

## Vice Admiral Anurag G Thapliyal took over as the Twentieth Director General of the Indian Coast Guard on 28 February 2013

Vice Admiral Anurag G Thapliyal on Thursday took over as the new director-general of the Coast Guard, the youngest and smallest of the four armed forces that is slowly but surely coming into its own. He is the successor of the outgoing Vice Admiral MP Muralidharan.



Admiral Anurag G Thapliyal who was commissioned into the Navy in July 1977 and is an alumnus of the US naval war college, takes over the Coast Guard at a time when plans are underway to ensure the force can increase its force-levels to around 200 ships and 100 aircraft by 2018 to effectively tackle its operational tasks, which include piracy and the terror threat emanating from sea.

The government decided to bolster the "assets" and manpower of ICG, which has suffered from relative neglect since it came into existence in August 1978, after being jolted by the 26/11 terror attacks in Mumbai four years ago. At present, ICG is making do with just about 110 "surface units", including around 20 offshore patrol vessels, and 51 "air units" comprising 28 Dornier surveillance aircraft, 19 Chetak and four Dhruv helicopters. Moreover, it has around 1,800 officers, 9,200 enrolled personnel and 1,600 civilians. This when at least triple those numbers are required to effectively protect India's vast 5,422-km coastline, 1,197 islands and 2.01 million sq km of Exclusive Economic Zone.

## Domestic Maritime Industry Praises Introduction of RIVER ACT

The American Waterways Operators, the national trade association representing the country's tugboat, towboat and barge operators, announced its strong support for the Reinvesting in Vital Economic Rivers and Waterways (RIVER) Act of 2013, introduced by U.S. Senator Bob Casey (D-PA). The bill seeks to modernize America's vital water transportation network and ensure the viability of the infrastructure needed to carry the cargo on which the nation depends.

"It is no secret that our water transportation infrastructure is in dire need of modernization to keep pace with existing demand and sustain America's economic competitiveness for the future," said Tom Allegretti, AWO's President & CEO. "During the low water crisis on the Mississippi River last fall, many Americans saw for the first time how critical our inland waterways are to American jobs, exports, and economic health. Sen. Casey's bill is a critical step toward ensuring

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## Highlights

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the future reliability of the inland waterways infrastructure that is a vital part of our national transportation system."

The RIVER Act, based on the Inland Waterways Capital Development Plan jointly developed by public and private sector experts from the barge industry, shippers, and the U.S. Army Corps of Engineers, would:



- Prioritize the completion of navigation infrastructure projects across the waterways system;
- Improve the Corps of Engineers' project management and processes to deliver projects on time and on budget and help realize \$8 billion in job creation;
- Preserve the existing 50% industry/50% federal cost-sharing formula for new lock construction and major lock rehabilitation projects;
- Realize a sustainable annual appropriation of \$380 million, a significant portion of which is paid for by commercial users of the inland waterways system;
- Include a cost-share cap on lock construction projects to help keep projects on budget and control unreasonable cost overruns; and,
- Institute a 45 percent increase (9 cents per gallon) in the existing fuel tax of 20-cents-per-gallon, paid by the barge and towing industry, to meet the system's needs.

"AWO applauds Senator Casey's leadership, as well as that of Senate cosponsors Amy Klobuchar (D-MN) and Mary Landrieu (D-LA), in recognizing this need and taking action," Allegretti continued. "There is simply too much at stake to disrupt the flow of commerce on our nation's waterborne superhighways. We cannot afford to wait and allow our infrastructure to further decay. The time to act is now."

### **Cruise Ship Grounds and Sinks in Nile River, 120 Rescued**

Egyptian authorities have confirmed that a cruise ship has run aground and sunk along the Nile River near Aswan. Initial reports claim that all 120 passengers aboard were rescued safely.

The ship struck a cluster of rocks and began taking in water before running aground; the vessel was en route to Luxor. Local residents and police aided in saving all 120 Egyptian passengers and crew. No one was injured during rescue operations or in the grounding.



Details are still emerging, but the passenger vessel is believed to be known as the "King of the Nile".

### **Most Port Operations Continuing in Port Said, Ismailia and Suez - Despite State of Emergency**

Inchcape Shipping Services (ISS), the world's leading maritime services provider, is advising that most port operations are currently continuing in Port Said, Ismailia and Suez, and canal convoys have not been interrupted despite ongoing



disturbances in Egypt and a state of emergency being declared in the three Suez canal cities. The Egyptian Army has also been deployed to ensure all vessels can safely navigate the canal and has taken control of the Suez Canal building.

ISS Egypt has however suspended all husbandry services at all Egyptian ports including crew changes and transfers, Cash to Master and shipments delivery as road transportation is currently deemed unsafe by the company due to the anti-government action nationwide. ISS Egypt also recommends for the safety of all personnel that any embarking/disembarking is postponed until the situation settles.

### **Somali Pirates Convicted for Attack of the USS Ashland**

Mohamed Ali Said, a/k/a Maxamad Cali Saciid; Mohamed Abdi Jama, a/k/a Mohammed Abdi Jamah; Abdicasiis Cabaase, a/k/a Ahmed Mahomood; Abdirazaq Abshir Osman, a/k/a Abdirasaq Abshir; and Mohamed Farah, a/k/a Mohamed

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## From the Editor's Desk



"The happiness of your life depends upon the quality of your thoughts." — MARCUS AURELIUS.

"We want that 'EDUCATION' by which character is formed, strength of mind is increased the intellect is expanded and by which one can stand on one's own feet." — VIVEKANANDA.

"The greatness of a man is not in how much wealth he acquires, but in his integrity and his ability to affect those around him positively." — BOB MARLEY.

"Think positively and masterfully, with confidence and faith, and life becomes more secure, more fraught with action, richer in achievement and experience." — VIVEKANANDA.

"A positive state of mind is not merely good for you; it benefits everyone with whom you come into contact, literally changing the world." — THE XIV DALAI LAMA.

*From the next issue we go digital, as announced six months back. We are constrained to stop printing owing to politicised state resulting to unfair trade practices going un-checked, increased costs of stationery; dye/ink and printing; publish, post and circulate individually. However, valued readers can avail of on-line viewing [www.themarinewaves.com](http://www.themarinewaves.com) which is 'FREE'. The content of which would be the same as it appears in print. Hence, anyone could continue to avail browsing, while away from their homes in ports. You may therefore continue to keep yourself abreast with the changing maritime scenario. Please therefore spread the word and forward to all "Seafarers" new and old, more importantly to all those connected to sea. Readers' valued feedback very important to us. Please be free to e-mail: [chandranpeechulli@gmail.com](mailto:chandranpeechulli@gmail.com), or [chandran.peechulli@yahoo.com](mailto:chandran.peechulli@yahoo.com), view anti-corruption forum [www.linkedin.com/chandranpeechulli](http://www.linkedin.com/chandranpeechulli), [www.facebook.com/chandranpeechulli](http://www.facebook.com/chandranpeechulli)*

*You don't have to be a "Writer", all you need to be yourself and pour-out your thoughts on Seafarers and their life and work out at sea. "Service to active Seafarers out at Sea" to be on top priority. Seafarers to be an awakened and enlightened lot, assert citizen's basic rights. Our citizenship to the land of origin matters though we are seaman, belonging to the sea while at work. Seafarers can change "India" by just sparing their valued few moments and spending few rupees, to build a greater INDIA and a new world. HOW? Whenever you see corruption / cheating / harassment / injustice etc., send us a letter or a line in brief. We at "MARINE WAVES" will make the necessary investigative reporting and act, to be of service to the real needy. Please do remember, that oral arguments directly with the concerned, may not work, owing to vested interests. WRITTEN COMPLAINTS work, or please do "inter-act, online". Avail your democratic rights by exposing the facts. GOD helps those who help themselves.*

*We made our vision to penetrate the maritime field from business angle and start ground work to implement our standards where age doesn't have any affect only knowledge, efficiency & know-how. One of the benefits of age is wisdom, although the old saw about there is no fool like an old fool is also true. Just because you are old does not mean you have no new ideas and/or are not willing to consider change. However, age does give you a better perspective on whether a new idea is feasible or not as long as you don't allow previous experience to bias your analysis. The problem today is that age and wisdom are not appreciated today. Many of the young are so impatient to get ahead that they are more biased than are we geriatrics. We stand in the way for these youngsters to move up in the system. However, under the current political climate, we older folks are going to have to work until we drop because we can't afford to retire. To do so we get double-taxed for things like Medicare, something the press does not mention because most of them don't qualify and quite frankly don't care. What are even more questionable are the notions the young have about Government. We oldsters know that Socialism has failed wherever it has been tried. Yet, the young, since they have no perspective (or interest) in history, think that they can make a flawed economic and political system work.*

*THE world is in the throes of the serious effects of constant conflicts and distrust, but the United Nations Alliance of Civilisations (UNAOC) at the weekend offered some hope that may turn into relief for nations and communities ravaged by inter-religious or ethno-cultural strife. The 5th UNAOC, which just ended in Vienna, Austria, also gave alternative recommendations for achieving peace in some of the world's current troubled spots, including Mali and Syria, as well as the ever-confounding Israel-Palestine. Leaders from around the world, including UN Secretary-General, Ban Ki-moon; President Heinz Fischer of Austria; the Emir of Qatar, Shaikh Hamada Al Thani; Prime Minister Erdogan of Turkey; Romanian President Traian Basescu and Foreign Minister Margallo of Spain; Foreign Minister Salehi of Iran, and others, held closed door-deciding-meetings of the UNAOC in Vienna, addressing the issues of unrest in the world, as well as the future of sustainable development. They came up with what is to be known as the Vienna Declaration which, according to the UNAOC website, seeks in the main, to support the development of regional processes to increase cooperation among countries on intercultural dialogue. The declaration also endorsed a presentation of the 2nd Action Plan for the Mediterranean, the 2nd Action Plan for South Eastern Europe, the conclusions of the 2nd Regional consultation for Asia/South Pacific, the presentation of the Regional Strategy for Latin America, as well as the Roadmap for Mali. There was also the launch of a regional debate on the Danube and Black Sea Region, the Southern Caucasus and Central Asia-promoted by Austria, as well as the acceptance of the announcement by the League of Arab States of the intention of its member-states to develop their own regional strategy. The Vienna Declaration, indeed, is a document affirming the commitment of numerous governments and international organisations from around the world to advancing cross-cultural dialogue. In making the declaration, the leaders said they reaffirmed commitment to the purposes and Principles of the Charter of the United Nations, the Universal Declaration of Human Rights, as well as other relevant international instruments, such as the UNESCO Universal Declaration on Cultural Diversity.*

*For instance, they affirmed that: "All cultures, civilisations and religions contribute to the enrichment of humankind in the conviction that the world's cultural diversity is a wealth to be cherished by all as a factor of peace and development and that the importance of respect and understanding for cultural and religious diversity embody the encouragement of tolerance, respect, dialogue and cooperation among different cultures, civilisations and peoples. We emphasise more specifically the importance of combating intolerance and discrimination based on ethnicity, race, colour, religion or belief."*

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Farraah Hassan, were found guilty by a federal jury of engaging in piracy and committing other offenses pertaining to the attack on the Navy ship the USS Ashland. Neil H. MacBride, U.S. Attorney for the Eastern District of Virginia, and George Venizelos, Assistant Director in Charge of the FBI's New York



Field Office, made the announcement after the verdicts were accepted by United States District Judge Raymond A. Jackson. The five men are scheduled to be sentenced on July 1 and July 2, 2013. The maximum sentence for the convictions are as follows:

- Conspiracy to commit hostage taking carries a maximum sentence of life in prison
- Conspiracy to commit kidnapping carries a maximum sentence of life in prison
- Conspiracy to perform act of violence against persons on a vessel carries a maximum sentence of 20 years in prison
- Conspiracy involving firearm and a crime of violence carries a maximum sentence of 20 years in prison
- Piracy under the Law of Nations carries a maximum sentence of life in prison
- Attack to plunder vessel carries a maximum sentence of 10 years in prison
- Assault with a dangerous weapon on federal officers and employees carries a maximum sentence of 20 years in prison
- Act of violence against persons on a vessel carries a maximum sentence of 20 years in prison



- And use/possession of firearm during crime of violence carries a mandatory minimum of 10 years in prison and a maximum of life in prison if convicted of one count. A second or subsequent conviction adds an additional 25 years, making the prison term a minimum mandatory 35 years.

"These men were pirates-plain and simple," said U.S. Attorney MacBride. "They attacked a ship hoping to hold it ransom for millions of dollars. Few crimes are older than piracy on the high seas, and today's verdict shows that the United States takes it very seriously."

Assistant Director Venizelos said, "These defendants are headed where they belong: to federal prison. Let this send a clear message of deterrence to anyone who threatens those who traverse the high seas. I commend U.S. Attorney MacBride and the U.S. Navy for their diligence in the investigation and prosecution of this case."

Said, Jama, Cabaase, Osman, and Farah were charged in a second superseding indictment that was filed on August 8, 2012. According to court records and evidence at trial, they attacked the USS Ashland on April 10, 2010, and three of the defendants, Mohamed Ali Said, Mohamed Abdi Jama, and Abdicasiis Cabaase, had previously gone to sea in February 2010 for purposes of capturing another vessel but were instead intercepted by the HMS Chatham of the Royal Navy.

This investigation was conducted by the FBI and the Naval Criminal Investigative Service. The prosecution is being handled by Assistant U.S. Attorneys Benjamin L. Hatch and Joseph DePadilla from the U.S. Attorney's Office for the Eastern District of Virginia and Trial Attorney Jerome Teresinski of the National Security Division of the Department of Justice.

### **Radiation Scare Disrupts Port Elizabeth:**

The Maher Terminal at Port Elizabeth has been cleared for danger after a radiation scare prompted a security response.

Customs officials had suspicion about a shipping container that they were examining. An abnormally high radiation reading was detected, but CBP, FBI, the Port Authority of NY/NJ and other law enforcement officials initiated protocols to isolate and verify the source of the alarm.

According to New Jersey's Star-Ledger, a Port Authority official said the container was filled with recycled paper, and a metal wire that bound the paper was the source of a positive reading for Caesium-137, a radioactive isotope formed during nuclear fission.

After review and confirmation from CBP's Laboratories & Scientific Services, the container was deemed safe. The situation was resolved in less than two hours. Customs officials took control of the container and were moving it to a secure location.

Lengthy lines of trucks were at a standstill waiting to exit the port facility as the investigation was underway. At least 15 emergency response vehicles were on scene, along with various officers.

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## At Least 1 Dead After 2 Cargo Ships Collide in East China:

At least one crewmember is dead after two cargo ships collided and sank in the Minjiang River estuary in East China's Fujian province early Wednesday morning, according to China Daily.



A total of 8 crewmen from both vessels were rescued. All five mariners from the FUHANG 89 are safe; three men that were aboard the YONGDESHENG 168 were also successfully rescued. One has been confirmed dead from the YONGDESHENG 168.

Officials are attempting to verify the exact number of crewmembers that were onboard the YONGDESHENG 168 at the time of the collision. Other reports have stated that 7 are still missing, but this has not been confirmed.

Rescue ships and helicopters are still on scene. An investigation has been launched into the cause of this incident.

## Administration to Dismantle U.S. Merchant Marine? Reduction in cargo preference shipments just the first step.

As the administration and Congress continue to batter the American psyche with doomsday terms like "debt ceiling," "fiscal cliff" and "sequestration," the White House Office of Management and Budget (OMB) has been busy behind the scenes dismantling the U.S. Merchant Marine. After funding a decade of war and bailing out Wall Street and the banks, a gridlocked and dysfunctional government's only answer to deficit reduction appears to be the shutdown of basic services for its citizens and the gradual elimination of funding for the U.S. Merchant Marine (USMM).

The USMM has served the United States for more than two hundred years and has supported U.S. military operations around the world during every conflict this nation has been involved with. But, to no one's surprise, the White House seems intent on ceasing operations of the USMM. Since taking office, the administration has provided more Jones Act waivers than any other administration and, just a few months ago, it hacked the USMM's percentage of cargo preference shipments of food aid from 75% to 50% before any one even knew what hit them. Now it intends to write the final chapter of the USMM with the scribble of a pen on another backroom deal.

President Obama and DOT Secretary LaHood have never recognized the maritime sector as part of the U.S. infrastructure. They provided MARAD with \$433 million while providing air, truck and rail an additional \$495 billion to rebuild their systems. Furthermore, the administration ensured that America's Marine Highway would be tabled until 2017 or at least pushed back to the next administration.

### So How's That Working Out...?

As part of its deficit reduction plan, the White House wants to

send money to starving nations under a new food aid scheme, which includes NGOs overseeing the program. OXFAM America, an NGO currently campaigning on Capitol Hill to cease buying food from American farmers and end cargo preference laws for U.S. flag operators, received \$78 million in revenues and spent \$28 million in organizational salaries in 2011.

OXFAM's IRS report says its mission is to create lasting solutions to poverty, hunger and injustice with local groups in more than 90 nations, which includes giving them cash to buy food. And the NGO says it is campaigning for social justice by participating in meaningful discussions about issues affecting indigenous peoples' families, livelihood and land. Additionally, OXFAM advocates investment in small-scale food producers and modernization of food aid programs as part of its campaign.

USAID reports distribution of more than \$2.3 billion in food to starving nations such as Pakistan. For more than 60 years, the U.S. has been providing aid to Pakistan, and in 2011 the country got another \$1.5 billion in aid. And yet its people are starving? Egypt is another boondoggle for disappearing U.S. aid funds. It is estimated that almost \$19 billion has disappeared due to corruption. Egypt has 80 million people and is the largest food importer in the world. The Egyptian government, which gets \$1.3 billion in annual credits from the U.S., only gives cheap bread to its poor.

Countries like Sudan, Kenya, Uganda, Nigeria, Ethiopia and Colombia have been getting money in aid from the U.S., yet these countries have the most starving people in the world. When NGOs claim more than 25,000 tons of food aid reached the Haitian people almost instantly after the earthquake, they forget to mention the U.S. maritime sector delivered the vast majority of the tonnage.

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Ending food aid by sending money and NGOs overseas to ensure that people are fed is another problem in itself. Since the U.S. began sending money to foreign governments to ensure democracy endures and its people are fed, it just hasn't worked.

### Time to Reconsider

Buying food from U.S. farmers and transporting it under cargo preference laws may not be the most effective program, but it's a lot better than sending cash to countries to buy food locally. Most of these nations' farmers cannot produce enough food in the first place, so what is going to change in the future? The cash will be used for other purposes, and everyone will suffer. The USMM is an institution with a long heritage and a vital role to play in America's economic well-being and military readiness. To put an end to it because special interests believe money is faster and safer in order to feed the starving is a big mistake. The White House needs to reconsider its budgetary plans and keep American jobs where they belong - in America.

### Coast guard rescues nine fishermen off

**Goa coast:** PANAJI: In an operation that reinforced the commitment of the Indian coast guard in providing safety to fishermen at sea, the coast guard on Tuesday rescued nine fishermen off the Goa coast. Fishing vessel 'Kadal Matha' which the fishermen were operating suffered a machinery failure when their vessel was adrift at sea 210 nautical miles north-west off Vasco, said Akshay Jain, PRO, coast guard HQ -Goa.

Indian coast guard ship 'Samrat' which was patrolling the area, intercepted a VHF call of an unknown fishing boat calling for help. Indian Naval ship 'Nashak' which was closer to the fishing vessel responded to the call and took the distressed boat under tow about 160 nautical miles off Ratnagiri.

'Samrat' was then diverted to provide assistance and took over from the Naval vessel in rescuing the boat about 132 nautical miles off Mormugao on Tuesday. The coast guard personnel boarded the fishing vessel to ascertain the feasibility of repair of engines but the same could not be done due to want of spares. ICGS Samrat then commenced towing the boat towards Vasco.

'Samrat' along with the rescued fishermen came 7 nautical miles off Mormugao port at about 9am on Wednesday, said Jain. ICGS C-148 which had been kept on standby sailed out and towed the boat inside the harbour. Later, the fishermen and the trawler were handed over to a local representative of the owner of the vessel, for necessary action. The fishing vessel belongs to a person from Kanyakumari and is registered at Kanyakumari.

### Cochin Shipyard delivers 4th OSV to Shipping Corporation:

Cochin Shipyard Ltd on Monday delivered a 120-tonne bollard pull anchor handling tug supply vessel - SCI Urja - to Shipping Corporation of India. This is the fourth and last in the series of four 120-t bollard pull AHTS being built by CSL for SCI. The protocol documents of the ship were signed by P. Vinayakumar, Director (Technical), on behalf of Cochin Shipyard, and K. Devadas, Senior Vice-President (Technical & Offshore Services), on behalf of SCI, in the presence of K. Subramaniam, Chairman and Managing Director, CSL

### Work Begins on Updating Inventory of GHG from International Shipping:

International experts are meeting at IMO Headquarters this week, in the form of an Expert Workshop, to begin work on updating the inventory of greenhouse gases (GHG) from



international shipping, with a view to providing reliable and up-to-date information on which IMO, through its Marine Environment Protection Committee (MEPC), might base its work on further measures to reduce GHG.

The Second IMO GHG Study 2009 estimated that international shipping emitted 870 million tonnes, or about 2.7% of the global man-made emissions of CO<sub>2</sub> in 2007. An updated GHG inventory is considered necessary as the current estimate contained in the Second study does not take account of the economic downturn experienced globally since 2008. Exhaust gases are the primary source of GHG emissions from ships, with carbon dioxide the most important GHG, both in terms of quantity and of global warming potential. An updated inventory would also provide a baseline to enable the impact to be assessed of technical and operational energy efficiency measures for international shipping that entered into force on 1 January 2013.

The MEPC, at its sixty-fourth session in October 2012 endorsed, in principle, the outline for an update of the GHG emissions estimate. The Expert Workshop, meeting from 26 February to 1 March 2013, will further consider the methodology and assumptions to be used in the update. The Expert Workshop is expected to provide a summary of its deliberations as a report on its work to MEPC 65, meeting in May this year.

In addition to carbon dioxide (CO<sub>2</sub>), a global GHG inventory of emissions of GHGs and relevant substances emitted from ships, engaged in international transport could include: methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>), subject to data availability.

Other relevant substances that may contribute to climate change include: nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOC), carbon monoxide (CO), particulate matter (PM) and sulphur oxides (SO<sub>x</sub>).

IMO has already adopted technical and operational measures to reduce emissions of GHG from international shipping. The Energy Efficiency Design Index (EEDI) was made mandatory for new ships and the Ship Energy Efficiency Management Plan (SEEMP) for all ships, under amendments to MARPOL Annex VI adopted in 2011. These amendments entered into force on 1 January 2013.

## Japan: Chinese Ship Entered Disputed Waters:

Japan said a Chinese government ship briefly entered its territorial waters off disputed islands on Saturday, as the Japanese premier vowed he would not tolerate Beijing's incursions into the area.

The fisheries patrol boat entered the waters in the East China Sea at 4:48 pm (0748 GMT) and was sailing some 19 kilometres northwest of Uotsuri, one of the Senkaku islands, Japan's coastguard said in a statement.



But the Chinese ship moved out of the zone after about an hour, watched by a Japanese coastguard vessel, it said.

Beijing claims the Japanese-controlled islands, which it calls the Diaoyus.

The incident was the latest in a series, with Japan claiming in one case that Chinese vessels had locked weapons-targeting radar onto a ship and a helicopter. Beijing denied the charge.

Saturday's incident came as Prime Minister Shinzo Abe [pictured above], now on his first visit to the United States since he took office late December, vowed that he would not tolerate any challenge to control over the contested islands.

"We simply cannot tolerate any challenge now and in the future. No nation should make any miscalculation or underestimate the firmness of our resolve," Abe said Friday in Washington.

Speaking after talks with President Barack Obama at the White House, however, Abe cautioned that "I have absolutely no intention to climb up the escalation ladder".

The dispute between Asia's two largest economies intensified in September when Tokyo nationalised three islands in the chain, in what it said was a mere administrative change of ownership.

## Singapore-Based Shipping Company to Pay \$2.2 Million for Covering up Oil Pollution:

Pacific International Lines, a Singapore-based container ship company, was sentenced today in D.C. federal court under the terms of a plea agreement that requires the



company to pay \$2.2 million in criminal penalties, the Department of Justice announced. Pacific International Lines previously pleaded guilty to three felony charges that it made false statements to the U.S. Coast Guard and violated the Act

to Prevent Pollution from Ships by concealing illegal waste water operations and discharges in a falsified oil record book - a required log in which all overboard discharges must be recorded - and operating a vessel in waters of the United States without a functioning oil water separator (a required pollution control device). The charges are a result of Pacific International Lines illegal operation of the vessel M/V Southern Lily 2 in June 2012.

"Today's sentencing is a noteworthy success for the few federal law enforcement agencies charged with enforcing U.S. and international maritime laws protecting the oceans and natural marine resources both around the remote U.S. Pacific Islands and throughout the vast area of the South Pacific," said Joshua J. Masterson, Special Agent-in-Charge of Coast Guard Investigative Service-Pacific Region. "This case, being the third of its kind since 2011, should send a clear message to those shipping companies and mariners who willfully cut corners and violate the laws enacted to protect the oceans as well as place a much needed spotlight on this region of the South Pacific."

According to the plea agreement, including a joint factual statement, the company operated the vessel Southern Lily 2 in American Samoa. On June 22, 2012, the vessel was boarded by the U.S. Coast Guard for a routine inspection. During the inspection the Coast Guard discovered that the ship's oil water separator was not functioning. The Coast Guard learned that the device had not been functioning for several months and, at the direction of the chief and second engineer, the oily waste water had been being discharged overboard in violation of international law. The illegal discharges and the fact that the oil water separator did not function was not entered in the ship's oil record book as required by federal law.

Additionally, under the terms of the plea agreement, Pacific International Lines was placed on probation for three years, during which time it must operate under the terms of a government-approved Environmental Compliance Plan. The plan includes review by an independent auditor of any of Pacific International Lines ships-including the Southern Lily 2-that trade in the United States.

In addition to the \$2 million criminal fine, the judge also ordered Pacific International Lines to pay \$200,000 to support community service projects. The projects will be administered by the National Fish & Wildlife Foundation and the National Marine Sanctuary Foundation.

Engine room operations on-board large ocean-going vessels such as the Southern Lily 2 generate large amounts of waste oil and oil contaminated bilge waste. International and U.S. law prohibit the discharge of waste containing more than 15 parts per million oil and without treatment by an oil water separator and oil sensing equipment-a required pollution prevention device. The Act to Prevent Pollution from Ships also requires that all overboard discharges be recorded in an oil record book, which is subject to inspection by the Coast Guard. The waste oil may be incinerated on board the ship or offloaded in port for proper disposal.

In related prosecutions, the second engineer of the Southern Lily 2, Qing Cao, pleaded guilty to a felony information charging him with operating the Southern Lily 2 in Waters of the United States without a functioning oil water separator in violation of the Act to prevent Pollution from Ships. The court sentenced Cao to 36 months of probation and ordered Cao to depart the United States immediately. As a condition of probation, the court ordered Cao not to work on any vessels that call at U.S. ports during the term of his probation.

This investigation was conducted by the Pacific Regional Office of the U.S. Coast Guard Investigative Service Honolulu, Hawaii, and Senior Litigation Counsel Howard P. Stewart of the Justice Department's Environmental Crimes Section.

**Cargo Ship and Fishing Vessels Collide Leaving 1 Dead, 1 Missing:** A Taiwanese cargo ship collided with two Japanese fishing boats on Monday, causing them to capsize in western Japan's Osaka Bay - leaving one dead and one missing.



The two fishing vessels, operated by a total crew of 4, reportedly hit the WAN HAI in the early hours of Monday morning.

The Taiwanese Foreign Ministry has confirmed that the 21 crew members aboard the freighter were unharmed, but the four aboard the Japanese boats were thrown into the water. Three were rescued and then rushed to the hospital for treatment, while one died shortly after arriving. The Japanese Coast Guard was still searching for the fourth fisherman, according to The Japan Daily Press.

Since the collision occurred in Japanese waters, the country is responsible for the investigation into how this incident occurred.

Wan Hai Lines shipping company stated that they were notified of the collision early Monday morning, but had no information about the cause.

**Indian Coast Guard commissions advanced interceptor ship:** MUMBAI: The Indian Navy has added feathers to its armoury with the commission of Indian Coast Guard Ship C-154, the New Generation of Aaronson Surface Drive (ASD) Interceptor Boat.

The 28 metres long Interceptor Boat with 75 tonnes displacement can achieve a maximum speed of 35 knots. This Interceptor Boat has been built by M/s Bharati Shipyard Ltd.

The vessel is fitted with state-of-the-art navigation and communication equipment and medium range armament. It is designed for high speed interception, close-coast patrol, low-intensity maritime operations, Search & Rescue and maritime surveillance.

The IB is also capable of operating in shallow water as well as in deep seas. The IB is fitted with 02 main engines of 1630 KW each and ASD system. The IB is provided with advanced navigational and communication equipment.

The Interceptor Boat ICGS C-154 is based at Mumbai under the Administrative and Operational Control of the Commander, No 2 Coast Guard District HQ, Mumbai.

The IB is commanded by Dy Comdt Arvind K Tyagi, TM with a crew of 12 Enrolled Personnel.

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Coast Guards get state-of-art interceptor boat for coastal patrolling and security.

**ALMACO Refurbishes Public Area Onboard Superstar Libra in Singapore:** ALMACO reinforced the company's collaboration with Star Cruises delivering the latest refurbishment project onboard Superstar Libra ahead of schedule this past January. This order was the third from Star Cruises received by ALMACO during 2012.

The scope of the project included refurbishments in crew cabins as well as passenger and crew public spaces. A complete refurbishment took place in the Blue Lagoon and Taipan restaurants, with additional upholstery and various refurbishments made to the Reception area, Karaoke bar, Casino, Stardust Lounge, Four Seasons Restaurant, Crew Mess, Outside Stage and Spa.

"The engineering and project management expertise for which ALMACO is known were crucial to delivering the project 3 days before the planned delivery date and with no remarks from the client," said Kaj Casen, ALMACO's Project Manager. The project was delivered on January 21, 2013 in Sembawang, Singapore, only 20 days after the date when demolition started and just 2 months from the time when the order was placed.

### **IMO Secretary General to Visit Jamaica:**

Secretary General of the UN specialised agency responsible for shipping, International Maritime Organization, Mr Koji Sekimizu, will spearhead a delegation of IMO representatives to Jamaica



at the end of this month. Mr Sekimizu assumed the position of the 170-member state Organization on January 1, 2012 and this is his first visit to the Caribbean.

The four-day visit, hosted by the Maritime Authority of Jamaica (MAJ), will culminate in a High Level Symposium (HLS) of the Ministers of Transport in the Caribbean, drawing delegates from a variety of the region's States and overseas territories, as well

as Jamaica. The HLS is intended to inform the responsible Ministers in the region on critical developments that will affect their countries' reputations as responsible maritime states. Mr Sekimizu will address the group on "The Institutionalization of the Voluntary IMO Member State Audit Scheme (VIMSAS)".

The VIMSAS scheme was instituted by the IMO to ensure states are giving full and complete effect to the provisions of its major Conventions and will become mandatory in 2015. Jamaica has already been successfully audited under VIMSAS in September 2011 as part of its drive to discharge responsibly its Flag, Port and Coastal State obligations.

Prior to the symposium, the MAJ will host a seminar for Senior Maritime Administrators, as part of the IMO's Integrated Technical Co-operation Programme (ITCP) in the Caribbean. The Caribbean region, including Jamaica, has benefited greatly from the assistance of the IMO through its ITCP, which provides assistance to countries that may have difficulties giving full and complete effect to the IMO's instruments and aims to build human, institutional and legal capacities.

Mr Sekimizu is scheduled to call on key Jamaican Ministers of Government and maritime entities, including the Minister of Foreign Affairs and Foreign Trade, the Minister of Transport,

Works and Housing, the Caribbean Maritime Institute and the Jamaica Defence Force Coast Guard - the agency of Government which conducts maritime search and rescue operations.

This is only the second time in approximately 25 years that a Secretary General of the IMO has visited Jamaica, which is a long-standing member of the IMO since 1976 and a member of the IMO Council, Category C having been elected 2009 and in 2011. The IMO Council is the governing body of the Organization when its Assembly, which meets once every two years, is not in session.

MAJ Director General, Rear Admiral Peter Brady, said: "We are looking forward to the IMO Secretary General's visit which will be extremely beneficial to both Jamaica and the wider Caribbean region."

"Jamaica is very supportive of the work of the IMO. We participate in a number of IMO committees and working groups which make international rules and standards for the safety, security, prevention of pollution by ships, and promulgate the international Conventions and other instruments. Jamaica participates in meetings of the Maritime Safety Committee, Marine Environment Protection Committee, the Legal Committee, Flag State Implementation Sub Committee, the STW (training and certification of seafarers) Sub Committee, the Council and the IMO Assembly."

### **ABS Group Presenting on Root Cause Analysis Investigation Methodologies:**

ABS Group will present at the Total Investigation Management: Incident and Accident Conference on February 26 at 9:45 a.m., in Brisbane, Australia.

Charles Mitchell, Vice President, ABS Group will discuss utilizing root cause analysis to explore investigation methodologies to make each investigation efficient and effective.

Topics Charles will discuss include: evaluating current investigation processes, comparing capability and reliability of alternative investigation methodologies, selecting the best methods based on required time and processes of investigation processes, improving investigation accuracy and measuring the effectiveness of investigation method implementations based on accuracy, time and cost.

Charles Mitchell has more than 33 years of engineering management and systems analysis experience that includes Process Technical Safety, Major Hazards/Consequence Management, and Technical Safety Analysis. He directs ABS Group operations in Australia and will be available for discussion after the presentation.

ABS Group performs root cause analysis and incident investigations, as well as valuable follow-up services, including: report development, experienced guidance management system development and implementation, management of change programs, procedure development, training, security analyses and risk assessments.

### **Panama Canal Administrator Presents Expansion Program at Lamar University:**

Panama Canal Administrator Jorge L. Quijano presented the Panama Canal Expansion Program during his recent visit to Lamar University, in Beaumont, Texas.

During the conference, Quijano highlighted the impact of the Panama Canal Expansion on the U.S. Gulf ports, focusing on

those located in Texas.

"An important number of the vessels of various segments that transit the Canal today have as port of origin or destination the U.S. Gulf ports. Furthermore, once the Panama Canal Expansion is concluded there is also a great potential for exports of shale gas from this specific area that could use our waterway to markets in the Pacific," Quijano said.

Local maritime sector including stakeholders from the ports of Houston and Beaumont-Port Arthur, Sabine Pilots Association, as well as Lamar University's faculty and students attended the conference.

During a meeting of the Lamar University College of Engineering Advisory Council, Quijano, a Lamar University alumnus, received two awards in honor of his distinguished career in the Panama Canal. He was awarded the Texas Industrial Engineering Lifetime Achievement Award in recognition of his lifetime achievements and dedication to the industrial engineering profession. Dr. Brian Craig, chair of the Department of Industrial Engineering of the College of Engineering at Lamar University, presented Quijano with the award on behalf of the University of Texas - Arlington, the University of Texas - El Paso, Texas A&M University, Texas Tech University, University of Houston and Lamar University.

In addition and "as an expression of the high esteem from the Texas Senate," Quijano also received a Texas Senate Resolution in which he was proclaimed an Honorary Citizen of Texas.

Quijano earned a Bachelor of Science in Industrial Engineering in 1973 and a Master of Engineering Degree in Industrial Engineering and Management in 1974 from Lamar University. He started his career with the Panama Canal in 1975. With more than 36 years of experience, he was appointed Panama Canal Administrator on September 4, 2012.

### **ISF Calls on Governments to Facilitate Shore Leave. Proposes New Pragmatic Approach to Visa Requirements:**

The International Shipping Federation (ISF), which represents maritime employers globally, is calling on port states to facilitate the right of seafarers to shore leave, in line with governments' international treaty obligations, by proposing a new pragmatic approach to visa requirements.

The ISF has made this proposal in a submission to the International Maritime Organization (IMO) Facilitation Committee, which next meets in April to consider its current review of the IMO Convention on the Facilitation of International Maritime Traffic (FAL). The FAL Convention includes a blanket prohibition on port states requiring seafarers to obtain visas in order to enjoy shore leave.

The long established principle that, due to the special nature of their employment, seafarers should not be required to hold a visa for the purposes of shore leave is enshrined in various international Conventions, including the International Labour Organization (ILO) Conventions 185 and 108, as well the IMO FAL Convention.

However, in a post '9/11' world of heightened concerns about security and immigration issues, the ability of seafarers to

exercise this right is increasingly being challenged, with visas now required in United States and Australia. Problems are still being reported of seafarers not being able to leave their ships without visas within the Schengen area of the European Union, in spite of efforts by the European Commission to resolve these difficulties. Problems also exist in Brazil, Singapore, South Africa and other countries.

"Despite the clear principle established by various Conventions, many port states do now require a large number of seafarers to obtain visas in advance in order to enjoy shore leave. This causes serious difficulties for seafarers - especially those operating in tramp trades that may not have the opportunity to apply for a visa in advance." said ISF Director of Employment Affairs, Natalie Shaw.

As part of the ongoing review of the FAL Convention, several governments have supported proposals to add "visa number, if appropriate" within the information that port states can be permitted to request from ships. Whilst governments have argued that this information will only be used to assist the transmission of information about visas required by those seafarers who might wish to travel beyond the 'geographical limits' of shore leave, ISF believes that adoption of such an amendment could serve to legitimise the requirement of visas for shore leave by Parties to FAL, further undermining the fundamental principle that visas should not be required.

Notwithstanding the principle, however, ISF's priority is to ensure that the welfare of seafarers is met by ensuring that shore leave is facilitated. ISF is therefore proposing to IMO that governments should agree that in the event that port states insist upon requiring visas for shore leave, they should make provisions for the seafarers to be able to apply for visas upon arrival in port, or very shortly before. ISF will therefore propose that a new 'Recommended Practice' to this effect be included in the FAL Convention. If accepted, ISF will drop its current opposition to the proposal that visa numbers might be requested from ships.

"While this involves a degree of compromise on our part, we do not want to cut off our nose to spite our face. In the event that such an amendment could be accepted by governments, this might make a significant contribution towards facilitating access to shore leave, which remains a serious problem for many seafarers and shipping companies and which is a matter on which we have seen little progress in recent years. We want to break the impasse." said Mrs Shaw.

The amendment proposed by ISF would also be consistent with the principles established in ILO Convention 185, which ISF, in its capacity as co-ordinator of the Employers' Group, helped to negotiate at an ILO Tripartite Conference in 2003.

### **Carnival Triumph Escort Completed, 1 Medevaced by USCG:**

The Coast Guard escorted the disabled Carnival Triumph to the Alabama Cruise Ship Terminal in Mobile on Thursday evening.

The tug vessel Roland Falgout and four assist tugs towed the Triumph to the Alabama Cruise Terminal following more than a 100-hour voyage from Cozumel, Mexico to Mobile.

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The Coast Guard Cutter Vigorous arrived on scene Sunday night and safely medevaced one passenger to the Carnival Legend. Cutter Vigorous began escorting the Triumph once the contracted tugs arrived and began towing it toward Mobile.

The Coast Guard worked closely with federal, state and local partners to effect the safe return of the Carnival Triumph and its crew and passengers. Through a collaborative effort, the Coast Guard and its port partners transferred critical engineering equipment, assisted CBP with the disembarkation process, enforced a security zone and assisted with the medevac of one additional passenger.

The Flag Administration of the Bahamas will be leading the investigation into the incident with assistance from the U.S. Coast Guard and National Transportation Safety Board.

### U.S. Coast Guard, NTSB Launch Investigation on Carnival Triumph Engine Fire:

The U.S. Coast Guard and the National Transportation Safety Board launched an investigation Tuesday into the circumstances surrounding a fire aboard the Carnival Triumph, that occurred Sunday.

The Carnival Triumph experienced an engine room fire while on a four-day cruise in the Gulf of Mexico, and has been without propulsion in the Gulf of Mexico since. The ship's automatic fire extinguishing systems activated and the fire was extinguished. No injuries to guests or crew members were reported in connection to the fire.

The ship is expected to arrive in Mobile, Ala., Thursday evening.

Because the Carnival Triumph is a Bahamian flagged vessel, the Bahamas Maritime Authority is the primary investigative agency. In accordance with international guidelines, the U.S. will participate in this investigation as a Marine Safety Investigative State.

Coast Guard members from both the Investigations and Cruise Ship Centers of Expertise, along with a representative from the Coast Guard Marine Safety Center will lead the U.S. investigation joined by a team of five investigators from the NTSB Office of Marine Safety and the Office of Research and Engineering. The purpose of the investigation is to identify causal and contributing factors that led to the incident. Additionally both the crew response and effectiveness of fire fighting systems will be evaluated to help prevent future incidents.

The U.S. team is expected to arrive in Mobile Wednesday. Results of the investigation will be released to the public once the investigation by the Bahamas Maritime Authority is complete.

**Triumph Fire Caused by Fuel Line Leak:** Although the investigation into the Carnival Triumph fire could last up to 6 months, the U.S. Coast Guard released preliminary findings from

the early stages of the probe.

According to the Los Angeles Times, a fire began in the ship's engine room after a flexible hose attached to a fuel line - running from the fuel tanks to the engine - began to leak. The flexible hose apparently connects the fuel line to engine number six and is designed to prevent shock and vibration, and the fuel leaked onto a hot surface, sparking flames, stated a Coast Guard spokesman.

Carnival Cruise Lines noted that the company agrees with the Coast Guard's findings about the fire's source.

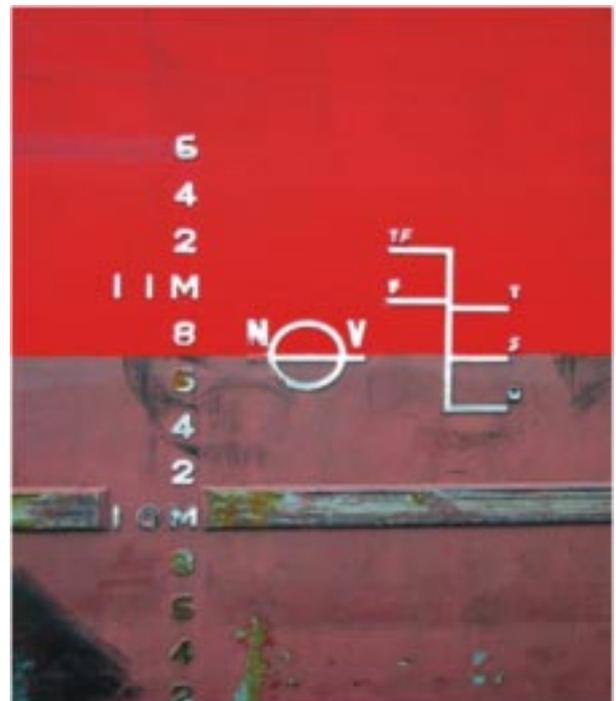
Crewmembers quickly contained the fire; the investigation now turns to why the ship lost total power and why it was disabled for so long. They will evaluate the crew's response. A forensic analysis has been performed on the ship.

U.S. participation in the inquiry is expected to last six months, as the cruise ship fly under the Bahamas' flag. The Bahaman government is heading the investigation. Investigators remain with the ship, which is docked in Mobile, Alabama.

Crew has already been interviewed. Passengers are also already filing lawsuits against Carnival due to the horrifying conditions on the luxury liner during its tow back to the U.S., including the several times the vessel dangerously listed.

**What is Plimsoll Line on Ships?** Merchant ships have a marking on their hulls known as the Plimsoll line or the Plimsoll mark, which indicates the limit until which ships can be loaded with enough cargo. Internationally, the Plimsoll line on a ship is officially referred to as the International load line. Every type of ship has a different level of floating and the Plimsoll line on a ship generally varies from one vessel to another.

Technically, no ship is able to absolutely float above, as it travels



across the waters. A certain portion of the ship is always immersed in the sea water and the level of submerging is decided by the gross weight of the respective ship. Even the type of water in which the ship is floating influences the application of the load line. Sometimes even the oceanic regions and changing seasons affect the Plimsoll mark, as well.

Researchers have found out that the temperature and salinity of the water also plays a key role in deciding the height until which the ship rests in the water.

### Why should ships have a Plimsoll line?

The International load line is very essential to ensure safe and smooth sailing of cargo-loaded vessels in the sea. Seafarers should be wary of the fact that the water level should not rise above the line markers due to surcharging of cargo or any technological fault. It might prove to be severely unsafe to the ship as tactless overloading of heavy shipment would sink the ship's stability. Crossing the assigned limit of the Plimsoll mark or the waterline is considered violation of an international shipping act and can even land the ship's crew, including the Captain, in deep trouble.

### How was the load line used in the past?

Earlier, the line markers used to be marked on the sides of the merchant ships using paint, and the sailors tried to follow the theory that the weight of the cargo should not cause the draught level of the water to rise above the water line. The primary symbol used to indicate the international load line is a circle with horizontally marked line cutting through the center of the respective circle.

### How did the International load line become mandatory?

Samuel Plimsoll, a widely known personality and esteemed as the founder of the Plimsoll line, was a famous merchant and also a dedicated shipping reformer. He was an active member for the British Parliament and had influenced the Parliament to



formulate The Merchant Shipping Act in the year 1875. He was highly concerned with the safety of the people working in the maritime world. He disliked the organizers of the ships which drowned due to excessive goods that were dumped without any idea about the capacity. He even took the time to conduct some serious research and was grieved to discover the sorry state of affairs. He once found out that nearly a thousand British sailors lose their lives due to the uninformed overloading. Plimsoll was deeply affected by this and he was determined to bring about a change, to protect the sailors. He thus devised the Plimsoll line for types of merchant ships.

According to this reform, all cargo ships should have a load line marked on their hulls, to indicate the limit until which the ships can hold cargo. The line markers points at the maximum depth of safety till which the shipment can be loaded. Thus, Samuel Plimsoll was the pioneer of the concept of the international load line and his contribution holds great significance in the maritime

world. The law found great coverage and it was practically applied to the outgoing foreign ships from the ports of Britain, and other countries observing strict nautical standards also started following the international load line rule. The invention of the Plimsoll line proved to be a breakthrough for maintaining safety on board ships, and after it was implemented in Britain, many countries followed the lead, immediately.

In the year of 1930, the International load line was enforced in around 54 countries. In 1968, a new discovery made its rounds in the nautical market. It was an improvisation of the former Plimsoll mark, and involved the application of a smaller load-line for the new bulky ships. The members of the Board of Trade passed an order that the load line was to be painted on all cargo ships. This occurred in the year of 1980.

The contribution of Samuel Plimsoll to the shipping industry is legendary and of great significance. It is due to his sincere efforts that the dangers of ship capsizing were reduced and several lives have been saved at the sea. The Plimsoll line is now deemed mandatory. This symbol is now accepted all over the world and the water line still carries the name of its pioneer, Samuel Plimsoll, as a tribute to the great Member of Parliament.

**USCG Responds to Abandoned Drum on Makapu'u Beach:** Coast Guard investigators and state a state hazardous materials crew responded to a report of a 55 gallon mystery drum on Malapu'u Beach, Wednesday.



The Hawaii State Hazard Evaluation and Emergency Response Office notified the Coast Guard of the 55 gallon mystery drum with no markings and full of unknown material. Honolulu Fire Department's Hazardous Materials team and representatives from the Coast Guard Incident Management Division responded to the report. The Fire Department removed the drum from the water onto the beach, where it was marked with caution tape. The Coast Guard accessed the Oil Spill Liability Trust Fund and contracted the Pacific Environmental Corporation to conduct clean-up and removal efforts.

Contractors successfully removed the drum from the beach after determining that it was full of marine diesel fuel. No responsible party has been identified at this time. There were no signs of pollution to the surrounding area.

"This successful mystery drum recovery highlights our effective partnerships with the State of Hawaii and Honolulu County emergency responders," said Lt. Kevin Cooper, assistant division chief of the Coast Guard Sector Honolulu Incident Management Division. "At the end of the day, 55 gallons of diesel fuel was

prevented from spilling onto Hawaiian lands or into Hawaiian waters."

As America's maritime first responder, Coast Guard teams in Hawaii are ready to respond at a moment's notice to investigate reports of pollution incidents and other threats to the environment. The members of the Incident Management Division pair their response expertise with that of other agencies to provide fast, flexible response to crisis.

**Turkish Parliament Extends Anti-Piracy Mandate:** Turkish parliament approved a government motion extending for one more year the mandate of Turkish Naval ships to partake in anti-piracy missions in Gulf of Aden and the Arabian Sea on Tuesday, February 6.

The motion extends for one more year Turkish Navy's mandate to partake in international anti-piracy missions which would expire on February 10, 2014.

Speaking at a parliament debate before the voting on the motion, Turkish Defense Minister Ismet Yilmaz said Turkey contributed to the anti-piracy task force with 13 frigates.

**OSHA Issues Seaman's Protection Act Whistleblower Procedures:** WASHINGTON - The Occupational Safety and Health Administration has published interim final rules that establish procedures governing whistleblower complaints filed under the Seaman's Protection Act. The Act protects seamen from retaliation for engaging in protected activity under the Act, including providing information to the government about an alleged violation of maritime safety laws or regulations. OSHA is requesting public comment on the interim final rules.

On October 15, 2010, Congress amended the Seaman's Protection Act by enacting Section 611 of the Coast Guard Authorization Act of 2010. Among the revisions, Congress transferred the administration of the whistleblower protections in the Act to OSHA, which were previously enforced through federal court. Congress also expanded protected activities under the Act, and adopted the procedures and burdens of proof provided in Section 31105 of the Surface Transportation Assistance Act.

The interim final rule establishes the procedures and time frames for handling retaliation complaints, including procedures and time frames for filing complaints with OSHA, investigations, appeals of OSHA determinations to an administrative law judge for a hearing, review of ALJ decisions by the Administrative Review Board, and judicial review of the secretary of labor's final decision.

**Transocean Pleads Guilty to Criminal Conduct Leading to Deepwater Horizon Disaster:**

**The world's largest offshore drilling contractor has been sentenced to pay \$400 million in criminal penalties.**

**Second Corporate Guilty Plea Obtained by Deepwater Horizon Task Force, Second-largest Criminal Clean Water Act Fines and Penalties in U.S. History.**

Transocean Deepwater Inc. pleaded guilty today to a violation of the Clean Water Act (CWA) for its illegal conduct leading to the 2010 Deepwater Horizon disaster, and was sentenced to

pay \$400 million in criminal fines and penalties, Attorney General Holder announced today.

In total, the amount of fines and other criminal penalties imposed on Transocean are the second-largest environmental crime recovery in U.S. history - following the historic \$4 billion criminal sentence imposed on BP Exploration and Production Inc. in connection with the same disaster.

"Transocean's guilty plea and sentencing are the latest steps in the department's ongoing efforts to seek justice on behalf of the victims of the Deepwater Horizon disaster," said Attorney General Holder. "Most of the \$400 million criminal recovery - one of the largest for an environmental crime in U.S. history - will go toward protecting, restoring and rebuilding the Gulf Coast region."

"The Deepwater Horizon explosion was a senseless tragedy that could have been avoided," said Assistant Attorney General Lanny A. Breuer of the Justice Department's Criminal Division. "Eleven men died, and the Gulf's waters, shorelines, communities and economies suffered enormous damage. With today's guilty plea, BP and Transocean have now both been held criminally accountable for their roles in this disaster."

Transocean's guilty plea was accepted, and the sentence was imposed, by U.S. District Judge Jane Triche Milazzo of the Eastern District of Louisiana. During the guilty plea and sentencing proceeding, Judge Milazzo found, among other things, that the sentence appropriately reflects Transocean's role in the offense conduct, and that the criminal payments directed to the National Academy of Sciences and National Fish and Wildlife Foundation are appropriately designed to help remedy the harm to the Gulf of Mexico caused by Transocean's actions. The judge also noted that the fines and five year probationary period provide just punishment and adequate deterrence.

Transocean pleaded guilty to an information, previously filed in federal court in New Orleans, charging the company with violating the CWA. During the guilty plea proceeding today, Transocean admitted that members of its crew onboard the Deepwater Horizon, acting at the direction of BP's well site leaders, known as "company men," were negligent in failing to investigate fully clear indications that the Macondo well was not secure and that oil and gas were flowing into the well.

The criminal resolution is structured to directly benefit the Gulf region. Under the order entered by the court pursuant to the plea agreement, \$150 million of the \$400 million criminal recovery is dedicated to acquiring, restoring, preserving and conserving - in consultation with appropriate state and other resource managers - the marine and coastal environments, ecosystems and bird and wildlife habitat in the Gulf of Mexico and bordering states harmed by the Deepwater Horizon oil spill. This portion of the criminal recovery will also be directed to significant barrier island restoration and/or river diversion off the coast of Louisiana to further benefit and improve coastal wetlands affected by the spill. An additional \$150 million will be used to fund improved oil spill prevention and response efforts in the Gulf through research, development, education and training.

Transocean was also sentenced, according to the plea agreement, to five years of probation - the maximum term of probation permitted by law.

A separate proposed civil consent decree, which resolves the United States' civil CWA penalty claims, imposes a record \$1 billion civil Clean Water Act penalty, and requires significant

measures to improve performance and prevent recurrence, is pending before U.S. District Judge Carl J. Barbier of the Eastern District of Louisiana.

The charges and allegations pending against individuals in related cases are merely accusations, and those individuals are considered innocent unless and until proven guilty.

The guilty plea and sentencing announced today are part of the ongoing criminal investigation by the Deepwater Horizon Task Force into matters related to the April 2010 Gulf oil spill. The Deepwater Horizon Task Force, based in New Orleans, is supervised by Assistant Attorney General Breuer and led by Deputy Assistant Attorney General John D. Buretta, who serves as the director of the task force. The task force includes prosecutors from the Criminal Division and the Environment and Natural Resources Division of the Department of Justice; the U.S. Attorney's Office for the Eastern District of Louisiana, as well as other U.S. Attorneys' Offices; and investigating agents from: the FBI; Environmental Protection Agency, Criminal Investigative Division; Environmental Protection Agency, Office of Inspector General; Department of Interior, Office of Inspector General; National Oceanic and Atmospheric Administration, Office of Law Enforcement; U.S. Coast Guard; U.S. Fish and Wildlife Service; and the Louisiana Department of Environmental Quality.

**Sea Shepherd Takes Fight Against Japanese Whalers to Supreme Court:** An environmental group known for confronting whaling ships at sea asked the Supreme Court to lift an injunction barring it from maneuvers that harass Japanese whalers.

The Sea Shepherd Conservation Society filed an appeal of a 9th U.S. Circuit Court of Appeals order in December requiring the nonprofit to stay at least 500 feet away from Japanese whaling ships.

Charles Moore, the attorney representing Sea Shepherd, said at a National Press Club briefing that the San Francisco-based 9th Circuit's three-sentence injunction surprised the group because it was issued without warning or a chance to argue in front of the judges and without being requested by Japan's Institute for Cetacean Research.

The court issued the preliminary injunction sua sponte, or "of its own accord."

Moore described the move as "highly unusual," while Robert Kennedy Jr., participating by phone, called it "very, very dubious and strange and unique."

"I've never seen a species of injunction like this before in my 30 years as a practicing attorney and litigator," said Kennedy, who is a senior attorney for the Natural Resources Defense Council and president of Waterkeeper Alliance.

The injunction overturned a March 2012 ruling from U.S. District Judge Richard Jones in Seattle, who denied the institute's initial request for an injunction on the grounds that it would not succeed in trial. Sea Shepherd's tactics are low-level harassment, and the institute does not face irreparable harm if the group continues its campaign, Jones ruled. He added that if the case were to proceed, the institute would come to the courtroom with "unclean hands."

The institute is whaling in the Australian Whale Sanctuary, despite an injunction from the Australian courts, Moore said.

Whaling was outlawed worldwide in 1986, but Japan continues to hunt whales under a research exemption in the Southern Ocean Whale Sanctuary and surrounding waters. An estimated 20,000 whales have been killed for research by Japan, without a single peer-reviewed article being published in a scientific journal, Kennedy said.

"They are really a pirate organization masquerading as a science research group," he said.

The international and scientific communities broadly oppose whaling for research, he said. The U.S. State Department also opposes whaling.

Scott West, an investigations operative for Sea Shepherd, noted that the injunction applies only to Sea Shepherd Conservation Society U.S. and its founder, Paul Watson. Other nations' Sea Shepherd groups are separate entities, he said.

The injunction has prevented the United States from participating in the annual campaign to stop whaling in the Southern Ocean, which typically involves positioning watercraft to block ships from hauling whale carcasses on board, throwing a vomit-smelling concoction called "stinky butter" on board, or snagging ship propellers.

Four vessels flying Australian and Netherlands flags are currently patrolling the Southern Ocean, West said.

"All of these entities have picked up the mission," West said. "Sea Shepherd U.S. is complying with, albeit ridiculous, the injunction. ... We're not going to be in violation of federal law."

The whaling season typically is between December and March, during the Antarctic summer. No whales have been killed this season so far, said Susan Hartland, Sea Shepherd's administrative director.

**MARAD Study Finds Great Lake Shipping Showing Signs of Recovery:** Overall U.S. maritime cargo volumes in the Great Lakes region are recovering from extreme lows experienced in 2009, according to a report released by the U.S. Department of Transportation's Maritime Administration.

The report, Status of the U.S.-Flag Great Lakes Water Transportation Industry, finds that the U.S. Great Lakes maritime industry is generally healthy, providing efficient, safe and environmentally friendly transportation services. It continues to be competitive with railways and trucks and, supported by responsible regulation and infrastructure maintenance, will remain an essential part of the regional and national economies.

"This study shows that the recovery happening in communities all across the country is also happening right here in the Great Lakes, with cargos rebounding from the low levels reached in 2009," said U.S. Transportation Secretary LaHood. "It confirms what we've long known - that the Great Lakes fleet provides efficient, safe and environmentally sound transportation services that remain competitive with other modes of freight transportation."

The study describes a broad range of issues relevant to the current and future health of the U.S.-flag Great Lakes water transportation industry. It provides information on U.S. vessels, ports, shipyards, cargo markets, emissions and ballast water regulations, dredging, regional planning, and other factors, with a focus on large dry bulk vessels, known as "Lakers." The study identifies and evaluates options to revitalize some U.S.-flag

Lakers, particularly by repowering older vessels that still use steam engines with modern conventional diesel or LNG diesel engines.

The report notes that in 2009, the Great Lakes maritime industry suffered from a confluence of several challenging conditions, including a 33 percent drop in cargos attributable to the recession. The moderate recovery in waterborne cargoes since that time, aided by the recovery of the automobile and steel industries, is providing support to the water transportation industry. Iron ore, the single most important cargo for U.S.-flag Lakers, has almost fully recovered to pre-recession levels. With the exception of coal, the major cargos of iron ore and limestone on the Great Lakes are projected to grow gradually with the economy over the next several years. Coal cargos have not recovered since the recession.

"The Department of Transportation is committed to a strong future for the maritime industry, and the Great Lakes fleet is an extremely important part of that future," said Maritime Administrator David Matsuda. "This study helps the Agency and our industry partners better understand what we need to do to needed to keep Great Lakes shipping competitive and responsive to regional needs."

The Maritime Administration works to strengthen the maritime transportation system of the United States to meet the economic and security needs of the country. It also operates the United States Merchant Marine Academy at Kings Point, New York, which provides advanced education and training for professionals from the maritime community, private sector, government and military.

### **Executive in Action: Bertrand Smith - Director of Legal Affairs, Maritime Authority of Jamaica:**

Jamaica has plans to capitalize on the expansion of the Panama Canal. The port of Kingston is already a regional transshipment hub, and dredging will enable it to handle the largest container vessels being built. More than that, though, the plan is to increase value-added services, first by making the port a bunkering hub and then by building up other services such as marine insurance, banking, legal services, drydocking and chandlery.

Although Jamaica is barely 150 miles long, Kingston harbor is the seventh deepest natural harbor in the world, so accommodating the large containerships now being built is a comparatively easy task. Putting the required legal instruments in place to facilitate environmentally responsible development of the port is more difficult. There are over 15 agencies in Jamaica that have marine-related functions including pollution prevention, wildlife protection and mineral exploration.

### **Formulating Environmental Policy**

Bertrand Smith, Director of Legal Affairs at the Maritime Authority of Jamaica, has dedicated much of the last decade to the task of environmental policy development, legislation and education. Smith is an Attorney-at-Law with 20 years' experience in maritime and environmental law. After graduating from the University of the West Indies and the Norman Manley Law School, he obtained a postgraduate degree in Maritime Studies from the World Maritime University in Sweden. He has been Director of Legal Affairs since 2001 and is Jamaica's delegate to the Legal Committee of the IMO.

Smith chairs the 25-country task force on the Ballast Water Management Convention in the wider Caribbean region. It has been a long-term passion of his as invasive species have already been a problem for Jamaica. In 1998, for example, the green mussel *Perna viridis* invaded Kingston and has negatively impacted the biodiversity of mangroves and clogged the intake pipes of power stations.

Now agreement is being sought among the Caribbean sovereign states and territories to establish a ballast water exchange plan whereby ships discharge their ballast before entering the region. It is difficult to meet the convention's exchange requirements within the region as there are very few places that satisfy the requirement of being 200 miles from land and 200 meters in depth. Consensus is required from local authorities and the UK, the Netherlands and France as they have territories in the region.

The use of onboard treatment systems that the IMO convention will mandate is most desirable, says Smith. "However, no one really knows when the convention will enter into force. Of course there are rumors, and I wouldn't doubt if in 2013 we will have achieved the tonnage threshold."

The wider Caribbean is now a special area with respect to garbage (MARPOL Annex V). Although shipping contributes less than ten percent of the marine pollution in Jamaica, stricter standards are important to protect the fragile marine resources on which most of the Caribbean countries depend for tourism and fishing.

### **Establishing the Regulatory Framework**

Smith helped establish the required regulatory framework. "Before, no one knew where waste was being discharged. It could have been a significant public health risk," he says. "A responsible shipping line would not have disposed of its sludge or garbage in Jamaica because there was no regime in place. Now, we are seeing an increase in the number of requests for discharge."

Twenty-one states in the region have notified IMO that they have adequate facilities. "Whether that is the reality on the ground, I guess complaints from shipowners will determine," he says, as it is a development process that commenced as far back as 1991. Lacking specific facilities itself, Jamaica's solution is to truck oily sludge to end-users in the asphalt, cement and power-generation industries. The country is refusing food waste as it cannot handle large volumes, and there is the provision under MARPOL to dump it 12 miles from land. Jamaica cannot handle domestic plastic in its landfill either, and steps are being taken to have this exported to the U.S.

Smith has been heavily involved in educating the local maritime industry, including shipping agents, on what is required. "The obligations of port states to give full and complete effect to the provisions of Annex V extend beyond the presence of reception facilities to ensuring that those who receive and manage the garbage are appropriately qualified."

His environmental focus is now switching to the risk of oil spills. Jamaica ratified the IMO International Convention on Oil Pollution Preparedness, Response and Cooperation in 2009, and Smith is currently incorporating its provisions into national legislation.

**Iranian Tanker Crew on Strike in India:** The crew aboard an Iranian oil tanker, CRYSTAL, have reportedly stopped unloading their cargo in India's Mangalore port over unpaid salaries.



Details on the situation remain unclear, but international sanctions imposed against Iran have cut the country's oil revenues and forced them into an economic crisis. In fact, days ago, stricter measures have made it harder for Iran to repatriate any funds from oil sales.

Local officials confirmed that six (6) crewmen are on strike. About 70% of the tanker was unloaded, but all work has now ceased. Negotiations seem to be in progress. The Ukrainian mariners are demanding four months' worth of pay that they have not yet received.

Inside sources claim that Iran had cleared payments to the sailors up to the last day of 2012, but the crew had refused to unload the remaining cargo as they had not yet received confirmation from their banks of the payments.

The Aframax vessel at Mangalore port is owned by the National Iranian Tanker Company (NITC), who has not yet commented on the situation.

The Economic Times reported: "Indian refiners have been paying for 45 percent of their crude purchases in the rupee, which is restricted in trading on international markets, and the two countries have been trying to find goods that Tehran can buy to balance out the oil sales. But Indian traders are wary of striking fresh deals with Iran due to a number of problems, including delayed payments."

### **Salvage operation delays JNPT Dredging:**

With wreck removal to precede the dredging operation, the deepening of the approach channel to JNPT will get delayed.

The \$ 235 million dredging project for deepening the JN port's approach channel has hit a hurdle and may get delayed by at least three months before the work can take off. The unknown quantity of wreck lying at the bottom of the sea has come in the way of the dredging project. A number of accidents which have taken place in and around the Mumbai harbor and approach channel over the years have contributed to this buildup of wrecks including what is known as the "Great Bombay Explosion" of 12 April 1944 when SS Fort Stikine carrying 1,395 tons of explosives had caught fire and erupted.

Confirming this development L. Radhakrishnan, Chairman of Jawaharlal Nehru Port informed that wreck lying down beneath the sea could include containers and other objects which need to be removed before the dredging operation starts. We are trying to fish them out. The dredging contract with Royal

Boskalis includes removal of the wreck up to a particular size. But above that the wreck removal cost will have to be borne by JNPT. Tata Consulting Engineers (TCE), who are consultant to JNPT for the dredging contract will decide on the course of action.

"TCE may probably go to the market and call for bids and decide on giving the wreck removal contract," Mr Radhakrishnan stated. "If the wreck is too large the dredgers cannot handle it. So we will have to have a separate salvage operation for this purpose. If a tender is floated it will not be a global one and Royal Boskalis can also participate in it. Even if they do we will not give them the contract just like that. Whatever is the competitive bid and all things being equal the contract will be decided. But comparatively it is a small value project."

Corroborating the development Devdatta Bose, Group Vertical Head - Ports & Transportation, Tata Consulting Engineers Limited stated, "There are over 60 obstructions out there in the approach channel. In fact, we pointed out to JNPT that there are several obstructions lying beneath the sea including that of SS Fort Stikine from which there could be shells, arms, metal parts, and other debris. We are in the process of calling for bids for the purpose of analyzing the market rates. Foreign players will also be participating. However, there will be stringent conditions in the contract among these will be that that the successful bidder will have to complete the wreck removal within 75 to 90 days."

In the dredging contract Royal Boskalis has to raise the present depth of 11.5 meters of the common navigational channel which serves as the approach to both the Mumbai and Jawaharlal Nehru ports to 14 meters. With the present depth of 11.5 meters the JNPT is able to handle container ships carrying up to 3,000 standard containers that too at high tide. After deepening the channel to 14m it will enable ships with a capacity of loading over 6,000 standard containers to berth.

It is quite possible that the salvaging operation could come up with some rare unexpected results. After all SS Fort Stikine was known to have been carrying a consignment of gold, besides other costly shipment. There could also be a rush to secure relics of the British freighter.

### **French ports of HAROPA brings Indian sub-continent closer:**

Visiting trade delegation from ports of Le Havre, Rouen and Paris are successful in creating interest among their Indian counterpart

The recent visit of the trade team from HAROPA which constitutes the ports of Le Havre, Rouen and Paris is likely to put trade between the Indian ports and HAROPA on a fast track. Led by Herve Cornede, Director, Commercial and Marketing, HAROPA Ports, the French delegation visited Chennai, Delhi, Ahmedabad and culminated their tour in Mumbai. Lot of interest is said to have been generated in each city where they met top government officials, leading personalities from the shipping, ports, logistics sector as well as prominent importers and exporters.

Capt. Avinash Batra Chairman of Seahorse Group, who represents HAROPA in India, stated at the meeting in Mumbai, "HAROPA was a new and the biggest initiatives and a place where one would want to be in. Le Harve is a preferred port of call with most major shipping lines. HAROPA being the largest French ports for container trade, it is also the first major port of call for containerhips at the entrance to North Europe with

2.9 million TEU (maritime + waterway trades). Presently, Le Havre is connected to 8 Indian ports including Kandla, Mundra, Nhava Sheva, Cochin, Tuticorin, Chennai, Haldia and Kolkata. Container trade between HAROPA and India accounted for 540,000 tons (estimate) in 2012, that is a 6% increase against 2011. Significantly, France is the largest trading partner for India among EU countries.

Highlighting the salient features of HAROPA, Mr Cornede said it handled 130 million tonnes of maritime and river traffic and was the largest logistics hub in France with 2.6 million sq. m of warehouses and is well connected to a vast hinterland through multiple modes. It is in the process of seeing further investments to the tune of 1.2 billion euros in the coming years. HAROPA ports cover the 8 strategic commercial business units of containers, logistics, chemicals, cereals, automotive, energy, out-of-gauge and heavy lift cargo, and industry. Also it offers connections to nearly 500 ports worldwide and was serviced by around 50 container shipping companies;

Indian entrepreneurs were impressed with the services offered at HAROPA including rapid, secure, easily accessible and low-cost customs clearance and a time limit of 6 minutes for its completion. The one-stop port shop which traces all operations owing to the interconnection with the Cargo Community System AP+ and the single data management via the CCS AP+ software guaranteeing a easy and simple use evoked interest. This is something that needed to be replicated in Indian ports.

Considering the extensive facilities offered by HAROPA many from the Indian side indicated interest in using the HAROPA port especially Le Harve. In Mumbai the Chairman of Jawaharlal Nehru Port (JNPT) L. Radhakrishnan hoped to have signed a Memorandum of Understanding (MoU) during the trade delegation's visit. But he informed that this could not happen because the draft of the MoU was awaiting the approval of the Ministry of Shipping, Government of India.

Recommending to the trade the use of the facilities of HAROPA Capt. Deepak Tewari, President of MSC Agencies India said "Le Harve port is a benchmark in Europe for Ocean carriers. The Indian trade should get a taste of the interface HAROPA offers in Europe. Above all it offers a seamless logistics hub into Europe and MSC would plans to enhance the number of services it presently offers.

### **It's hunky dory on maritime manning & training front:**

For seafaring to continue on a healthy course, manning and training need to be promoted simultaneously with equal thrust.

Encouraging updates from the Manning and Training sector in India present a healthy picture of the industry. It appears that the future is set to get brighter as was revealed in a panel discussion held under the aegis of the Company of Master Mariners of India. Selected participants in the panel discussion are well-acclaimed icons of the fraternity known to have their finger on the pulse of the industry and having constant contact with cronies and who's who in manning and training.

Providing insights into the latest situation prevailing on the manning front were Capt S. M. Halbe, Managing Director of Gulf Energy Maritime Services and Capt Birendra K Jha, General Manager of Mitsui O.S.K. Lines Maritime (India) Pvt Ltd. With regard maritime training there were Capt K. N. Deboo, Principal of Anglo Eastern Maritime Training Center and Capt C. L. Dubey, Principal of Mumbai Maritime Training Institute.

The discussions yielded some revealing facts. It was established that just finding competent people in the seafaring profession was not as vital as selecting the right people. It was underscored that training goes hand-in-hand with the selection process. There is no dearth of opportunities and there is growth seen in manning. But the market is bad especially in the tankers segment which is seeing many vessels getting scrapped. Ship owners are looking at cost cutting. But the discussions boiled down to the main issue about whether Indian seafarers would ultimately suffer the same fate as the European seafarers who were found to be expensive to employ?

For one thing seafarers have come down to the level of being price takers and cannot be put in the category of "price makers". The growth potential still exists and jobs for the talented are plentiful.

The manning industry looks to the Indian administrations for greater support. More road shows and greater effort in marketing Indian seafarers was necessary especially in countries such as Japan and others. It needs to create awareness about the extensive maritime training facilities that exists in India geared to mould seafarers to perform according to their needs of shipowners. There has been excellent backing from the trade unions and have been known to rise up to the occasion when need arises.

Recruitment position for officers is strong but junior officers are increasingly facing competition from Filipinos and others. This situation could be rectified if the management on board considers training as part of their responsibility too. Training institutes are concentrating in bringing in quality but is not the case with all. The move made by the Indian Maritime University and the Board of examiners in selecting good candidates is a step in the right direction.

The claims generally being made as regards retention and attrition by most manning companies appears to be exaggerated as there is a tendency to present a rosy picture to shipowners. One reason being that oil majors go by the past 10-year record and they prefer a retention rate of over 90 per cent. As a result shipowners are forced to retain seafarers.

With regard competency (not necessarily the performance angle) the feedback reported is good especially with regard to skill, attitude and knowledge. It was felt that the masters could play a significant role in helping to promote quality because his role in imparting training is crucial.

It was noted that on the performance side whenever mistakes happen, the management on board showed exceptional ability to resolve them. It was underscored that preventing mistakes taking place in the first place were preferable. On the present entry level there are recruits joining the seafaring career who don't even know what shipping is all about. On the other hand piracy is taking its toll and seafaring continues to lose good talents.

Indian Certificate of Competency is considered invaluable as it is accepted worldwide and Indian seafarers prefer it to that of any other administration in the world. As ships are continuously getting specialized, value added courses are gaining importance. But these courses not being included in the Standards of Training, Certification and Watch-keeping (STCW) there is a strong tendency among seafarers to do them only when employed with a company where the company bears the cost - seafarers almost never do the course on their own and at their own cost. But ship owners are increasingly looking for

seafarers who are already trained for their ship specific.

If India wants to increase its contributing to the global seafaring community and wants to enhance its share from the present 6 per cent to 12 percent, the need for a more proactive approach is necessary. For this mariners will have to be more upbeat and move ahead and get themselves' prepared in advance in all new regulations coming including that of ECDIS, ballast water, etc. India is seen to have very good training capacity in more than 130 training institutes for meeting the 12 percent target fixed by the government to be achieved by 2015. The quality of training being imparted is of high standard thanks to the regular inspection carried out by the Indian administration and the self assessment process in place. Above all providing better salaries and congenial working environment for the faculty will go a long way in raising the quality bar.

**Mock Rescue Drill Leaves 5 Cruise Ship Crewmen Dead:** Five crew members died in an emergency drill on a cruise ship in the Canary Islands on Sunday, reported Reuters.

The cables on a lifeboat snapped during a mock rescue exercise on the Thomson Majesty causing it to plunge 65 feet into the ocean where it fell upside down - killing the five and injuring three others aboard.

There were about 1,500 passengers onboard ship at the time of the incident. None of them was involved in the accident.

In Britain, the RMT shipping union called for better safety standards in the UK shipping and cruise industries. They are awaiting the outcome of the official investigation and recommendations that can prevent any repetition of such events.



Thomson released the following statement on the incident:

Thomson Cruises can confirm there was an incident involving the ship's crew during a safety drill on board Thomson Majesty, in La Palma, Canary Islands yesterday at 11:50am local time.

We can also confirm that there have sadly been five crew fatalities and three crew injuries. All three have been discharged from hospital and are back on board the ship. Our thoughts are with the families of those involved.

We are working closely with the ship owners and managers, Louis Cruises, to determine exactly what has happened and provide assistance to those affected by the incident. We are also working closely with all relevant authorities and are co-operating fully with their investigations.

As the authorities are currently conducting their investigations,

we are awaiting confirmation of when the ship can continue with the cruise. We hope to receive this this morning and will advise customers as soon as we have an update.

**Cosco Busan Pilot Sues USCG Over License Renewal:** John Cota, the infamous San Francisco Bay bar pilot who was found responsible for the 2007 Cosco Busan oil spill, has filed a lawsuit against the U.S. Coast Guard to get his mariner's license back. Cota claims that officials gave a series of baseless reasons for refusing to renew his credentials after the 2007 disaster.

The 65-year-old was found to be taking up to 19 prescription medications when his container ship allided with a span of the Bay Bridge. The investigation into the incident discovered that Cota did not reveal all of his medical conditions to the USCG. Additionally, his use of the medications resulted in degraded cognitive performance at the time of the accident.

According to the San Francisco Chronicle, Cota voluntarily surrendered his state-issued bar pilot's license in 2008 in the face of efforts to revoke it by the Board of Pilot Commissioners. He also previously gave up his federally issued mariner officer license in December 2007.

Cota's suit, filed in federal court in California, states that the U.S. Coast Guard deceived him into surrendering his credentials in a fake voluntary agreement, and then found phony reasons not to renew them. Cota passed post-accident medical examinations, according to the lawsuit, but Coast Guard authorities insisted he was not fit to pilot a vessel because of his use of a stimulant for his sleep apnea.

Legal representatives for the pilot ensure that he is definitely still capable of piloting a ship, and wants to be active. The defense noted that heavy fog the morning of the Cosco Busan spill and communications interruptions with the crew is largely to blame for the disaster. Moreover, Cota's lawyer argues that the Coast Guard was put under immense political pressure to keep him off the water.

**Ex Cosco Busan Ship Pilot Wants Mariner's License Back**

The cargo ship pilot ultimately responsible for the Cosco Busan oil spill is requesting to quietly regain his mariner's license and get back out on the water.

After piloting a vessel that collided with the San Francisco-Oakland Bay Bridge and causing a massive spill, a legal representative for the now 64-year-old John Cota claims that his client wants to operate as a tugboat captain. Apparently, however, the Coast Guard has denied a previous appeal for Cota's license reinstatement back in February. Cota and his attorneys are now working through other options, including a lawsuit, to regain his license to sail commercially in the bay.

Cota was piloting the Cosco Busan ship in heavy fog on Nov. 7, 2007 when it sideswiped a bridge tower. More than 50,000 gallons of oil leaked into the San Francisco Bay, contaminating 26 miles of shoreline, reports the San Francisco Chronicle. He plead guilty to two misdemeanor charges of illegally discharging oil in the bay and killing thousands of birds. He was sentenced to 10 months in prison in July 2009.

Shipping industry officials and environmentalists have openly agreed with the Coast Guard decision to deny renewal of Cota's license, which expired in 2010 after the Coast Guard put it under a form of suspension.

## **Cosco Busan Operator Admits Guilt in Causing Oil Spill: Fleet Mgt. Ltd. Agrees to Pay \$10 Million for Pollution and Obstruction Crimes:**

WASHINGTON (13 August) Fleet Management Ltd., a Hong Kong-based ship management firm, pleaded guilty today to a criminal violation of the Oil Pollution Act of 1990 for its role in negligently causing the discharge of more than 50,000 gallons of fuel oil into San Francisco Bay from the Cosco Busan when the vessel struck the San Francisco Bay Bridge in dense fog on Nov. 7, 2007. Fleet Management also pleaded guilty today to felony obstruction of justice and false statement charges for creating false and forged documents after the crash at the direction of shore-based supervisors with an intent to deceive the U.S. Coast Guard.

Today's guilty pleas were made as part of a plea agreement with the government that is subject to approval by Judge Susan Illston of the U.S. District Court for the Northern District of California. If the plea terms are approved by the Court, Fleet has agreed to pay a total \$10 million criminal penalty. Of this amount, \$2 million would be devoted to fund marine environmental projects in San Francisco Bay.

The plea agreement, should the court accept it, also calls for Fleet to implement a comprehensive compliance plan that would include heightened training and voyage planning for ships engaged in trade in the United States. The training will focus on better preparing masters for command of Fleet's vessels, providing classroom and shipboard navigation training to those who navigate Fleet's vessels and ensuring that all Fleet vessels calling in U.S. ports create a thorough plan for how they will navigate in those ports. The new training and voyage planning requirements will be subject to auditing and the court's supervision.

"Today's guilty plea by Fleet, combined with the recent sentencing of the ship's pilot, sends a signal to the maritime industry that the government recognizes that navigation of large vessels is a serious undertaking and that those who fail to adequately train, execute and supervise their responsibilities will be held accountable," said John C. Cruden, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Fleet engaged in criminal conduct when shore-based supervisors directed the fabrication of false and forged documents to deceive investigators and hide its own culpability."

"This criminal prosecution emphasizes that vessel managers have the responsibility to train and supervise its crews and to follow required procedures," said Joseph P. Russoniello, U.S. Attorney for the Northern District of California. "Fleet failed to meet its obligation under international law to ensure the crew was adequately trained on navigation procedures and equipment. Vessel operators cannot abdicate their responsibilities to ensure safety and environmental protection without suffering serious consequences."

As part of the plea agreement, Fleet Management admitted "that it was a cause of a discharge of a harmful quantity of oil into the navigable waters of the United States, that it acted negligently, and that its negligence was a proximate cause of the discharge of oil into San Francisco Bay on Nov. 7, 2007." According to the factual statement signed by Fleet, the crew of the vessel:

- was not adequately familiar with certain ship-specific navigational equipment,
- did not engage in a berth-to-berth passage planning process or prepare written berth-to-berth passage plans,
- did not conduct an adequate Master - Pilot exchange of information,
- did not fully utilize or operate the ship's radar and electronic chart system, and
- did not take fixes during the voyage.

In pleading guilty, Fleet admitted that after the ship hit the Bay Bridge, it concealed ship records and created materially false, fictitious and forged documents with an intent to influence the Coast Guard's investigation. In particular, a false berth-to-berth passage plan for the day of the crash was created after the incident at the direction of shore-side supervisors known as superintendents and with the knowledge of the ship's master. Additionally, a ship officer falsified the ship's official navigational chart to show fixes that were not actually recorded during the voyage. Other records including false passage planning checklists were also created after the fact.

The pilot of the Cosco Busan, Captain John Cota, was recently sentenced to 10 months in prison, one year of supervised release and 200 hours of community service for his role in causing the Cosco Busan collision and discharge of oil and deaths of migratory birds.

The collision caused a gash measuring approximately 150 feet long by 12 feet high on the port side of the ship, puncturing two of the ship's fuel tanks and damaging the fendering system on the Delta tower of the bridge, and resulting in a significant environmental clean-up. At least 2,000 migratory birds died, including Brown Pelicans, Marbled Murrelets and Western Grebes. The Brown Pelican is a federally endangered species and the Marbled Murrelet is a federally threatened species and an endangered species under California law.

The criminal investigation was conducted by the Coast Guard Investigative Service; the EPA Criminal Investigation Division; the Federal Bureau of Investigation; the U.S. Fish and Wildlife Service; Silicon Valley Regional Computer Forensics Laboratory; and the California Department of Fish and Game, Office of Spill Prevention and Response. The investigation also received technical assistance from other Coast Guard offices including District 11 Legal Office, Sector San Francisco, Office of Investigations and Analysis, Office of Maritime and International Law, Office of Vessel Activities, Electronics Support Unit, Alameda and the Marine Safety Laboratory. In announcing the plea agreement, the U.S. Attorney and Assistant Attorney General thanked federal and state investigators and offices for their assistance in the prosecution.

The criminal case is being prosecuted by Assistant U.S. Attorneys Jonathan Schmidt and Stacey Geis, and Special Assistant U.S. Attorney Christopher Tribolet of the U.S. Attorney's Office for the Northern District of California, and Richard A. Udell, Senior Trial Attorney with the Justice Department's Environmental Crimes Section.

Under the Crime Victims' Rights Act, crime victims are afforded certain statutory rights including the opportunity to attend all public hearings and provide input to the prosecution. Those adversely impacted by the oil spill are encouraged to visit

## Maritime Training Issues with Murray Goldberg:

### Simulator Training Worth It?

For decades, simulation has been a part of maritime bridge and engine room training. But as with many safety initiatives, its effect is sometimes difficult to quantify. We know it has value, but it does come at a cost. Is the cost worth the value derived from simulator training? This article examines some recent research in an attempt to answer this question.

**Introduction:** For decades, simulation has been a part of maritime bridge and engine room training. But as with many safety initiatives, its effect is sometimes difficult to quantify. We all know, both intuitively and empirically, that simulator training has value. It extends a trainee's experience base in both typical and atypical scenarios. But while we all agree that simulator training is valuable, we also know that it comes at a cost. After all, simulators and the time spent on them are expensive. Is the cost worth the value derived from simulator training?

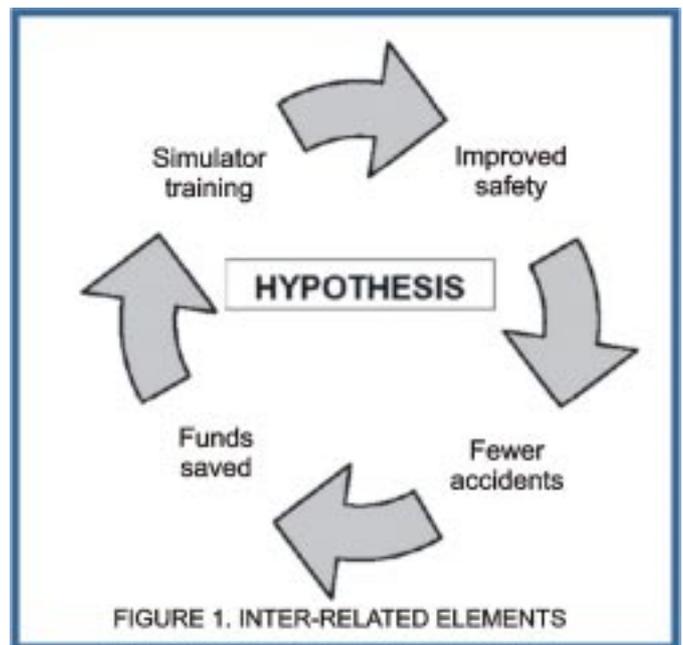
**Cost vs. Benefit:** One compelling argument applied to safety training in general is that the value of one life saved is greater than any cost - as long as it is affordable. Thus if we believe that simulator training has the potential to save one life, it is worth the costs associated with it and therefore no further analysis is necessary. But there are real problems with that line of reasoning. First, it does not provide us with any basis on which we can compare other safety initiatives. It may be that simulator training is indeed worthwhile, but that some other safety initiative can save more lives at a far lower cost. Unless we assess the costs and value of each we are unable to make informed decisions. Another issue is that without a cost benefit analysis, implementation decisions are sometimes more emotional than logical. After all, if it can be shown that simulator training actually saves money through a reduction in accident related costs or performance issues, then perhaps its use would be even more pervasive than it already is.

This is exactly the question addressed by a very interesting MET paper given by Professor Capt. Stephen Cross of the Maritime Institute Willem Barentsz (MIWB) in West Terschelling, The Netherlands. Prof. Capt. Cross' paper, "Aspects of Simulation in Met - Improving Shipping Safety and Economy", was presented at the IMLA 20 conference on maritime education and training in July, 2012 at the MIWB (where I had the good fortune to meet Capt. Cross). His paper presents a concrete view of the economic effects of simulator training. The results are compelling.

**The Idea:** Prof. Capt. Cross expressed the motivation of his study as follows: "If simulator training can improve safety of operations, this would result in fewer accidents, which in turn will save funds, which could be used to afford the additional training efforts."

Additionally if the amount of the increased costs of training is compared to the funds spent presently on damages from accidents, a simple cost benefit analysis could show if such training efforts are worthwhile".

**The Study:** In order to answer this deceptively simple question, Cross needed to look at a wide array of information related to the desired objectives, the current conditions of MET and maritime operations, and then had to study (and sometimes project) the consequences of change. To give you some idea



as to the complexity of the study, Cross proceeded along the following path:

First he determined what percentage of maritime accidents were attributable to human error.

Next he determined what percentage of these accidents could be attributed to training shortcomings.

Next he determined what percentages of competencies could be improved by simulator training.

Next, he had to determine by how much the above competencies could be improved through simulator training.

Multiplying the various percentages together gave an estimate of the reduction in accidents through the use of simulator training. With that information, he could then look at the cost of simulator training in order to compare it to the cost savings through a reduced number of accidents. I summarize his analysis below. Please note that in the interest of space, only a portion of Cross' analysis can be presented. I encourage you to read the paper for full details.

**Finding the Percentages:** Human Error: Looking first at the percentage of accidents attributable to human error, Cross arrived at 80% based partly on the following:

"... the Norwegian DAMA database of accidents for the Safeco project (EU 4th FP, Safeco, 1996) whereby from 1981 to 1996 some 5400 accidents were included and some 1100 were analysed, the division of basic causes was 80% human factors and 20% technical factors."

#### ... Human Error: 80% of accidents

Lack of Sufficient Training: Looking at how training influences accidents, Cross looked at a number of studies which evaluated the causes of accidents. Among them he cites the following three:

"Wagenaar and Groeneweg (Wagenaar, et al, 1987) found 35% of the accidents were due to improper training and 46% due to bad habits, which could most likely be influenced by procedural training. This totals 81%.

Inoue (Inoue, 1996) finds 55% of accidents to be collisions and 15% groundings. That means that implicitly 70% of the reviewed accidents could have been avoided ... by better trained personnel. Although possibly technical failure can also account for some of this kind of incidents.

For the Safeco project (EU 4th FP Safeco, 1996), 41% of the 80% human error related accident causes, indicate lack of knowledge, skills and attitude, which could be improved by training. Additionally 37% of 80% is due to lack of operational procedures. This means that up to 33% + 30% = 63% of the investigated accidents could have been influenced and possibly partly avoided through relevant competence based and procedural training.

From these three studies it seems conservatively acceptable to say that from 65% upward of the investigated casualties has relevance to (lack of) sufficient training."

**... Lack of Sufficient Training: 65% of accidents**

Simulator Training Applicability: Not all competencies needed for safe operations can be taught and practiced in a simulator. Thus the next step was to determine what percentage of competencies were, in fact, "teachable" via simulator training. According to Prof. Capt. Cross:

"Part of the required seafarer training can be done using simulator systems. In order to estimate which part, a count can be made of the number of competences or skills per function and level, as stated in STCW Code part A where simulators are indicated. This figure in relation to the total number of competences for that function and level gives a percentage of simulator applications. ... The average of the counted percentages equals 58%."

**... Simulator Training Applicability: 58% of competencies**

Competency Improvement Through Simulator Training: Finally, Cross needed to determine the level of improvement in performance that could be achieved through simulator training. To do so, the study provided simulator training to groups of mariners, both experienced and inexperienced. It then looked comprehensively at the outcomes of exercises for these groups over the time that they were involved in the training. In the end, both groups (experienced and inexperienced) benefitted significantly from Simulator training. In the words of Prof. Capt. Cross:

"Based on the ... observations a calculated average performance improvement of 45% seems acceptable to be assumed [due to simulator training]".

**... Performance Improvement Due to Simulator Training: 45%**

**Putting the Numbers Together:** Prof. Capt. Cross took the findings above, and then multiplied them together to arrive at a conservative estimate of the accident reduction possible via simulator training. The ultimate result, 14%, is shown in his table below:

Thus far, Cross' analysis has estimated that through the appropriate application of simulator training, 14% of maritime

accidents could be avoided. What does this mean for the economics of simulator training versus the cost of accidents?

**So - Is it Worth It? The Economics of Simulator Training:**

Prof. Capt. Cross indicates in his paper that there are many potential cost savings available through improved operations from simulator training, even when ignoring the potential for accidents. But to look at accident costs in particular, he cited the claims history of the International Oil Pollution Compensation Fund over the period of its existence. Even though the IOPC Funds claims represent a fraction of the cost of maritime accidents worldwide, they are well documented and

*Table 4. Percentage reduction of accidents*

	Percentage	Absolute
Total number of accidents occurring	100%	1.00 x
Percentage (of 1.00x) of accidents which can be related to human error (see 4.1)	80%	0.80 x
Percentage (of 0.80x) of training related accidents within human error category (see 4.4)	65%	0.52 x
Percentage (of 0.52x) of competences in training related to simulators (see 4.5)	58%	0.30 x
Percentage (of 0.30x) of competence improvement through simulator training (see 6.3)	45%	0.14 x
Resulting percentage of accident reduction	14%	

thus provide a reliable source of information on accident costs. The results are impressive. According to Cross:

"Over the 28 year period of [IOPCF] observations used, at least 856 million \$US have been claimed for accidents which in some way have a relationship to bridge, engine room or cargo handling procedures. ...[A reduction of] 14% related to the simulator training course cost would allow for at least 376946 "average" student simulator courses to be afforded. As this figure is almost similar to the global officer population it means every officer could be afforded a simulator training course from the avoided accident claim costs of the IOPC Fund relevant accidents."

So - if the 14% accident reduction estimate is accurate, and it is applied to the relevant IOPC funded accidents, the cost saved could provide every officer in the world with a simulator training course. And since there are far more accidents (and their related costs) than are funded by the IOPC, the conclusion is that simulator training has the effect of both reducing costs and improving safety - a win-win.

**Conclusion:** Prof. Capt. Cross' analysis is a compelling argument for simulation training as both a cost-saving measure and a safety improvement measure. Even if you find an argument with one or another of the numbers presented in his analysis (and he is clear that there are many factors which would influence the 14% he arrived at), one could argue that the "margin of safety" in the analysis is very large. That is, it seems unlikely that his assessment could be so far off as to make simulation training a net cost, as opposed to a net saving. And even if it were a net cost, as unlikely as that might be, we can go back to the original visceral argument: if one life is saved, the any affordable cost is one well spent.

## 12 Important Maritime Courses for Deck Officers

Merchant Navy is a line of work that requires constant up-gradation of knowledge, primarily professionally. The end of maritime college just marks a slight beginning in a long tenure of academic correlation because in a highly professional field such as this, the necessity to remain at the top of the game is indispensable.

Most colleges make the cadets undergo the mandatory STCW courses. Upon graduating, there's a host of other courses that need to be completed by cadets, for example, Oil Tanker Familiarization. There's also a fair number of courses to be completed at the end of the cadet-ship on board such as GMDSS course.

Below is a comprehensive list of the courses required to be completed by a junior officer:

**1. Global Maritime Distress Safety System (GMDSS) Course** - It's about radio communication and distress situations; Communication in times of distress and emergency, the equipment used and how they're used. Urgency, distress, safety and routine communication with radio equipment on board and their overall operation. GOC is the General Operator's certificate given to the person who successfully finishes this course.



**2. Radar Observer Course (ROC/ ARPA)** - This course deals with usage of the ship radar and the plotting system. Details about the user-functions of the radar are also included.

**3. Elementary First Aid (EFA)** - Includes knowledge of basic first aid equipment and skills required on ships.

**4. Medical First Aid (MFA)** - It includes detailed first aid knowledge required for ships, i.e, an enhanced version of EFA.

**5. Basic Fire Fighting (BFF)** - Teaches skills and requirements of basic fire fighting techniques on ships (basic fire fighting equipment and its use/operation).

**6. Advanced Fire Fighting (AFF)** - Advanced fire fighting skills are taught in this course (Includes advanced fire fighting equipment and its use. An enhanced version of BFF).

**7. Personal Survival Techniques (PST)** - Officers are taught personal survival techniques that are required at the sea (basic survival techniques and life saving appliances available on ships).

**8. Proficiency in Survival Craft and Rescue Boat (PSCRB)** - Provides knowledge on survival craft and rescue boat of ships (It's an enhanced version of PST. details of lifeboat/rescue boat, MOB-boat).

**9. CTF/OTF/GTF - Container/Oil/Gas tanker familiarization course** - Deals with all the important aspects of each type of ship.

**10. PSSR - Personal Safety and Social Responsibility** - Provides knowledge required by seafarers to ensure their personal safety and social responsibility on ships.

**11. ECDIS Training** - As per the new STCW, the use and operation of ECDIS and its features as an enhanced navigational equipment are mandatory. This course teaches all the aspects of ECDIS course.

**12. Certificate of Competency (CoC)** - The 2MFG (2nd Mate's Foreign Going) license required by deck officers to work on ships.



Apart from the above mentioned courses, the presence of a valid Medical Certificate needs to be supplemented by the deck officers. It is advisable for cadets booking their courses at a specific institute to check the validity of the course at that very institute prior to booking.

The DG Shipping website (for Indian candidates) has a list of approved training institutes and the courses they're allowed to conduct as per the rules of the Government. It is possible that a few courses for some of the institutes are pending verification, whereas for a few others, the validity of the courses might have been withheld. It is therefore extremely necessary that deck cadets do a thorough research on the institutes, their courses and the validity to avoid unnecessary hassles and problems in future.

**Are we missing any important maritime courses? Let us know.**

## Zhonghai Emeishan: The World's Largest Floating Dock:

Zhonghai Emeishan is the largest floating drydock in the world. An ambitious project undertaken by the CIC (China Shipping Industry Company) and built in just over a year, the massive floating structure was put into operation in the year 2008.



The world's largest floating dock has been equipped with cutting-edge technological and state-of-the-art systems, which help it to completely mechanize its operations thus adding more contribution to its overall operational share.

Floating drydocks form an integral part of the shipping and offshore sector. These vessels help facilitate a smooth docking process for comparatively smaller-sized ships and vessels. In addition, drydocks also provide valuable assistance as excellent platforms to be employed during a vessel's refurbishing, maintenance and even during a ship's construction.

The constructional designing of Zhonghai Emeishan was carried out by the well-known Chinese marine engineering organisation Shanghai Merchant Ship Design and Research



Institute. Some of the salient technical features of Zhonghai Emeishan can be detailed as follows:

The floating drydock has been built entirely of steel and has a DWT of over 40,000 tonnes.

The drydock measures almost 410 meters lengthwise with a breadth of slightly over 80 meters and a depth of almost 30 meters

The vessel's has a hoisting capacity of about 85,000 tonnes, more than any other drydock presently operating in the maritime sector

The vessel was built at a cost of almost 600 million Yuan

The launching ceremony of the floating drydock was carried out at CIC's ship construction yard at Yangzhou and was conducted with a lot of fanfare. The event saw the attendance

and presence of various highly regarded Chinese politicians and dignitaries.

Presently, the world's largest floating drydock has been put into operation in the Changxing Island located in the province of Shanghai. This location has been specifically chosen by the vessel's operating company so as to enhance the global presence of Shanghai in terms of such shipping maintenance and refurbishing activities.

## Two New Computer-Based Training Modules for Seafarers Launched:

Seagull is proud to announce the release of two new computer-based training modules to help ships' officers and crew managers to raise safety awareness among the seafarers under their supervision.

Drawing on our partnership with 'soft' skills specialist Green-Jakobsen, we have launched a new Seafarer Appraisal course and a new Behaviour-based Safety course, both developed to nurture the safety culture that supports best practice.

"These tools help managers to lead, coach and motivate crew members in the interest of their own safety," says Vibeke Nordahl-Paulsen, Seagull Director Training Content. "Encouraging personal responsibility also encourages professional growth, which is crucial for the organisation's capability and its reputation as an investor in people."

CBT # 0259 Seafarer Appraisal is a course for management level officers on board ships, and human resource and crewing managers ashore involved in seafarer appraisal. The course introduces the appraisal process, explains supporting documentation and offers guidance on how appraisals can meet the expectations of managers and crew, in line with STCW.

"Effective Performance Appraisal Systems help retain and develop staff," says Ms Nordahl-Paulsen. "This tool helps managers encourage aspiration, whilst at the same time furthering the interests of the shipping company."

Seagull and Green-Jakobsen have also combined to devise CBT # 0260 Behaviour-Based Safety, aimed at shipboard Deck and Engine officers. This course assists in developing seafarer safety behaviour and improves safety awareness. It uses the 'Observe, Assess, Provide Feedback and Evaluate' methodology to prompt Safety Behaviour Modification.

CBT # 0260 trains officers to give appreciative and corrective feedback, and how to develop a culture where seafarers are positive, proactive, assertive and constructive in exchanging safety information. "The aim is to make best safety standards part of the culture onboard ship," Ms Nordahl-Paulsen adds. "The course takes a 'hands-on/toolbox' approach because it is critical that the content is immediately applicable to daily operations."

Ms Nordahl-Paulsen acknowledges the key contribution made by Green-Jakobsen to the Behaviour-based Safety training tool. "A seafarer's safety performance relies on knowledge and skill, but these are not the only components contributing to best practice," she says.

"Awareness of the working environment, the actions of others and even the individual's own mood have a direct impact on performance. The objective of this module is that the learner understands why behaviour might need to be modified to achieve best practice."

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