

UNITED STATES COAST GUARD
WASHINGTON, D. C.

MVI
26 November 1952
(LOMPOC - VICTOR H.
KELLY - a-12 Ed)

From: Chief, Merchant Vessel Inspection Division
To: Commandant
Via: Chief, Office of Merchant Marine Safety
Subj: Marine Board of Investigation; explosion and fire tank
vessels LOMPOC and VICTOR H. KELLY, Oleum, California,
12 July 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 12 July 1952, the tank vessel VICTOR H. KELLY of 8,186 g.t., built in 1940, and the tank vessel LOMPOC of 10,448 g.t., built in 1945, were alongside Union Oil Company of California wharf "A" at Oleum, California, discharging their respective cargoes. The weather was - westerly wind, force 5 to 8 knots, good visibility and it was not a warm day. At approximately 11:50 a fire of undetermined origin was discovered underneath the dock, which fire became uncontrollable and spread to the two tank vessels alongside. The damage to the LOMPOC was estimated at \$156,000 and the damage to the VICTOR H. KELLY was \$1,817,500. Three crew members were injured and the following named persons lost their lives as a result of this casualty:

Eugene J. Fulton, Master, SS VICTOR H. KELLY, 10415
S. Denker St., Los Angeles, California;

Thomas W. A. Liggins, Radio Operator, SS VICTOR H. KELLY,
1030 El Centro Ave., Napa, California; and

Hollie N. Yarger, Wiper, SS VICTOR H. KELLY, 1036
McFarland Ave., Wilmington, California.

3. The Board made the following Findings of Fact:

"1. On Saturday, 12 July 1952, at 1150 hours, Pacific Daylight Time, a fire broke out on the Union Oil Company of California wharf "A" at Oleum, California, and spread rapidly across the wharf to the

VICTOR H. KELLY and the LAMPLOC. The master and two crew members of the VICTOR H. KELLY lost their lives and that vessel was a total loss. Three crew members of the vessels were hospitalized for injuries. Those who lost their lives were:

- a. Eugene J. Fulton, Master, SS VICTOR H. KELLY, 10415 S. Denker St., Los Angeles, California;
- b. Thomas W. A. Liggins, Radio Operator, SS VICTOR H. KELLY, 1030 El Centro Ave., Napa, California; and
- c. Rollie N. Yarger, Wiper, SS VICTOR H. KELLY, 1036 McFarland Ave., Wilmington, California.

"2. The vessels involved were:

- a. SS VICTOR H. KELLY, official No. 239286, built of steel at Sparrows Point, Maryland, in 1940. It was a steam gear turbine single screw tank vessel of 3,500 horsepower and 8,186 gross tons. It was last inspected and certificated at Los Angeles, California, on 31 May 1952. The vessel's home port was New York, N. Y., and it was owned by Peninsula Carrier Corporation, 24 State St., New York, N. Y., and was operated by Union Oil Company of California, 617 West 7th St., Los Angeles, California, at the time of the casualty. Tanks Nos. 1, 2 and 3, port center and starboard, were forward of the midship house and tanks Nos. 4, 5, 6, 7 and 8, port, center and starboard, were aft of the midship house. The engine room space and port and starboard bunker tanks were aft.
- b. SS LAMPLOC, official No. 248653, built of steel at Portland, Oregon, in 1945. It is a steam driven turbine electric single screw, T-2 type tank vessel of 6,000 horsepower and 10,448 gross tons. It was last inspected and certificated at Los Angeles, California, on 13 June 1952. Los Angeles, California, is the vessel's home port and its owner is Union Oil Company of California, 617 West 7th St., Los Angeles, California. Tanks Nos. 1, 2, 3 and 4, port, center and starboard, are located on the forward deck. Tanks Nos. 5, 6, 7, 8 and 9, port, center and starboard, are located on the after deck abaft the midship house.

"3. The weather at the time of casualty was: wind--westerly, force 5 to 8 knots; overcast; good visibility and a slight chop on the water. It was not a "warm" day.

Chief, MVI Division to
Commandant

MVI

26 November 1952

(LOMPOC - VICTOR H. KELLY - a-12 Bd)

"4. Wharf "A" (See Exh. C) extends in an ENE and WSW direction (USC & CS Chart No. 5525). The VICTOR H. KELLY was port side to on the southerly side, heading up stream. The LOMPOC was port side to on the northerly side, heading down stream. Both vessels were well secured with manila and wire mooring lines. Each vessel had an anchor down to assist in mooring and departing from the wharf. The LOMPOC had the 15-fathom shackle of its starboard anchor on the windlass. The VICTOR H. KELLY had the 15-fathom shackle of its port anchor in the water. Both vessels carried a cargo of mixed light and heavy gravity crude oils and were each discharging through two hose connections. The VICTOR H. KELLY was nearly discharged and was prepared to leave within the hour. The LOMPOC, having arrived earlier on this morning, was not yet half discharged. It was the custom and practice of the vessels to always keep the individual tank compartment steam smothering valves closed to avoid contamination of cargo, and such was the case at this time. The distance between the vessels across wharf "A" was 80 feet (See Exh. C).

"5. The Union Oil Company wharf "A" and adjacent pier were constructed of wood with main pipe lines running underneath the dock planking. On each side of the dock, at various distances apart, were "riser pits" where branch pipe lines extended from the main pipe lines to above the level of the dock to which vessel hose connections were made. The riser pits were fitted with drip pans below the level of the dock and this space was accessible by removing unsecured planking at the dock level.

"6. At about 1120 hours on 12 July 1952, a Union Oil Company bulk-loader named Thomas G. Atkins boarded the LOMPOC for lunch. At this time, on the dock, the Union Oil wharfinger No. 2, had just completed circulating gasoline lines to clear them of contamination preparatory to loading 3,000 barrels of Union "7600" gasoline on the LOMPOC. This operation took place in the vicinity of the riser pit just west of the one to which the LOMPOC's hoses were connected (Exh. C). The hose was blown before disconnecting and when it was disconnected a negligible amount, if any, gasoline was spilled. Either during or after the disconnection was made, wharfinger No. 2 dropped a wrench between the dock planking into the riser pit. After he removed the dock planking to recover the wrench, Atkins returned from lunch to relieve wharfinger No. 2 for his lunch and offered to obtain the wrench. The exact time of this was not established. Wharfinger No. 2 (Mr. Petersen) went on board the LOMPOC for lunch. Atkins went down into the riser pit near

Chief, WVI Division to
Commandant

WVI
26 November 1952
(LOMPOC - VICTOR H. KELLY A-12 Bd)

the southwest corner and proceeded under the dock level to the north edge of the riser pit where he recovered the wrench and also picked up four or five nuts from the drip pan. The drip pan was covered to a height of about 1/4 inch with oil. Atkins claims as he was backing out of the riser pit and was near the southwest corner of the pit, he was looking toward the northeast corner of the pit and saw a fire at that corner of the pit. He claimed when he saw it the flame was about 12 to 18 inches high over an area less than 2 feet in diameter (Rpt. C- Page 226 of record). The time was 1150 hours. Atkins claims it was only a matter of 30 to 40 seconds for him to recover the wrench (Page 226). However, it must have been longer since Mr. Peterson, whom Atkins relieved, was on the LOMPOC having lunch (Page 160). The flame spread rapidly across the drip pan. Atkins jumped out of the pit, ran to the Wharfinger's office on the dock and dialed the fire alarm number on the telephone.

"7. On board the LOMPOC able seaman Robert Use, who also holds an unlimited Second Mate's license, was on watch. He was standing on the port side of the after main deck looking for a deck man to get him a newspaper. Use saw the fire start from under the deck in the riser pit about 10 or 11 feet opposite him. He did not see Atkins prior to or at this time. Use immediately yelled "fire!" and ran aft and passed the alarm (Pages 205-208). Cargo pumps were shut down; after mooring lines were let go; No. 3 lifeboat was readied; main engine readied; fire hoses run out; ullage openings closed; and steam cushioning line opened to No. 5 port tank. The fire spread rapidly to the LOMPOC and within one to three minutes had spread to the VICTOR H. KELLY. The majority of the crew of the LOMPOC abandoned ship in No. 3 lifeboat and by jumping overboard and jumping to the deck. The lifeboat picked up survivors from the water. Some of those who jumped to the deck attempted to let the headlines of the VICTOR H. KELLY go but found nothing available to cut the lines. The Master and eight crew members remained on board the burning LOMPOC. Within 3 to 3 1/2 minutes after the fire started the Master carried away headlines by operating the main engine half speed astern and manoeuvred his vessel to anchor in the stream. Those crew members remaining on board were reported to be:

- a. Henry J. Kostomal, Master, 9611 LaSalle Ave., Los Angeles, Calif.
- b. Frank C. Dolocater, 1st Asst. Engr., 5551 Panama Blvd., Los Angeles, California
- c. Elmer C. Kaiser, 3rd Asst. Engr., 1267 McFarland, Wilmington, California
- d. Otis H. Denney, A.B., 305 1/2 Dennison Ave., San Pedro, Calif.
- e. George Chatbel, oiler, 2841 Bonds Ave., Long Beach, Calif.
- f. Carl Lane, oiler, 1107 Weeks Ave., Superior, Wisconsin
- g. John F. Stine, oiler, 2633 Troy Ave., Del Norte, Calif.
- h. John F. Kelly, F/W, 707 North Beece, Burbank, Calif.
- i. Richard M. Tapnays, seaman, 24536 Hamlin St., Van Nuys, California

Chief, MVI Division to
Commandant

MVI
26 November 1952
(LONPOC - VICTOR H. KELLY a-12 Bd)

"8. At about 1300 hours the LONPOC's lifeboat, in charge of the 3rd Mate, returned to the vessel at anchor in the stream and assisted those on board to fight the fire. A fireboat from Mare Island Navy Yard, as well as a Navy tug, arrived alongside the LONPOC and at about 1530 the fire was extinguished. Damage to the LONPOC amounted to about \$156,000. Two crew members were injured. One suffered strained knee ligaments from jumping to the dock and the other suffered a fractured rib handling a fire hose on the vessel.

"9. On board the VICTOR H. KELLY, the Chief Mate was on deck when he heard a yell of "fire!" He saw the fire in its first stage in the pit and ordered cargo pumps shut off. He went to the bridge, rang the general alarm, notified the engine room for full pressure on fire pumps, called the radio operator and Master, ran out a fire hose for the radio operator to man, ordered ullage openings closed and directed other crew members to all fire hoses. The Boatswain and other crew members cleared No. 3 lifeboat away for lowering, swung it out and started to lower it. The Second Mate observed the pumpman opening steam smothering valves to the tanks in the vicinity of No. 6 tanks. The mooring lines aft were thrown off and the Master was aft ordering the main engine astern in an attempt to carry away the forward mooring lines. The fire, aided by the wind, spread rapidly to the vessel and broke out on board when the stern drifted down and the cargo hose connections broke. Shortly thereafter tanks exploded on the forward deck followed by another explosion on the after deck. The Master, Eugene J. Fulton, ordered the vessel abandoned. Then he went to the after deck where he collapsed and died of a heart attack. The explosions broke the main fire lines and remaining manned hoses were abandoned.

"10. The radio operator, Thomas W. A. Higgins, was last seen manning the fire hose on the midship boat deck with the fire very close. His body was later recovered and it was established he died by drowning. A wiper, Nellie N. Yarger, was last seen and heard calling from the water off the starboard side of the vessel (See Encl. "A"). His body was later recovered and it was determined he died by drowning.

"11. The other crew members abandoned the VICTOR H. KELLY off the stern into the water. Some slid down lines as others jumped. Most all obtained and wore life preservers. They were picked up from the water by three or four privately owned smaller vessels and taken ashore. The last crew members to leave the vessel were the five engineers. They had shut the fires off the boilers and lowered the Master's body to a small tug boat before leaving the vessel.

12. The VICTOR H. KELLY is considered a total loss amounting to \$1,800,000 to the vessel and \$17,500 to cargo. The only crew member injured, who required hospitalization in excess of 72 hours, was Albert H. Sheehan, wiper, who suffered a heart attack. Several other crew members suffered minor injuries in the nature of slight burns, rope burns and shock.

13. Both the LAFPOC and VICTOR H. KELLY were provided with high velocity foam spray nozzles and low velocity applicators as well as with foam proportioning equipment. None of this equipment was used and the solid stream directed at the fire from the VICTOR H. KELLY had no appreciable effect upon it. None of the portable fire-fighting equipment provided on the dock was used. Later, two fire main monitor nozzles, adjusted to between 5 and 10 degrees of spray to cover the dock, successfully confined the wharf fire. Other fire-fighting equipment which reported to the dock were Hodeco fire trucks Nos. 4, 5 and 6; Crockett fire trucks Nos. 10, 12 and 14; Richmond fire truck No. 4795; Coast Guard trucks Nos. 12413, 12531, 12535, 12537 and 12594. Vessels which assisted to fight the fire on the VICTOR H. KELLY were Coast Guard vessels CGC CALIFORNIA (YT-86), CG-40344, CG-40385, CG-40426, CG-40427, CG-40462, CG-40644, CG-83391 and CG-83453; Navy vessels YT-407, YTB-278, YTB-264, YTB-176; other vessels, PORT OF OAKLAND (Oakland fireboat), DAVIS S. CARRILL (San Francisco fireboat), RELIANT and SAN JAMES.

14. When Union Oil Company bulkloader Thomas G. Atkins first testified before the Board of Investigation (Page 140) he stated that he first saw the fire blaze up between the side of the LAFPOC and the dock. This conflicted with testimony of other witnesses. Because of the investigation being conducted in this case by Union Oil Company of California, Atkins was not recalled before the Board until after his employment with them had terminated. On 14 August 1952, Atkins was subpoenaed at Modesto, California, to appear again before the Board of Investigation (Page 221). This testimony brought out the following facts regarding Atkins:

- a. That he is now 28 years of age, married and has a son 2 1/2 years.
- b. That he perjured himself in his previous testimony before the Board and lied regarding the fire to every other person who interrogated him.
- c. That he smokes cigarettes but did not have a smoke after lunch on the LAFPOC.
- d. That he was in the habit of smoking in the Wharfinger's office on the dock, knowing it to be unauthorized and against company rules.
- e. That he was interrogated in this matter by the FBI.

- f. That he was a juvenile delinquent.
- g. That when he was in the Bay he was apprehended and convicted for stealing 3 automobiles.
- h. That he served 2 years in Atlanta and Leavenworth Federal Prisons for the above (g) offenses.
- i. That he has escaped arrest several times.
- j. That he was convicted for assault in Modesto, California.
- k. That he deliberately lit a book of matches and threw them in a racetrack spill which fire resulted in the destruction of the 'Wagles & Moore track station terminal at Modesto, California.
- l. That he deliberately burned his automobile for insurance money at Modesto, California, and was never apprehended for it.
- m. That he submitted to a lie detector test regarding this fire and that the results indicated he lied and knew more about the fire than he told.

"15. Dr. Douglas M. Kelley, physician and psychiatrist of 44 Highgate Road, Berkeley, California, was contacted by telephone regarding his interview with and tests conducted on Atkins. A copy of his report is submitted as an enclosure in this case."

k. The Board made the following Conclusions:

"16. The actual cause of the fire on the dock could not be determined in fact. Possible and probable causes which were considered during the investigation were:

- a. A spark from striking the wrench retrieved by Atkins from the riser pit.
- b. Burning tobacco embers or match thrown from the L-100 on the dock.
- c. A spark from the L-100's bonding cable connection on the dock.
- d. A short circuit in the dock wiring.
- e. That it was started either intentionally or unintentionally by Thomas G. Atkins.

"17. There is no evidence in the record to support (a) through (d) above as probable causes of the dock fire. Conversely, the evidence, though circumstantial, that Atkins started the fire is strong. It is the consensus of the Board that Atkins did start the fire in the riser pit under the dock level. The Board's conviction of this was made stronger by Atkins' demonstration of evasiveness, untruthfulness, lack of enthusiasm and interest in response to questions put to him by the Board. It is obvious that Atkins will not now, or later, confess to starting this fire since he fully realizes the consequences of such an admission.

26 November 1952

(LXPOC - VICTOR H. KELLY a-12 00)

"18. Atkins' first testimony of lies while under oath before the Board might well have resulted in false findings of fact and conclusions had it not been for the credible testimony of Able Seaman Robert Use who was standing on the deck of the LXPOC and saw the start of the fire. It is concluded that Atkins was in the wiper pit under the deck planking at this time and that the reason Use did not see Atkins was because he (Use) ran aft to pass the alarm at the same time Atkins jumped out of the pit and ran to the Quartermaster's office.

"19. The small fire on the oil soaked deck, fanned by the westerly breeze, spread into a conflagration and to the vessels so rapidly it must indeed have been terrifying to the crew members on board. The licensed officers and certificated personnel of both vessels, on a whole, acted in an exemplary manner during the emergency. All proper and possible action was taken by them and no one was considered negligent or otherwise subject to disciplinary proceedings under R.S. 4450, as amended. The Master and eight crew members of the LXPOC who elected to stay on board their burning vessel are particularly deserving of commendation since their success in maneuvering the LXPOC away from the dock and fighting the fire on board saved that vessel from total destruction.

"20. There was no failure of material on either vessel. The VICTOR H. KELLY with its 3,500 h.p. gear turbine engine did not have the backing power to break free from its forward moorings to the dock. The lowering of No. 3 lifeboat from this vessel was abandoned because of the heat from the fire. The Master of the VICTOR H. KELLY who died of a heart attack, had suffered from a cardiac condition prior to this casualty. It is believed that the radio operator, who lost his life by drowning, stayed at his post fighting the fire so long that his escape aft was shut off and a life preserver was not accessible to him and that he jumped into the water from the midship boat deck. The wiper of this vessel, who lost his life by drowning, no doubt became excited when the explosions occurred and he jumped overboard without a life preserver. When he was seen in the water by other crew members he was too far from the vessel to be rendered assistance by throwing a life ring buoy.

"21. There appears to be no question that the use of high velocity spray nozzles on the fire hoses of the VICTOR H. KELLY would have had more effect on the dock fire than the solid stream nozzles which were used. The use of this equipment would have delayed the fire reaching the vessel but it appears that its use would not have been successful in saving the vessel from such a fire against the wind. If all the individual tank compartment steam smothering valves had been opened

Chief, MVI Division to
Commandant

MVI
26 November 1952
(LOMPOC - VICTOR H. KELLY a-12 96)

on the VICTOR H. KELLY when the master valve was opened, it might have delayed or prevented explosions on that vessel. On the other hand, with such rapid loss of steam it would have been useless to attempt to free the vessel of its moorings with the main engine. The latter also would apply to the LOMPOC.

"22. There was no indication of any violations of navigation laws or tank vessel regulations by either vessel.

"23. Total loss of the VICTOR H. KELLY may have been avoided had there been axes located conveniently on the dock for the purpose of cutting free its mooring lines. An axe would have had little or no effect on wire mooring lines but if the manila lines had been cut free it is possible the maneuvering of the main engine could have carried away the remaining wire lines.

"24. The investigation of this case has shown the necessity and importance of employee screening. It cannot be too strongly emphasized that persons having criminal backgrounds and especially those with pyromaniac tendencies, should be denied employment in dangerous or critical areas. The loss of life and millions of dollars of property damage in this case is attributed to the lack of such screening."

5. The Board made the following Recommendations:

"25. It is first recommended that all waterfront oil dock facilities be so classified under the emergency security regulations so as to provide for screening of all shore employees assigned to duty on such docks or having access to such docks.

"26. Although the record shows that a representative from the U. S. District Attorney's Office was invited to be present during the investigation and that he did not appear, it is recommended that a copy of this record be forwarded to the U. S. Attorney General for his information and action against Thomas G. Atkins for perjury before the Board of Investigation, and any other action against Atkins he deems advisable.

"27. There being no further action possible by this board, other than the prosecution of Mr. Atkins on perjury charges, it is recommended that this case be closed."

REMARKS

6. Conclusion paragraph 24 and Recommendation paragraph 25 of the Board's report, in effect, states that the subject case may be attributed to the lack of screening of personnel employed at tank vessel terminals, with the recommendation that such screening be

Chief, MVI Division to
Commandant

MVI
26 November 1952
(LHMPOC - VICTOR H. KELLY a-12 00)

instituted as a corrective safety measure for the prevention of similar casualties in the future. The purpose of port security regulations for screening merchant marine personnel as well as personnel employed at shore facilities is intended as a protection against sabotage or other subversive activities. A review of the record of investigation does not indicate that this casualty was caused by any act of intention, sabotage or subversion. Conclusion paragraph 24 and Recommendation paragraph 25 of the Board are therefore not concurred with.

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

/s/P. A. OVINDEN
P. A. OVINDEN

FIRST ENDURE SENT TO MVI memorandum of 26 November 1952

H
9 December 1952

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

Forwarded, recommending approval./s/H.C. SHEPHEARD
H.C. SHEPHEARD

APPROVED: Dec 10 1952

/s/MERLIN O'NEILL
MERLIN O'NEILL

Vice Admiral, U.S. Coast Guard
Commandant