

PASSAGE PLAN

The International Newsletter of the US Maritime Institute

May 2006 • Volume 2, Issue No. 17

INTERNATIONAL ANNOUNCEMENTS

UK – MAIB SAFETY BULLETIN FOLLOWING FIRE ON BOARD THE STAR PRINCESS

The UK Marine Accident Investigation Branch (MAIB) issued a safety bulletin in connection with its investigation of the recent fire on the cruise ship STAR PRINCESS. The fire was on an external balcony and resulted in the death of one passenger due to smoke inhalation. Another 13 passengers were treated for the effects of smoke. The investigation continues, but areas for improvement of the protection of external balconies have been identified. Among other things, operators of cruise ships are advised to: (1) provide increased vigilance to external balconies; (2) review crew training and response procedures; and (3) review advice provided to passengers and crew. These issues will be referred to the IMO on an expedited basis. Safety Bulletin 1/2006. The US Coast Guard issued a Press Release stating its strong endorsement of the action taken by the MAIB and the cruise industry in this regard.



USCG – ACCEPTABLE IDENTIFICATION CREDENTIALS AND NAME CHECKS

The US Coast Guard issued a Notice informing the maritime community of acceptable identification credentials for access to US waterfront facilities. Operators of waterfront facilities are to restrict access to their facilities to persons with such acceptable credentials, which include: (1) a merchant mariner document; (2) an armed forces identification card; (3) a federal law enforcement credential; (4) identification credentials issued to public safety officers; (4) a state-issued commercial driver's license with hazardous materials endorsement issued after May 31, 2005; (5) a state-issued driver's license or identification card or a personal identification issued by the individual's employer, union, or trade association, or a passport or commercial driver's license issued by Canada or Mexico (for non-employees of the facility, excluding longshore workers); and (6) facility-issued employee identification cards, a state-issued driver's license, or a personal identification issued by the individual's employer, union, or trade association, provided that the individual has been properly screened and has not been determined a threat (for employees of the facility and for longshore workers). Facility operators, longshore unions, and long-term contractors are also required, within the next 30 days, to provide the Transportation Security Administration (TSA) with personal identifying information regarding each facility employee or longshore worker seeking to use as an identification credential a facility-issued employee ID card, a state-issued driver's license, or a personal ID issued by the individual's employer, union, or trade association. TSA will screen the submitted names for threats to national security (but will not conduct a criminal records check). The names will also be screened to determine immigration status. Individuals believed to pose a security risk will be notified and provided an opportunity to challenge to determination. Individuals found, after such opportunity, to present a security challenge will not be allowed access to waterfront facilities. Note: While this document is labeled as a Notice, for all intents and purposes it is actually a regulation, and should be treated as such.



COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

The Conference Report for the Coast Guard and Maritime Transportation Act of 2006 (H.R. 889) has been posted on the Internet. As the name implies, this report has been agreed to by members of the joint

House-Senate Conference Committee and is almost certainly the version of the bill that will be adopted by the House of Representatives and the Senate when they return from the current recess. Some of the topics addressed in the Act:

1. Developers of LNG import facilities will get a higher priority if they agree to be supplied by US-flag LNG vessels;
2. Only US-flag vessels will be allowed to engage in any activity performed in connection with the mooring or unmooring of a mobile offshore drilling unit (MODU) located over the US outer continental shelf or the transportation of personnel or merchandise to or from a point in the United States from or to such MODU;
3. Use of foreign citizens as riding gangs would be allowed under certain conditions on US-flag vessels when US citizens or residents are unavailable to complete the work, but for not more than 60 days each calendar year;
4. An offshore wind energy facility may not be constructed in Nantucket Sound if either the USCG Commandant or the Governor of an adjacent state disapproves;
5. Monies are authorized for development of an alternative AIS transponder/wireless maritime data device and the FCC is encouraged to finalize its rulemaking on licensee use of AIS frequency bands;
6. Persons who release into a waterway an object that creates an obstruction to navigation would be required to promptly notify the Coast Guard;
7. Limits of liability for oil spills from vessels would be increased – for single-hull tankers to \$3,000 per gross ton or \$22 million – for double-hull tankers to \$1,900 per gross ton or \$16 million – for other vessels to \$950 per gross ton or \$800,000; and
8. Application of the oil spill response plan requirement to nontank vessels has been clarified.

PORT STATE CONTROL

ALASKA – HIGH CAPACITY PASSENGER VESSELS – SECURITY ZONE

The US Coast Guard established permanent moving security zones around all escorted high capacity passenger vessels and escorted Alaska Marine System vessels during their transits of the navigable waters of the Seventeenth Coast Guard District (Alaska). Commercial fishing vessels, while actively engaged in fishing, are exempted from the restrictions imposed by the rule, which comes into effect on May 15.

UK – FATIGUE AND TECHNOLOGY COMBINE TO CAUSE GROUNDING

The UK Marine Accident Investigation Branch (MAIB) issued the report of its investigation into the grounding of a general cargo vessel off the Darss peninsular in the Baltic Sea on 10 October 2005. The master was on watch, but was extremely fatigued and fell asleep. He had allowed the lookout to go below. The watch alarm was inoperative. The master was using a portable GPS connected to a personal laptop computer, running a pirated navigation program. The program, though, had not been updated since 1999 and its alarm functions were also inoperative. Report No. 14/2006, No. 05-0267-cv (2nd Cir.)



USCG ARRESTS MASTER FOR BEING INTOXICATED

The US Coast Guard announced that it arrested the master of a foreign cargo vessel for operating a vessel under the influence of alcohol. A pilot from the New Orleans Baton Rouge Steamship Pilots Association (NOBRA) smelled alcohol on the master and called the Coast Guard. A breathalyzer test indicated a blood alcohol level well in excess of the legal limit of 0.04%. The master is being held pending outcome of the investigation and hearing. The violation is punishable with up to one-year imprisonment.

[DIVIDED DAMAGES FOLLOWING COLLISION - AGAIN](#)

On rehearing, a panel of the U.S. Court of Appeals for the Fifth Circuit upheld the equal division of damages in a collision case where both vessels were at fault. In the instant case, an inbound tanker collided with an outbound dredge in the Houston Ship Channel. The trial court found both vessels to have been at fault and divided the damages equally. The tanker owner appealed, asserting that the primary cause of the collision was the steering failure on the dredge as the two vessels were about to pass. On appeal, the court held that the trial court found various faults on the part of both vessels, including regulatory violations by the tanker. The decision of the trial court was found not to be clearly erroneous. The appellate court reached the same basic conclusion, using almost exactly the same words, in its decision of February 14, 2006. *Stolt Achievement, Ltd. v. Dredge B.E. Lindholm*, No. 04-20773 (5th Cir.)

[ANNUAL PERFORMANCE TEST OF VDR](#)



The Singapore Maritime and Port Authority (MPA) issued a reminder to owners and masters regarding the requirement for the voyage data recorder (VDR) or the simplified voyage data recorder (S-VDR) to have an annual performance test. The test must be conducted by an approved testing or servicing facility. A copy of the certificate of compliance issued by the testing or servicing facility must be retained on board the ship. Shipping Circular No. 9 of 2006.

LEARNING OPPORTUNITES

[PUBLIC COURSES](#)

[Port State Control – Preparation and Response](#)

This two-day course is designed to help companies ensure that their management systems identify and address potential problems to help prevent vessels in their fleets encountering difficulties during port state control inspections. Understanding how port state control inspections relate to the ISM and ISPS Codes will help you diminish the likelihood of your ships being detained by the authorities. Through a highly participative combination of presentations, group discussions, case studies and syndicate exercises, you will learn about and understand: the background to port state control inspections, the different port state control Memorandum of Understanding (MOU) targeting and inspection policies, port state control links with the ISM and ISPS Codes, the port state control inspection/detention process and appeal procedure if the detention is considered unjustified, and port state control ISM and ISPS deficiency codes. In addition, you will gain knowledge of the transparency of the port state control MOU's reporting systems, the port state control's use of the ISM and ISPS Code checklist, the International Association of Classification Societies (IACS) initiatives to reduce port state control detentions, and flag administration initiatives to improve safety standards. Fort Lauderdale, USA: June 14-15, 2006.



[Customized Course Offerings](#)

In addition to the above public training courses, USMI offers a full catalog of subjects, including hazardous materials, security awareness, safety drills, and full company exercises. If you don't see the training event that is right for you, talk to us about your requirements -we can probably offer you a customized solution to meet your precise expectations. Your training event can be run in any location to suit you - in our offices, in your premises, or even onboard ship, anywhere you need it - the choice is yours.

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