

Headlines:

USCG – STCW NVICs;

USCG – Buzzards Bay RNA;

DHS – retrospective review of existing regulations;

Court – state oil spill pollution claims preempted;

Court – binding arbitration; and

Sinking of HMS Birkenhead – 26 February 1852.

February 26, 2014



Bryant's Maritime News

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USCG – STCW NVICs



The US Coast Guard issued a notice stating that it promulgated **nine Navigation and Vessel Inspection Circulars** (NVICs) aligning Coast Guard policy with recent amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention) and related matters. The NVICs come into effect immediately. **79 Fed. Reg. 10686** (February 26, 2014).

USCG – Buzzards Bay RNA



The US Coast Guard issued a notice stating that it has prepared a Finding of No Significant Impact (FONSI) based on the Final Environmental Assessment (Final EA) for amendments to the Buzzards Bay regulated navigation area (RNA) that were implemented in 2007. **79 Fed. Reg. 10818** (February 26, 2014).

DHS – retrospective review of existing regulations



The Department of Homeland Security (DHS) seeks on existing specific regulations promulgated by it and its component agencies that should be considered for modification, streamlining, expansion, or repeal. Comments should be submitted by 28 March. [79 Fed. Reg. 10760](#) (February 26, 2014).

Court – state oil spill pollution claims preempted



The US Court of Appeals for the Fifth Circuit ruled that claims by Louisiana Parishes against BP and the defendants to recover penalties under the Louisiana Wildlife Protection Statute for pollution-related loss of aquatic life and wildlife are preempted by federal law. [In re Deepwater Horizon](#), No. 12-30012 (5th Cir., February 24, 2014).

Court – binding arbitration



The US Court of Appeals for the Eleventh Circuit ruled that the binding arbitration clause in the employment contract of a foreign national employed on a foreign cruise ship as a mason is binding. Plaintiff argued that he did not work as a traditional seafarer and that his major injury was the result of medical malpractice ashore. [Martinez v. Carnival Corporation](#), No. 12-15164 (11th Cir., February 24, 2014). *Note: This item was brought to my attention by my good friend Keith Heard of [Burke & Parsons](#).*

Sinking of the HMS Birkenhead – 26 February 1852



On February 26, 1852, the troopship HMS BIRKENHEAD grounded at Danger Point, near Cape Town, South Africa. It was carrying about 400 British soldiers to fight in the Kaffir War in South Africa. Also on board were about 200 civilians, mostly women and children. There were not sufficient lifeboats for everyone. The senior British Army officer onboard ordered the troops to stand fast as the women and children boarded the lifeboats. None of the soldiers broke ranks. The BIRKENHEAD sank soon afterwards. Only 193 of the approximately

643 people originally on board survived. From this event, the maritime tradition of “women and children first” is derived.

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