

Headlines: USCG – guide to structural fire protection; USCG NMC – removal of mariner examination questions; NIC – updated information required from BP; National Commission – meetings – correction; NTSB – investigation of tour boat/barge collision; New Orleans – towing company and owner charged in collision/spill; House – bill introduced to secure payment of damages; Court – solid wood packaging material regulations upheld; Washington – penalty action against tug owner compromised; Australia – investigation into shipboard fatality; Canada – assisting in Gulf of Mexico oil spill response; Canada – Polar Epsilon Project; and UK – deferral of ship-to-ship transfer regulations.

July 9, 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. Exposure to this newsletter has been known to cause cancer in mice.*

### USCG – guide to structural fire protection



The US Coast Guard issued a new version of its Guide to Structural Fire Protection. It includes information on type approval procedures for both domestic and SOLAS fire test criteria, as well as the type approval processes under the US/EC and EFTA Mutual Recognition Agreements. Further, it assembles the Coast Guard's recent guidance and interpretations on structural fire protection, with separate discussions for domestic vessels and for SOLAS vessels. **NVIC 9-97, CH-1** (7/2/10).

### USCG NMC – removal of mariner examination questions



The US Coast Guard National Maritime Center (NMC) issued an **Announcement** stating that, effective July 12, 2010, it will no longer post actual mariner examination questions. Rather, it will post sample questions and answers for review by mariners. The currently-posted full set of deck and

engineering questions and answers will be removed. (7/6/10). *Note: This item was brought to my attention by my friends at USMMA.*

### **NIC – updated information required from BP**



The National Incident Commander (NIC) released a copy of the **letter** sent to BP requiring that company to promptly provide updated information regarding usage of the Helix Producer, estimated completion of the relief wells, and other details concerning the ongoing Gulf of Mexico oil spill. (7/8/10).

### **National Commission – meetings – correction**



The **National Commission** on the BP Deepwater Horizon Oil Spill and Offshore Drilling, sponsored by the Department of Energy, issued a correction to its prior notice regarding its upcoming meetings in New Orleans on July 13 and 13. **75 Fed. Reg. 39518** (July 9, 2010).

### **NTSB – investigation of tour boat/barge collision**



The National Transportation Safety Board (NTSB) issued a **press release** stating that it has commenced an investigation into circumstances surrounding the tour boat/barge collision in Philadelphia. Local officials report that two persons are missing. (7/7/10).

### **New Orleans – towing company and owner charged in collision/spill**



The Department of Justice issued a **news release** stating that a US towing company and its owner have been charged with violations of the Ports and Waterways Safety Act (PWSA) and the Federal Water Pollution Control Act (FWPCA). A co-owner of the company has been charged with obstruction of justice. The company is charged with assigning employees without proper Coast Guard licenses to operate vessels resulting in the manning levels on those vessels to be below mandated levels; paying licensed captains to operate vessels for 24 hours a day without relief captains resulting in fatigue; and negligent discharge of oil on July 23, 2008, when the towing vessel *Mel Oliver* and its tank barge collided with the tanker *Tintomara* on the Mississippi River. The co-owner of the company is charged with deletion of electronic payroll sheets in an effort to impede the Coast Guard investigation of the collision. The **Bill of Information** was also released. (7/2/10). *Note: My good friend Gunther Hooch of Horizon Lines shared a **Link** to a huge (75 MB) video file containing radar/AIS display and radio traffic of the collision as it occurred.*

## House – bill introduced to secure payment of damages



Representative Jackson Lee (D-TX) introduced the **Omnibus Right to Equitable Means of Ensuring Damages for Injuries are Efficiently Secured Act of 2010** (REMEDIES Act) (H.R. 5676) to provide equitable means for ensuring that damages for injuries are efficiently secured, and for other purposes. (7/1/10).

## Court – solid wood packaging material regulations upheld



The US Court of Appeals for the Second Circuit has turned down a challenge to solid wood packaging material (SWPM) regulations issued by the Department of Agriculture. The Natural Resources Defense Council (NRDC) brought suit against the Department, contending that it had not complied with the mandates of the National Environmental Policy Act (NEPA) and the Plant Protection Act (PPA) when it promulgated those regulations. The final rule, which was adopted in coordination with various international partners, requires that all SWPM be either heat treated to a minimum wood core temperature of 56°C for a minimum of 30 minutes or fumigated with methyl bromide prior to being used in connection with the importation of goods into the United States. The court held that the Department considered all reasonable alternatives and the environmental impact of each and did not act arbitrarily or capriciously in adopting the rule. **NRDC v. Department of Agriculture**, No. 09-2021-cv (2nd Cir., July 8, 2010). *Note: This is an important decision with regard to both shippers and carriers, removing any lingering doubt regarding these rules.*

## Washington – penalty action against tug owner compromised



The Washington State Department of Ecology issued a **news release** stating that it has reached a compromise settlement with the owner of a tug that discharged oil into the Columbia River in 2009. The original penalty of \$21,000 is being reduced to \$10,500 along with a commitment from the owner to install an oil-water separator on the tug. (7/6/10).

## Australia – investigation into shipboard fatality



The Australian Transport Safety Bureau (ATSB) issued a **notice** stating that it has commenced an investigation into a fatality on 8 July on a general cargo ship transiting from Vanuatu to Brisbane. (7/8/10).

## Canada – assisting in Gulf of Mexico oil spill response



Fisheries and Oceans Canada issued a **news release** stating that the Government of Canada is assisting the US Government in the response to the ongoing Gulf of Mexico oil spill. Approximately 3,000 meters of ocean boom is being provided by the Canadian Coast Guard. An aerial surveillance aircraft has

been deployed to the Gulf. Government experts are being made available to consult on selected issues. (7/6/10).

### **Canada – Polar Epsilon Project**



National Defence Canada issued a **news release** stating that the Polar Epsilon Project provides enhanced surveillance capabilities over the Arctic and other large areas of responsibility. The space-based system is capable of detecting and tracking foreign vessels in all weather conditions. (6/29/10).

### **UK – deferral of ship-to-ship transfer regulations**



The UK Department for Transport posted the **statement** of Mike Penning, MP, Parliamentary Under-Secretary of State for Transport, to the effect that a review of the planned regulations on ship-to-ship transfers (**S.I. 2010/1228**) will be in effect through September 30. In that regard, the entry into force of those planned regulations is being deferred until 1 April 2011. (7/8/10).

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

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