

**Headlines:** NIC – briefing on Gulf of Mexico spill response; Joint Investigation – second day of fourth session concluded; DOJ – disaster fraud hotline for reporting oil spill-related schemes; Oregon – MSU Portland; DHS – OIG review of USCG mission performance; USCG – reports on USCG/USMC aircraft collision released; FMC – investigation of Chinese NVOCC; and Court – battle of the presumptions.

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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. Please avoid interrupting me with facts.*

### NIC – briefing on Gulf of Mexico spill response



The National Incident Command (NIC) issued the [transcript](#) of briefing of Admiral Thad Allen, USCG (ret) regarding the status of the Gulf of Mexico oil spill response. (8/24/10).

### Joint Investigation – second day of fourth session concluded



The USCG-DOI Joint Investigation issued a [news release](#) stating that it has concluded the second day in its fourth session of hearings into circumstances surrounding the explosion, fire, and sinking of the MODU Deepwater Horizon. The hearings resume on Wednesday, August 25. (8/24/10).

### DOJ – disaster fraud hotline for reporting oil spill-related schemes



The Department of Justice (DOJ) issued a [news release](#) reminding members of the public to be aware of and report any instances of suspected fraudulent activity related to the Deepwater Horizon relief operations and funding for victims. (8/24/10).

## Oregon – MSU Portland



The US Coast Guard issued a [news release](#) stating that Marine Safety Unit (MSU) Portland has been formally established as a subordinate command of Sector Columbia River. (8/24/10).

## DHS – OIG review of USCG mission performance



The Department of Homeland Security (DHS) Office of Inspector General (OIG) released its annual review of the Coast Guard's mission performance for FY 2009. The Coast Guard dedicated more resource hours to homeland security missions than to non-homeland security missions. The Coast Guard met more non-homeland security mission performance measures than homeland security mission performance measures. [OIG-10-106](#) (8/23/10).

## USCG – reports of USCG/USMC aircraft collision released



The US Coast Guard issued a [news release](#) stating that the Coast Guard, Marine Corps, and Navy released the results of their command investigations into the October 2009 collision of a Coast Guard HC-130 Hercules aircraft and a Marine AH-1 W Cobra helicopter off the coast of Southern California. All seven Coast Guard aircrew members and both Marine Corps aviators were killed in the crash. All three investigations concluded that no single factor, person, or unit caused the mishap, but that it was a tragic confluence of events. (8/24/10).

## FMC – investigation of Chinese NVOCC



The Federal Maritime Commission (FMC) issued a notice stating that it has issued an Order of Investigation and Hearing with regard to possible violations of the Shipping Act of 1984 by Sinicway International Logistics Ltd, based in Shanghai. [75 Fed. Reg. 52344](#) (August 25, 2010).

## Court – battle of the presumptions



The US Court of Appeals for the Fifth Circuit reversed and remanded a District Court decision involving a barge breakaway and allision on the Mississippi River. The owner of the vessel that was hit by the barge that broke away from a fleeting area brought suit against the company that operated the fleeting area. The fleeting company filed a third party complaint against the owner of a vessel that it alleged was improperly operated such as to cause the barge to break away. As between the fleeting company and the third party defendant, the appellate court ruled that the trial court improperly applied various presumptions and failed to allocate damages among the defendants in

accordance with their relative fault. **Combo Maritime v. U.S. United Bulk Terminal**, No. 09-30592 (5th Cir., August 23, 2010).

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

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