

Headlines:

DOT – GPS adjacent band compatibility;
Cook Inlet – draft environment assessment;
Senate – hearing on US maritime industry;
Senate – bill introduced re polar icebreaking;
House – bill introduced re EPIRBs and PLBs;
Court – OCLSA and choice of law; and
Court – DWH seafood claim rejected.

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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. Gravity waves were found to be hiding behind the dark matter.

DOT – GPS adjacent band compatibility



The Department of Transportation (DOT) issued a notice stating that it will begin testing GPS/GNSS receivers to evaluate the adjacent radio frequency band power levels that can be tolerated. In addition to testing government receivers, participation is invited by any interested GPS/GNSS device manufacturers or other parties whose products incorporate GPS/GNSS devices. Responses should be received by 18 March. [81 Fed. Reg. 12564](https://www.gpo.gov/fdsys/pkg/FR-2016-03-09/pdf/2016-05247.pdf) [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-09/pdf/2016-05247.pdf>] (3/9/16).

Cook Inlet – draft environmental assessment



The National Oceanic and Atmospheric Administration (NOAA) issued a notice announcing availability of a draft environmental assessment for oil and gas activities in Cook Inlet in 2016. Comments must be received by 28

March. **81 Fed. Reg. 12474** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-03-09/pdf/2016-05236.pdf>] (3/9/16).

Senate – hearing on US maritime industry



The Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee on the Senate Committee on Commerce, Science & Transportation conducted a hearing titled “**The State of the US Maritime Industry: The Federal Role**”. Testimony was heard from the Honorable Paul ‘Chip’ Jaenichen, Maritime Administration; the Honorable Mario Cordero, Federal Maritime Commission; RADM James Helis, US Merchant Marine Academy; and Mr. Mitch Behm, Department of Transportation. [located at <http://www.commerce.senate.gov/public/index.cfm/hearings?ID=C76DD7C3-A482-4702-9405-50784BFBoE3C>] (3/8/16).

Senate – bill introduced re polar icebreaking



Senator Cantwell (D-WA) introduced the **Coast Guard Icebreaker Recapitalization Act** (S. 2635) to enhance the ability of the United States to carry out icebreaking in the polar regions and for other purposes. Senator Cantwell issued a **press release** explaining the measure. [bill located at <https://www.gpo.gov/fdsys/pkg/BILLS-114s2635is/pdf/BILLS-114s2635is.pdf>]. (3/3/16).

House – bill introduced re EPIRBs & PLBs



Representative Murphy (D-FL) introduced the **Austin and Perry Safe Boating Incentive Act** (H.R. 4705) to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for the purchase of emergency position-indicating radio beacons and personal locator beacons. [located at <https://www.gpo.gov/fdsys/pkg/BILLS-114hr4705ih/pdf/BILLS-114hr4705ih.pdf>] (3/3/16).

Court – OCSLA and choice of law



The US Court of Appeals for the Fifth Circuit ruled that the choice of law prescribed by the Outer Continental Shelf Lands Act (OCSLA) is statutorily mandated and is consequently not waivable by the parties. In the instant case, a

dispute arose between an offshore platform operator and the manufacturer of an underwater tether chain. Plaintiff platform operator brought suit in admiralty and, without objection from the defendant, the suit was tried in admiralty. Following an adverse judgment, plaintiff moved to amend its complaint, contending that under OCSLA the action should have been heard under the law of the adjacent state – Louisiana. The district court denied the motion and appeal followed. The appellate court reversed and remanded the case for application of state law. **Petrobras America v. Vicinay Cadenas SA**, No. 14-20589 (5th Cir., March 7, 2016) [located at <http://www.ca5.uscourts.gov/opinions/pub/14/14-20589-CVO.pdf>].

Court – DWH seafood claim rejected



In an unpublished decision, the US Court of Appeals for the Fifth Circuit found that the district court did not abuse its discretion when it refused to direct the Seafood Claims Administrator in the Deepwater Horizon (DWH) matter to accept a late-filed claim. **Sexton v. BP Exploration**, No. 15-30395 (5th Cir., March 8, 2016) [located at <http://www.ca5.uscourts.gov/opinions/unpub/15/15-30395.o.pdf>].

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

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