

Headlines: White House – compensation for oil spills claims; NIC – oil containment strategies; NIC – interactive map of spill response; Hawaii – security zone around escorted submarines; Charleston – Rescue 21 communications system operational; Charleston – one stowaway dead, two others detained; House – bill introduced to enhance homeland security; House – bill introduced to authorize advances from OSLTF; House – bill introduced to revise maritime liability laws; Senate – bill introduced to repeal certain limitations of liability; House – letter to BP in advance of hearing; House – hearing on human exposure to oil spill; IMO – list of designated authorities for facilitation purposes; IMO – launch of Korea Space Launch Vehicle-I; IMO – AIS discrepancy reports; EU – oil containment equipment being sent to Gulf of Mexico; EU – Council expresses support for Integrated Maritime Policy; NATO – anti-piracy newsletter; Indonesia – two boardings by pirates; Australia – report on 2009 yacht-bulker collision; Court – hijacking by pirates does not place vessel off-hire; and In memoriam – fire on passenger vessel *General Slocum*.

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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.*

### White House – compensation for oil spill claims



The White House released the statement of **President Obama**, who said that the Administration will work with BP to ensure that those persons who have filed claims for oil spill damages are fairly and promptly compensated. (6/14/10).

### NIC – oil containment strategies



The National Incident Command (NIC) released the **letter** received from BP regarding strategies for containment of oil from the on-going Gulf of Mexico

spill. The **Federal On-Scene Coordinator** noted that BP is stepping up its efforts to contain the leaking oil. The federal government will continue to hold BP accountable and expects them to bring every possible resource and innovation to bear. (6/14/10).

### NIC – interactive map of spill response



The National Incident Command (NIC) has developed an **Interactive Map** of the response to the Gulf of Mexico oil spill. It provides near-real time data on trajectory estimates for the oil slick and locations of deployed research vessels, oiled shorelines, wildlife data, and fishery area closures. (6/14/10).

### Hawaii – security zone around escorted submarines



The US Coast Guard issued an interim rule establishing a moving security zone around US Navy submarines being escorted by the US Coast Guard through waters of Captain of the Port (COTP) Honolulu Zone. The rule is effective immediately. Comments on the interim rule should be submitted by July 15. [75 Fed. Reg. 33701](#) (June 15, 2010).

### Charleston – Rescue 21 communications system operational



The US Coast Guard issued a **news release** stating that the Rescue 21 advanced communications system is now operational in Sector Charleston. The new system provides improved radio coverage and directional finding capability, thus enhancing search and rescue (SAR), as well as other Coast Guard missions. (6/14/10).

### Charleston – one stowaway dead, two others detained



The US Customs and Border Protection (CBP) issued a **news release** stating that during unloading of a ship that had arrived in Charleston from the Dominican Republic, dock workers identified several individuals absconding from a container. One individual was detained by crewmembers of the vessel. A second individual jumped into the water and was apprehended by local marine law enforcement personnel. A third individual was found in the container and pronounced dead by local emergency services personnel. Subsequently, a hole was discovered in the top of the container through which persons could enter and exit. (6/12/10). *Note: This item was brought to my attention by my good friend John Bennett of Maritime Protective Services.*

## House – bill introduced to enhance homeland security



Representative Pascrell (D-NJ) introduced the **WMD Prevention and Preparedness Act of 2010** (H.R. 5498) to enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes. (6/10/10).

## House – bill introduced to authorize advances from the OSLTF



Representative Mica (R-FL) introduced a bill (**H.R. 5499**) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill. (6/10/10). *Note: This bill has been overtaken by the Senate bill adopted earlier.*

## House – bill introduced to revise maritime liability laws



Representative Conyers (D-MI) introduced the **Securing Protections for the Injured from Limitations of Liability Act** (H.R. 5503) to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes. This bill would allow recovery of nonpecuniary loss under both the Death on the High Seas Act (DOHSA) and the Jones Act. It would also repeal most provisions of the Limitation of Liability Act. A **press release** was issued explaining the legislation. (6/10/10).

## Senate – bill introduced to repeal certain limitations of liability



Senator Schumer (D-NY) introduced the **Remuneration for Ecological and Societal Tolls Occasioned by Reckless Errors Act** (RESTORE Act) (S. 3478) to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes. This bill would repeal most provisions of the Limitation of Liability Act. (6/10/10).

## House – letter to BP in advance of hearing



The House Committee on Energy and Commerce issued a **media release** stating that a **letter** has been sent to BP Chief Executive Officer Tony Hayward prior to his testifying before the Committee, detailing questions the investigation has raised about BP decisions in the days and hours before the Deepwater Horizon explosion. (6/14/10).

## House – hearing on human exposure to oil spill



The Subcommittee on Energy and Environment of the House Committee on Energy and Commerce conducted a hearing on “**The BP Oil Spill: Human Exposure and Environmental Fate**”. **Committee Chairman Henry Waxman** (D-CA) made an opening statement. **Dr. Christopher Reddy**, Woods Hole Oceanographic Institute, testified with regard to oil spills and the use of dispersants. **Dr. Edward Trapido**, Louisiana State University, testified that exposure to oil spills may result in an increased risk of cancer, but that there is a high level of uncertainty. **Dr. Gina Solomon**, University of California San Francisco, testified regarding the health effects of exposure to oil. Subsequently, a **preliminary transcript** of the hearing was posted. (6/10/10).

## IMO – list of designated authorities for facilitation purposes



The IMO issued a circular providing an updated list of contact addresses of the offices of designated national authorities and international organizations for facilitation purposes. **FAL.5/Circ.29** (3/25/10). It also issued a corrigendum containing several amendments to the list. **FAL.5/Circ.29/Corr.1** (4/21/10).

## IMO – launch of Korea Space Launch Vehicle-I



The IMO issued a circular advising of the planned launch of the Korea Space Launch Vehicle-I. **SN.1/Circ.284** (4/20/10). *Note: The vehicle was launched as planned, but exploded approximately two minutes into its flight. Fortunately, there have been no reports that any persons were injured or property damaged, other than the vehicle itself.*

## IMO – AIS discrepancy reports



The IMO issued a circular providing a summary of AIS discrepancy reports received during the period January through March 2010. **MSC.6/Circ.6** (4/28/10).

## EU – oil containment equipment being sent to Gulf of Mexico



The European Union (EU) issued a **press release** stating that, following a new request from US authorities, it is sending oil containment boom to the Gulf of Mexico to address the on-going spill. (6/11/10).

## EU – Council expresses support for Integrated Maritime Policy



The Council of the European Union issued a [press release](#) expressing strong support for an Integrated Maritime Policy. (6/14/10).

## NATO – anti-piracy newsletter



The North Atlantic Treaty Organization (NATO) Shipping Center issued its [Newsletter](#) for June 2010. This issue addresses, among other things, new tactics being utilized by Somali pirates and potential new counter-measures. (6/14/10).

## Indonesia – two boardings by pirates



The ReCAAP Information Sharing Centre issued an [Incident Alert](#) stating that a bulk carrier and a product tanker were boarded while underway at night by pirates in waters off Pulau Mangkai, Indonesia on June 12 and June 13 respectively. In both cases, the pirates were armed with long knives. They stole cash and personal belongings. The crews were not injured. Masters transiting these waters are encouraged to maintain extra vigilance. (6/14/10).

## Australia – report on 2009 yacht-bulker collision



The Australian Transport Safety Bureau (ATSB) issued the report of its investigation of the collision between a yacht and a bulk carrier off Point Lookout, Queensland on 9 September 2009. The yacht, with one person onboard, was sailing south. The bulk carrier was headed north. As a result of the collision, the yacht was dismasted and incurred some other damage, but there were no personal injuries. Investigation revealed that the yacht was not fitted with a passive radar reflector and that neither vessel was maintaining a proper lookout or using available electronic aids to navigation. After the collision, the bulk carrier did not initiate contact with or offer any assistance to the yacht. [MO-2009-008](#) (6/15/10).

## Court – hijacking by pirates does not place vessel off-hire



The UK High Court of Justice, Queen's Bench Division, Commercial Court ruled that, on the basis of the charter party agreed to by the owner and the time charterer, the vessel concerned was not off-hire during the period that it was held by pirates. The vessel was hijacked by pirates on February 22, 2009 while sailing through the transit corridor in the Gulf of Aden. The pirates held the vessel in waters off the Somali town of Eyl until April 25, 2009. It reached an equivalent position to the location at which it was seized on May 2, 2009. Charterers assert that the vessel was off-hire during the period February 22 through May 2. The court held that piracy, being an intentional act by the

pirates, does not constitute detention by average accident. Likewise, there was no evidence to show that the hijacking was due to any default and/or deficiency of men for which the owner might be liable. Finally, in the context of the charter party, the term “any other cause” was insufficiently broad to include piracy.

**Cosco Bulk Carrier v. Team-Up Owning**, [2010] EWHC 1340 (Comm) (June 11, 2010). *Note: This case was brought to my attention by my good friends John Bennett and John Cartner of Maritime Protective Services and Cartner & Fiske respectively.*

### **In memoriam – fire on passenger vessel *General Slocum***



On June 15, 1904, the passenger vessel *General Slocum* caught fire while operating on the East River in New York City. More than 1,000 passengers and crew lost their lives.

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

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