

Headlines: TRB – meeting on technical aspects of Gulf oil spill; USCG – Goethals Bridge Replacement Project FEIS; USCG – technical amendments re bridge regulations; USCG – members sought for NAVSAC; USCG – OPA 90 limits of liability information collection; RITA – Distracted Driving Summit; MARAD – approval process for foreign transfer of US vessels – update; Senate – bill introduced to amend maritime liability laws; House – bill introduced to establish National Commission; Court – EFTs not subject to attachment; Australia – alternative to drilling moratorium; Canada – boarding of ship carrying illegal aliens; and UK – report on tank barge buckling.

August 13, 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. Please avoid interrupting me with facts.

TRB – meeting on technical aspects of Gulf oil spill



The Transportation Research Board (TRB) of the National Academies is hosting a **meeting** of the **NAE/NRC Committee Analyzing Technical Aspects of Gulf Oil Spill**. The meeting is being conducted in Washington, DC on August 12 and 13. (8/12/10).

USCG – Goethals Bridge Replacement Project FEIS



The US Coast Guard is seeking comments on the Final Environmental Impact Statement (FEIS) for the Goethals Bridge Replacement Project. Plans call for replacement of the 82-year old Goethals Bridge across Arthur Kill between Staten Island and Elizabeth, New Jersey with a cable-stayed bridge with a minimum air draft of 135 feet above mean high water. Comments should be submitted by September 13. [75 Fed. Reg. 49504](http://www.federalregister.gov) (August 13, 2010).

USCG – technical amendments re bridge regulations



The US Coast Guard is making various technical and conforming amendments to its bridge regulations. These non-substantive amendments come into effect immediately. [75 Fed. Reg. 49408](#) (August 13, 2010).

USCG – members sought for NAVSAC



The US Coast Guard is seeking applications for membership on the Navigation Safety Advisory Committee (NAVSAC). The Committee advises the Coast Guard on issues related to navigation safety, including rules of the road, routing measures, and aids to navigation. Applications should be submitted by September 13. [75 Fed. Reg. 49508](#) (August 13, 2010).

USCG – OPA 90 limits of liability information collection



The US Coast Guard issued a notice stating that the information collection provisions of its 2009 regulation amending the Oil Pollution Act of 1990 (OPA 90) limits of liability for vessels and deepwater ports have been approved by the Office of Management and Budget (OMB). [75 Fed. Reg. 49411](#) (August 13, 2010).

RITA – Distracted Driving Summit



The Research and Innovative Technology Administration (RITA) issued a notice stating that it will hold a Distracted Driving Summit in Washington, DC on September 21. [75 Fed. Reg. 49550](#) (August 13, 2010).

MARAD – approval process for foreign transfer of US vessels – update



The Maritime Administration (MARAD) posted a **notice** stating that it is changing its approval process for the Request for Transfer of Ownership, Registry, and Flag, or Charter, Lease, or Mortgage of U.S. documented vessels (MA-29) to include notification to the Environmental Protection Agency (EPA) of the request. This notice was to advise applicants of the potential processing delay so that they can factor it into their business plans. (8/10/10). *Update: The **Foreign Transfer Notice** referred to in my previous newsletter was only posted on the MARAD website for a short period, but long enough for me to download. It was soon replaced by the standard notice, from which the mention of the EPA notification had been omitted. This development is curious because it is an open secret that MARAD now routinely notifies the EPA of vessel transfer applications received.*

Senate – bill introduced to amend maritime liability laws



Senator Rockefeller (D-WV) introduced the **Fairness in Admiralty and Maritime Law Act** (S. 3755) to ensure fairness in admiralty and maritime law and for other purposes. If enacted into law, the bill would, among other things, amend the 1851 Limitation of Liability Act to provide that claims for wages, personal injury, or death would not be subject to limitation. It would also amend the Death on the High Seas Act and the Jones Act to allow recovery of nonpecuniary damages. (8/5/10).

House – bill introduced to establish National Commission



Representative Cassidy (R-LA) introduced a bill (**H.R. 6094**) to establish the National Commission on Outer Continental Shelf Oil Spill Prevention. (8/10/10).

Court – EFTs not subject to attachment



The US Court of Appeals for the Second Circuit ruled that electronic fund transfers (EFTs) are not property subject to attachment under Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims. **Scanscot Shipping Services v. Metales Tracomex**, No. 09-5280-cv (2nd Cir., August 12, 2010).

Australia – alternative to drilling moratorium



The Honorable Martin Ferguson, Member of Parliament and Australian Minister for Resources and Energy, issued a **media release** explaining the Australian Government's response to the recent blowout on the Montara offshore oil rig. While awaiting finalization of the investigation into the incident, the Government has required the operator of the Montara platform to put into place additional safety measures to ensure the integrity to the five remaining wells at that site. The operator has also been required to provide an action plan setting out how they intend to deal with the key issues raised in evidence presented to the Montara Commission of Inquiry. (8/11/10).

Canada – boarding of ship carrying illegal aliens



Public Safety Canada issued a **news release** stating that members of the Royal Canadian Mounted Police (RCMP), supported by the Canadian Forces and the Canadian Border Services Agency, boarded the foreign vessel *Sun Sea* in Canadian territorial waters near Vancouver Island. Evidence indicates that the vessel is engaged in human smuggling, attempting to bring illegal aliens to Canada. Those persons on board will be processed under Canadian law.

(8/13/10). *Note: Unofficial reports indicate that the vessel may be carrying up to 500 Tamil refugees from Sri Lanka.*

UK – report on tank barge buckling



The UK Marine Accident Investigation Branch (MAIB) issued the summary of its **Preliminary Examination** of the catastrophic failure of the hull of a dumb tank barge in Liverpool on July 19, 2010. The barge, built in 1955, was being used as a floating oil storage vessel. While the barge was subjected to annual surveys, these did not examine basic stability or bending moment issues. It is probable that the structural failure resulted from long-term fatigue compounded by the distribution of cargo, which would have induced a near maximum bending moment with the barge in a sagged condition. There were no written procedures for the loading or discharge of the barge's cargo. (8/12/10).

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

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