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Australia – grounding due to helm error; and  
USCG – PFD labeling & standards.

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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. I'm just a visitor from the twentieth century.*

## DOT – Title XI loan guarantee



The Department of Transportation (DOT) issued a [news release](#) [found at <http://www.dot.gov/briefing-room/us-department-transportation-approves-3246-million-title-xi-loan-guarantee>] stating that a \$324.6 million Title XI loan guarantee has been approved for TOTE Shipholdings to finance the construction of two container ships that will utilize liquefied natural gas (LNG) as propulsion fuel. The ships will be constructed at National Steel & Shipbuilding Company in San Diego and will operate between Jacksonville and San Juan. (9/22/14).

## USCG – US to join ReCAAP



The US Coast Guard issued a [news release](http://www.uscgnews.com/go/doc/4007/2295950/) [found at <http://www.uscgnews.com/go/doc/4007/2295950/>] stating that the United States will become the 20th nation to join the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) on 23 September. RDML Paul Thomas, USCG, the Assistant Commandant for Prevention Policy, will represent the United States as a governor on the ReCAAP Council. (9/22/14).

## USCG – Center for Arctic Study and Policy



The US Coast Guard officially opened the [Center for Arctic Study and Policy](http://mariners.coastguard.dodlive.mil/2014/09/19/a-transforming-arctic-a-center-for-partnerships/) [found at <http://mariners.coastguard.dodlive.mil/2014/09/19/a-transforming-arctic-a-center-for-partnerships/>] located on the grounds of the US Coast Guard Academy in New London. (9/19/14).

## CMTS – update



The US Committee on the Marine Transportation System (CMTS) [found at <http://www.cmts.gov/>] has revised a "Fact Sheet" that provides common facts, figures and citations regarding the MTS. The CMTS has also updated the list of MTS-related Federal Advisory Committees (FACs), including the committee managers or "Designated Federal Officers" (DFOs). There are currently 39 FACs that directly or indirectly make recommendations impacting the MTS under the Departments of Defense, Commerce, Transportation, Homeland Security, and others. The CMTS hosted a Federal meeting on August 5, 2014 of MTS-related advisory committee DFOs, the goal of which was to better understand where these FACs were addressing similar MTS issues.

## GAO – USACE backlog list



The Government Accountability Office (GAO) issued its report on the backlog list of authorized water resources construction projects maintained by the US Army Corps of Engineers (USACE). It found that the list is incomplete and recommends that the USACE take steps to identify all projects and studies eligible for deauthorization. [GAO-14-699](http://www.gao.gov/assets/670/665393.pdf) [found at <http://www.gao.gov/assets/670/665393.pdf>] (9/22/14).

## Court – MODU as a stationary source



Over a vigorous dissent, a panel of the US Court of Appeals for the Fifth Circuit ruled that the US Chemical Safety and Hazard Investigation Board has jurisdiction to investigate the release of hazardous substances into the ambient air during the April 20, 2010 blowout, explosion, and fire on the mobile offshore drilling unit (MODU) Deepwater Horizon in the Gulf of Mexico. Defendant MODU owner argued that the MODU was a vessel and thus outside the jurisdiction of the Board, which was limited to emissions from stationary sources. The court found that the statute establishing the Board included its own definition of “stationary source”. The MODU Deepwater Horizon fell within that definition while it was engaged in drilling the Macondo well. **United States v. Transocean Deepwater Drilling** [found at <http://www.ca5.uscourts.gov/opinions/pub/13/13-20243-CV0.pdf> ], No. 13-20243 (5th Cir).

## Court – liability for yacht transportation costs



In an unpublished opinion, the US Court of Appeals for the Eleventh Circuit ruled that a yacht owner is not liable for the additional costs incurred by a third party in the overland transportation of his yacht when he had no knowledge of or contract with that third party. Defendant yacht owner contracted with a company to transport his newly acquired yacht overland from Missouri to Fort Lauderdale. Unbeknownst to the owner, the transportation company subcontracted to plaintiff company for the actual transportation. The transportation costs were significantly higher than the amount defendant owner had agreed to pay. Plaintiff sued, asserting a maritime lien on the yacht. The court held that the company hired by defendant owner had no actual or apparent authority to bind the owner or to authorize a lien on the yacht. **D&M Carriers v. MV Thor Spirit** [found at <http://media.ca11.uscourts.gov/opinions/unpub/files/201313280.pdf> ], No. 13-13280 (11th Cir).

## Washington – Safety Systems Manager sought



The Washington Department of Transportation issued an **announcement** [found at [http://agency.governmentjobs.com/wdot/job\\_bulletin.cfm?JobID=956887](http://agency.governmentjobs.com/wdot/job_bulletin.cfm?JobID=956887) ] stating that it is seeking qualified applicants for the position of Safety Systems Manager/Designated Person for the Washington State Ferries. (9/22/14).

## Riyadh MOU – CIC re fire safety



The US Coast Guard posted a notice stating that the Riyadh Port State Control (PSC) regimes will launch a joint concentrated inspection campaign (CIC) for ensuring compliance with SOLAS Chapter II-1 and the International Code for Fire Safety Systems (FSS Code) during the period from 1 October through 31 December. **MSIB 15-14** [found at [http://www.uscg.mil/msib/docs/015\\_14\\_9-19-2014.pdf](http://www.uscg.mil/msib/docs/015_14_9-19-2014.pdf)] (9/19/14).

## Australia – grounding due to helm error



The Australian Transport Safety Bureau (ATSB) issued the report of its investigation of the grounding of the general cargo ship Bosphorus in the Brisbane River on 29 October 2013. The grounding resulted from the helmsman unintentionally putting the helm the wrong way. By the time that the pilot realized the error it was too late to prevent the grounding in the narrow waterway. **MO-2013-011** [found at [http://www.atsb.gov.au/media/5151846/mo-2013-011\\_final.pdf](http://www.atsb.gov.au/media/5151846/mo-2013-011_final.pdf)] (9/22/14).

## USCG – PFD labeling & standards



The US Coast Guard promulgated a rule removing requirements for type codes for the labeling of personal flotation devices (PFDs). The rule comes into effect on 22 October. **79 Fed. Reg. 56491** [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-09-22/pdf/2014-22373.pdf>] (9/22/14). *Note: Contrary to the implication of yesterday's newsletter, a PFD is seldom a lifesaving device. Mea culpa.*

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