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

Subj: Marine Board of Investigation, SS PENOBOCOT, tug M/V DAUNTLESS NO. 12 and tank barge MORANIA NO. 130, collision, Buffalo River, 29 October 1952, 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 1952, the SS PENOBOCOT, 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, southwesterly 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 PENOBOCOT, when approaching the intersection of the Outer Harbor blew a warning bend 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 PENOBOCOT 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 PENOBOCOT 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 Wheel'sman on board the PENOBOCOT. The weather conditions at the time of this casualty were: visibility good, wind SSW, 20 miles, and no sea.
Chief, NVI Division to Commandant

3. The Board made the following Findings of Facts

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

"2. The SS PENDOBCOT's Official No. is 196295. She is a bulk freighter of 972 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. 235090, 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 PENDOBCOT 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 PENDOBCOT, the TB MORANIA NO. 130 and the MV DAUNTLESS NO. 12 were enveloped in flames.
"10. The following personnel are dead or missing from the vessels indicated:

<table>
<thead>
<tr>
<th>Vessel</th>
<th>Rank</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>SS PRAIRIE</td>
<td>D</td>
<td>Louis E. Garrett, Master</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>Roy Richardson, Deckhand</td>
</tr>
<tr>
<td>MV DAUNTLESS NO. 12</td>
<td>M</td>
<td>George Edward Van Strauburg, Mate</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>Bill Eng, Chief Engineer</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>Clifford A. Rank, First Assistant</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>Harold Holt, Deckhand</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>Alfred Aaseth, Deckhand</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>Arthur Reilly, Cook</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>Walter Brown, Oiler</td>
</tr>
</tbody>
</table>

(One burned body, not identifiable, found on board the MV DAUNTLESS NO. 12)
"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 1,500 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.
Chief, LVI Division to

Commander

27 March, 1953
(In Unless No. 12 -
Morania No. 130 -
Peinescot - 2-9 Bd)

"19. The SS PENDOSCOT had a lookout on the forecastle head
who warned the Master of the SS PENDOSCOT as soon as he sighted
the MV DAUNTLESS No. 12 and TB MORANIA No. 130 when the SS
PENDOSCOT was an estimated 100 feet from the TB MORANIA No. 130.

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

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 Lock 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
PENDOSCOT outward bound on the Buffalo River on a collision
course with his own unit.

"2. This failure to observe the SS PENDOSCOT 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 PENDOSCOT 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 PENDOSCOT realized the situation.

"4. The one blast sounded by the SS PENDOSCOT 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 breaking 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 PENDOSCOT and fatally injured an undetermined
number of people on the TB MORANIA No. 130 and MV DAUNTLESS No. 12.

- 5 -
Chief, NAVY Division to
Commandant

"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 ob-
served the SS P. NOBSCOT 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 P. NOBSCOT 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."

The Board made the following Recommendations:

"1. It is recommended that proceedings be initiated toward
suspending or revoking the license of [redacted] Master of the MV DAUNTLESS NO. 12, for gross neglect displayed
upon this occasion (46 USC, Sec. 239) (RS 4450), (Sec. 9-5-3C AMSM).
In this connection a charge of misconduct, alleging two spec-
fications, 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.
MVI
27 March, 1952
(DAUNTLESS NO. 12 -
 MORANIA NO. 130 -
 PENDOSOT - s-9 Ed)

Chief, MVI REVISION to
Commodore

1. It is also recommended that Penn No. 3, Inc., owners of
the tank barge MORANIA No. 130 be cited for violation of 46 USC
391a(7) & 447a, failure to comply with the marking requirements
specified on the certificate of inspection. Form CG 2696
"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
(PENDOSOT - MORANIA
NO. 130 - DAUNTLESS
NO. 12 - s-9 Ed)

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

Subj: Marine Board of Investigation; collision involving SS PENDOSOT,
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.
90.18(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.
Chief, MVI Division to
Commandant

"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 meeting 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 326-1 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 7-3-9F(3) of the EMS 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.

By direction

"30 January, 1952
A17-6

"From: Captain Harold G. 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
(a) CDR 9th CDD 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).
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 T.B. 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 bell signal was a violation of 33 C.F.R. 90.6.

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

"/s/ Chairman"

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 NVI (MORANIA NO. 140 - 0-9), dated 4 January 1952.
27 March, 1952

Chief, (VI) Division to
Commandant

8. The failure of the DAUNTLESS NO. 12 to have a lookout properly posted, to blow a timely horn 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. OYENDEK

P. A. OYENDEK

1 April, 1952

Ind-1

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
Vice Adm., U.S. Coast Guard
Commandant