

Headlines:

MARAD – Sulu and Celebes Seas;
MARAD – Gulf of Guinea;
USCG – tender and excursion vessels;
St. Thomas – cargo vessel refloated;
Puerto Rico – damaged vessel salvage continues;
USCG – latest E-Zero designees;
FMC – P4-16 extension of time;
Senate – bill introduced re incidental discharges;
Court – punitive damages in unseaworthiness; and
Australia – container ship/fishing vessel collision.

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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. 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. Whatever hits the fan is not evenly distributed.*

MARAD – Sulu and Celebes Seas



The Maritime Administration (MARAD) issued a notice updating information concerning the threat of piracy, armed robbery, and terrorism in waters of Sulu and Celebes Seas. Mariners transiting the area should exercise caution. **Advisory 2018-003** (1/24/18)
[\[https://www.marad.dot.gov/msci/advisory/2018/26233/\]](https://www.marad.dot.gov/msci/advisory/2018/26233/).

MARAD – Gulf of Guinea



The Maritime Administration (MARAD) issued a notice updating information concerning the threat of piracy, armed robbery, and kidnapping for ransom in waters of Gulf of Guinea. Mariners transiting the area should exercise caution. **Advisory 2018-004** (1/24/18)

[<https://www.marad.dot.gov/msci/advisory/2018/2018-004-piracyarmed-robberyykidnapping-for-ransom-gulf-of-guinea/>].

USCG – tender and excursion vessels



The USCG Cruise Ship National Center of Expertise (CSNCOE) issued guidance regarding tender and excursion vessels associated with foreign passenger vessels operating in US waters. **CSNCOE Field Notice 01-18** (1/23/18) [<http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CSNCOE/Industry%20Notices/CSNCOE%20Field%20Notice%2001-2018%20-%20Tender%20and%20Excursion%20Vessels-signed.pdf?ver=2018-01-24-123444-217>].

St. Thomas – cargo vessel refloated



The US Coast Guard issued a **news release** stating that its vessels and Sea Tow vessels worked together to refloat the cargo ship Ocean Spirit I which had grounded off St. Thomas, US Virgin Islands. (1/23/18)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/1d53ca5>].

Puerto Rico – damaged vessel salvage continues



The US Coast Guard issued a **news release** providing an update on clean-up operations in Puerto Rico. To date, 376 damaged vessels have been assessed and 233 have been removed. (1/24/18)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/1d592a0>].

USCG – latest E-Zero designees



The US Coast Guard issued a **bulletin** announcing the names of the latest vessels to earn the E-Zero designation on their QUALSHIP 21 certificates. (1/24/18) [<http://mariners.coastguard.dodlive.mil/2018/01/24/1-24-2018-congratulations-to-the-latest-e-zero-designees/>].

FMC – P4-16 extension of time



The Federal Maritime Commission (FMC) issued a **notice** stating that the time for replies and further submissions to the record in the Petition of the Coalition for Fair Port Practices (Petition P4-16) has been extended to 1 February. (1/24/18) [https://www.fmc.gov/assets/1/Documents/p4-16_not_ASBL_xtn.pdf].

Senate – bill introduced re incidental discharges



Senator Sullivan (R-AK) introduced a bill (S. 2331) to extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel. Official text of the bill is not yet available. (1/23/18).

Court – punitive damages in unseaworthiness



The US Court of Appeals for the Ninth Circuit affirmed the district court's denial of defendant vessel owner's motion to strike a prayer for punitive damages in a seaman's personal injury claim in a general maritime unseaworthiness action. While punitive damages may not be awarded under Jones Act claims, they are not precluded in appropriate unseaworthiness claims. **Batterton v. Dutra Group**, No. 15-56775 (9th Cir., January 23, 2018) [<http://cdn.ca9.uscourts.gov/datastore/opinions/2018/01/23/15-56775.pdf>].
Note: This decision creates a conflict with the Fifth Circuit and sets the stage for possible resolution by the US Supreme Court. It was brought to my attention by my good friend Mike Underhill of the Department of Justice.

Australia – container ship/fishing vessel collision



The Australian Transport Safety Bureau (ATSB) issued a **notice** stating that it is opening an investigation into the collision between the container ship Beijing Bridge and the fishing vessel Saxon Onward off Gabo Island, Victoria on 23 January. The fishing vessel was damaged but able to make port on its own power. No injuries or pollution was reported by either vessel. (1/24/18) [http://www.atsb.gov.au/publications/investigation_reports/2018/mair/mo-2018-002/].

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