

## Headlines:

Court – DWH litigation;  
USCG – cruise vessel security & safety;  
OFAC – Cuban Assets Control Regulations;  
BIS – exports to Cuba;  
NTSB – Most Wanted List;  
FMC – priority is port congestion;  
Army – RFI for eLORAN;  
House – bill introduced re natural gas export;  
Senate – bill introduced to extend state seaward boundaries;  
Senate – bill introduced re OCS O&G leasing program;  
Senate – amendment introduced re coastwise trade;  
EP – Indian-Italian dispute; and  
Australia – fire on livestock carrier.

January 16, 2015



# 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. Soon after a new safety device is invented, innovative mariners develop a work-around.*

## **Court – DWH litigation**



The US District Court for the Eastern District of Louisiana issued its findings of fact and conclusions of law for the Phase Two Trial in the Deepwater Horizon (DWH) litigation. The court found that BP was not grossly negligent, reckless, willful, or wanton in its source control planning and preparation. The court further found that it had not been shown that BP's flow rate misrepresentation delayed the capping of the Macondo well or otherwise adversely affected source control. Finally, the court found, for purposes of calculating the maximum civil penalty under the CWA, that 3.19 million barrels of oil were discharged into waters of the Gulf of Mexico. **In re Deepwater**

Horizon, MDL 2179 (ED La., January 15, 2015) [located at [http://www.brymar-consulting.com/wp-content/uploads/Misc/DWH\\_findings\\_150115.pdf](http://www.brymar-consulting.com/wp-content/uploads/Misc/DWH_findings_150115.pdf)].

### USCG – cruise vessel security & safety



The US Coast Guard proposes to amend its passenger vessel regulations to implement the Cruise Vessel Security and Safety Act of 201 with respect to deck rails, systems for detecting or recording falls overboard and for recording evidence of possible crimes, hailing devices, security guides, sexual assault response, and crime scene preservation training. Comments on the proposal should be submitted by 16 April. **80 Fed. Reg. 2350** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-01-16/pdf/2015-00464.pdf>] (1/16/15).

### OFAC – Cuban Assets Control Regulations



The Office of Foreign Assets Control (OFAC) promulgated a final rule amending the Cuban Assets Control Regulations to implement policy changes to further engage and empower the Cuban people. These changes will, among other things, allow a number of activities related to trade and shipping. The amendments enter into effect immediately. **80 Fed. Reg. 2291** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-01-16/pdf/2015-00632.pdf>] (1/16/15).

### BIS – exports to Cuba



The Bureau of Industry and Security (BIS) promulgated a final rule amending the Export Administration Regulations to create License Exception Support for the Cuban People. The changes will, among other things, establish a general policy of approval for certain exports and reexports to Cuba. The amendments enter into effect immediately. **80 Fed. Reg. 2286** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-01-16/pdf/2015-00590.pdf>] (1/16/15).

### NTSB – Most Wanted List



The National Transportation Safety Board (NTSB) posted its **Most Wanted List** for 2015 [located at <http://www.nts.gov/safety/mwl/Pages/default.aspx>]. Included are three with relevance to the maritime industry: (1) disconnect from deadly distractions; (2) End substance abuse in transportation; and (3) require medical fitness for duty. (1/14/15).

## FMC – priority is port congestion



The Federal Maritime Commission (FMC) issued a **news release** [located at <http://www.fmc.gov/congestion-priority-2015/> ] stating that the Chairman's priority for 2015 is addressing port congestion issues. (1/15/15).

## US Army – RFI for eLORAN



The US Army issued a Request for Information (RFI) for enhanced LORAN (eLORAN) receivers for potential use in Army and other DOD maritime, aviation, and/or vehicular platforms and for position and timing purposes. Responses should be received not later than 13 February. (1/14/15). *Note: This item was brought to my attention by my good friend Dana Goward of the **Association for Rescue at Sea (AFRAS)**. The irony in this announcement is great. The Administration shut down the LORAN program as unnecessary. Now the Army indicates that it is needed to fight wars.*

## House – bill introduced re natural gas export



Representative Johnson (R-OH) introduced a bill (H.R. 351) to provide for expedited approval of exportation of natural gas, and for other purposes. Official text of the bill is not yet available. (1/14/15).

## Senate – bill introduced to extend state seaward boundaries



Senator Vitter (R-LA) introduced the **Offshore Fairness Act (S. 55)** to extend the seaward boundaries of certain States, and for other purposes. (1/7/15).

## Senate – bill introduced re OCS O&G leasing program



Senator Vitter (R-LA) introduced a bill (**S. 59**) to reject the final 5-year Outer Continental Shelf Oil and Gas Leasing Program for fiscal years 2012 through 2017 of the Administration and replace the plan with a 5-year plan that is more in line with the energy and economic needs of the United States. (1/7/15).

## Senate – amendment introduced re coastwise trade



Senator John McCain (R-AZ) issued a [press release](http://www.mccain.senate.gov/public/index.cfm/press-releases?ID=f7198acd-c54e-4595-987a-1d76410742c9) [located at <http://www.mccain.senate.gov/public/index.cfm/press-releases?ID=f7198acd-c54e-4595-987a-1d76410742c9> ] stating that he filed an [amendment](http://www.mccain.senate.gov/public/_cache/files/df4f540f-bob8-45e6-a185-a2bf88df8ofa/mccain-amendment-repealing-the-jones-act.pdf) [located at [http://www.mccain.senate.gov/public/\\_cache/files/df4f540f-bob8-45e6-a185-a2bf88df8ofa/mccain-amendment-repealing-the-jones-act.pdf](http://www.mccain.senate.gov/public/_cache/files/df4f540f-bob8-45e6-a185-a2bf88df8ofa/mccain-amendment-repealing-the-jones-act.pdf) ] to the bill to approve the Keystone XL Pipeline. (1/13/15). *Note: The amendment, if enacted into law, would amend 46 U.S.C. 12112 to eliminate the requirement that only vessels built in the United States are eligible for a coastwise endorsement. The amendment would not alter the requirement that the coastwise-trade-eligible vessel be at least 75% owned by US interests, or the requirement that the crew be comprised of US citizens. The amendment has yet to be considered by the Senate.*

## EP – Indian-Italian dispute



The European Parliament (EP) issued a [press release](http://www.europarl.europa.eu/news/en/news-room/content/20150109IPR06318/html/MEPs-call-for-Italian-mar%C3%B2-accused-of-killing-Indian-fishermen-to-be-repatriated) [located at <http://www.europarl.europa.eu/news/en/news-room/content/20150109IPR06318/html/MEPs-call-for-Italian-mar%C3%B2-accused-of-killing-Indian-fishermen-to-be-repatriated> ] it passed a resolution expressing great sadness at the tragic death of the two Indian fishermen who died during anti-piracy operations in 2012, but also grave concerns about the continued detention without charge of the two Italian marines. Hope was expressed that the diplomatic dispute could be settled soon under Italian jurisdiction and/or through international arbitration. (1/15/15).

## Australia – fire on livestock carrier



The Australian Transport Safety Bureau (ATSB) posted the preliminary report of its investigation into the fire on board the livestock carrier Ocean Drover in Fremantle on 9 October 2014. Initial analysis indicates that the fire started in one of the central forward cabins on the upper deck. The fire quickly spread and engulfed the upper deck and the bridge deck above. [MO-2014-012](http://www.atsb.gov.au/media/5189966/mo2014012-prelim.pdf) [located at <http://www.atsb.gov.au/media/5189966/mo2014012-prelim.pdf> ] (1/15/15).

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