

## Headlines:

White House – National Maritime Day;  
USCG & BSEE – joint safety alert;  
USCG – meeting re tonnage regulations;  
USCG – hurricane contingency plans;  
NTSB – public health authority status;  
DOJ – Jordanian shipping company fined \$500,000;  
House – hearing on ocean technologies;  
Court – DWH settlement sustained;  
Court – admiralty jurisdiction and fistfights;  
IMO – preliminary approval for Polar Code;  
Australia – Protection of the Sea Levy; and  
Straits of Malacca & Singapore – Safe Passage.

May 21, 2014



# 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. Everyone has a right to be stupid, but some abuse the privilege.*

## White House – National Maritime Day



President Obama issued a **Proclamation** designating May 22 as National Maritime Day 2014 in recognition of the many achievements of the United States Merchant Marine. (5/19/14).

## USCG & BSEE – joint safety alert



The US Coast Guard and the Bureau of Safety and Environmental Enforcement (BSEE) issued a **Joint Safety Alert** after a dynamic positioning (DP) failure resulting in a loss of position on a vessel while

conducting a critical outer continental shelf (OCS) activity. The vessel was performing overdue maintenance on its main power distribution bus circuit breakers at the time. The failure potential had not been noted in the vessel's safety management system (SMS) or the leaseholder's safety and environmental management system (SEMS). The Alert makes a number of recommendations, including that a vessel not perform maintenance during a critical OCS activity that may cause a loss of position. (5/20/14).

### **USCG – meeting re tonnage regulations**



The US Coast Guard issued a notice stating that it will host a public meeting on 5 June in Arlington, Virginia to receive comments on its **proposed amendments** to the tonnage regulations. **79 Fed. Reg. 29149** (May 21, 2014).

### **USCG – hurricane contingency plans**



As we approach the beginning of the 2014 hurricane season, I have updated my list of US Coast Guard **Hurricane & Heavy Weather Contingency Plans**. If any reader learns of a more recent version of such a contingency plan for any USCG Sector, please advise so that my list can be kept current. (5/21/14).

### **NTSB – public health authority status**



The National Transportation Safety Board (NTSB) issued a notice stating that it has been designated a “public health authority” under the health care privacy requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The NTSB's activities reduce mortality and injury by making recommendations for safety improvements and improve the crashworthiness of transportation vehicles and improve accidents' survivability. Having access to pertinent medical information (including the results of drug and alcohol tests performed by a medical facility) improves the quality of NTSB's investigations and recommendations. **79 Fed. Reg. 28970** (May 20, 2014).

### **DOJ – Jordanian shipping company fined \$500,000**



The Department of Justice (DOJ) issued a **news release** stating that Arab Ship Management Ltd pleaded guilty in federal court to violating the Act to Prevent Pollution from Ships and to pay a criminal penalty of \$500,000. An illegal piping arrangement for overboard discharges was found on the livestock carrier Neameh and the vessel's oil record book had not been accurately maintained. (5/20/14).

## House – hearing on ocean technologies



The Coast Guard and Maritime Transportation Subcommittee of the House Committee on Transportation and Infrastructure will conduct a hearing on 21 May regarding [Using New Ocean Technologies](#). (5/19/14).

## Court – DWH settlement sustained



Over a vigorous dissenting opinion, the US Court of Appeals for the Fifth Circuit denied the petition for rehearing en banc in the appeal by BP of the economic and property damage class action settlement. The dissent noted that this decision permits payment for economic losses “without regard to whether such losses resulted or may have resulted from a cause other than the Deepwater Horizon oil spill.” [In re Deepwater Horizon](#), No. 13-30095 (5th Cir., May 19, 2014).

## Court – admiralty jurisdiction and fistfights



The US Court of Appeals for the Second Circuit ruled that admiralty jurisdiction does not extend to tort claims arising from a physical altercation (drunken fistfight) among recreational boaters on and around a permanent dock surrounded by navigational water, because such an altercation does not have a potentially disruptive effect on maritime commerce. As the court noted: “State courts have long dealt with similar fistfights under state tort law, without any need for interference from federal courts sitting in admiralty.” [Tandon v. Ulbrick](#), No. 13-461 (2nd Cir., May 19, 2014).

## IMO – preliminary approval for Polar Code



The Danish Maritime Authority issued a [news release](#) stating that the IMO Maritime Safety Committee (MSC) has given preliminary approval to a new edition of the Polar Code and the requirement that its provisions be mandatory for all covered vessels. Final approval is expected at the next session of the MSC in the autumn of 2014. (5/20/14).

## Australia – Protection of the Sea Levy



The Australian Maritime Safety Authority (AMSA) issued a **notice** stating that effective 1 July the Protection of the Sea Levy will be reduced from 14.25 cents to 11.25 cents per net registered ton per quarter. (5/20/14).

## Straits of Malacca & Singapore – Safe Passage



The Governments of Indonesia, Malaysia, and Singapore, in cooperation with BIMCO and other maritime trade organizations, have published the **Safe Passage Pamphlet**. The Pamphlet provides guidance for the safe navigation of Straits of Malacca and Singapore. (5/21/14).

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

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