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Anti-Flogging Act – 28 September 1850.

September 26, 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. I'm just a visitor from the twentieth century.

White House – Pacific Remote Islands Marine National Monument



President Obama issued a **Proclamation** [found at <http://www.whitehouse.gov/the-press-office/2014/09/25/presidential-proclamation-pacific-remote-islands-marine-national-monumen>] expanding the Pacific Remote Islands Marine National Monument in waters of the Central Pacific Ocean around Wake, Baker, Howland, and Jarvis Islands, Johnston and Palmyra Atolls, and Kingman Reef to 370,000 square nautical miles (the full extent of the exclusive economic zones around these locations). (9/25/14).

SHC – meeting 6 November



The Shipping Coordinating Committee (SHC), sponsored by the Department of State (DOS), will meet on 6 November in Washington, DC to prepare for the upcoming session of the IMO Council (C 113). Topics on the agenda include the Voluntary IMO Member State Audit Scheme and protection of vital shipping lanes. [79 Fed. Reg. 58024](http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-23007.pdf) [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-23007.pdf>] (9/26/14).

SHC – meeting 12 November



The Shipping Coordinating Committee (SHC), sponsored by the Department of State (DOS), will meet on 12 November in Washington, DC to prepare for the upcoming session of the IMO Maritime Safety Committee (MSC 94). Topics on the agenda include maritime security; goal-based ship construction standards; and passenger ship safety. [79 Fed. Reg. 58025](http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22999.pdf) [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22999.pdf>] (9/26/14).

DOE – export of LNG



The Department of Energy (DOE) issued a notice stating that it received an application from Louisiana LNG Energy LLC for authorization to export liquefied natural gas (LNG) from a proposed LNG liquefaction plant to be located near mile marker 46 on the Lower Mississippi River. Comments on the application must be received by 25 November. [79 Fed. Reg. 57896](http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22886.pdf) [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22886.pdf>] (9/26/14).

ITC – termination of investigation



The International Trade Commission (ITC) issued a notice stating that it has determined not to review the presiding administrative law judge (ALJ) determination granting an unopposed motion to terminate the investigation regarding certain navigation products as to remaining respondent Raymarine UK Ltd and Raymarine, Inc. based upon settlement. [79 Fed. Reg. 57976](http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22901.pdf) [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-09-26/pdf/2014-22901.pdf>] (9/26/14).

USCG – Proceedings



The US Coast Guard posted the Fall 2014 edition of the **Proceedings** of the Marine Safety & Security Council [found at <http://www.uscg.mil/proceedings/>]. The theme of this edition is the USCG Western Hemisphere: combating networks; securing borders; and safeguarding commerce. (9/25/14).

Court – no punitive damages under Jones Act or unseaworthiness



In an en banc decision, the US Court of Appeals for the Fifth Circuit ruled that seamen may not recover punitive damages under either the Jones Act or for unseaworthiness claims brought under general maritime law. In the instant case, one seaman died and three others were injured in an incident that occurred on board a drill barge operating in Louisiana waters. In addition to seeking recovery of pecuniary losses, plaintiffs sought recovery of punitive damages. Defendant barge owner moved for dismissal of the punitive damages claims. The district court granted the motion, but a panel of the Fifth Circuit reversed the decision. A motion for rehearing en banc was approved. The court held that the Supreme Court 1990 decision denying punitive damages in such cases is controlling. **McBride v. Estis Well Service, LLC** [found at <http://www.ca5.uscourts.gov/opinions/pub/12/12-30714-CV2.pdf>], No. 12-30714 (5th Cir., September 25, 2014). Note: This item was brought to my attention by my good friend Keith Heard of **Burke & Parsons**.

EC – suing Spain over port security



The European Commission (EC) issued a **press release** [found at http://europa.eu/rapid/press-release_IP-14-1039_en.htm?locale=en] stating that it is taking action against Spain before the Court of Justice of the European Union because 20 Spanish ports have yet to adopt and implement the port security plan. (9/25/14).

Panama Canal – Ebola measures



The Panama Canal Authority (ACP) issued an advisory stating that certain measures have been instituted to reduce the risk of Ebola Virus Disease. Any vessel arriving in Canal waters whose ten previous port calls included an Ebola affected country will be evaluated. If Ebola is diagnosed, the vessel will be placed in quarantine. All vessels arriving in Canal waters must report any suspicious or confirmed Ebola case. **Advisory 22-2014** [found at <http://www.pancanal.com/common/maritime/advisories/2014/a-22-2014.pdf>] (9/23/14).

Singapore – port health clearance procedures



The Singapore Maritime and Port Authority (MPA) issued a circular updating the port health clearance procedures for vessels arriving Singapore. **Circular 11-2014** [found at http://www.mpa.gov.sg/sites/circulars_and_notices/pdfs/port_marine_circulars/pc14-11.pdf] (9/25/14).

Sinking of SS *Arctic* – 27 September 1854



The SS *Arctic* was the pride of the American merchant marine when launched in 1852. It was a 3,000 ton wooden-hull paddle-wheel steamer capable of carrying 280 passengers. It also carried a modest amount of cargo. Owned and operated by the Collins Line on New York, it had a lucrative US Government contract to carry US mail to and from Britain. The *Arctic* held the record for the fastest eastbound crossing of the Atlantic. It departed Liverpool on 20 September 1854, bound for New York. Among its passengers were members of the Collins family and the family of James Brown, one of the principal financiers of the Collins Line, as well as the son of the master, James Luce. As the *Arctic* approached the Grand Banks on 27 September, it entered a thick fog. Lookouts spotted the steamship *Vesta* on a collision course. Alarm was sounded, but it was too late. The collision did significant damage to both ships, which quickly lost sight of each other in the fog. While the *Vesta* was smaller (only 250 tons), it had an iron hull. The *Vesta* survived. The *Arctic* started sinking soon after the collision. While the *Arctic* carried a number of lifeboats, the crew panicked during attempts to launch them. Despite efforts of the master, many crewmembers abandoned the passengers in their hurry to flee the sinking ship. The master stayed with the ship, but when it sank, he ended up on a piece of wreckage and survived. Most of the crew survived, picked up the next day by a passing vessel. Most of the passengers, including all of the women and children died. A dark day in maritime history.

Anti-Flogging Act – 28 September 1850



An Act making Appropriations for the Naval Service was enacted into law on 28 September 1850. In its time, it was better known as the **Anti-Flogging Act** [found at http://www.brymar-consulting.com/wp-content/uploads/Misc/Flogging_Act_1850.pdf] because included within its various financial provisions was the following: “*Provided*, That flogging in the navy, and on board vessels of commerce, be, and the same is hereby, abolished from and after the passage of this act.”

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

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