

### Headlines:

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USCG – marking sunken vessels at night;  
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SHC – meeting re PPR;  
SHC – meeting re HTW;  
MARAD – platform jacket transportation;  
FMC – two car carriers to pay \$2.3 million in penalties;  
St. Lawrence Seaway – Montreal-Lake Ontario section;  
Court – LHWCA and mistake of fact;  
California – shore power reminder; and  
Antarctic – passenger ship beset.

December 26, 2013



## 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. May all your mistakes be original.*

### **USCG – implementation of STCW 2010 amendments**



The US Coast Guard promulgated a 218-page final rule implementing the 2010 amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978. Among other things, Merchant Mariner Credentials (MMCs) are being modified to accommodate the revised STCW endorsements. The final rule enters into effect on 24 March 2014, except for certain provisions which are effective on 23 January 2014. **78 Fed. Reg. 77795** (December 24, 2013).

## USCG – marking sunken vessels at night



The US Coast Guard promulgated a final rule providing that the Commandant is authorized to waive the statutory requirement to mark sunken vessels with a light at night if the Commandant determines that placing a light would be impractical and waiving the requirement would not create an undue hazard to navigation. The final rule comes into effect on 23 January 2014. [78 Fed. Reg. 77587](#) (December 24, 2013).

## NOAA – US Navy training & testing



The National Oceanic and Atmospheric Administration (NOAA) issued a final rule under the Marine Mammal Protection Act to govern the unintentional taking of marine mammals incidental to training and testing activities of the US Navy conducted in the Hawaii-Southern California Training and Testing Study Area from December 2013 through December 2018. [78 Fed. Reg. 78105](#) (December 24, 2013).

## SHC – meeting re PPR



The Shipping Coordination Committee (SHC), sponsored by the Department of State (DOS), will meet on 21 January 2014 in Washington, DC to prepare for the upcoming session of the IMO Sub-Committee on Pollution Prevention and Response (PPR). Topics on the agenda include consideration of additional guidelines for implementation of the Ballast Water Management Convention and consideration of improved and new technologies approved for ballast water management systems and reduction of atmospheric pollution. [78 Fed. Reg. 77772](#) (December 24, 2013).

## SHC – meeting re HTW



The Shipping Coordination Committee (SHC), sponsored by the Department of State (DOS), will meet on 11 February 2014 in Washington, DC to prepare for the upcoming session of the IMO Sub-Committee on Human Element, Training, and Watchkeeping (HTW). Topics on the agenda include development of the International Code of safety for ships using gases or low flash-point fuels (IGF Code). [78 Fed. Reg. 77773](#) (December 24, 2013).

## MARAD – platform jacket transportation



The Maritime Administration (MARAD) issued a notice stating that it received an application from Walter Oil & Gas Corporation seeking permission to use a foreign launch barge in transporting and launching a platform jacket in the Gulf of Mexico during the period September through December 2015. Comments and information on the availability of coastwise-qualified vessels for this work must be submitted by 27 January 2014. [78 Fed. Reg. 78502](#) (December 26, 2013).

## St. Lawrence Seaway – Montreal-Lake Ontario section



The Great Lakes-St. Lawrence Seaway System issued a notice stating that, due to high traffic volumes and navigation conditions, any ship calling in downbound at CVC after 23:59 hours, 24 December, but before 02:00 hours, 28 December may be accepted to transit the Montreal to Lake Ontario section under special agreement. [Notice 11-2013](#) (12/23/13).

## FMC – two car carriers to pay \$2.3 million in penalties



The Federal Maritime Commission (FMC) issued a [news release](#) stating that it entered into compromise agreements with two common carriers operating pure car carriers and roll on/roll off (ro/ro) vessels in US inbound and outbound trades. The two carriers have agreed to pay a total of \$2.3 million in penalties to resolve allegations that they violated the Shipping Act of 1984 by acting in concert under agreements that had not been filed with the FMC. (12/23/13).

## Court – LHWCA and mistake of fact



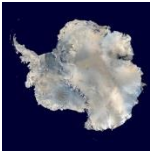
The US Court of Appeals for the Fifth Circuit affirmed the modified award of benefits under the Longshore and Harbor Workers' Compensation Act (LHWCA) for a covered employee whose arthritis was aggravated by his work. The employer contended that the original, lower compensation award was not eligible for modification and that the facts did not support modification. The appellate court held that the original award was based on a mistake of fact and therefore subject to modification. [Island Operating Co. v. Taylor](#), No. 12-60222 (5th Cir., December 20, 2013). *Note: This item was brought to my attention by my good friend Keith Heard of [Burke & Parsons](#).*

## California – shore power reminder



The California Air Resources Board (ARB) issued a **Notice** reminding stakeholders of upcoming deadlines for compliance with shore power requirements for certain vessels calling in certain California ports. Vessel fleet operators calling at the ports of Los Angeles, Long Beach, Oakland, San Diego, San Francisco, and Hueneme will be required to either turn off auxiliary engines and connect to some other source of power or use alternative control techniques. Additional details are included in the accompanying **Advisory**. (12/24/13).

## Antarctic – passenger ship beset



The Australian Maritime Safety Authority (AMSA) issued a **media release** stating that it is coordinating the rescue of the Russian passenger ship Akademik Shokalskiy, with 74 people on board, beset in Antarctic ice approximately 1,500 nautical miles south of Hobart and 100 nautical miles east of the French base Dumont D'Urville. Three ships with icebreaking capability are en route. (12/25/13).

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