

Headlines:

USCG – sewage treatment type-approval;
USCG – workshop re sewage treatment;
USCG – Title 46 CFR update;
MARAD & USCG – Port Ambrose LNG DWP;
USCG – Waves on the Waterfront – errata;
Alaska – FOL transitions;
DOJ & Alaska – closure of Exxon Valdez litigation;
DOJ – settlement with shipbuilding company;
NTSB – El Faro investigation;
USCG – Proceedings;
USNA – celestial navigation;
BSEE – National Enforcement Program Manager;
Senate – bill introduced to limit offshore drilling;
Court – presentment of oil pollution claim;
California – marine invasive species; and
Ditching at sea – 16 October 1956.

October 16, 2015



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. Information is not lost in a black hole – it is merely misplaced in the dark.*

USCG – sewage treatment type-approval



The US Coast Guard issued a notice announcing its acceptance of sewage treatment plants (also referred to as marine sanitation devices or MSDs) for type-approval to IMO resolution MEPC.227(64) as meeting the requirements for MSDs under the Federal Water Pollution Control Act (FWPCA). Comments on this policy must be received by 16 November. **80 Fed. Reg. 62552** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-10-16/pdf/2015-26285.pdf>] (10/16/15).

USCG – workshop re sewage treatment



The US Coast Guard will host a public workshop in Washington, DC on 8-9 December to discuss sewage treatment technologies, issues concerning testing of marine sanitation devices for type approval, and issues concerning gray water. **80 Fed. Reg. 62551** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-10-16/pdf/2015-26363.pdf>] (10/16/15).

USCG – Title 46 CFR update



The US Coast Guard promulgated a final rule making technical, organizational, and conforming amendments to Title 46, Code of Federal Regulations – Shipping. The non-substantive changes enter into effect immediately. **80 Fed. Reg. 62466** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-10-16/pdf/2015-26119.pdf>] (10/16/15).

MARAD & USCG – Port Ambrose LNG DWP



The Maritime Administration (MARAD) and the US Coast Guard issued a notice stating that the Final Environmental Impact Statement (FEIS) for the proposed Port Ambrose liquefied natural gas (LNG) deepwater port (DWP) has been completed. Public meetings will be held in Long Beach, New York (2 and 3 November) and Eatontown, New Jersey (4 and 5 November). Written comments must be received by 30 November or 45 days from publication of this notice in the Federal Register, whichever is later. **80 Fed. Reg. 62596** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-10-16/pdf/2015-25727.pdf>] (10/16/15).

USCG – Waves on the Waterfront – errata



The US Coast Guard posted a slightly revised October 2015 edition of **Waves on the Waterfront** [located at [http://www.uscg.mil/hq/cg5/cg544/Waves%20on%20the%20Waterfront/WavesOnTheWaterfront%20\(October%202015\).pdf](http://www.uscg.mil/hq/cg5/cg544/Waves%20on%20the%20Waterfront/WavesOnTheWaterfront%20(October%202015).pdf)]. This edition includes questions from the field concerning smart phone TWIC readers; secure area vs. restricted area; and container seals. The revised edition contains a more complete discussion of secure area vs. restricted area. (10/14/15).

Alaska – FOL transitions



The US Coast Guard issued a [news release](#) [located at <http://www.uscgnews.com/go/doc/4007/2612302/>] stating that it is transitioning its forward operating locations (FOLs) throughout Alaska. FOL Cordova closed on 30 September. FOL Deadhorse (Prudhoe Bay) closed on 15 October. FOL Cold Bay opened on 15 October. (10/15/15).

DOJ & Alaska – closure of Exxon Valdez litigation



The Department of Justice (DOJ) issued a [news release](#) [located at <http://www.justice.gov/opa/pr/united-states-and-state-alaska-opt-not-recover-additional-damages-exxon-mobil-under-reopener>] stating that the federal government and the State of Alaska have opted not to seek recovery of additional damages from Exxon Mobil under the reopener provision of the 1991 Exxon Valdez oil spill settlement. Following the 1989 oil spill, the company paid \$125 million for a criminal fine and restitution. In the civil settlement, it paid \$900 million to reimburse costs and to fund restoration of injured natural resources. The Exxon Valdez Oil Spill Trustee Council currently has more than \$200 million at its disposal for future restoration work. (10/15/15).

DOJ – settlement with shipbuilding company



The Department of Justice (DOJ) issued a [news release](#) [located at <http://www.justice.gov/opa/pr/justice-department-settles-retaliation-claim-against-louisiana-shipbuilding-company>] stating that it settled a claim of employment discrimination against North American Shipbuilding LLC of Larose, Louisiana. The claim involved alleged discrimination against an employee who had filed a charge of discrimination. (10/15/15).

NTSB – El Faro investigation



The National Transportation Safety Board (NTSB) issued its [preliminary report](#) [located at http://www.nts.gov/investigations/AccidentReports/Reports/DCA16MM01_pr_eliminary_report.pdf] of its investigation into the loss of the ro-ro cargo ship El Faro. The report discusses the US Coast Guard search efforts and commencement of NTSB investigation in cooperation with the Coast Guard. (10/15/15).

USCG – Proceedings



The US Coast Guard posted the Fall 2015 edition of **Proceedings** of the Marine Safety & Security Council [located at <http://www.uscg.mil/proceedings/>]. This edition focuses on America's energy renaissance and preparations being made for maritime transportation system changes. (10/15/15).

USNA – celestial navigation



The US Navy issued a **news release** [located at http://www.navy.mil/submit/display.asp?story_id=91555] stating that, for the first time since 2006, celestial navigation will be included in the course of instruction for midshipmen at the US Naval Academy (USNA). (10/15/15).

BSEE – National Enforcement Program Manager



The Bureau of Safety and Environmental Enforcement (BSEE) issued a **press release** [located at <http://www.bsee.gov/BSEE-Newsroom/BSEE-News-Briefs/2015/Applications-Accepted-Now-through-November-12/>] announcing that it seeks qualified applicants for the position of National Enforcement Program Manager. Applications must be received by 12 November. (10/14/15).

Senate – bill introduced to limit offshore drilling



Senator Boxer (D-CA) introduced the **West Coast Ocean protection Act of 2015** (S. 2155) [located at <http://www.gpo.gov/fdsys/pkg/BILLS-114s2155is/pdf/BILLS-114s2155is.pdf>] to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington. Senator Boxer issued a **press release** [located at <http://www.boxer.senate.gov/press/release/west-coast-senators-introduce-bill-to-protect-the-pacific-coast-from-offshore-drilling/>] explaining the measure. (10/7/15).

Court – presentment of oil pollution claim



In an unpublished decision, the US Court of Appeals for the Fifth Circuit held that a claim brought under the Oil Pollution Act of 1990 (OPA 90) is

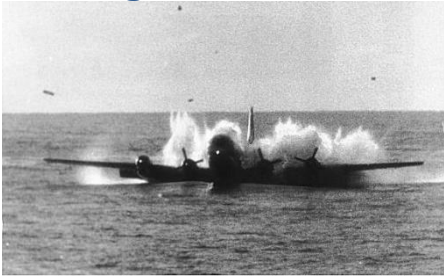
barred unless first presented to the responsible party at least 90 days before expiration of the three-year limitation period. *Nguyen v. American Commercial Lines*, No. 15-30070 (5th Cir., October 8, 2015) [located at <http://www.ca5.uscourts.gov/opinions/unpub/15/15-30070.o.pdf>]. *Note: This item was brought to my attention by my good friend Keith Heard of *Burke & Parsons*.*

California – marine invasive species



California Governor Brown signed into law **AB 1312** [located at http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_1301-1350/ab_1312_bill_20151008_chaptered.pdf] amending the state's Marine Invasive Species Act. The State Lands Commission (SLC) issued a **letter** [located at http://www.slc.ca.gov/Programs/MISP/AB1312Letter_15Oct15.pdf] summarizing the measure, which takes effect on 1 January 2016. (10/15/15).

Ditching at sea – 16 October 1956



The United States Coast Guard Cutter (USCGC) Pontchartrain (WPG-70) was at Ocean Station November midway between California and Hawaii in October 1956. This was a routine and generally boring assignment consisting mostly of recording weather conditions and reporting those reading back to shore. A secondary task was to standby and render aid in the event of a marine casualty in the vicinity. The 255-foot long Owasco Class cutter had been launched in July 1945, missing the opportunity to see action during World War II. In late 1949, Pontchartrain was transferred from Norfolk, Virginia to Long Beach, California. From there, it rotated with other Coast Guard cutters on Pacific weather stations and various law enforcement patrols. October 1956 was its turn to serve at Ocean Station November, mid-way between California and Hawaii. Meanwhile, Pan American World Airways Flight 6 was making a scheduled around-the-world passenger flight. The final leg of the Boeing Model 377 Stratocruiser's flight was from Honolulu to San Francisco. It departed Honolulu at 8:24 p.m. on 15 October for the scheduled 8 hour, 54 minute flight, carrying 24 passengers and a crew of seven. Midway through the flight, the propeller on the number one engine (the outside engine on the left wing) suffered a prop governor failure and began to overspeed. After some effort by the pilot, the engine was stopped. The remaining engines had to be run at high power to keep the aircraft at altitude. This caused the number four engine to fail – the aircraft started to slowly descend. The pilot notified Pontchartrain that it would have to ditch. Commander William Earle, USCG, Pontchartrain's

commanding officer, provided the pilot with the weather conditions and advised on the best heading for ditching. The cutter laid a trail of foam to mark the course. The ditching was delayed as long as possible in order to burn excess fuel and to avoid ditching in darkness. At 6:15 a.m. local time on 16 October 1956, the Stratocruiser ditched at an airspeed of approximately 90 knots. The left wing hit a swell, spinning the aircraft to the left. The tail broke off and the plane began to settle in the water. Everyone on board had prepared for the ditching, so injuries were minor. The cabin door opened and the passengers and crew were met by Coast Guardsmen in boats from the Pontchartrain. Everyone was quickly evacuated. The next to the last person off was the purser. The last person off was the pilot. At 6:35, twenty minutes after the ditching, the aircraft sank into the sea. Crew members on the cutter had photographed the ditching and rescue. One crew member had a home movie camera and captured much of the action. The incident was front-page news worldwide.

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