

Headlines:

Cook Inlet – fire on natural gas platform;
USCG – ballast water management;
Delaware Bay & Atlantic Ocean – safety zones;
USCG – CIRCAC recertified;
Court – FMC determinations upheld;
Court – ADA claims dismissed;
Maine – America’s Marine Highway;
Canada – HMS Erebus identified; and
MS Prinsendam fire and sinking – 4 October 1980.

October 3, 2014



Bryant’s Maritime News

Bryant’s Maritime Consulting - 4845 SW 91st Way - Gainesville, FL 32608-8135 - USA

Tel: 1-352-692-5493 – Email: dennis.l.bryant@gmail.com – Internet: <http://brymar-consulting.com>

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. Drink coffee – make mistakes faster and with more energy.

Cook Inlet – fire on natural gas platform



The US Coast Guard issued a [news release](http://www.uscgnews.com/go/doc/4007/2370114/) [found at <http://www.uscgnews.com/go/doc/4007/2370114/>] stating that fire broke out on the Baker Platform in Cook Inlet. The four persons on the natural gas platform have been safely evacuated. Coast Guard assets have been diverted and a safety zone has been established around the platform. (10/2/14). *Note: Unofficial reports indicate that the fire is now under control.*

USCG – ballast water management



The US Coast Guard provided [information and updates](http://mariners.coastguard.dodlive.mil/2014/10/02/1022014-coast-guard-remarks-3rd-annual-ballast-water-management-tech-north-america-conference/) [found at <http://mariners.coastguard.dodlive.mil/2014/10/02/1022014-coast-guard-remarks-3rd-annual-ballast-water-management-tech-north-america-conference/>] regarding ballast water management requirements. (10/2/14).

Delaware Bay & Atlantic Ocean – safety zones



The US Coast Guard has established three temporary safety zones on waters of Delaware Bay and the Atlantic Ocean adjacent to Cape May to restrict vessel traffic while a Navy exercise is taking place. The safety zones will be enforced on 16-24 October from 6:00 am until 8:00 pm each day. **79 Fed. Reg. 59650** [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-10-03/pdf/2014-23659.pdf>] (10/3/14).

USCG – CIRCAC recertified



The US Coast Guard issued a notice stating that it has recertified, through 31 August 2015, the Cook Inlet Regional Citizen's Advisory Council (CIRCAC) as an alternative voluntary advisory group. **79 Fed. Reg. 59783** [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-10-03/pdf/2014-23658.pdf>] (10/3/14).

Court – FMC determinations upheld



In a summary order, the US Court of Appeals for the Second Circuit denied a petition for review of an order of the Federal Maritime Commission (FMC) holding petitioner non-vessel-operating common carrier (NVOCC) liable for violation of the Shipping Act and requiring it to cease and desist from releasing cargo without requiring presentation of an original bill of lading. The court deferred to FMC expertise in determining that petitioner's admitted conduct constituted a violation and determined that the FMC did not abuse its discretion in issuing the cease and desist order. **Chief Cargo Services v. FMC**, [found at http://www.ca2.uscourts.gov/decisions/isysquery/765c569e-dedf-4728-b99b-e8ae43a44894/7/doc/13-4256_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/765c569e-dedf-4728-b99b-e8ae43a44894/7/hilite/], No. 13-4256-ag (2nd Cir., October 2, 2014).

Court – ADA claims dismissed



In an unpublished decision, the US Court of Appeals for the Eleventh Circuit upheld the dismissal of plaintiff cruise ship passenger's suit for injunctive relief against defendant cruise line for alleged violations of the Americans with Disability Act (ADA). Wheel-chair bound plaintiff alleged that he was deprived for full enjoyment of his cruise due to lack of handicapped-accessible exterior cabins with balconies or window views and due to doors that are not ADA-

compliant because they require excessive force to open. The district court granted defendant cruise line's motion for dismissal and plaintiff appealed. On review, the court held that plaintiff lacked standing to challenge the availability of handicapped-accessible exterior cabins because he failed to allege that he suffered from a disability or condition such as claustrophobia that is affected by the absence of balconies or window views. The court also held that plaintiff's claim with regard to the doors was not cognizable because it was subject to compulsory arbitration under the passenger ticket contract. *Seco v. NCL (Bahamas) Ltd*, [found at <http://media.ca11.uscourts.gov/opinions/unpub/files/201315091.pdf>], No. 13-15091 (11th Cir., October 2, 2014).

Maine – America's Marine Highway



The Department of Transportation (DOT) issued a [news release](#) [found at <http://www.dot.gov/blog/fastlane>] stating that the Maritime Administration (MARAD) is assisting the Maine Port Authority in development of a next-level cargo vessel specifically designed to handle the area's unique marine environment and enhance America's Marine Highway System. (10/2/14).

Canada – HMS Erebus identified



Prime Minister Stephen Harper issued a [news release](#) [found at <http://pm.gc.ca/eng/news/2014/10/01/pm-announces-hms-erebus-discovered-franklin-expedition-ship>] announcing that the Franklin Expedition wreck found in early September by the 2014 Victoria Strait Expedition has been identified as Her Majesty's Ship (HMS) Erebus. The HMS Erebus and the HMS Terror were last seen entering Baffin Bay in August 1845 in their unsuccessful attempt to navigate the Northwest Passage. (10/1/14).

MS Prinsendam fire and sinking – 4 October 1980



The cruise ship *Prinsendam* was built in 1973 for Holland America Line. It was somewhat smaller than average size for its day, carrying about 350 passengers and 200 crew. Just after midnight on 4 October 1980, a fire broke out in the engine room as the ship was transiting the Gulf of Alaska. Shortly thereafter, the master sent a message to the US Coast Guard requesting assistance. The ship was then 120 miles south of Cape Spencer and outside the range of USCG helicopters. The Coast Guard advised the master to send out an SOS, but he refused. The chief radio officer sent one anyway. Ships in the area responded, including the tanker *Williamsburg* and the USCGC *Boutwell*, which served as the on-scene coordinator. The master gave the order to abandon ship at sunrise. The Coast Guard, Air Force, and Canadian Forces dispatched long-range helicopters, which carried persons from the lifeboats to the *Williamsburg*.

The *Prinsendam* was taken under tow, but the fire could not be extinguished and the ship was listing heavily in deteriorating weather. Permission to bring the ship into sheltered waters was denied by the Coast Guard, but probably had no impact, as the ship sank shortly thereafter. The *Williamsburg* brought 359 passengers and crew safely to Valdez. There were no fatalities and no serious injuries.

Join our mailing list



If you are not receiving our almost daily electronic newsletter and would like have it sent directly to your email inbox, please right-click the box below and provide your email address.

Join Our Mailing List!



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

Dennis L. Bryant

Bryant's Maritime Consulting
4845 SW 91st Way
Gainesville, FL 32608-8135
USA

1-352-692-5493
dennis.l.bryant@gmail.com
<http://brymar-consulting.com>

© Dennis L. Bryant – October 2014



Redistribution permitted with attribution