

Headlines:

DOJ – ending regulation by guidance;
USCG – robotic aircraft for sensors;
FMC – Petition P4-16 hearings in January;
Australia – fitness for duty; and
Canada – maritime initiatives.

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Bryant's Maritime News

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DOJ – ending regulation by guidance



The Attorney General issued a **memorandum** to all Department of Justice (DOJ) components prohibiting the use of guidance documents that have the effect of adopting new regulatory requirements or amending the law. (11/16/17) [<https://www.justice.gov/opa/press-release/file/1012271/download>]. *Note: In my opinion, the goal is laudatory, but the approach is impracticable. Promulgation of regulations has always been slow and tedious, and has become more so recently. As a result, for example, neither the Department of Homeland Security (DHS) nor any of its component agencies have issued any significant regulations this year. This is not to say that new regulations are unnecessary, but that the tunnel to completion is so long and obstacle-filled that their development and promulgation has largely become a fool's errand. Industry and the public are better served by well-thought-out guidance than by no regulations at all, which are the realistic alternatives. The regulatory process must be made more efficient before informal guidance is banned.*

USCG – robotic aircraft for sensors



The US Coast Guard issued a notice stating that it intends to enter into a cooperative research and development agreement (CRADA) with several companies to evaluate small unmanned aircraft systems (SUAS) sensors or payloads to determine their potential use in a maritime environment by first responders and DHS operational components. Comments must be received by 20 December. **82 Fed. Reg. 55109** (11/20/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-11-20/pdf/2017-25076.pdf>].

FMC – Petition P4-16 hearings in January



The Federal Maritime Commission (FMC) issued a notice stating that it will hold public meetings on 16 and 17 January 2018 in Washington, DC to receive testimony from maritime industry witnesses regarding a petition filed by the Coalition for Fair Port Practices (Petition P4-16) that raised issues associated with detention, demurrage, and per diem charges. Comments on the petition must be received by 8 December. **82 Fed. Reg. 55104** (11/20/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-11-20/pdf/2017-25016.pdf>].

Australia – fitness for duty



The Australian Maritime Safety Authority (AMSA) issued a notice reminding owners, operators, and seafarers of the fitness for duty requirements, including hours of rest. **Notice 14/2017** (11/17/17) [<https://apps.amsa.gov.au/MOREview/MarineNoticeExternal.html>].

Canada – maritime initiatives



Transport Canada issued a **news release** announcing two new maritime initiatives: (1) Enhanced Maritime Situational Awareness to provide stakeholders with greater access to local maritime data and (2) Anchorages to bring together stakeholders to develop a sustainable national anchorage framework. (11/16/17) [https://www.canada.ca/en/transport-canada/news/2017/11/government_of_canadatoimprovelocalmaritimesituationawarenessan.html].

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