

Summary of the Detention Case 05-03-2006

General

Ground for detention

The vessel was detained due to the detainable deficiency - "E/R Upside of the means of escape door not compliance with A-60 fire-fighting division requirement".

Dispute

The flag State, did not agree with the detention by the port State Authority and expressed views that:

1. In compliance with SOLAS, chapter II-2, reg. 45.3.1 one of the two machinery space category A escapes shall be insulated where necessary, to the satisfaction of the administration;
2. With the issue of a Safety Construction Certificate the flag State confirmed her approval of the existing layout of the fire protective construction of the vessel, including the termination of the insulation of the ER escape on the frame just above the door to the escape; therefore the existing layout of the insulation of the escape provided the continuous fire shelter to the open deck as required by SOLAS, chapter II-2, reg. 45.3.1; and
3. It would be more appropriate to inform the flag state or to rectify the deficiency within 14 days rather than detaining the ship.

The port State Authority is of the opinion that:

1. The deficiency should be considered related to SOLAS chapter II-2 R.44.2.2.(4) (6), instead of R.45.3.1, and should be clarified as bulkheads separating stairway and machinery space of category A (E/R);
2. According to specification provided in Table 44.1, Fire integrity of bulkheads separating adjacent spaces, the fire integrity between stairway and machinery spaces of category A shall be A-60; and
3. The RO was also invited to attend the vessel to confirm the deficiency during the inspection and the common understanding was acknowledged that the position did need to be insulated with non-combustible materials; and
4. A copy of Exemption Certificate on approval of the arrangement was not available at the time of inspection.

Opinions of the panel

After review of information/materials provided, panel members reached general opinions as follows:

1. It is considered that, though the deficiency might pose some danger, itself did not present a direct threat to persons on board or environment;
2. Although it is observed that the ship, a Gas Carrier, was in breach of its Cargo Ship Safety Construction Certificate as the Survey Statement from the Class concurs that the vessel was not in compliance with SOLAS CH.II-2, it would be prudent to use Code 17, instead of 30, and to work with the Class and the flag State to get the deficiency rectified to the satisfaction of the Class and flag State; and
3. If the exemption by the flag State would be acceptable to the port Authority, it would be appropriate to contact the flag State for confirmation rather than detaining the ship.

Conclusion

The panel members unanimously agreed that the Port State Authority should be asked to re-consider the detention.