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Mr. DeGard



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UNITED STATES COAST GUARD
NEW ORLEANS, LOUISIANA
313 Customhouse

ADDRESS REPLY TO

Commander, Eighth Coast
Guard District (dmi)

AND REFER TO

CG-MIN-1200 SS ELIZA JANE NICHOLSON



Handwritten initials and '8-17'

19 November 1946

From: Commander, 8th Coast Guard District (dmi)
To: The Commandant (MVI)

Subj: SS ELIZA JANE NICHOLSON, oil pollution while loading cargo of
fuel oil at Shell Docks, Houston, Texas, on October 22, 1946.

1. In further reference to the above subject and letter addressed to you on 31 October 1946, together with the findings of fact, you will please find enclosed copy of a letter received from the U. S. Engineers Office, Galveston, Texas, the contents of which are self-explanatory.
2. From the attached copy received from the U. S. Engineers, it appears that they consider the case closed.

Handwritten signature of John F. Oetel
JOHN F. OETEL
By direction

Encl: As above.

WAR DEPARTMENT
CORPS OF ENGINEERS
OFFICE OF THE DISTRICT ENGINEER
UNITED STATES COAST GUARD
(GALVESTON DISTRICT)
606 SAWYER BUILDING
GALVESTON, TEXAS

RECEIVED
NOV 16 1946
NEW ORLEANS, LA.
U. S. ARMY ENGINEERS
SUPERVISOR
U. S. NAVY
MERCHANT MARINE INSPECTOR



ADDRESS REPLY TO
DISTRICT COAST GUARD OFFICER
EIGHTH NAVAL DISTRICT (dmi)
REFER TO FILE CG-MIN-1200-SS ELIZA JANE NICHOLSON

NOV 5 12 November 1946

SNNVL

District Coast Guard Officer
Eighth Naval District (dmi)
New Orleans 9, Louisiana

Dear Sir:

To: The Commandant (NVI)
Subj: Your letter of 26 October 1946, file CG-MIN-1200-SS Eliza Jane Nicholson, addressed to the U. S. Army Engineers, New Orleans District, has been received in this office as the violation of the Oil Pollution Act by the SS Eliza Jane Nicholson, with which the letter deals, occurred in the territory under the jurisdiction of this office. For your future guidance you are advised that the Galveston Engineer District, insofar as it coincides with Coast Guard activities, embraces all territory from and including that adjacent to the mouth of the Sabine River to Brownsville, Texas.

The United States Attorney, Southern District of Texas, has advised this office that under no circumstances would libel action be taken against any vessel owned by an agency of the United States, even though operated by a privately-owned agency, for violation of the Oil Pollution Act or other maritime offenses. Therefore, this office cannot recommend action against the SS Eliza Jane Nicholson since your report states she is owned by the War Shipping Administration.

Although the vessel had sailed before an investigation could be made by your office and it was impossible for the examining officer to determine whether the violation occurred as a result of incompetency, neglect or misconduct on the part of personnel of the SS Eliza Jane Nicholson, it appears that the violation was unpremeditated and resulted in no material public injury. Therefore, it is the opinion of this office that no action should be taken against the personnel of the SS Eliza Jane Nicholson.

FOR THE DISTRICT ENGINEER:

Very truly yours,

F. W. DRUMMOND
Attorney
Director, Legal Branch

cc: United States Attorney
Southern District of Texas
Houston 2, Texas

UNITED STATES COAST GUARD

NEW ORLEANS 9, LA

ADDRESS REPLY TO
DISTRICT COAST GUARD OFFICER
EIGHTH NAVAL DISTRICT (dmi)
REFER TO FILE: CG-MIN-1200-SS ELIZA JANE NICHOLSEN

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46 NOV 6 AM 10 00

46 NOV 5 PM 2 08

8-17

[Handwritten signature]
[Handwritten initials]

31 October 1946

To: The Commandant (MVI)

Subj: SS ELIZA JANE NICHOLSEN; Oil Pollution, while loading cargo of fuel oil at Shell Docks, Houston, Texas, on 22 October 1946

1. In further reference to the above subject please find inclosed report of violation of oil pollution act, reported by the Officer in Charge, Marine Inspection, Houston, Texas.
2. This report is forwarded to you for your information and files. You will be further advised of the final disposition of this case.

[Handwritten signature]

JOHN F. OETTL
By direction

Incl.
As above

ADDRESS REPLY TO
THE DISTRICT ENGINEER
FOOT OF PRYTANIA STREET

WAR DEPARTMENT
UNITED STATES ENGINEER OFFICE
NEW ORLEANS DISTRICT

U. S. COAST GUARD
SUPERVISOR MERCHANT MARINE INSPECTOR
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OCT 31 1946

REFER TO FILE NO.

LMVVL 800.224 (t)

NEW ORLEANS, LA.
NEW ORLEANS (9), LA.

OCT 30 1946

District Coast Guard Officer
U. S. Coast Guard
Eighth Naval District
313 Customhouse
New Orleans 9, Louisiana

RE: SS ELIZA JANE NICHOLSON --(CG-MIN-1200)

Dear Sir:

The violation of the Oil Pollution Act by the SS ELIZA JANE NICHOLSON reported by your letter of 26 October 1946, has been referred to the District Engineer, U. S. Engineers, Galveston, Texas, for proper action.

FOR THE DISTRICT ENGINEER:

Sincerely yours,

CHRISTIAN L. CURET
Attorney
Chief, Legal Branch



UNITED STATES COAST GUARD

7300 Wingate Street
Houston, 11, Texas.

ADDRESS REPLY TO

Senior Hearing Officer
Merchant Marine Hearing Unit.

Case No. CG-MIN-H-628-0370



U. S. COAST GUARD
SUPERVISOR MERCHANT MARINE INSPECTOR
RECEIVED
OCT 25 1946

NEW ORLEANS, LA.

24 October 1946

To: Commander Eighth Coast Guard District (mvi)

Subj: SS Eliza Jane Nicholson; Oil pollution, while loading cargo of fuel oil at Shell Docks, Houston, Texas, on 22 October, 1946.

---FINDINGS OF FACTS---

1. The SS Eliza Jane Nicholson, an ocean tank vessel of 7218 gross tons, Off. No. 244533, Home Port, New Orleans, Louisiana, and owned by the War Shipping Administration, Washington, D.C., and operated by Bernuth, Lembke Company, local Houston Agent, Strachan Shipping Co. A cargo of Residual Fuel oil was loaded at the Shell Refinery, Houston, Texas. The vessel sailed from Shell Docks at Houston, Texas at 0800, 23 October, 1946, for Baltimore, Md. The vessels agents at Baltimore are Hinkins Steamship Co., Munsey Bldg. Baltimore, Md.
2. A report of Oil Pollution was made to this office by Mr. Legnon, Port Engineer for Strachan Shipping Company at about 1100 on October 23, 1946 after the vessel had sailed.
3. On arrival at docks of Shell Oil Co. a considerable amount of black oil was found on water close to No. 3 dock, where the SS Eliza Jane Nicholson was berthed. A sample was taken of oil floating on water, and a sample of oil was taken from the loading line through which the SS Eliza Jane Nicholson loaded a cargo of fuel oil. The samples are in custody of Senior Hearing Officer, Merchant Marine Hearing Unit, Houston, Texas.
4. From testimony of witnesses, and from log kept by dock foreman at the Shell Refinery, it was determined that the vessel had two overflows of cargo tanks while loading. The 1st overflow occurred at 2040, 22nd October, 1946, causing the decks to become flooded and considerable oil running into the channel. The 2nd overflow occurred at 2130, 22nd October, 1946, causing the forward deck to become flooded and considerable oil running into channel.
5. The witnesses could offer no apparent reason for the overflows, as the tanks were not being topped off, and that a Mate and at least two of the deck crew were on duty and on deck watching the tanks.
6. There is no evidence of neglect or inattention to duty on the part of the dock employes, as the dock valve was shut off as soon as the overflows occurred.

SS Eliza Jane Nicholson
Con'td. Page 2.

WITNESSES INTERVIEWED

7. T. Dowdy, Foreman for dock crew, 1600 to 2400, 22nd October, 1946.
N. L. Halliefield, dock worker, 1600 to 2400, 22nd October, 1946.
8. The vessel had sailed before an investigation could be made on board the SS Eliza Jane Nicholson.

Frank T. Burtle
FRANK T. BURTLE
LIEUT. COMDR. USCGR.
EXAMINING OFFICER.

Incl:
Log of dock foreman
Statement, T. Dowdy
Statement, N. L. Halliefield.

1-Ind.
MMHU, Houston, Tex.
24 May, 1946

To: Commander, 8th CG Dist. (mvi)

Forwarded, approved.

Frank T. Burtle
FRANK T. BURTLE
by direction.

Houston, Texas
23 October, 1946

U. S. COAST GUARD
SUPERVISOR MERCHANT MARINE INSPECTOR
RECEIVED
OCT 25 1946
NEW ORLEANS, LA

The following is an extract taken from log kept by dock foreman at Shell Oil Docks:

Oct. 22, 1946 - SS ELIZA JANE NICHOLSON, Berth #3.

- 10:50 AM - Vessel docked.
- 11:35 AM - Vessel started discharging ballast
- 2:30 PM - Finish discharging ballast
- 3:20 PM - Vessel started loading cargo. Residual fuel oil 11.2 gravity
- 8:40 PM - Stop loading fuel oil as vessel's #6 tank overflowed on deck and into channel.
- 9:10 PM - Resumed loading fuel oil.
- 9:30 PM - Stop loading fuel oil as vessel #2 tanks overflowed on deck and into channel.
- 10:05 PM - Resumed loading fuel oil.

Oct. 23, 1946

- 3:15 AM - Vessel completed loading cargo.
- 8:20 AM - Vessel left dock.

CERTIFIED TO BE A TRUE COPY.

Frank T. Burtle
FRANK T. BURTLE
Lt. Comdr., USCGR
Examining Officer

U. S. COAST GUARD
SUPERVISOR MERCHANT MARINE INSPECTOR
RECEIVED
OCT 25 1946
NEW ORLEANS, LA

Houston, Texas
23 October, 1946

U.S. COAST GUARD
MARINE INSPECTOR
OCT 25 1946
ALV

Sworn statement of N. L. Halliefield; home address: Route #1, Box 85C,
Houston, Texas.

I am employed by Shell Oil Company, Houston, Texas at Deer Park Refinery
and was on duty at #3 dock, 3:30 PM to 11:30 PM, October 22, 1946. Dur-
ing this time I was on duty tending hose, loading SS ELIZA JANE NICHOLSON.

Loading was started at 3:20 PM and I came on duty at 3:30 PM. At 8:40 PM
a tank on after deck ran over and I immediately shut off hose valve on
loading line.

Loading was started again at 9:10 PM and at 9:30 PM stopped loading as a
tank on fore deck #2 tank ran over.

Loading was started again at 10:05 PM and vessel was completed after I was
off duty. I left at 11:30 PM to go home.

On the 1st spill oil ran over deck and into channel in considerable quant-
ities.

On 2nd spill oil also ran over deck into channel.

All scupper plugs were in on dock side except one amidships. There was a
Mate on deck and at least 2 sailors on duty at the time of each spill and
I can give no reason for the overflow.

/s/ N. L. Halliefield

CERTIFIED TO BE A TRUE COPY

Frank T. Burtle
FRANK T. BURTLE
Lt. Comdr., USCGR

Houston, Texas
23 October, 1946

Sworn statement of T. Dowdy; home address: 7810 Baltimore Street, Houston 11, Texas; night dock foreman, Shell Refinery.

On the night of October 22, 1946 I was on duty as dock foreman from 4:00 PM to 12 PM. At 8:40 PM I was called to dock #3 where the SS ELIZA JANE NICHOLSON was loading Grade "C" fuel oil as cargo. I was informed that a tank on the ship had run over.

I immediately went to the dock #3 and found oil running off deck into channel. Loading had been stopped at once. The #6 tank on ship had run over. It appeared to me that a considerable amount of fuel oil had run over on deck and into the channel. The scupperx were all plugged up except 1 plug amidships.

At 9:00 PM loading was started again. At 9:30 PM #2 tank run over on deck and spilled over into channel, and I would say that a considerable amount of fuel oil went into the channel.

At 10:05 PM loading was resumed and at 3:15 AM on the 23rd cargo was all aboard vessel, and completed.

I was at dock #3 when the second spill occurred and loading was stopped immediately.

/s/ T. Dowdy

CERTIFIED TO BE A TRUE COPY.

Frank T. Burtle
FRANK T. BURTLE
Lt. Comdr., USCGR