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

Sub: Marine Board of Investigation; explosion and fire tank vessels LOMPOC and VICTOR H. KELLY, Olean, 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 Olean, California, discharging their respective cargoes. The weather was westerly wind, force 5 to 6 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 $1,017,500. 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, 10k15
   S. Decker St., Los Angeles, California;

   Thomas A. Liggins, Radio Operator, SS VICTOR H. KELLY,
   1030 Ml Centro Ave., Rapa, California; and

   Rollie 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 11:50 hours, Pacific Daylight Time, a fire broke out on the Union Oil Company of California wharf "A" at Olean, California, and spread rapidly across the wharf to the
VI

26 November 1952
(LOMPOC – VICTOR H. KELLY – a-12 3d)

VICTOR H. KELLY and the LOMPOC. 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, 10145
   S. Denver St., Los Angeles, California;

b. Thomas W. A. Liggins, Radio Operator, SS VICTOR H.
   KELLY, 1030 5th 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 8,185 gross tons. It was last inspected
   and certified 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 star-
   board, were aft of the midship house. The engine room
   space and port and starboard bunker tanks were aft.

b. SS LOMPOC, 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 certified 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 star-
   board, are located on the after deck abaft the midship
   house.

"3. The weather at the time of casualty was; wind—westerly, force
   5 to 6 knots; overcast; good visibility and a slight chop on the water.
   It was not a "warm" day.
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 on the dock level.

At about 1120 hours on 12 July 1953, a Union Oil Company barge, named Thomas G. Atkins, boarded the LOFPOG 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 LOFPOG. This operation took place in the vicinity of the riser pit just west of the one to which the LOFPOG's hoses were connected (Exh. C). The hose was blown before disconnecting and then it was disconnected a negligible amount, if any, gasoline was spilled. Either daring 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 LOFPOG for lunch. Atkins went down into the riser pit near...
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 1/2 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 15 inches high over an area less than 2 feet in diameter (Page 226 of record). The time was 11:50 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. Petersen, when Atkins relieved, was on the LOMPOC having lunch (Page 169). The flames spread rapidly across the drip pan. Atkins jumped out of the pit, ran to the chief engineer's office on the dock and dialed the fire alarm number on the telephone.

"7. On board the LOMPOC able seaman Robert Uso, 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 dock man to get him a newspaper. Uso saw the fire start from under the dock in the riser pit about 10 or 11 feet opposite him. He did not see Atkins prior to or at this time. Uso immediately yelled "fire!" and ran out and passed the alarm (Pages 206-207). Cargo pumps were shut down; after running lines were let go; No. 3 lifeboat was ready; main engine readied; fire hoses run out; village openings closed; and steam extinguishing lines 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 liferaft and by jumping overboard and jumping to the dock. The lifeboat picked up survivors from the water. Some of those who jumped to the dock 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 3½ minutes after the fire started the Master carried away the headlines by operating the main engine half speed astern and maneuvered his vessel to anchor in the stream. These crew members remaining on board were reported to be:

a. Henry J. Kostowal, Master, 9611 LaSalle Ave., Los Angeles, Calif.
b. Frank C. Dolater, 1st Asst. Eng., 5521 Pershing Blvd., Los Angeles, California
c. Elmer C. Kedear, 3rd Asst. Eng., 1237 Neffland, Wilmington, California
e. George Chatfield, oiler, 2841 Seacoast Ave., Long Beach, Calif.
f. Carl Lena, oiler, 1107 Weeks Ave., Superior, Wisconsin
g. John F. Stine, oiler, 2633 Troy Ave., Del Monte, Calif.
i. Richard M. Tappan, seaman, 20436 Balmir St., Van Nuys, California
8. At about 1300 hours the LOHFOC'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 Navy Island Naval Yard, as well as a Navy tug, arrived alongside the LOHFOC and at about 1530 the fire was extinguished. Damage to the LOHFOC 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, saw 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 open, ordered allage openings closed and directed other crew members to all fire hoses. The boatswain and other crew members cleared No. 3 lifeboat away for lowering, using it out and started to lower it. The Second Mate observed the pumpmen opening steam extinguishing 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 easter 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 steam 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. Fults, 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. Lachlan, was last seen naming 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, Belleu H. Yarger, was last seen and heard calling from the water off the sternboard side of the vessel. (See Exhib. 14). 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 mid deck lines on others jumped. Most all obtained and were life preserving. 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 first engineers. They had shut the fires off the boilers and lowered the Master's body to a small tug boats before leaving the vessel.
12. The VICTOR H. KELLY is considered a total loss amounting to $1,600,000 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 LAPOC and VICTOR H. KELLY were provided with high velocity fog spray nozzles and low velocity applicators as well as with foam proportioning equipment. None of this equipment was used and the solid streams 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 Redco 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 12554. Vessels which assisted to fight the fire on the VICTOR H. KELLY were Coast Guard vessels CGC CALLISTO (YTB-86), CGC HOOD, CGC HONOLULU, CGC HONOLULU, CGC HOOD, CGC HONOLULU, and CGC HONOLULU. Navy vessels YTB-407, YTB-278, YTB-261, YTB-176; other vessels, PORT OF OAKLAND (Oakland fireboat), NADIS R. C. HOOD (San Francisco fireboat), R. L. BRYE and R. B. RAYE.

14. When Union Oil Company bulkloader Thomas E. Atkins first testified before the Board of Investigation (Page 110) he stated that he first saw the fire close up between the sides of the LAPOC 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 2½ years.
b. That he purged 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 LAPOC.
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.
c. That he was a juvenile delinquent.

f. That he was in the Army 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 railroad spill which fire resulted in the destruction of the 'Valencia & 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 N. Kelley, physician and psychiatrist of 15 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 exhibit in this case."

h. 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 cobs or match thrown from the LMPGC on the dock.

c. A spark from the LMPGC'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 C. 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 realises the consequences of such an admission.
26 November 1952

'Neill

Chief, 3rd Division to
Commandant

18. Atkins' first testimony of fire 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 Lee who was standing on the deck of the LSTPAC and saw the start of the fire. It is concluded that Atkins was in the rinse pit under the dock planking at this time and that the reason Lee did not see Atkins was because he (Lee) ran off 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 dock, 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 38. U.S. M&G, as amended. The Master and eight crew members of the LSTPAC who elected to stay on board their burning vessel are particularly deserving of commendation since their success in maneuvering the LSTPAC 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. geared 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 was short and a life preserver was not accessible to him and that he jumped into the water from the midship boat deck. The officer of this vessel, who lost his life by drowning, was believed to be confined 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 authorizing valves had been opened...
Chief, WVI Division to
Commandant
(LOMPOC - VICTOR H. KELLY a-12 9d)

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 pyromania tendencies,
should be denied employment in dangerous or critical areas. The loss of
life and millions of dollars of property damage in this casualty 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 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 investiga-
tion 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 Q. Atkins for perjury before the Board of Investiga-
tion, 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 23 and Recommendation paragraph 25 of the
Board's report, in effect, states that the subject casualty may be
attributed to the lack of screening of personnel employed at tank
vessel terminals, with the recommendation that such screening be
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 remarks, it is recommended that the findings of fact, conclusions and Recommendations of the Marine Board of Investigation be approved.

/s/ P. A. O'NEILL
P. A. O'NEILL

FIRST READER IS NOT VI memorandum of 26 November 1952

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

Forwarded, recommending approval./s/H.G. SHEPHERD
H.G. SHEPHERD

APPROVED: Dec 10 1952

/s/ MARLIN O'NEILL
MARLIN O'NEILL
Vice Admiral, U.S. Coast Guard
Commandant

10