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Maritime industry – reverse public meeting re NPREP Guidelines;
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DOE – LNG export issues;
FWS – preventing introduction of AIS;
Gulf Stream – marine hydrokinetic technology testing;
Court – choice of law;
Court – arbitration award upheld;
New Zealand & California – registered PLB leads to prompt rescue; and
Naval history.

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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. Schrödinger had two cats, calling them a paradox.

Maritime industry – reverse public meeting re NPREP Guidelines



Maritime industry associations

representing ship owners/operators, salvors, OSROs, and others have issued a **letter** inviting senior representatives of the US Coast Guard, the Bureau of Safety & Environmental Enforcement (BSEE), the Environmental Protection Agency (EPA), and the Pipeline and Hazardous Materials Safety Administration (PHMSA) to a reverse public meeting to be held in Washington, DC on 19 June. The purpose of the meeting is to review the recently-published draft amendments to the National Preparedness for Response Exercise Program (PREP) Guidelines. A separate **notice** indicates that other interested persons may also attend. (6/3/14).

USCG – NVMC ETA and ETD issues



The USCG National Vessel Movement Center (NVMC) issued a **notice** stating that users of the InfoPath Template 6.2.2 may have experienced changes in the ETA and ETD times included in their submittals to the NVMC. The problem appears to be more prevalent when users have made changes to their Windows system clock and there are differences in time zones. It is recommended that users upgrade to InfoPath Template 6.2.3 and start a new file from scratch. Until the issue can be fully resolved, users may send an email to NVMC Tech Support and attach the XML file if they want assistance having the regional time adjustment removed. (6/3/14).

DOE – LNG export issues



The Department of Energy (DOE) issued the official notice of its proposal to amend the procedures for review of applications to export liquefied natural gas (LNG) to only include the review required by the National Environmental Policy Act (NEPA). Comments on the proposal should be filed by 21 July. **79 Fed. Reg. 32261** (June 4, 2014). DOE also issued a notice announcing the availability of the draft addendum to environmental review documents concerning exports of natural gas. Comments on the draft should be filed by 21 July. **79 Fed. Reg. 32258** (June 4, 2014). DOE also issued a notice announcing the availability of the report “Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States”. Comments on the report should be filed by 21 July. **79 Fed. Reg. 32260** (June 4, 2014).

FWS – preventing introduction of AIS



The Fish & Wildlife Service (FWS) issued a notice announcing the availability of voluntary guidelines to prevent the introduction and spread of aquatic invasive species (AIS) by means of recreational activities and water gardening. **79 Fed. Reg. 32308** (June 4, 2014).

Gulf Stream – marine hydrokinetic technology testing



The Bureau of Ocean Energy Management (BOEM) issued a **press release** stating that it has issued the first renewable energy lease for marine hydrokinetic technology testing to Florida Atlantic University (FAU) to evaluate the use of turbines powered by ocean currents in waters of the Gulf Stream offshore Florida. (6/3/14).

Court – choice of law



In an unpublished summary order, the US Court of Appeals for the Second Circuit reversed a judgment of the district court denying a ship owner's motion to compel maritime arbitration in London and remanded the case for a choice of law analysis. Owner had chartered various vessels to a now-bankrupt company. The charter parties provided for arbitration in London of any disputes arising between "Owners and the Charterers". The charter parties also obligated the owner to pay plaintiff certain commissions on hire earned and paid under the charters. Following the bankruptcy, owner and the bankrupt renegotiated the charter parties. Owner then ceased paying a portion of the commissions to plaintiff, which brought suit. Defendant owner appealed the district court's motion to compel arbitration in London. The appellate court found that, under English maritime law, the term "owners and charterers" would encompass plaintiff chartering service, but plaintiff would not be so included under American maritime law. The case was remanded for the district court to consider the choice of law question. **International Chartering Services v. Eagle Bulk Shipping**, No. 13-0939-cv (2nd Cir., June 3, 2014).

Court – arbitration award upheld



In an unpublished decision, the US Court of Appeals for the Fifth Circuit affirmed the judgment of the district court in confirming an arbitration award denying recovery for loss of a vessel after finding that the plaintiff vessel owner had failed to request arbitration of the dispute with defendant insurer within the one-year period provided for in the insurance policy. The court ruled that plaintiff did not show that the arbitrator exceeded his powers or improperly denied plaintiff to belatedly present evidence showing the reasons for the delay in requesting arbitration. **Why Nada Cruz v. Ace American Insurance**, No. 13-20644 (5th Cir., June 3, 2014).

New Zealand & California – registered PLB leads to prompt rescue



Maritime New Zealand issued a **media release** stating that activation of the personal locator beacon of a New Zealand resident resulted in his rescue in foothills of the Sierra Nevada mountain range near Paradise, California. The 85-year-old man was searching for a gold mine he first discovered as a boy. Because the PLB had been registered, Maritime New Zealand was able to reach his emergency contact, who confirmed that he was in California. Local emergency services were notified and the individual was rescued unharmed. (5/30/14).

Naval history



This week marks two historic naval events. The Battle of Midway was fought in the north central Pacific on 4-7 June 1942 between forces of the United States Navy and the Imperial Japanese Navy. Victory by the outnumbered US Navy forces has been called “the most stunning and decisive blow in the history of naval warfare” by the eminent historian John Keegan. The Allied invasion of Nazi-occupied France began with the D-Day landings in Normandy on 6 June 1944 and involved the largest armada in history. Many brave lives were lost during these events, and they deserve to be remembered and appreciated by those of us who came after.

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

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