

Headlines: DOJ – Somali suspect pleads guilty to attacking to plunder a vessel; NIC – removal of capping stack and BOP; Joint Investigation – fifth day of fourth session concluded; USCG – caution to AIS users; San Diego – Coast Guard investigates oil sheen; NACOSH – meeting; Court – Port of Los Angeles clean truck rules largely upheld; IMO – Turkey signs Ship Recycling Convention; Canada – Arctic sovereignty exercise completed; Canada – marine protected area established in the Arctic; Canada – Beaufort Sea Integrated Oceans Management Plan; India – meeting of Maritime States Development Council; and Ireland – site surveys off west coast.

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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.*

### DOJ – Somali suspect pleads guilty to attacking to plunder a vessel



The US Department of Justice (DOJ) issued a **news release** stating that one of the six Somalis charged with an armed attack on the *USS Ashland* has pleaded guilty to charges of attacking to plunder a vessel, engaging in an act of violence against persons on a vessel, and using a firearm during a crime of violence. The plea agreement indicates that the defendant and the government agree that a sentence of 30 years in prison is appropriate. In a separate, but related matter, the individual, Jama Idle Ibrahim, has also been charged with conspiracy to commit piracy and conspiracy to use a firearm during a crime of violence. The new charges stem from an alleged act of piracy against a merchant vessel, the *CEC Future*, in 2008. (8/27/10). *Note: This guilty plea comes shortly after the federal court ruled that the six Somalis could not be charged with piracy under federal law because the pertinent statute requires that the perpetrators actually take charge of the vessel. The charge of attacking to plunder a vessel, to which the defendant has now pleaded guilty, amounts to*

*attempted piracy, which is what actually occurred, since the attack on the USS Ashland was wholly unsuccessful.*

### **NIC – removal of capping stack and BOP**



The National Incident Command (NIC) released the **Directive** issued to BP by Admiral Thad Allen, USCG (ret) authorizing BP to proceed with the removal of the capping stack followed by removal of the blowout preventer (BOP) on the Macondo well. Removal of the BOP is subject to various conditions. Among other things, a replacement BOP must be installed as soon as possible. The Joint Investigation Team and the Department of Justice must be allowed unfettered access to observe and record the removal process and custody of the BOP is to be transferred to the Government. (8/27/10).

### **Joint Investigation – fifth day of fourth session concluded**



The USCG-DOI Joint Investigation issued a **news release** stating that it has concluded the fifth and last day in its fourth session of hearings into circumstances surrounding the explosion, fire, and sinking of the MODU Deepwater Horizon. Of the three witnesses scheduled to appear on Friday, Mr. Mark Hafle, a BP drilling engineer, exercised his rights under the Fifth Amendment to not testify. A fifth session is tentatively scheduled for October 4-8 at a location yet to be determined. (8/27/10).

### **USCG – caution to AIS users**



The US Coast Guard issued a Marine Safety Alert cautioning AIS users to check their AIS units to ensure that those units are operating on the correct frequencies. Between July 27 and August 2010, the Coast Guard inadvertently tele-commanded most AIS units operating in the eastern United States between lower Connecticut and North Carolina to switch to frequencies other than the AIS default frequencies (161.975 MHz – Channel 87B – 2087 and 162.025 MHz – Channel 88B – 2088). Those affected AIS units will not see or be seen by other AIS units until switched back to the default frequencies. Commencing September 1 and continuing for five weeks, the Coast Guard will broadcast new channel management messages that will tele-command AIS units back to the default frequencies. It is recommended that, despite this effort, users manually check their AIS units to ensure that they are operating on the correct frequencies. The Coast Guard apologizes for any inconvenience its action may have caused. **Alert 7-10** (8/28/10).

### **San Diego – Coast Guard investigates oil sheen**



The US Coast Guard issued a **news release** stating that it is monitoring an oil sheen located in the Pacific Ocean off the US-Mexico border near San Diego.

The sheen is approximately one-half mile wide and more than 15 miles long. (8/28/10).

### **NACOSH – meeting**



The National Advisory Committee on Occupational Safety and Health (NACOSH) and its Gulf Oil Spill subgroup, sponsored by the Occupational Safety and Health Administration (OSHA), will meet in Washington, DC on September 14-15. [75 Fed. Reg. 52988](#) (August 30, 2010).

### **Court – Port of Los Angeles clean truck rules largely upheld**



The US District Court for the Central District of California has largely upheld the clean truck rules established by the Port of Los Angeles. The rules were challenged by, among others, the American Trucking Association (ATA). The rules establish strict diesel emission standards for trucks and eliminate owner-operator drivers, among other things. Plaintiffs contended that the rules were preempted by federal law. While the court found that some portions of the rules were preempted, the majority of the rules were found to not constitute an unreasonable burden on interstate commerce and will be allowed to come into effect. [ATA v. City of Los Angeles](#), No. CV 08-4920 CAS (RZx) (C.D. Cal., August 26, 2010). *Note: ATA has announced that it intends to appeal this decision.*

### **IMO – Turkey signs Ship Recycling Convention**



The IMO issued a [news release](#) stating that Turkey has signed, subject to ratification, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009. Turkey is one of the five major ship recycling nations and this first of this group to sign the Convention. The Convention will come into force 24 months after it has been accepted by at least 15 States, representing at least 40% of the world merchant shipping by tonnage. The combined maximum annual ship recycling volume of those States must, during the preceding ten years, constitute not less than 3% of their combined merchant shipping tonnage. To date, the Convention has been accepted by France, Italy, the Netherlands, Saint Kitts & Nevis, and Turkey. (8/27/10).

### **Canada – Arctic sovereignty exercise completed**



The Office of the Prime Minister of Canada issued a [media release](#) stating that Operation NANOOK 10, a major sovereignty exercise in Canada's North, has been completed. It featured sovereignty and presence patrolling, military exercises, and a whole-of-Government operation that focused on containment and remediation of a simulated tanker leak in the Resolute Bay area. (8/25/10). *Note: The media release fails to mention that US and Danish forces participated in the exercise.*

## Canada – marine protected area established in the Arctic



The Office of the Prime Minister of Canada issued a **media release** stating that the Tarium Marine Protected Area has been established to protect seasonal populations of beluga whales. It consists of three individual areas covering approximately 1,800 square kilometers of the Mackenzie River Delta and estuary in the Beaufort Sea. (8/26/10).

## Canada – Beaufort Sea Integrated Oceans Management Plan



Fisheries and Oceans Canada issued a **news release** announcing an Integrated Oceans Management Plan for the Beaufort Sea. The goal is to maintain a healthy ecosystem, while continuing to create economic opportunities and sustainable communities. (8/27/10).

## India – meeting of Maritime States Development Council



The Indian Ministry of Shipping issued a **press release** stating that the Maritime States Development Council will meet in Chennai on August 30-31. Topics on the agenda include prevention of severe environmental hazards close to port, port security, and oil spill local contingency plans. (8/27/10).

## Ireland – site surveys off west coast



The Irish Department of Transport issued a **Marine Notice** stating that two site surveys will be carried out in waters off the west coast of Ireland starting on August 27 and lasting for approximately two weeks. The survey vessel will be towing a long streamer and will be restricted in its ability to maneuver. Other vessels should give the survey vessel a wide berth. (8/26/10).

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

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