

Headlines: NIC – summary of Gulf of Mexico situation; Unified Command – Sentry Plan initiated off Florida Keys; USCG – safety zone around Deepwater Horizon riser; New Orleans – RNA during hurricane conditions; Houston-Galveston – severe weather safety planning; DOJ – ship manager fined \$850,000; Advisory Committee on International Law – meeting; Oregon coast – proposed wave energy park; Massachusetts – fishing vessel crew exposed to hazardous substance; Court – relation back after suing wrong party; Australia – UN sanctions summary; Australia – guidelines for ships rescuing persons at sea; Australia – confined space regulation; Australia – safe handling of solid bulk cargoes; Canada – sending boom to Gulf of Mexico; Singapore – carriage of transponders; and UK – report on engine room fire on wind farm work boat.

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Bryant's Maritime News



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Note: This newsletter is one section of the [Bryant's Maritime Consulting](http://brymar-consulting.com) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](mailto:dennis.l.bryant@gmail.com) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader. Comments on these postings are encouraged and may be made by email to the editor or by going to the blog page on the website and clicking the envelope that appears at the end of each posting. Be aware that the daily newsletter is a single posting, even though it contains a number of individual items. Bringing chaos out of order.

NIC – summary of Gulf of Mexico situation



The National Incident Command (NIC) issued an **Executive Summary** of the status of ports and waterways in the Gulf of Mexico potentially affected by the oil spill, as well as an update of current response operations. All ports are open. (6/7/10).

Unified Command – Sentry Plan initiated off Florida Keys



The Unified Command issued a **news release** stating that a Sentry Plan has been initiated off the Florida Keys and the Dry Tortugas. Maritime patrols will be conducted to identify any weathered oil products that could threaten the Keys or the east coast of Florida. (6/6/10).

USCG – safety zone around Deepwater Horizon riser



The US Coast Guard has continued, through August 26, the safety zone around the Deepwater Horizon riser in the Gulf of Mexico. [75 Fed. Reg. 32273](#) (June 8, 2010).

New Orleans – RNA during hurricane conditions



The US Coast Guard promulgated an interim rule establishing a regulated navigation area (RNA) to prohibit all vessels from being within the Inner Harbor Navigation Canal (IHNC), Harvey Canal, and Algiers Canal during hurricane conditions, unless the vessel's mooring plan has been approved by the Captain of the Port (COTP). The rule comes into effect immediately. Comments on the rule should be submitted by July 8. [75 Fed. Reg. 32275](#) (June 8, 2010).

Houston-Galveston – severe weather safety planning



USCG Sector Houston-Galveston issued a Marine Safety Information Bulletin reminding facilities and vessels in the Houston-Galveston Captain of the Port (COTP) Zone of the importance of severe weather planning, particularly since the 2010 North Atlantic hurricane season has commenced. The Bulletin includes a copy of the Declaration to Remain in Port, to be utilized by any deep-draft vessel intending to remain in port within the Houston-Galveston COTP Zone within 12 hours after Port Condition Whiskey has been set. [MSIB 05-10](#) (6/2/10).

DOJ – ship manager fined \$850,000



The Department of Justice issued a [news release](#) stating that a ship manager pleaded guilty in federal court to failing to maintain an accurate oil record book (ORB) and to making material false statements to the US Coast Guard. The court sentenced the company to pay a fine of \$850,000 and to serve five years probation, during which time it must institute an environmental compliance program. (6/7/10).

Advisory Committee on International Law – meeting



The Advisory Committee on International Law, sponsored by the US Department of State, will meet in Washington, DC on June 21. Topics on the agenda include international cooperation on piracy and ad hoc international criminal tribunals. [75 Fed. Reg. 32532](#) (June 8, 2010).

Oregon coast – proposed wave energy park



The Federal Energy Regulatory Commission (FERC) received an application for construction of a wave energy park in the North Pacific Ocean approximately 2.5 miles off the coast near Reedsport, Oregon. Comments on the application should be submitted within 90 days. [75 Fed. Reg. 32451](#) (June 8, 2010).

Massachusetts – fishing vessel crew exposed to hazardous substance



The US Coast Guard issued a [news release](#) stating that a fishing vessel returned to its homeport of New Bedford, Massachusetts after two of its crew members were exposed to a hazardous substance. The individuals experienced symptoms of blistering and difficulty breathing. The vessel was dredging for clams when it recovered ten canisters. One of the canisters broke open, exposing the crew members. The vessel is being surveyed and will be decontaminated if necessary. (6/7/10). *Note: Unofficial reports indicate that the substance may be mustard gas.*

Court – relation back after suing wrong party



The Supreme Court of the United States ruled that filing an amended complaint after the running of the limitation period against the proper defendant may, in some circumstances, relate back to the original suit filed within the limitation period by mistakenly naming the wrong party. In the instant case, plaintiff was injured while sailing as a passenger on one of defendant's cruises ships. Her ticket was issued by Costa Cruise Line, but stated therein that defendant was the carrier and that any lawsuit must be brought within one year. Plaintiff brought suit within one year, but named Costa Cruise Line as the defendant. When plaintiff learned of the mistake (after the limitation period had expired), she moved to amend her complaint so as to name the correct defendant. The district court allowed amendment of the complaint, but then granted defendant's motion for summary judgment, finding that plaintiff had not made a mistake, but had intentionally elected to sue one party rather than the other. The Supreme Court reversed and remanded. It held that the "relation back" rule depends on what the party to be added knew or should have known, not on the plaintiff's knowledge or timeliness in seeking to amend the pleading. Both Costa Cruise Line and Costa Crociere SPA were represented by the same attorney. [Krupski v. Costa Crociere SPA](#), No. 09-337 (June 7, 2010).

Australia – UN sanctions summary



The Australian Maritime Safety Authority (AMSA) issued an updated summary of economic sanctions adopted by the United Nations (UN) Security Council. [Marine Notice 10/2010](#) (6/7/10).

Australia – guidelines for ships rescuing persons at sea



The Australian Maritime Safety Authority (AMSA) issued a notice reminding masters of ships rescuing persons at sea in or adjacent to the Australian Search and Rescue (SAR) Region of the **Australian Guidelines** on this topic. Among other things, the Guidelines require masters of vessels participating in a rescue that is being coordinated by the AMSA Rescue Coordination Centre (RCC Australia) to advise certain information to RCC Australia. **Marine Notice 11/2010** (6/7/10).

Australia – confined space regulation



The Australian Maritime Safety Authority (AMSA) issued a notice advising that the **Occupational Health and Safety (Maritime Industry)(National Standards) Regulations 2003** were recently amended to incorporate regulations in relation to confined space. Compliance with this standard will be considered the benchmark for proof that the operator of a ship has taken all reasonable steps to protect the health and safety of employees and contractors at work. **Marine Notice 12/2010** (6/7/10).

Australia – safe handling of solid bulk cargoes



The Australian Maritime Safety Authority (AMSA) issued a notice reminding those involved in the shipment of solid bulk cargoes of the risks associated with loading, stowage, and shipment thereof and of obligations under Australian law, which implements the IMO Code of Safe Practice for Solid Bulk Cargoes 2004 (BC Code). Persons are also reminded that, effective 1 January 2011, the BC Code will be replaced by the International Maritime Solid Bulk Cargoes Code and Supplement (IMSBC Code). **Marine Notice 12/2010** (6/7/10).

Canada – sending boom to Gulf of Mexico



Fisheries and Oceans Canada issued a **news release** stating that the Canadian Coast Guard is sending 3,000 meters of ocean boom to the Gulf of Mexico to assist in the spill response effort. (7/6/10).

Singapore – carriage of transponders



The Singapore Maritime and Port Authority (MPA) issued a circular stating that, with effect from 1 January 2012, all power-driven vessels regardless of size will be required to be fitted with a working transponder as a port entry requirement. The transponder may be one of the following types: (1) IMO AIS Class A; (2) IMO AIS Class B; or (3) MPA HARTS. **Port Marine Circular 10/2010** (6/7/10).

UK – report on engine room fire on wind farm work boat



The UK Marine Accident Investigation Branch (MAIB) issued the summary of its **Preliminary Examination** of an engine room on a wind farm crew/work boat near Fleetwood on 7 April 2010. The minor fire was caused by a fault in the port domestic electrical supply inverter unit. Prompt action by the crew extinguished the fire and limited the extent of the damage. (6/7/10).

If you have questions regarding the above items, please contact the editor:

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