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Court – hazardous condition not proven;  
Malta – oil spill response exercise;  
UK – STCW hours of work and alcohol limits; and  
Sinking of MV Wilhelm Gustloff – 30 January 1945.

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# Bryant's Maritime News

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## **USCG – amalgamated navigation rules**



The USCG Navigation Center (NAVCEN) posted an **Amalgamated International-Inland Version** of the Navigation Rules, including Annexes, Implementing Rules, Penalties, and Bridge-to-Bridge Rules. (1/27/17)

[<http://www.navcen.uscg.gov/pdf/navRules/Handbook/NavRulesAmalgamatedwAnnexes.pdf>].

### USCG – BWMS type-approval application



The US Coast Guard issued a **bulletin** stating that the Marine Safety Center (MSC) has received its fourth application for Ballast Water Management System (BWMS) type-approval for the BalClor Ballast Water Management System manufactured by Sunrui Environmental Engineering, Co. Ltd. (1/26/17) [<http://mariners.coastguard.dodlive.mil/2017/01/26/application-received-requesting-bwms-type-approval-balcor/>].

### White House – fast-tracking infrastructure projects



President Trump signed an Executive Order expediting environmental reviews and approvals for high priority infrastructure projects. **82 Fed. Reg. 8657** (1/30/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-02029.pdf>].

### NOAA – MPAFAC charter renewed



The National Oceanic and Atmospheric Administration (NOAA) issued a notice stating that the charter for the Marine Protected Areas Federal Advisory Committee (MPAFAC) has been renewed. **82 Fed. Reg. 8725** (1/30/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-01934.pdf>].

### OSHA – MACOSH charter renewed



The Occupational Safety and Health Administration (OSHA) issued a notice stating that the charter for the Maritime Advisory Committee for Occupational Safety and Health (MACOSH) has been renewed. **82 Fed. Reg. 7869** (1/23/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-01-23/pdf/2017-01407.pdf>]. *Note: This item was brought to my attention by my good friend Ron Signorino of **Blueoceana**.*

## NTSB – Mississippi River allision



The National Transportation Safety Board (NTSB) issued the report of its investigation of the allision of the towing vessel *Crimson Gem* with the moored bulk carrier *Yangtze Ambition* on the Lower Mississippi River near Ama, Louisiana on 28 January 2016. The probable cause of the allision was determined to be the ineffective maneuvering of the pilot of the towing vessel for the prevailing current in the river bend. **MAB 17-02** (1/26/17) [<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1702.pdf>].

## FEMA – grant funds and controlled equipment



The Federal Emergency Management Agency (FEMA) issued an Information Bulletin (IB) providing an update to grant applicants, recipients, and sub-recipients guidance regarding the requirements when applying for, or expending grant funds for, controlled equipment expenditures and for using grant-funded controlled equipment (e.g., armored vehicles, specialized firearms). **IB 407a** (1/19/17) [[https://www.fema.gov/media-library-data/1485452831667-ab397ce1d370652ec49c25a280419af4/IB\\_407a\\_Controlled\\_Equipment\\_FY2017\\_Update\\_GPD\\_FINAL\\_508.pdf](https://www.fema.gov/media-library-data/1485452831667-ab397ce1d370652ec49c25a280419af4/IB_407a_Controlled_Equipment_FY2017_Update_GPD_FINAL_508.pdf)].

## MARAD – maritime advisory system



The Maritime Administration (MARAD) issued a **notice** announcing launch of US Maritime Advisory System-Global. The new system establishes a single federal process to expeditiously provide maritime threat information to maritime industry stakeholders including vessels at sea. It includes two types of notifications. US Maritime Alerts are intended to provide basic threat information. US Maritime Advisories will provide more detailed information. The notifications will be available at the Maritime Security Communications with Industry MSCI web portal at <http://www.marad.dot.gov/MSCI>. (1/26/17) [<https://www.marad.dot.gov/msci/advisory/2017/22729/>]. *Note: This item is repeated from Friday's blog to correct the link to the MSCI web portal, which I had inadvertently screwed up.*

## House – bill introduced re EEZ



Representative Issa (R-CA) introduced a bill (**H.R. 475**) to designate the exclusive economic zone of the United States as the “Ronald Wilson Reagan Exclusive Economic Zone of the United States”. (1/11/17)  
[<https://www.gpo.gov/fdsys/pkg/BILLS-115hr475ih/pdf/BILLS-115hr475ih.pdf>].

## Senate – bill introduced re coastal data integration



Senator Baldwin (D-WI) introduced the **Digital Coast Act** (S. 110) to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes. (1/11/17)  
[<https://www.gpo.gov/fdsys/pkg/BILLS-115s110is/pdf/BILLS-115s110is.pdf>].

## Senate – bill introduced re Sea Grant Colleges



Senator Wicker (R-MS) introduced the **National Sea Grants Colleges Program Amendments Act of 2017** (S. 129) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes. (1/11/17)  
[<https://www.gpo.gov/fdsys/pkg/BILLS-115s129is/pdf/BILLS-115s129is.pdf>].

## Senate – bill introduced re incidental discharges



Senator Wicker (R-MS) introduced the **Commercial Vessel Incidental Discharge Act** (S. 168) to amend and enhance certain maritime programs of the Department of Transportation. (1/17/17)  
[<https://www.gpo.gov/fdsys/pkg/BILLS-115s168is/pdf/BILLS-115s168is.pdf>].

## Senate – bill introduced re NOAA Officer Corps



Senator Sullivan (R-AK) introduced the **National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments and Hydrographic Services Improvement Act Reauthorization and Improvements Act of 2017** (S.171) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes. (1/17/17) [<https://www.gpo.gov/fdsys/pkg/BILLS-115s171is/pdf/BILLS-115s171is.pdf>].

## Court – LHWCA & ‘zone of danger’



The US Court of Appeals for the Fourth Circuit ruled that the ‘zone of danger’ test is not applicable to claims for psychological injury brought under the Longshore and Harbor Workers’ Compensation Act (LHWCA). **Ceres Marine Terminals v. Jackson**, No. 15-1041 (4th Cir., January 27, 2017) [<http://www.ca4.uscourts.gov/Opinions/Published/151041.P.pdf>].

## Court – hazardous condition not proven



In an unpublished decision, the US Court of Appeals for the Eleventh Circuit affirmed the order of summary judgment in favor of defendant cruise ship owner. Defendant had been sued by a passenger who broke her ankle onboard, allegedly because of a known hazardous condition. Plaintiff failed to produce evidence that the defendant had notice, either actual or constructive, of the alleged hazardous condition. **Taiariol v. MSC Crociere**, No. 16-12357 (11th Cir., January 27, 2017) [<http://media.ca11.uscourts.gov/opinions/unpub/files/201612357.pdf>].

## Malta – oil spill response exercise



Transport Malta issued a **press release** stating that it and other stakeholders recently completed a four-day oil spill response exercise. (1/26/17) [<http://www.transport.gov.mt/news/press-release-26-january-2017-oil-spill-response-training>].

## UK – STCW hours of work and alcohol limits



The UK Maritime and Coastguard Agency (MCA) issued a **correction** to its previous guidance note regarding hours of work and alcohol limits under the STCW Convention. (1/27/17)

[<https://www.gov.uk/government/publications/mgn-565-m-corrigendum-stcw-manila-amendments-medical-certification-hours-of-work-and-alcohol-limits>].

## Sinking of MV Wilhelm Gustloff – 30 January 1945



The **MV Wilhelm Gustloff** was launched in 1937 as a German passenger vessel. Initially used for cruises in the Baltic, it was briefly converted to a hospital ship at the start of World War II and then used as a barracks ship in German-occupied Gdynia. With the Russian assault in early 1945, the ship was designated to evacuate troops, auxiliaries, and civilians back to Germany. It departed Gdynia early on the morning of 30 January 1945 with an estimated 10,000 persons onboard, including 5,000 children. Fearing a collision with a supposed Germany naval convoy that night, the master activated the ship's navigation lights. The lights were observed by a Russian submarine, which fired three torpedoes. All hit their mark and the ship sank quickly, with only a few hundred survivors. The loss of an estimated 9,300 persons makes it the largest loss of life resulting from the sinking of one vessel in maritime history.

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