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USCG – design standards for LNG barges;
USCG – vessels arriving from Libya;
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IMO – Wreck Removal Convention;
UK – ISM code guidance; and
RMS Titanic strikes iceberg – 14 April 1912.

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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 welcome any criticism that you have so long as it does not affect me.

DOI – well control proposal



The Department of the Interior (DOI) issued a [press release](#) [located at <http://www.doi.gov/news/pressreleases/interior-department-releases-proposed-well-control-regulations-to-ensure-safe-and-responsible-offshore-oil-and-gas-development.cfm>] announcing that proposed well control regulations will be published in the Federal Register on 15 April. A [Fact Sheet](#) [located at http://www.bsee.gov/uploadedFiles/BSEE/BSEE_Newsroom/BSEE_Fact_Sheet/FACT%20SHEET-%20Proposed%20Well%20Control%20Rule.pdf] explaining the proposal has been posted. (4/13/15).

BOEM & BSEE – reforms implemented



The Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) issued a **joint notice** [located at <http://www.boem.gov/Reforms-since-the-Deepwater-Horizon-Tragedy/>] explaining the reforms regarding offshore oil and gas exploration and exploitation that have been implemented since the 2010 Deepwater Horizon tragedy. (4/13/15).

DOT – drug testing programs



The Department of Transportation (DOT) promulgated a final rule expanding the definition of the chain of custody and control form (CCF) with regard to DOT-regulated drug testing programs to include both paper and electronic forms. The rule enters into effect immediately. It should be noted that the USCG drug testing program for US merchant mariners operates within this system. **80 Fed. Reg. 19551** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-13/pdf/2015-08256.pdf>] (4/13/15). *Note: This item was brought to my attention by my good friend Richard Wells of the **Offshore Marine Service Association**.*

FMC – detention, demurrage, and free time



The Federal Maritime Commission (FMC) posted its report on **Rules, Rates, and Practices Relating to Detention, Demurrage, and Free Time for Containerized Imports and Exports Moving through Selected United States Ports** [located at <http://www.fmc.gov/assets/1/Page/reportdemurrage.pdf>]. The report is based on publicly-available information and generally assesses and explains the rules and practices by a sampling of vessel-operating common carriers at each terminal in the nation's largest container ports. (4/3/15).

USCG – design standards for LNG barges



The US Coast Guard posted a policy letter entitled “Design Standards for U.S. Barges Intending to Carry Liquefied Natural Gas in Bulk”. **CG-ENG Policy Letter 02-15** [located at <http://www.uscg.mil/hq/cg5/cg521/docs/CG-ENG.PolicyLetter.02-15.pdf>] (4/10/15).

USCG – vessels arriving from Libya



The US Coast Guard issued a Port Security Advisory (PSA) announcing that, effective 24 April, it is imposing conditions of entry on vessels arriving in the United States after having called at any port in Libya

during their last five port calls. In summary, each affected vessel must: (1) implement the Security Level 2 measures from its ship security plan while in a Libyan port; (2) ensure that each access point is guarded and that guards have total visibility of the exterior of the vessel while in a Libyan port; (3) attempt to execute a Declaration of Security while in a Libyan port; (4) log all security actions; and (5) report actions taken to the pertinent USCG Captain of the Port [COTP] prior to arrival in the US. [PSA 2-15](#) (4/13/15).

Court – piracy and the high seas



The US Court of Appeals for the Fourth Circuit denied the appeal of two Somali nationals who had been convicted of piracy and murder. Defendants contended, among other things, that Somalia had extended its territorial sea to 200 nm from shore. Since the acts alleged occurred within 40 nm of the Somali shore, they contended that the international law against piracy did not apply. The court held that neither international law, as prescribed by UNCLOS, nor US law, recognizes territorial sea claims of more than 12 nm from the baseline. Waters outside 12 nm from the baseline constitute the high seas for purposes of piracy. [United States v. Beyle](#), No. 13-4895 (4th Cir., April 3, 2015) [located at <http://www.ca4.uscourts.gov/Opinions/Published/134895.P.pdf>].

IMO – Wreck Removal Convention



The IMO issued a [news release](#) [located at <http://www.imo.org/MediaCentre/PressBriefings/Pages/11%20WRCEIF.aspx#.VSVcoNzF98E>] reminding stakeholders that the Nairobi International Convention on the Removal of Wrecks enters into force on 14 April 2015. The Convention places strict liability on owners for locating, marking and removing wrecks deemed to be a hazard and makes State certification of insurance, or other form of financial security for such liability, compulsory for ships of 300 gt and above. It also provides States Parties with a right of direct action against insurers. (4/13/15).

UK – ISM Code guidance



The UK Maritime and Coastguard Agency (MCA) posted a [revised edition](#) [located at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421567/MSIS_2_Rev_03-15.pdf] of its Instructions for the Guidance of Surveyors of the ISM Code. (4/13/15).

RMS Titanic strikes iceberg – 14 April 1912



Late on the night of 14 April 1912, the “unsinkable” passenger ship **RMS Titanic**, on its maiden voyage from Southampton to New York, struck an iceberg. It sank about three hours later, at about 2:20 a.m. on 15 April 1912. Of the 2,224 persons on board, 1,514 lost their lives. In the century that followed, ships are better-constructed. They carry more lifeboat capacity than there are persons on board. They have radios for instant communication with shore and with other ships. They have radar, fathometers, and other devices to warn of danger. On the other hand, persons in charge of the operation and navigation of ships still succeed in running into islands, grounding on charted reefs, and colliding with other ships in clear weather. In other words, as happened a century ago, negligence, complacency, and hubris continue to override all the preventative and remedial measures available. I do not mean to single out the officer in charge of the navigation watch. The master, the operator, and the owners are also deeply involved. The system puts pressure on the people on the ship to run at excessive speed, to cut corners, to sail close to shore, to operate with minimal watchstanders, to continue working when severely fatigued, and to engage in other practices that unreasonably increase risk. Most of the time, these practices do not result in casualties, but when they do, everyone takes cover and blames someone else – most frequently the person on scene. It is incumbent on owners and operators to not only talk the talk, but also to walk the walk. Encourage masters and officers to be cautious and back them up when they are. Spend the additional monies necessary to do the right thing. Otherwise, we will have learned nothing meaningful from the sinking of the Titanic!

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

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