

Summary of Detention Case 02-02-2005

General

A request is received from the RO for review concerning assignment of RO responsibility for detention. The dispute is that the RO did not agree with the assignment of RO responsibility by the port State Authority for the detainable deficiency of "Fire main isolating valves to engine room and main deck unable to close" with the following opinions:

1. a periodical Safety Equipment survey was conducted on 10 October 2004 diligently and the valves were examined and tested in good condition;
2. it is believed that the valves became frozen after the Safety Equipment survey which was carried out more than 7 months prior to the detention; and
3. the deficiency is because of lack of maintenance which is the responsibility of crew.

The RO had requested the port State Authority to re-consider and reverse its decision. The port State Authority rejected the appeal by the RO with the following explanations:

1. both the valves are seized to the extent that heat application was required to remove the valve gate which was extremely difficult and caused one valve spindle to shear;
2. there was excess corrosion to the internals of the body and valve gate; and
3. based on the above, it is believed that the valves are lack of use from the date of manufacture and, therefore, the deficiency is long standing.

The port State Authority also attached photos which highlighted the deficiency.

Since the RO does not satisfy with the reply from the port State Authority, it submitted the request for detention review.

Opinions of the panel

After comprehensive discussion, there remains two different opinions among the panel members, i.e. one side supports the decision by the port State while the other is to invite the port State to re-consider its decision. The opinions of the two sides are summarized below:

Views/reasons supporting the port State

Since the isolating valves would not deteriorate to the extent observed by the PSC officer within the period between the RO's visit and the PSC inspection, the deficiency is considered to be long standing and, therefore, it is justifiable to assign the responsibility of the RO.

Views/reasons for re-consideration by the port State

Although it is possible that the defected valves might not be used for considerable period, it is also probable that the valves became frozen after the RO survey since some of the equipments, such as isolating valves, may be easily or possibly become corroded/rusted within short period of time when lack of routine maintenance. In the absence of clear/objective evidence to prove that

the survey was not carried out in a responsible manner, it would not be appropriate to allocate the responsibility to the RO.

Conclusion

Since there is no unanimous opinion reached by the panel, no recommendation would be made to the port State.