. As a result, numerous pleasure vessels suitable for carrying large numbers of persons are not required to undergo Coast Guard inspection. Although a determination of the vessel's suitability for service may be made by insurers, there are neither requirements that a vessel be insured nor uniform insurance standards for determining seaworthiness. An owner may not consider vessel insurance as economically feasible for a relatively large, older vessel for which insurance costs may be a significant percentage of the vessel's total value. The Marine Board of Investigation did not find proof of insurance for the COMET.

This mix of vessels with similar characteristics makes it difficult to curtail the illegal operation of an uninspected vessel as a small passenger vessel. Curtailing such illegal operations would require more rigorous surveillance and enforcement by enforcing authorities involving vessels with sizable passenger-carrying capability, as well as knowledge of the regulations and good intentions on the part both of vessel operators and of would-be passengers. Even so, persons who do not fall within the category of "passengers" are not afforded the same protection as passengers. This variance in protection to the boating public will exist as long as different safety standards apply to small passenger vessels and pleasure motorboats of equivalent capacity.

^{1/} By authority of 46 USC 390 to 390g, the U. S. Coast Guard promulgates regulations prescribing requirements for inspection and other provisions to protect against hazards to life created by small passenger-carrying vessels. Small passenger vessels include those vessels of less than 100 gross tons carrying more than six passengers. These vessels must be certified by Coast Guard inspection to conform to the regulations in 46 CFR 175 to 187 (T). Further, the law describes any persons who have given a valuable consideration for their carriage as passengers for hire and those who accompany a passenger for hire without a valuable consideration, except when engaged in the business of the vessel, as passengers. The law, in making a distinction between "passengers" and other persons, does not insure that those who are not classified as passengers will be carried under the safety standards required for small passenger vessels.

Ignorance of Small Passenger Vessel Regulations

Coast Guard safety regulations for small passenger vessels are not effective unless passengers know that such vessels are required to carry a valid certificate of inspection. The surviving COMET passengers were generally unaware of the regulations for small passenger vessels which require both that the Certificate of Inspection be on board when carrying more than six passengers and that the operator have his license in his possession. Testimony from ten survivors indicates that at least six of them had little or no boating experience and did not know of these requirements. Three of the survivors had limited boating knowledge but did not inquire regarding the Certificate of Inspection or the operator license. These survivors went boating infrequently and were not likely to have been aware of or interested in the various media through which they might have been informed about small passenger vessel requirements.

In testimony, two men with considerable experience and knowledge of boat operations -- the manager of the Wickford Shipyard and the owner/operator of the sailing sloop DECIBEL -- expressed their opinion that the average person going out on a party fishing boat would not be aware of the Coast Guard's pertinent regulations. This is consistent with testimony of the survivors.

The owner/operator should have been aware of the regulations pertaining to carriage of passengers. More rigorous enforcement of small passenger vessel regulations, augmented by Coast Guard solicitation of small passenger vessel operators to report violations within their own ranks, would reduce the risk of recurrence of a similar accident. It is doubtful that a public education program would reach would-be passengers such as the COMET survivors, who may be typical of most party fishing boat passengers.

Operator Not Qualified to Correct Hull Deficiencies

The prospective purchaser of the COMET was informed that the vessel did not have a current Coast Guard Certificate of Inspection. The only evidence regarding his knowledge of the COMET's inspection status was contained in one paragraph of a letter from the previous owner dated September 17, 1971, which stated in part: "Enclosed are copies of some of the recent repair bills which you may like to have, together with Certificate of Inspection from the United States Coast Guard for 1970. We did not get it for 1971." This letter did not inform him of the numerous deficiencies known to the previous owner which had been found in the recent Coast Guard inspection.

After the new owner purchased the COMET, the seaworthiness and safety of the vessel depended on recognition and competence on his part to determine and correct vessel deficiencies. The evidence indicates that he did correct those deficiencies which he recognized. He spent much of his available spare time performing various maintenance tasks. Being the operator of a large truck, he was familiar with diesel engines and his son

considered him to have a good mechanical aptitude. He was assisted by his son, who was a former Coast Guard engineman, but who admittedly was not experienced with vessel hulls. Together they worked on the engine, replaced one fuel tank, installed new fuel lines and filters, and replaced many components in the cooling and bilge pumping systems; this included installation of a new fixed bilge pump which was driven directly by the engine and a small, battery-operated, float-actuated bilge pump. The son did not recognize any serious deficiencies in the COMET's hull during the course of their repair activities. It may be inferred that he would have corrected the hull deficiencies if he had recognized them.

The expertise necessary to determine the material condition of motor vessels may be beyond the competence of most of their operators. In this case, the apparently earnest intentions and mechanical skills of the owner and his son were not sufficient to assure the safe hull condition of the COMET. This inadequacy may have been overcome if the deficiencies which were known to the prior owner and the Coast Guard had been made known to the new owner.

Loss of Effect of Coast Guard Inspection Effort

Specific deficiencies indicating hazards were discovered by the Coast Guard inspection, and listed in detail adequate to guide repair work. The list of deficiencies at that time became part of a proper description of the vessel and its conditions, and constituted, in effect, a warning of hazards. When this information was permitted to drop out of the description of the vessel when it was sold, the effect was to waste the valuable safety efforts of Coast Guard personnel and the public funds which paid for those efforts.

The Marine Board of Investigation has recommended administrative control and followup on expired, surrendered, or revoked Certificates of Inspection, but the Commandant has evaluated this as not feasible "utilizing current resources." The alternate method named was to rely on the distinctive inspection decal and Coast Guard boarding teams, "good rapport with legitimate vessel operators," and "close scrutiny of waterfront activities."

Whether or not these methods (other than the decal) were in use in the area of the COMET's activity is not clear from the record. However, it appears that the Coast Guard has not exhausted the possible methods for preventing the waste of safety effort that occurred. Among the possible general methods, including those that might require legislation, are:

1. A procedure by which a vessel that does not pass inspection could be removed from any service use. Such an authorized procedure is employed by inspectors of the Bureau of Motor Carrier Safety of the Federal Highway Administration, for example.
2. Changes in the Notice of Merchant Marine Inspection Requirements (CG-835) to employ the word "hazard" with reference to deficiencies.

3. Make the list of deficiencies legally a part of the vessel's papers until the deficiencies are corrected.
4. Use of State consumer information or trade relationship laws governing sales to insure that Coast Guard-originated inspection information is fully disclosed and employed in such transactions.
5. Development of a long-term vessel document system for recording periodic inspections and repairs similar to that employed over the service life of an aircraft (aircraft and engine logs, certificate of airworthiness, certificate of registration).

Some of the survivors expressed surprise that the Coast Guard permitted a vessel with known hull deficiencies to continue in operation. Although this was a misunderstanding of the present role of the Coast Guard, the comments do reflect an opinion of part of the public that the Coast Guard has a greater protective role than its authority actually provides.

Operator Fails to Recognize Flooding Symptoms

The deck over the engine compartment permitted the flooding to progress without being observed. The COMET's operator apparently did not recognize that a dangerous flooding situation existed until sinking was imminent.

An earlier warning of the flooding would have provided additional time for preventive action. If the accumulation of water was sufficiently slow, there might have been time either to return to port or intentionally to ground in the nearest shallow water. Even at a high rate of flooding, an early warning would have provided time to transmit a "MAYDAY" message.

Survivors Unable to Signal Distress

While they were struggling for survival in the cold water, the survivors saw a tankship, another boat, a helicopter, and various aircraft passing nearby. About an hour after the sinking, the tankship passed within a few hundred yards, so close that the survivors could read its name and that waves generated by it nearly upset their flotation. They attempted to attract attention by waving life preserves and standing up on the buoyancy apparatus but they were unsuccessful.

EPIRB (Emergency Position Indicating Radio Beacon) and pyrotechnic distress signals are commercially available and are required to be carried on certain small passenger vessels. Since these signals are not required on all pleasure craft, and since the operator was probably not aware of this regulation, signals may not have been carried on the COMET. If they were carried, they were probably trapped in the cabin of the sinking vessel. Had pyrotechnic signals been carried on the COMET and stowed so

that they would have been noticed by the passengers and would have floated free of the sinking vessel, the rescue of more persons might have resulted.

Lack of Protection in Cold Water

The COMET sank in water estimated to be 48°F. Although the death certificates of the 12 fatalities gave the probable cause of death as asphyxia due to drowning with no indication of immersion hypothermia (cold water immersion) as contributing, the Coast Guard investigation noted the incapacitating effects of a water temperature less than 50°F. and stated that the cold water "contributed heavily to this loss of life." The Safety Board reviewed the problems of cold water survival and determined that immersion in 53°F. water without adequate protection contributed to the loss of life in the sinking of the M/V MARYLAND. 2/

In reviewing marine casualty reports, the Safety Board has found that it is the common practice of some medical investigators and accident investigators to ignore evidence (i.e., time in water and temperature of water) which supports immersion hypothermia as contributing to the cause of death.

Because of this tendency to ascribe all deaths to drowning even where hypothermia probably preceded drowning, it is not surprising to find that in review of casualty records the Coast Guard did not identify any cases in which loss of life could have been prevented by primary lifesaving devices (e.g., lifeboats or liferafts) which kept the individuals out of the water.

Approximately 5½ hours after sinking, the remaining survivor was recovered in fair physical condition from the water by the Coast Guard. He was wearing a ski jacket manufactured with buoyant materials. This jacket did not provide enough buoyancy to meet Coast Guard requirements. He had selected this jacket because of its light weight and the freedom of movement it afforded, and he wore it regularly when on boats. After entering the water, this survivor did don a Coast Guard-approved life preserver for additional buoyancy. Undoubtedly, the ski jacket's additional thermal protection saved the survivor's life. Experiments conducted at the University of Victoria confirm that partial thermal protection, such as provided by the ski-flotation jacket, will substantially increase survival time. 3/

In most sinking casualties, liferafts would offer the best overall protection by keeping persons out of the water. They would also facilitate rescue by providing a means for persons to stay together and by providing a suitable storage location for signaling devices. A liferaft, equipped with an EPIRB and/or pyrotechnic signals, would have made it possible for most or all of the COMET's passengers and crew to survive.

- 2/ "Foundering of the M/V MARYLAND in Albemarle Sound, North Carolina, on 18 December 1971, with Loss of Life," Marine Casualty Report No. USCG/NTSB-MAR-74-3, National Transportation Safety Board, 11 July 1974.
- 3/ Professor J. Hayward and Dr. M. L. Collis, "New Ideas on How to Survive in Cold Waters," University of Victoria.

PROBABLE CAUSE

The National Transportation Safety Board determines that the probable cause of the sinking of the COMET was major, undetected flooding due to the ingress of water through the deteriorated hull planking. The loss of life following the sinking was caused by the absence of a radio distress call, the absence of signal devices for use by persons in the water, and the lack of adequate equipment to protect the victims from prolonged exposure to cold water.

RECOMMENDATIONS

The National Transportation Safety Board concurs in the Marine Board's recommendation requiring all primary lifesaving devices to keep persons out of the water when the prevailing water temperature is expected to be 60°F. or less. In this regard, the Safety Board does not believe that the Coast Guard's casualty records, which did not support the need for protecting persons in cold water, are sufficiently definitive.

The National Transportation Safety Board recommends that the U. S. Coast Guard:

1. Determine the effectiveness of its public information program as a method of producing awareness by the public regarding the requirements for a Coast Guard Certificate of Inspection for boats carrying more than six passengers. (Recommendation M-15-12) Class II
2. Seek legislation to establish a safety program to provide uniform protection for persons regardless of whether they are being carried for pleasure or for hire aboard boats of larger capacity (e.g., greater than six persons and over 26 feet). Such legislation should include authorization for:
 - a. a boat document system, similar to the system used by owners of private aircraft, for recording of inspections and repairs over the service life of all boats of larger capacity. These records should be maintained by the owner and transferred with the boat at the time of sale;
 - b. an inspection for safety-related deficiencies at the time of transfer of ownership, and the requirement for correction of these deficiencies prior to operation under the new ownership. (Recommendation M-75-13) Class II
3. Seek legislation to require that boats of larger capacity have a means to alert the operator at his control station of unsafe water levels in each decked-over compartment, the flooding of which would result in the sinking of the vessel. (Recommendation M-75-14) Class II



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS:
U.S. COAST GUARD (G-MVI-3/83)
400 SEVENTH STREET SW
WASHINGTON, D.C. 20590
PHONE:

5943/COMET
A-8 Bd
18 OCT 1974

Commandant's Action

on

The Marine Board of Investigation convened to investigate circumstances surrounding the foundering of the Motor Vessel COMET off Point Judith, Rhode Island on 19 May 1973 with loss of life

1. The record of the Marine Board of Investigation convened to investigate subject casualty has been reviewed; and the record, including the Findings of Fact, Conclusions and Recommendations, is approved subject to the following comments and the final determination of the cause by the National Transportation Safety Board.

REMARKS

1. Concurring with the Marine Board of Investigation, the exact source of flooding which caused the sinking of the M/V COMET on 19 May 1973 is unknown. The most probable initial source of flooding was a leak originating in hull planking, the stern tube, a through hull fitting, or piping which caused the vessel to settle and submerge leaking main deck planking which resulted in progressive flooding from boarding seas. The drydock inspection conducted on 19 May 1971 revealed the general poor condition of the hull and the bearings in the shaft log and strut. On 20 May 1971 the vessel's certificate of inspection was surrendered to the Coast Guard and the vessel put up for sale. Since that time there was no Coast Guard certification or inspections involved. It is understood that other than painting in May 1972, there is no indication of any underwater hull repairs performed on the vessel since the winter of 1970-1971.

2. All of the eleven survivors were wearing Coast Guard approved life preservers when rescued. Eleven of the twelve known deceased when found were also wearing Coast Guard approved life preservers. The life preservers worn by survivors and victims for the most part were donned hurriedly prior to abandoning the vessel or put on after entering the water and as such were not completely tied and strapped as designed. Many of the victims and missing persons were seen shortly after the vessel sank clinging to the buoyant apparatus, a small dinghy, and other floating debris. It is considered that the relatively cold water temperatures contributed heavily to this loss of life.

ACTION CONCERNING THE RECOMMENDATIONS

1. Recommendation: That the boating public (passengers and owners) be made more aware of existing laws and regulations covering small passenger vessels by:

- a. Public information programs.
- b. Increased boarding activity by the Coast Guard.
- c. Administrative control and follow-up on vessel's expired, surrendered or revoked certificates of inspection by Officers in Charge of Marine Inspection.

Action: The need to increase the boating public's awareness to existing laws and regulations covering small passenger vessels is concurred with. The following action will be taken:

- a. A public information program is underway to publish a feature article in newspapers and boating magazines pointing out the licensing and inspection requirements for inspected small passenger vessels. To further disseminate these requirements to the public, another program is underway to develop and distribute a pamphlet highlighting the regulatory requirements for Coast Guard inspected small passenger vessels and the required Coast Guard licensing program for their operators.
- b. Routine boarding of vessels carrying large groups of persons has not been carried out in order to prevent unnecessary repetitive Coast Guard inspection of those vessels operating legitimately under small passenger vessel regulations. To better identify and inform the public of those small passenger vessels that are operating legitimately under valid certificates of inspection a distinctive inspection decal that states the expiration date of the vessel's certificate of inspection will be developed and a proposed regulation change will be prepared to require it to be displayed on the windshield or other appropriate location visible to passengers or prospective boarding teams on inspected small passenger vessels.
- c. A practical system of administrative control and follow-up action on vessels operation subsequent to expired, surrendered or revoked certificates of inspection is not feasible at this time. To establish such a system which would encompass vessels undergoing a name change, vessels removed from documentation and registered under a state numbering system, and vessels relocated in a different marine inspection zone would not be possible utilizing current resources. It is felt that the distinctive inspection decal for vessels with current certificates of inspection will adequately enable Coast Guard boarding teams to identify any other vessel suspect of carrying passengers. Also, close scrutiny of waterfront activities and a good rapport with legitimate vessel operators will be maintained in an effort to further deter such vessel operations.

2. Recommendation: Require that all small passenger vessels certificated under the provision of Title 46 CFR Subchapter T and operating on partially protected waters more than one mile offshore or exposed waters, carry an emergency position radio beacon.

Action: The Coast Guard has issued regulations to be effective 1 March 1975 which will require an emergency position indicating radio beacon on small passenger vessels engaged in ocean and coastwise service. After careful consideration of the number of vessel users and the comments received in response to the proposed rules, the implemented regulations specifically exempt those small passenger vessels in coastwise service equipped with a VHF radiotelephone and whose certificate of inspection is endorsed for a route which does not extend more than twenty miles from a harbor of safe refuge.

3. Recommendation: Increase the requirement for primary life-saving apparatus from 50% to 100% of the total persons on board on all small passenger vessels certificated under the provision of Title 46 CFR Subchapter T for Lakes, Bays, and Sounds Service.

Action: A computerized search of casualty records for Fiscal Year 1964 through 1973 identified 150 cases in which an inspected passenger vessel or ferry under 100 gross tons either capsized, flooded, or foundered or was a complete loss from any cause. Of these 150 casualties 9 resulted in loss of life. A review of the 9 casualties disclosed that the addition of primary lifesaving equipment to accommodate 100 percent of those on board would not have been instrumental in saving lives. Therefore, the recommended regulatory change is deemed unwarranted at this time.

4. Recommendation: Require all primary life-saving devices to keep people out of the water when prevailing water temperature is expected to be 60° or less.

Action: A review of casualty records involving inspected small passenger vessels failed to identify any cases in which loss of life could have been prevented if the vessel was equipped with primary lifesaving devices designed to keep the people out of the water. However, there is a realization that should one of these small passenger vessels sink in an area where the sea water temperature is sufficiently cold, present equipment would offer little chance of survival. The need for such equipment as an anticipatory measure will be given further consideration.

5. Recommendation: Consideration be given to either improve Coast Guard approved life preservers or require instruction and training in their proper use by passengers during a voyage or prior to the commencement of a voyage.

Action: Coast Guard approved personal flotation devices of a type that are required on inspected small passenger vessels, if donned properly, are designed to keep the wearer's face out of the water. The recommendation that instruction and training in the proper method of wearing life preservers be given to passengers during a voyage or prior to its commencement is concurred with. Implementing requirements are now being evaluated.

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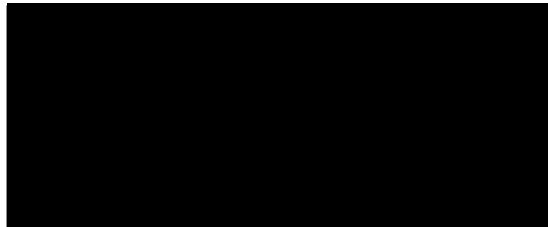
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6. Recommendation: It is recommended that further investigation be conducted under the Administrative Penalty Procedures in relation to the evidence of violation of law by Mr. Jackson.

Action: I do not wholly concur with the Board in solely recommending further investigation under the administrative civil penalty procedures in relation to evidence of violations of law by the owner/operator. I additionally find that there is sufficient evidence in the record of negligent conduct on the part of the owner/operator upon which to base a recommendation for either referral to the Attorney General for criminal prosecution or assessment of a civil penalty pursuant to 46 U.S.C. 1461(d), the reckless operation provisions of the Federal Boat Safety Act of 1971. However, inasmuch as Mr. Jackson is deceased no further action can be taken.



E. L. PERRY
VICE ADMIRAL, U. S. COAST GUARD
ACTING COMMANDANT



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

Address reply to:
U.S. Coast Guard
Washington, D.C. 20590
5943/Marine Board of
Investigation
5 November 1973

From: Marine Board of Investigation
To: Commandant (GMVI)

Subj: MV COMET (O.N. 269242): foundering off Point Judith, Rhode Island on
19 May 1973 with loss of life

Findings of Fact

1. At approximately 0710 hours on 19 May 1973, the MV COMET with a fishing party on board departed Galilee, Rhode Island enroute to the fishing grounds off Block Island for a day of fishing. Shortly after departing Point Judith Harbor, Rhode Island, the vessel encountered heavy seas and at approximately 0800 hours, the COMET foundered and quickly sank by the stern in position 41-16.5N, 71-28.5W. All hands immediately abandoned the vessel. The Captain and passengers clung together in the water utilizing life preservers, buoyant apparatus and flotsam to support themselves. At approximately 1230 hours a passing yacht, the sailing sloop DECIBEL, sighted them and commenced picking up survivors. Captain Lemmerman of the DECIBEL notified the Coast Guard Station at Block Island and an active air, surface, and shoreline search was commenced for survivors. Active search efforts were discontinued on 23 May 1973. Of the 27 persons on board, 11 were rescued, 12 had perished in the sea and 4 are missing. The COMET was not certified by the Coast Guard for the carriage of passengers for hire at the time of the casualty.

2. Vessel data:

NAME:	COMET
OFFICIAL NO:	269242
GROSS TONS:	14.86
NET TONS:	10
SERVICE:	Miscellaneous
REGISTERED LENGTH:	47.7 ft.
REGISTERED BREADTH:	12.8 ft.
REGISTERED DEPTH:	4.0 ft.
DRAFT:	Approximately 2.0 ft.
FREEBOARD (aft):	Approximately 2.0 ft.
PROPULSION:	Diesel, single screw
HORSEPOWER:	165
HOME PORT:	Portland, Me.
BUILT:	1941 Brooklyn, N.Y.
CONSTRUCTION:	Wood
PERSON IN CHARGE/OWNER:	William Jackson 757 High Street Cumberland, Rhode Island 02864
DOCUMENT DESCRIPTION:	Permanent License No. 27 Vessel placed out of documentation following change in ownership
LAST INSPECTION for CERTIFICATION:	Providence, Rhode Island, 26 June 1970 Certificate of Inspection surrendered to OCMI Providence, R.I., 20 May 1971
DATE and PORT:	

3. Dead as the result of asphyxia due to drowning are:

Raymond M. Beaulieu, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R.I. on May 23, 1973.

Gerald F. Beaulieu, age [REDACTED]. He is survived by his father, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R.I. on May 23, 1973.

Roger J. Beaulieu, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R.I. on May 23, 1973.

David A. Martell, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R.I. on May 23, 1973.

John P. Moan, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Greenwood Cemetery, Phoenix, R.I. on May 22, 1973.

Walter J. Girczyc, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R.I. on May 23, 1973.

Walter S. Such, age [REDACTED]. He is survived by his father, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R.I. on May 23, 1973.

Steven B. Gercey, age [REDACTED]. He is survived by his father, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R. I. on May 23, 1973.

Rudolphe O. Doiron, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Notre Dame Cemetery, Pawtucket, R. I. on May 23, 1973.

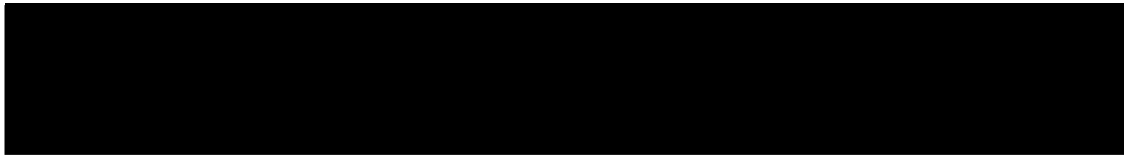
Joseph F. Andrade, Jr., age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in St. Francis Cemetery, Pawtucket, R.I. on May 23, 1973.

Robert M. Athaide, age [REDACTED]. He is survived by his father, [REDACTED]. The body was buried in Mount St. Mary's Cemetery, Pawtucket, R.I. on May 22, 1973.

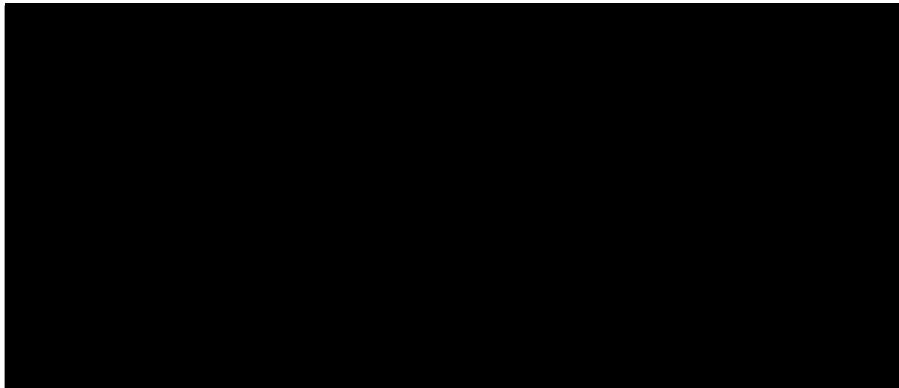
William Jackson, age [REDACTED]. He is survived by his wife, [REDACTED]. The body was buried in Gate of Heaven Cemetery, East Providence, R. I. on May 23, 1973.

5943/028844

Missing are:



Surviving are:



4. Weather:

Sky: Clear
Water Temperature: 48°
Air Temperature: 50°
Seas: Southwest 2-3 ft.
Wind: 10 knots from the southwest
Visibility: Unlimited
Small craft warnings were lowered at 0600, 19 May 1973.

5. The COMET (Ex-Wanderer) was built at the Brooklyn Navy Shipyard by the United States Navy in 1941. The original hull design was that of a standard open deck Navy Liberty Launch of carvel design round bottom construction. In 1955 the vessel was purchased by a Mr. F. Deebold, Jr. of Deebold Boat Yard, Brigantine, N. J. At this time a GM 671 Diesel of 165 horsepower was installed, the hull decked over and a small wheelhouse installed with a trunk cabin aft approximately 10 ft. by 20 ft. The vessel had 1600 lbs. of permanent cement ballast located amidship in the bilges. The vessel had two 120 gallon steel diesel fuel oil tanks located amidships. It had one bilge pump driven from the propeller shaft by belt. The vessel first came under Coast Guard inspection at the Marine Inspection Office, Philadelphia, Penn. in April 1958. The life saving equipment required was one Coast Guard approved adult life preserver for each person on board plus four children's life preservers, also one Coast Guard approved life-ring and one piece of buoyant apparatus for twenty persons. The vessel was certificated to carry 40 passengers with a total number of forty-two persons allowed on board with a crew of one licensed operator and one deck hand. The next year the certificate was changed (at the owner's request) to carry thirty-eight passengers. The vessel was certificated for coastwise operation between the hours of sunrise and sunset and to operate (under reasonable conditions) not in excess of 20 miles to sea

from a safe harbor of refuge between Sandy Hook, N. J. and Indian Inlet River, Delaware. In October 1963, the OCMI, Philadelphia in routine dry dock inspection required all seams to be caulked in the after port quarter section of the vessel above the water line. As the result of routine dry dock examination in October 1964, the OCMI, Philadelphia required the vessel to renew approximately 4 ft. of sheer strake on the starboard side in the amidship area in way of the guard rail. After this the vessel shifted to Portland, Maine. The route of the vessel was changed to Lakes, Bays, and Sounds: Between Cape Elizabeth to Cape Small, Maine under reasonable operating conditions. As the result of routine dry docking examination in May 1969, the OCMI, Portland, required five feet of hull plank, starboard side, to be renewed and the garboard strakes, stern transom along with various butts and seams to be recaulked. Again, as the result of routine drydocking in April 1970 the OCMI, Portland, Maine required the garboard strake, starboard side to be recaulked. Also, two butt joints on the starboard side to be recaulked and to crop out and renew approximately six feet of hull planking starboard side. In May 1970 the COMET changed employment from Portland, Maine to Providence, Rhode Island.

6. On 23 June 1970 Inspection for Certification of the MV COMET was commenced by the Marine Inspection Office Providence, Rhode Island prior to the issuance of a new Certificate of Inspection changing the vessels' route to the Rhode Island Sound area. Certification would be contingent upon the satisfactory completion of 25 deficiencies found during the inspection:

1. Provide a valid FCC Safety Certificate.
2. Provide a painter for the buoyant apparatus.
3. Provide a water light.
4. Provide a line for attaching the water light to the buoyant apparatus.
5. Provide a separate stowage for the children's life preservers.
6. Provide one approved life buoy.
7. Provide a suitable stowage for the water light used with the ring buoy.
8. Provide a discharge hose for the hand portable bilge and fire pump.
9. Secure the loose and hanging electrical cable to the bilge pump and make splice in a junction box.
10. Remove all rubber hose from the main engine driven bilge pump except at points of relative motion and replace with pipe.
11. Install a strainer on bilge suction line in engine room.
12. Provide reach rods for fuel tank shut-off valves port and starboard side.
13. Remove all aeroquip hose and replace with flexible hose or copper tubing.
14. Provide a flame screen for starboard fuel tank vent.
15. Provide a shut-off valve at the engine end of the fuel line on the inlet side of the filter.
16. Extend to a point near the bottom of the bilge one of the aft vents.
17. Permanently mark emergency fuel shut-off valves.

18. Remove all loose and broken excess electrical wires from the vessel.
19. Remove the temporary power taps from the batteries.
20. Properly secure guards around the main engine muffler.
21. Place engine cooling water temperature gauge in proper operating condition.
22. Provide an emergency check-off list.
23. Remove the rubber hose from the suction and discharge side of the toilet and replace with pipe a short section. Six inches of hose may be used at points of relative motion.
24. Remove and replace with pipe the rubber hose on the discharge side of the engine cooling system.
25. Replace the presently installed twenty-inch ring buoy with a 24 inch approved ring buoy.

On 26 June 1970 the vessel was visited by a Coast Guard inspector and the following requirements were found to have been satisfactorily completed; 1 through 17, 20, 21, and 22. The following requirements still remained outstanding: 18, 19, 23, 24 and 25. These outstanding requirements were discussed with the Officer in Charge, Marine Inspection; after which, a temporary Certificate of Inspection was issued to the vessel. The vessel was visited by a Coast Guard Inspector on 22 July 1970. All outstanding requirements were observed to have been satisfactorily completed. A permanent Certificate of Inspection was issued to the MV COMET expiring 26 June 1973. Its route was changed to: Lakes, Bays, and Sounds; between Martha's Vineyard, Mass. to Montauk Point, New York not more than 20 miles from a safe harbor of refuge. Total number of passengers allowed was 38. The total number of persons on board was 40, with a crew of one licensed operator and one deck hand.

7. On 19 May 1971 a routine drydock examination was commenced by the Marine Inspection Office, Providence, Rhode Island at Wickford Shipyard, 125 Steamboat Avenue, North Kingston, Rhode Island. As a result of this the following deficiencies were found in the hull of the COMET by the attending Coast Guard Inspector:

1. The lower fender guard on the port side needed to be refastened.
2. The rubber cutlass bearing in the shaft log and strut bearing is in worn condition and requires replacement.
3. Remove the port lower guard rail and renew third and fourth plank below the sheer.
4. The fifth plank below the sheer on the port side is deteriorated and needs to be renewed. From amidship to transom; a total of two planks.
5. Recaulk scatter butts and seams as necessary.
6. A graving piece is to be installed in the damaged seventh plank below the sheer, port side, in way of forward section of pilothouse.
7. The upper guard rail on the starboard side is in need or repair.
8. The cap rail starboard side abreast of the pilothouse needs to be repaired.
9. A sister frame is to be installed alongside the rotten frame in the forepeak port side.
10. Renew the hull zincs.

11. Open all sea valves for inspection.
12. Drill all docking plugs and replace.
13. Repair cabin door.
14. Repack rudder stuffing box.

a. The COMET has a two-inch tail shaft and during Coast Guard Inspection the attending Coast Guard Inspector found the clearance to be excessive to such a degree that he could "flop it up and down." The fastenings on the COMET are nails and screws. One of each was pulled from the hull and they were found to be in apparent good condition. Testing of the hull was done with a "blunt screwdriver" and in "a couple of places" the Coast Guard Inspector completely penetrated the two-inch planking of the COMET. The only weather deck opening on the COMET is an access hatch to the fore-peak. This is a watertight opening. It consists of a wooden cover, wood-to-wood fitup, with a metal flat bar on the top edge. One other opening is found in the passenger's cabin. It consists of two wooden access hatches over the engine room space.

b. Mr. [REDACTED], Manager of Wickford Shipyard, North Kingston, R. I. where the MV COMET was in storage during the winter of 1970, 1971, 1972, 1973 testified that the only work his yard did was to replace some fuel lines and discharge piping. The yard changed some hoses and pipes to the engine head and exhaust. Also, the bilge pump hose was replaced and two remote fuel line shut-off valves installed. The work done was primarily to comply with the deficiencies found by the Coast Guard Inspector on 23 June 1970. Mr. [REDACTED] stated that no repairs were made by the shipyard to correct the deficiencies found in the hull of the COMET. It was estimated that the required hull repairs would cost approximately \$4,000.00. The owners of the MV COMET, the National Youth Science Foundation, P.O. Box 370, South Orange, N.J., after being advised of the deficiencies in the COMET's hull, decided not to make the repairs and surrendered the vessel's Certificate of Inspection to the Officer in Charge, Marine Inspection, Providence, R. I. on 20 May 1971; after which, they placed the COMET up for sale. On 7 September 1971, Mr. [REDACTED] made his first down payment on the COMET in the amount of \$350.00. On 14 June 1972 Mr. [REDACTED] completed the sale (in the amount of \$2,800.00) and took over ownership of the COMET. At the time of the sale, Mr. [REDACTED] was advised by the National Youth Science Foundation, that the vessel did not have a U. S. Coast Guard Certificate of Inspection.

8. On the evening of 18 May 1973 at approximately 1800 hours [REDACTED] of Central Falls, Rhode Island was picked up by Mr. William Jackson the owner/operator of the COMET, and the two drove to Wickford Shipyard, 125 Steamboat Avenue, North Kingston, Rhode Island where the vessel was tied up. Preparations were then made for the COMET's forthcoming trip to Galilee, Rhode Island where a fishing party; of 25 persons, would board the vessel. It is not known what hour the COMET departed Wickford Shipyard. It arrived at Galilee, Rhode Island at approximately 0700 hours on 19 May 1973. The organizer of the fishing party, [REDACTED], had collected \$10.00 per person and gave Mr. Jackson an advance deposit of \$100 for the use of his boat. At

approximately 0710 hours the vessel departed Galilee, Rhode Island and proceeded to sea via the west jetty of Point Judith Harbor, Rhode Island. After departing the jetty a southerly course was set towards Block Island. Seas were from the southwest at a height of 3 feet. The majority of persons on board had gathered on the stern area with the remainder of the passengers in the main cabin. After being underway for approximately 45 minutes, the vessel was observed by the passengers on the stern to be taking heavy spray and sometimes water over the stern and that the vessel appeared to be slowly settling by the stern. At approximately 0755 hours [REDACTED] went up to the pilothouse to see Capt. Jackson and advise him of this situation. The starboard pilothouse door appeared to be jammed and Mr. [REDACTED] was unable to open it. He shouted to the Capt. "We're taking water" and shortly thereafter the engine stopped. It is not known whether Capt. Jackson stopped the engine or it failed as the result of flooding of the engine room space. Capt. Jackson immediately came out of the port pilothouse door and ordered everybody to put on life preservers and for "everybody to stay with the boat". The life preservers were stowed on the bow section of the COMET. It is estimated that approximately 35 Coast Guard approved life preservers were on board the vessel. Testimony by survivors indicated that everybody was able to put on a life preserver with the possible exception of two or three passengers. Immediately after the engine stopped the COMET swung to port and broached in the seas. The vessel rolled heavily in the seas and quickly assumed a port list and commenced to sink by the stern. Capt. Jackson was able to cast loose the Coast Guard approved buoyant apparatus (box-type) stowed on top the amidship house prior to abandoning his vessel. [REDACTED], who did not survive the casualty, was seen attempting to use the ship-to-shore radio transmitter, but was unable to send a "MAYDAY" message before the COMET went under. As the COMET rolled heavily in the seas and sank by the stern, the amidship house was torn loose from the hull. At approximately 0800 hours the COMET went under and all hands abandoned the vessel.

a. A small dinghy of fiberglass construction floated free from the COMET as it sank. [REDACTED] climbed into the partially submerged dinghy with approximately 5 passengers hanging onto the side of the dinghy. After a short period of time had elapsed Mr. [REDACTED] succumbed to the elements after which it was decided to paddle over to the buoyant apparatus which was floating nearby. It took approximately one half hour to reach the buoyant apparatus after which all passengers abandoned the dinghy for the buoyant apparatus.

b. The following passengers found their way to and were supported by the buoyant apparatus: Capt. Jackson, [REDACTED]
Walter Girczyc [REDACTED]

[REDACTED] as well as three or four other unidentified passengers. Capt. Jackson instructed everybody to "keep our legs and arms moving as much as possible in order to keep circulation going." After about one-half of an hour, [REDACTED] succumbed, approximately 2 hours later, Capt. Jackson succumbed along with Walter S. Such.

c. The following passengers found their way to a small piece of flotsam, a section of the amidship house, approximately 8 feet by 10 feet and were supported by it: [REDACTED]

[REDACTED] and one other unidentified passenger. The buoyant apparatus was seen to be about a quarter to one-half mile away; efforts to paddle over to it proved futile. After approximately three hours in the water, [REDACTED] succumbed along with [REDACTED], Joe Andrade, and David Martell.

d. After about two hours in the water, the group on the buoyant apparatus decided that [REDACTED] and [REDACTED] should make an attempt to reach shore. Utilizing a long wooden bench which had floated free from the COMET, [REDACTED], using it in a surfboard fashion, started to paddle towards shore. After about two hours the yacht DECIBEL, O.N. 539028 sighted them and took them on board.

9. On the morning of 19 May 1973 at approximately 0800 hours, Capt. [REDACTED] of [REDACTED] with a crew of three, left Stonington, Conn. on his sailing sloop DECIBEL enroute to Marion, Mass. While transiting the Point Judith Rhode Island area, Capt. [REDACTED] made a course change to put the wind more on the vessel's stern. At this time he heard voices to windward, and looking up he saw what appeared to be two persons in a kayak. As the DECIBEL closed he saw that they were on a wooden bench and waving to him requesting assistance. At approximately 1230 Mr. [REDACTED] and Mr. [REDACTED] were taken aboard the DECIBEL after which Capt. [REDACTED] called the Coast Guard Station on Block Island and immediately commenced a search for the remaining survivors. The procedure the DECIBEL used for rescuing the survivors was to come up to windward of a group in the water under sail and auxillary motor, stop his engine, and let the yacht drift toward the survivors. This way Capt. [REDACTED] was able to keep them close aboard on his lee side and also offer them some protection from the seas. The DECIBEL's crew would then tie several survivors alongside the yacht in a group. A line was then passed around each survivor's waist and he would be hoisted aboard with a rope tackle which had been rigged to the DECIBEL's main boom. The boom would then be swung inboard and the survivor lowered to the deck. A total of ten survivors were taken aboard in this manner. All survivors had a Coast Guard approved life preserver on. The life preservers the survivors were wearing had no crotch line and in several cases the life preserver had slipped up on the body of the man and was no longer keeping his head out of the water. Two deceased passengers were seen floating in this mode with their face in the water. The group of survivors holding onto the buoyant apparatus had become entangled in the small diameter manrope around the edge of the buoyant apparatus and had to be cut loose by the crew of the DECIBEL. The majority of the survivors still had their shoes on. The Coast Guard 40494 from Point Judith Coast Guard Station arrived on scene at 1253. As the seas were running high, it was decided not to transfer the survivors to the CG 40494 and at 1257 the DECIBEL departed the scene

enroute to Point Judith Coast Guard Station with the survivors. At 1340 the DECIBEL moored at the Coast Guard dock Point Judith Rhode Island and all survivors were transported to the South County Hospital, Wakefield, Rhode Island. The CG 40494 remained on scene to continue rescue operations.

10. At approximately 1230 on 19 May 1973 the Coast Guard Station at Point Judith Rhode Island overheard the yacht DECIBEL calling the Coast Guard Station at Block Island by radio stating that they were picking up survivors from the COMET at an estimated position 3-4 miles due south of Point Judith Light (LLNR 798). At 1233 the Officer in Charge of Point Judith Coast Guard Station diverted the CG 40494 to the scene and requested the yacht DECIBEL to continue picking up survivors until the CG 40494 arrived. At 1253 the CG 40494 arrived on scene and commenced search operations. At 1257 the yacht DECIBEL departed the scene. At 1310 the CG 40522 from the Coast Guard Station at Castle Hill Rhode Island arrived on scene and shortly thereafter rescued [REDACTED]. Mr. [REDACTED] was in fair condition and requested to stay aboard the boat in order for it to continue the search for the remaining survivors. At 1314 the CG 44352 from the Coast Guard Station Point Judith arrived on scene. At 1355 the CG helicopter 1482 from the Coast Guard Air Station, Cape Cod, Mass. landed at Point Judith Coast Guard Station with two bodies. Five United States Navy Helicopters: the 441, 449, 550, 447 and 404 on a training mission overheard the search and rescue traffic on radio and volunteered their assistance. The Navy aircraft marked bodies by smoke flares and searched the perimeters of the area. At 1325 the CG 44349 from Block Island Coast Guard Station arrived on scene and from 1337 to 1340 a total of four bodies were picked up and taken to the Coast Guard Station at Point Judith. From 1347 to 1350 the CG 44352 picked up three bodies. and took them to the Coast Guard Station at Point Judith. At 1350 the CG helicopter 1482 landed at Point Judith Coast Guard Station with three bodies. At 1430 the CG helicopter 1438 from the Coast Guard Air Station Cape Cod, Mass. hoisted Mr. Luchka from the CG 40522 and transported him to the Point Judith Coast Guard Station. At 1435 the Coast Guard helicopter 1482 vectored the CG 44349 to the hull of the COMET. The CG 44349 placed a towline on the bow section of the hull, however, the line parted and the hull sank at approximately 1500 hours. At approximately the same time, the CGC Point Jackson arrived on scene and shortly thereafter marked the COMET's position with a buoy. At 1645 the CG 44352 and the CG 44349 terminated their search operations and returned to Point Judith to remove the bodies that they had taken on board. At 1608 the U. S. Navy Helicopter 403 lowered four U. S. Navy Scuba-divers to the CGC Point Jackson. Diving operations were commenced at 1805 to locate the hull of the COMET. At 1944 all diving operations were terminated with negative results. All bodies taken to the Coast Guard Station at Point Judith were transported to the South County Hospital, Wakefield, Rhode Island by personnel of the Narragansett Bay Rescue Squad. A shoreline search for bodies was conducted by personnel from the Dept. of Natural Resources, Rhode Island and Rhode Island Police with negative results. At the end of the day, 11 survivors were rescued and 12 bodies had been picked up for a total of 23 accounted for with four persons missing. All survivors had Coast Guard approved life preservers on. All bodies had Coast Guard approved life preservers on with but one exception.

It is undeterminable whether or not the four missing persons had a Coast Guard approved life preserver on or not. An active air and surface search was maintained for the four missing persons until approximately 2000 hours on 21 May 1973. Throughout this period the CGC Towline using side scanning sonar and assisted by U. S. Navy scubadivers searched to find the hull of the COMET but met with negative results. The CGC Towline secured its operations at approximately 1700 hours 23 May 1973.

11. The MV COMET was equipped with a Bendix, Skipper 430, marine radio transceiver with three working frequencies: 2182 KHz, 2638 KHz and 2406 KHz. The vessel had a valid Communications Act Safety Radio-telephone Certificate on board issued by the Federal Communications Commission on 24 August 1971. The certificate was valid until 24 August 1973. It is not known if Mr. Jackson had a Federal Communications Commission operator's license authorizing use of the radiotelephone installation on board the COMET. Further, it is undeterminable whether or not the radio transceiver was in satisfactory working condition at the time of the casualty.

12. The MV COMET, O.N. 269242, of Portland, Maine was issued Permanent License #27 (for Vessels under 20 tons) at Portland, Maine on 22 June 1967. The corporate owner of the COMET was the National Youth Science Foundation; the officer taking the oath for the corporation was [REDACTED], Secretary-Treasurer. At the time the COMET was sold, Mr. [REDACTED] advised Mr. [REDACTED] to have the vessel's license amended to reflect his ownership. Mr. [REDACTED] after purchasing the COMET failed to have the vessel's license changed. Mr. [REDACTED] surrendered the vessel's license to the USCG Documentation Officer at Portland, Maine on 12 October 1972.

- a. 46 USC 251 required the MV COMET to be licensed for the coasting trade.
- b. 46 USC 319 authorized a \$30.00 fine for each trip made without a license.

13. The MV COMET on the morning of 19 May 1973 was carrying passengers for hire; therefore, under the provisions of 46 USC 390c the vessel was required to be certificated by the Coast Guard. 46 USC 360d authorizes a penalty of not more than \$1,000.00 against the owner or person in charge for carrying passengers without a valid Coast Guard Certificate of Inspection. Under the provision of 46 USC 390b and the regulations promulgated thereunder, the person in charge of the MV COMET, Mr. Jackson, was required to have a Coast Guard Operator's License. Again, 46 USC 390d authorizes a penalty of not more than \$1,000.00 against the owner/person in charge for operating a small passenger-carrying vessel without a Coast Guard Operator's License. Mr. [REDACTED] did not hold such a license.

14. Twenty-two Coast Guard approved adult life preservers were recovered from the MV COMET: thirteen adult's kapok life preservers, Coast Guard approval 160.002/6/1; seven adult's kapok life preservers, Coast Guard approval 160.002/78/0 and one adult's balsa wood life preserver, Coast Guard approval 160.004/3/0. Five Coast Guard approved children's life

preservers were recovered: three children's kapok life preservers, Coast Guard approval 160.002/79/0; one child's kapok life preserver, Coast Guard approval 160.002/91/1 and one child's kapok life preserver, Coast Guard approval 160.002/68/0. Three Coast Guard approved buoyant vests were recovered: one adult's kapok buoyant vest, Coast Guard approval 160.047/390/0; one adult's kapok buoyant vest, Coast Guard approval 160.047/354/0 and one adult's kapok buoyant vest, Coast Guard approval 160.047/417/0. A total of 30 personal flotation devices were recovered. All personal flotation devices were found to be in serviceable condition. The Board of Investigation received evidence that some of the Coast Guard approved adult's life preservers, for reasons unknown, apparently worked their way up on the bodies of the deceased and, as such, were unable to keep the faces of the deceased out of the water.

a. The COMET was equipped with one 24- inch unicellular plastic ring buoy, Coast Guard approval 160.050/2/0. The life buoy was in serviceable condition.

15. The MV COMET had one Coast Guard approved buoyant apparatus (box-type) on board. The buoyant apparatus carrying Coast Guard approval number 160.010/63/0 and was designed to support twenty persons in the water. The color of the buoyant apparatus was international orange; it measured 72"x48"x10" and was of flat-sided construction with round edges and corners. It was found to be equipped with a polyethylene 1/4" diameter life line instead of a 3/8" (minimum) diameter life line as required for the specification for buoyant apparatus. It is undeterminable when the 1/4" diameter life line was installed on the buoyant apparatus. In view of the above, the buoyant apparatus was not found to be in serviceable condition. The Board of Investigation received evidence that the small 1/4" life line was difficult for the survivors to hold onto and the flat surfaces of the buoyant apparatus offered little assistance to a survivor for maintaining or supporting himself alongside or on top of the buoyant apparatus.

a. The vessel was equipped with a fiberglass dinghy having a length of 7'11", a beam of 4'11" and a depth of 1'6". The dinghy had two thwarts, one in the bow and one in the stern. Under the stern thwart a section of styrofoam 23"x4"x6" was installed. Under the bow thwart, two sections of styrofoam were installed, one 24"x4"x6" and the other 16"x4"x6". The dinghy was found to be in serviceable condition.

16. The debris recovered from the MV COMET was primarily from the amidship house and pilot house section of the vessel and it consisted of the following:

- (a) One section of spray rail or rub rail, approximately 10' x 4' x 1-1/2", still had nails and screws in it which had pulled out from the hull. These, for the most part, were in a moderate degree of deterioration. The rail itself was in a semi-rotted condition.
- (b) two wooden engine room hatch covers, each approximately 7' x 2' were in excellent condition.
- (c) one wooden bench, approximately 9' in length, was in excellent condition.
- (d) one section of roof from the amidship house, approximately 8' x 12', was in excellent condition.
- (e) one side section of the amidship house, approximately 6' x 6', was in excellent condition.
- (f) one section of roof from the pilot house, approximately 6' x 8', was in excellent condition.

(g) one small section of roofing, approximately 4" x 10", believed to be part of the pilot house, was found to be in an advanced state of deterioration:
(h) the windows recovered from the amidship house were of shatter proof construction. The pilot house and amidship house were primarily fabricated of 2" x 4" support members with 3/8" plywood facing. No structural members of the COMET's hull were recovered. Lifesaving apparatus recovered has been described in previous sections of this report.

17. From the United States Commercial Fishing Vessels study, Volume I, Fig. VIII-I, the time of life expectancy in water with no exposure suits on indicates at 50°F. water temperature 50% expectancy of unconsciousness, which will probably result in drowning at an exposure time of from 1 hour to 3-3/4 hours. Beyond the 3-3/4 hours exposure time, a 100% expectancy of death is indicated by the Table.

- Conclusions -

1. The exact cause of the MV COMET's sinking remains undeterminable.
2. The most probable cause of the casualty was that the seams/butts of the MV COMET opened up causing the vessel to founder and sink by the stern. An additional probable cause was the ingress of water into the hull of the COMET through the stern tube.
3. That the following passengers met their demise as the result of asphyxia due to drowning: Raymond M. Beaulieu, Gerald F. Beaulieu, Roger J. Beaulieu, David A. Martell, John P. Moan, Walter J. Girczyc, Walter S. Such, Steven B. Gercey, Rudolphe O. Doiron, Joseph F. Andrade, Robert M. Athaide, and William Jackson.
4. Missing and presumed dead are: [REDACTED]
5. This casualty could possibly have been prevented had the required repairs been completed and the vessel kept under U. S. Coast Guard Certification.
6. This loss of life could have been prevented or the effects of it minimized had the personnel aboard the COMET been able to send a "MAYDAY" radio message prior to abandoning.
7. That this loss of life could have been prevented or minimized had the vessel been equipped with primary life-saving equipment with a capacity of 100% of the total persons allowed on board instead of 50% and of a type which would keep people out of the water.
8. That this casualty could have been prevented or minimized had Mr. [REDACTED] been more aware of the laws and regulations concerning licensing and certification of passenger boats prior to soliciting people for the fishing trip.
9. That Mr. Jackson knew of the required repairs and deficiencies in the hull.
10. It is undeterminable whether or not Mr. Jackson was aware of his responsibility to have an operator's license and to have his vessel certificated.
11. Mr. Jackson was aware of his responsibility to have the vessel's license amended reflecting his ownership.
12. That the yacht DECIBEL's timely arrival on the scene prevented further loss of life.
13. That this tragedy might have been mimized had an emergency position indicating radio beacon been installed on the COMET.

14. There is evidence of violation of law on the part of Mr. Jackson in that he operated the MV COMET without a Coast Guard Certificate of Inspection, operator's license, and without proper documentation.

15. That Coast Guard approved adult life preservers did not keep some of the passenger's faces out of the water due to either lack of training or knowledge by individuals in how to properly wear a life preserver or by fault of design.

- Recommendations -

1. That the boating public (passengers and owners) be made more aware of the existing laws and regulations covering small passenger vessels by:

- a. Public information programs.
- b. Increased boarding activity by the Coast Guard.
- c. Administrative control and follow-up on vessel's expired, surrendered or revoked Certificate of Inspections by Officers in Charge of Marine Inspection.

2. Require that all small passenger vessels certificated under the provision of Title 46 CFR subchapter T and operating on partially protected waters more than one mile offshore or exposed waters, carry an emergency position radio beacon.

3. Increase the requirement for primary life-saving apparatus from 50% to 100% of the total persons on board on all small passenger vessels certificated under the provision of Title 46 CFR subchapter T for Coastwise or Lakes, Bays, and Sound service.

4. Require all primary life-saving devices to keep people out of the water when prevailing water temperature is expected to be 60° or less.

5. Consideration be given to either improve Coast Guard approved life preservers or require instruction and training in their proper use by passengers during a voyage or prior to the commencement of a voyage.

6. It is recommended that further investigation be conducted under the Administrative Penalty Procedures in relation to the evidence of violation of law by Mr. Jackson.

[REDACTED]
J. W. YAGER
CAPTAIN, U. S. COAST GUARD

[REDACTED]
A. G. MORRISON
CAPTAIN, U. S. COAST GUARD

[REDACTED]
E. J. SULLIVAN
COMMANDER, U. S. COAST GUARD