

Headlines: Court – enforcement of deepwater drilling moratorium enjoined; NIC – Jones Act has not impeded oil spill response; DOI – Bureau of Ocean Energy Management, Regulation and Enforcement; St. Lawrence Seaway – cargo volumes up; DHS OIG – analysis recommended of USCG MSST program; Shipping Coordinating Committee – meetings; NOAA – amendments to administrative procedure; Senate – bill introduced to amend Energy Policy Act; Senate – bill introduced to waive Jones Act for oil spill; Senate – bill introduced to require offshore lessees to post pollution bond; Senate – bill introduced re cleanup of spills from federal land; Senate – bill introduced to reform management of OCS resources; and ReCAAP – report for May 2010.

June 23, 2010



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.

Court – enforcement of offshore drilling moratorium enjoined



The US District Court for the Eastern District of Louisiana issued an order preliminarily enjoining the federal government for enforcing its six-month moratorium of deepwater drilling on the US outer continental shelf. The court found that the administrative record on which the moratorium is based was deficient and that the specifics of the moratorium were arbitrary and capricious. [Hornbeck Offshore Services v. Salazar](#), No. 10-1663 (E.D. La., June 22, 2010).

Note: This item was brought to my attention by my good friend Keith Heard of the law firm of Burke & Parsons.

NIC – Jones Act has not impeded oil spill response



The National Incident Commander (NIC) issued a [Fact Sheet](#) stating that the Jones Act has not impeded response to the Gulf of Mexico oil spill. A number of foreign vessels are being utilized in the response, but none are involved in

activities regulated by the Jones Act or other US cabotage laws. If a request is submitted for use of a foreign vessel in an activity reserved by the cabotage laws to qualified US vessels and it is determined that no US vessel capable of performing that activity is readily available, a process has been put in place to rapidly process that waiver request. (6/18/10).

DOI – Bureau of Ocean Energy Management, Regulation and Enforcement



The Department of the Interior (DOI) issued a **press release** stating that the former Minerals Management Service (MMS) has been renamed. It is now the Bureau of Ocean Energy Management, Regulation and Enforcement (BOE). Former Justice Department Inspector General Michael Bromwich has been sworn in to lead the agency as it reorganizes and reforms. (6/21/10).

St. Lawrence Seaway – cargo volumes up



GREAT LAKES-ST. LAWRENCE
SEAWAY SYSTEM

The Great Lakes-St. Lawrence Seaway System issued a **news release** stating that total cargo shipments on the Seaway for the period March 25 to May 31 amounted to 6,888,000 tonnes as compared to 5,840,000 tonnes for the same period in 2009. (6/21/10).

DHS OIG – analysis recommended of USCG MSST program



The Department of Homeland Security (DHS) Office of Inspector General (OIG) issued the report of its evaluation of the USCG Maritime Safety and Security Team (MSST) program. It recommends that the Coast Guard conduct a comprehensive analysis of the program to determine: (1) the optimal staffing levels, training, and competency mix; (2) the alignment of equipment with mission requirements; (3) the return on investment and opportunity costs; and (4) program coordination with internal and external stakeholders. This Coast Guard concurred with the recommendation. **OIG-10-89** (5/28/10).

Shipping Coordinating Committee – meetings



The Shipping Coordinating Committee, sponsored by the US Department of State issued a notice announcing several upcoming meetings. All of the meetings will be held in Washington, DC. On July 7, The Committee will meet to prepare for the upcoming session of the International Mobile Satellite Organization (IMSO) Assembly. Topics on the agenda include the Global Maritime Distress and Safety System (GMDSS) and the Long Range Identification and Tracking of Ships (LRIT). On July 28, the Committee will meet to prepare for the upcoming session of the IMO Subcommittee on Stability and Load Lines and on Fishing Vessel Safety (SLF). Topics on the agenda include time-dependent survivability of passenger ships in damaged condition and

guidelines for verification of damage stability requirements for tankers and bulk carriers. On August 18, the Committee will meet to prepare for the upcoming session of the IMO Facilitation Committee (FAL). Topics on the agenda include electronic means for clearance of ships and securing and facilitating international trade. [75 Fed. Reg. 35873](#) (June 23, 2010).

NOAA – amendments to administrative procedure



The National Oceanic and Atmospheric Administration (NOAA) is amending the procedures governing its administrative proceedings for assessment of civil penalties; suspension, revocation, modification, or denial of permits; issuance and use of written warnings; and release or forfeiture of seized property. The amendments are effective immediately. [75 Fed. Reg. 35631](#) (June 23, 2010).

Senate – bill introduced to amend Energy Policy Act



Senator Udall (D-CO) introduced the [Safer Oil and Gas Production Research and Development Act of 2010](#) (S. 3509) to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and for other purposes. (6/17/10).

Senate – bill introduced to waive Jones Act for oil spill



Senator Hutchison (R-TX) introduced the [Water Assistance from International Vessels for Emergency Response Act](#) (WAIVER Act) (S. 3511) to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill. (6/18/10).

Senate – bill introduced to require offshore lessees to post pollution bond



Senator Begich (D-AK) introduced a bill (S. 3514) to amend the Outer Continental Shelf Lands Act to prohibit a person from entering into any Federal oil or gas lease or contract unless the person pays into an Oil Spill Recovery Fund, or posts a bond, in an amount equal to the total of the outstanding liability of the person and any removal costs incurred by, or on behalf of, the person with respect to any oil discharge for which the person has outstanding liability, and for other purposes. Official text of the bill is not yet available. (6/21/10).

Senate – bill introduced re cleanup of spills from federal land



Senator Shaheen (D-NH) introduced a bill (S. 3515) to authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes. Official text of the bill is not yet available. (6/21/10).

Senate – bill introduced to reform management of OCS resources



Senator Bingaman (D-NM) introduced a bill (S. 3516) to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes. Official text of the bill is not yet available. (6/21/10).

ReCAAP – report for May 2010



The ReCAAP Information Sharing Centre issued its **Report for May 2010**. A total of ten incidents, consisting of eight actual incidents and two attempted incidents, were reported in Asia during May 2010. This was the same number of incidents reported during May 2009. (6/22/10).

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

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