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FEMA – controlled equipment funding;  
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UK – enforcing maritime legislation;  
UK – MCA prosecution reports;  
General Order on Port & Starboard – 18 February 1846; and  
Motor Lifeboat CG 36500 – rescue of 18 February 1952.

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# 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. Planck's Constant isn't.*

## **Court – responder immunity**



The US District Court for the Eastern District of Louisiana (J. Barbier) granted the summary judgment motion of the commercial responders to the Deepwater Horizon oil spill. The judge determined that the defendants, who acted under the orders of the federal on-scene coordinator (FOSC) when they used Corexit and took other actions, were entitled to Clean Water Act derivative immunity. The doctrine of implied conflict immunity also preempted the applicability of state law to responder liability in these circumstances. **In re**

**DWH Oil Spill**, MDL No. 2179 (ED La, February 16, 2016). *Note: This is a major decision with respect to responder immunity and is long overdue. Responders, acting at the direction of the federal government in trying circumstances should not have to constantly look over their shoulders. Hopefully, this is now no longer the case.*

### **FEMA – \$100 million for PSGP**



The Federal Emergency Management Agency (FEMA) issued a **Bulletin** [located at [http://www.fema.gov/media-library-data/1455631070165-91c001c75d6eef4f42d8e7eb3652c593/IB408\\_FY\\_2016\\_Prep\\_Grants\\_NOFO\\_Release\\_Final.pdf](http://www.fema.gov/media-library-data/1455631070165-91c001c75d6eef4f42d8e7eb3652c593/IB408_FY_2016_Prep_Grants_NOFO_Release_Final.pdf)] announcing Fiscal Year 2016 Notices of Funding Opportunity. A total of \$100 million has been allocated for the Port Security Grant Program (PSGP). Additional information regarding the PSGP may be found in the related **notice** [located at <https://www.fema.gov/fiscal-year-2016-port-security-grant-program>]. (2/16/16).

### **FEMA – controlled equipment funding**



The Federal Emergency Management Agency (FEMA) issued a **Bulletin** [located at [http://www.fema.gov/media-library-data/1455638798436-e15b85c92cb5b544d4c2bf6014ee7c11/IB407\\_Controlled\\_Equipment.pdf](http://www.fema.gov/media-library-data/1455638798436-e15b85c92cb5b544d4c2bf6014ee7c11/IB407_Controlled_Equipment.pdf)] providing guidance regarding requirements when applying for, or expending grant funds for, controlled equipment expenditures and using grant-funded controlled equipment. Controlled equipment includes such items as weaponized vessels. (2/16/16).

### **USCG – out-of-water survival craft**



The US Coast Guard issued a Marine Safety Information Bulletin cancelling CG-CVC Policy Letter 15-05 concerning requirements for out-of-water survival craft. The recently-enacted Coast Guard Authorization Act of 2015 amended federal law to eliminate the requirements for out-of-water survival craft on small passenger vessels, offshore supply vessels, sailing school vessels, cargo vessels, and fixed manned offshore platforms. **MSIB 02-16** [located at [http://www.uscg.mil/msib/docs/OO2\\_16\\_2-17-2016.pdf](http://www.uscg.mil/msib/docs/OO2_16_2-17-2016.pdf)] (2/17/16).

## USCG & TSA – TWIC enforcement



US Coast Guard Sector Miami issued a **Marine Safety Information Bulletin** regarding USCG and Transportation Security Administration (TSA) cooperation on civil enforcement of Transportation Worker Identification Credential (TWIC) violations. (2/8/16). *Note: This item was brought to my attention by my good friend Steve Jevnisek of **Great Lakes Dredge & Dock**.*

## MEDMAC – meeting on 14-15 March



The Merchant Mariner Medical Advisory Committee (MEDMAC), sponsored by the US Coast Guard, will meet in Jacksonville on 14-15 March. Topics on the agenda include mariner occupational health risk analysis and over the counter (OTC) medications. **81 Fed. Reg. 8213** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-18/pdf/2016-03348.pdf>] (2/18/16).

## DHS – cybersecurity information sharing



The Department of Homeland Security (DHS) issued a notice stating that cybersecurity information sharing documents are available at **Automated Indicator Sharing** [located at <http://www.us-cert.gov/ais>]. **81 Fed. Reg. 8214** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-18/pdf/2016-03430.pdf>] (2/18/16).

## DOE – export of LNG



The Department of Energy (DOE) issued a notice of orders granting authority to import and export natural gas and LNG. **81 Fed. Reg. 8184** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-18/pdf/2016-03373.pdf>] (2/18/16).

## CRS – federal freight policy



The Congressional Research Service (CRS) issued an excellent overview regarding **Federal Freight Policy** [located at <http://fas.org/sgp/crs/misc/R44367.pdf>] (2/5/16).

## ReCAAP – guide to countering piracy



The ReCAAP Information Sharing Centre posted a **Regional Guide** to Counter Piracy and Armed Robbery against Ships in Asia [located at [http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core\\_Download&EntryId=423&PortalId=0&TabId=78](http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=423&PortalId=0&TabId=78)]. (2/17/16).

## ReCAAP – January report



The ReCAAP Information Sharing Centre posted its **Report** for January 2016 [located at [http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core\\_Download&EntryId=425&PortalId=0&TabId=78](http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=425&PortalId=0&TabId=78)]. Nine incidents of armed robbery against ships in Asian waters were reported during the month. This is a slight increase over the previous month, but a decrease from January 2015. (2/17/16).

## Ireland – verification of container gross mass



The Irish Department of Transport, Tourism & Sport issued a notice reminding stakeholders of the SOLAS requirement for verification of the gross mass of maritime shipping containers. **Marine Notice 05-2016** [located at [http://www.dttas.ie/sites/default/files/MN05of2016\\_GM\\_of\\_Containers.pdf](http://www.dttas.ie/sites/default/files/MN05of2016_GM_of_Containers.pdf)] (2/17/16).

## UK – enforcing maritime legislation



The UK Maritime and Coastguard Agency (MCA) posted a **notice** [located at <https://www.gov.uk/government/collections/prosecutions-and-detentions-mca-enforcement-policy-and-information>] regarding its policy for enforcing maritime legislation through prosecutions and detentions. (2/17/16).

## UK – MCA prosecution reports



The UK Maritime and Coastguard Agency (MCA) posted a **notice** [located at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/501067/2015\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501067/2015_Final.pdf)] summarizing prosecution reports for 2015. (2/17/16).

## General Order on Port and Starboard – 18 February 1846



On 18 February 1846, Secretary of the Navy George Bancroft issued the following General Order: “It having been repeatedly represented to the Department, that confusion arises from the use of the words ‘Larboard’ and ‘Starboard’, in consequence of the similarity of sound, the word ‘Port’ is hereafter to be substituted for ‘Larboard’.”

## Motor lifeboat CG 36500 – rescue of 18 February 1952



The US Coast Guard motor lifeboat 36500 is the only one of the many hundreds of that class of lifeboat that were built between the 1930s and the 1950s to be placed on the National Register of Historic Places. On 18 February 1952, during a severe winter storm off Cape Cod, two T-2 tankers, SS Fort Mercer and SS Pendleton, suffered separate massive material failures and both broke in half. The Coast Guard learned of the SS Fort Mercer casualty and dispatched a cutter and a motor lifeboat. Several hours later, the two halves of the hull of SS Pendleton were observed. The CG 36500 was dispatched with a crew of four volunteers: BM1 Bernard “Bernie” Webber, ENG3 Andrew “Andy” Fitzgerald, SN Irving “Ervin” Maske, and SN Richard Livesey. The survivors of SS Fort Mercer were rescued and brought ashore in trying conditions, but in typical Coast Guard fashion. The bow section of SS Pendleton, with the master and seven crewmembers, eventually sank with no survivors. The stern section, with 32 crewmembers, remained afloat. BM1 Webber maneuvered the CG 36500 alongside and took the crewmembers on board, despite the horrendous seas and the fact that the motor lifeboat was rated for a maximum of twelve persons. The stern section of SS Pendleton sank minutes after the last crewmember got off, but then grounded on a shoal where it remained for many years. BM1 Webber returned slowly and carefully to the Chatham Station, delivering the survivors to an amazed group of local residents, fishermen, and fellow Coast Guardsmen on the pier. Later that year, BM1 Webber and the other three Coast Guardsmen from the CG 36500 were awarded the Coast Guard Gold Lifesaving Medal, the service’s highest award. Motor lifeboat CG 36500 continued on active duty until stricken from the rolls in 1968. Three of the four brave men are now deceased. The lifeboat, though, has been fully restored and is lovingly maintained by the Orleans Historical Society at Rock Harbor in Orleans, Massachusetts, not far from where it served in Chatham in 1952. Several books and numerous articles have been published about the incident and the motion picture “The Finest Hours” has now been released dramatizing this heroic event.

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

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