

Headlines:

Georgia/Florida – North Atlantic Right Whale Season;
Oakland Estuary – containers adrift;
Lake Michigan – temporary RNA;
FERC – Jordan Cove LNG Project;
DOE – export authorization for Freeport LNG;
Court – cruise ship medical treatment;
Australia – CPP failure leads to allision;
Ireland – recovery of persons from the water; and
Suez Canal opened to shipping – 17 November 1869.

November 17, 2014



Bryant's Maritime News

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*Note: This newsletter is one section of the **Bryant's Maritime Consulting** website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining **Dennis Bryant** 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. Having the right answer is valuable only if asked the right question.*

Georgia/Florida – North Atlantic Right Whale Season



USCG Sector Jacksonville issued a Marine Safety Information Bulletin reminding mariners that the 2014-2015 North Atlantic Right Whale Season has commenced for coastal waters of southern Georgia and northern Florida out to 30 miles offshore. During the Season, which runs through 15 April 2015, commercial vessels displacing 300 gross tons and greater are required to report when they enter the WHALESOUTH Reporting Area. In addition, vessels of 65 feet length or greater within the reporting area may not operate at greater than ten (10) knots. Vessels may not approach within 500 yards of a right whale. Vessels entering or departing the ports of Brunswick, Fernandina, or Jacksonville are requested to use the recommended two-way routes. **MSIB 101-14** [located at <http://jmtxweb.org/Library/CG%20Docs/MSIB%20101-14%202014-2015%20North%20Atlantic%20Right%20Whale%20Season.pdf>] (11/15/14).

Oakland Estuary – containers adrift



The US Coast Guard issued a [news release](http://www.uscgnews.com/go/doc/4007/2420314/) [located at <http://www.uscgnews.com/go/doc/4007/2420314/>] stating that a safety zone has been established in the Oakland Estuary after three shipping containers fell into the water during unloading of the container ship NYK Aquarius. The drifting containers have been pushed alongside a dock for recovery by a crane. (11/16/14).

Lake Michigan – temporary RNA



The US Coast Guard has established, through 31 March 2015, a temporary regulated navigation area on waters of Lake Michigan within five nautical miles from shore between the Chicago Harbor Lock and Calumet Harbor to allow barges to transit on an alternate route during the temporary closure of the Thomas J. O'Brien Lock on the Calumet River. [79 Fed. Reg. 68366](http://www.gpo.gov/fdsys/pkg/FR-2014-11-17/pdf/2014-27168.pdf) [located at <http://www.gpo.gov/fdsys/pkg/FR-2014-11-17/pdf/2014-27168.pdf>] (11/17/14).

FERC – Jordan Cove LNG Project



The Federal Energy Regulatory Commission (FERC) seeks comments on the draft environmental impact statement (EIS) for the proposed Jordan Cove LNG and Pipeline Projects. Comments must be received by 13 February 2015. [79 Fed. Reg. 68433](http://www.gpo.gov/fdsys/pkg/FR-2014-11-17/pdf/2014-27053.pdf) [located at <http://www.gpo.gov/fdsys/pkg/FR-2014-11-17/pdf/2014-27053.pdf>] (11/17/14).

DOE – export authorization for Freeport LNG



The Department of Energy (DOE) issued a [news release](http://www.energy.gov/articles/energy-department-authorizes-freeport-lng-export-liquefied-natural-gas) [found at <http://www.energy.gov/articles/energy-department-authorizes-freeport-lng-export-liquefied-natural-gas>] stating that it issued two final authorizations for Freeport LNG Expansion and FLNG Liquefaction to export domestically produced liquefied natural gas (LNG) to countries that do not have a Free Trade Agreement with the United States. (11/14/14).

Court – cruise ship medical treatment



The US Court of Appeals for the Eleventh Circuit ruled that summary judgment is premature where plaintiff has adequately pled all the elements of

both actual agency and apparent agency. In the instant case, plaintiff's decedent died after falling on one of defendant's cruise ships and was treated by the onboard doctor and nurse. The court refused to apply, within the Eleventh Circuit, the long-standing rule that a passenger carrier is not liable to a sick or injured passenger for malpractice committed by a ship's doctor. **Franza v. Royal Caribbean Cruises**, No. 13-13067 (11th Cir., November 10, 2014). *Note: The importance of this case was brought to my attention by my good friend Lindsey Brock of Rumrell McLeod & Brock.*

Australia – CPP failure leads to allision



The Australian Transport Safety Bureau (ATSB) issued the report of its investigation of the machinery failure on the general cargo ship HC Rubina and subsequent contact with the wharf at Brisbane on 29 October 2013. The control system for the ship's controllable pitch propeller (CPP) failed before the ship left port en route Australia. During the voyage, the propeller's pitch was operated manually from a local control station in the engine room. As the ship was entering the port of Brisbane failure of a flexible coupling for the shaft alternator providing power to the bow thruster resulted in smoke filling the after portion of the engine room. This forced the engineer controlling the propeller pitch to leave the local control station, meaning the propeller pitch was no longer controlled and the ship made contact with the wharf. Investigation revealed that the shipboard planned maintenance system was inadequate and that the defective propeller pitch control was not reported as required. **MO-2013-12** [located at http://www.atsb.gov.au/media/5170821/mo-2013-012-_final.pdf] (11/14/13).

Ireland – recovery of persons from the water



The Irish Department of Transport, Tourism and Sport issued a notice reminding owners, operators, and masters of cargo ships over 500 gross tonnage and all passenger ships on international voyages of the requirement to develop ship-specific plans and procedures for recovery of persons from the water. **Marine Notice 64-2014** [located at http://dttas.ie/sites/default/files/MN64of2014_RecoveryofPersonsfromtheWater.pdf] (11/13/14).

Suez Canal opened to shipping – 17 November 1869



The **Suez Canal** opened to shipping on 17 November 1869. Excavation of the Canal had taken ten years, using forced labor and rudimentary mechanical equipment. Construction had been opposed by British interests, who feared competition in trade with India. Once the Canal opened and proved successful,

British interests acquired a majority ownership. The Canal was closed to shipping during the Suez Crises of 1956-57 and during the Arab-Israeli Wars of 1967 and 1973. In 2008, over 21,000 ships transited the Canal, earning the Government of Egypt over \$5 billion in tolls. Plans have been developed for construction of a second lane to the Canal.

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

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