

Headlines:

USCG, USACE & NOAA – 21st Century/Future of Navigation;
MARAD – awards for Cape Ray crew and manager;
DHS OIG – review of USCG mission performance;
NOAA – IOOS Advisory Committee members sought;
House – bill introduced re incidental discharges; and
Court – unconscionable arbitration clause unenforceable.

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Bryant's Maritime News

Bryant's Maritime Consulting - 4845 SW 91st Way - Gainesville, FL 32608-8135 - USA

Tel: 1-352-692-5493 – Email: dennis.l.bryant@gmail.com – Internet: <http://brymar-consulting.com>

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.

USCG, USACE & NOAA – 21st Century/Future of Navigation



The US Coast Guard issued a [notice](http://www.navcen.uscg.gov/pdf/Future_of_Navigation_Feedback.pdf) [found at http://www.navcen.uscg.gov/pdf/Future_of_Navigation_Feedback.pdf] stating that it, the US Army Corps of Engineers (USACE), and the National Oceanic and Atmospheric Administration (NOAA) are seeking feedback on the 21st Century / Future of Navigation initiative. (9/23/14).

MARAD – awards for Cape Ray crew and manager



The Maritime Administration (MARAD) issued a [news release](http://www.marad.dot.gov/news_room_landing_page/news_releases_summary/news_release/PortsmouthVessel_news_release.htm) [found at http://www.marad.dot.gov/news_room_landing_page/news_releases_summary/news_release/PortsmouthVessel_news_release.htm] stating that Merchant Marine Medals for Outstanding Achievement were presented to the officers and crew of the MV Cape Ray and the Professional Ship Award was presented to the vessel's manager. The MV Cape Ray was mobilized from the Ready Reserve Fleet to serve as a platform for the destruction of Syrian chemical weapons. (9/19/14).

DHS OIG – review of USCG mission performance



The Department of Homeland Security (DHS) Office of Inspector General (OIG) issued its annual review of the Coast Guard's mission performance. The report states that during fiscal year 2013, the Coast Guard dedicated about the same percentage of resource hours to homeland security missions as it did to its non-homeland security missions. The Coast Guard met or exceeded 15 of its 23 summary performance measure targets. **OIG-14-140** [found at http://www.oig.dhs.gov/assets/Mgmt/2014/OIG_14-140_Sep14.pdf] (9/19/14).

NOAA – IOOS Advisory Committee members sought



The National Oceanic and Atmospheric Administration (NOAA) issued a notice stating that it seeks applications for membership on the US Integrated Ocean Observing System (IOOS) Advisory Committee. Applications should be received by 24 November. **79 Fed. Reg. 57051** [found at <http://www.gpo.gov/fdsys/pkg/FR-2014-09-24/pdf/2014-22697.pdf>] (9/24/14).

House – bill introduced re incidental discharges



Representative Hunter (R-CA) introduced a bill (H.R. 5609) to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel. Official text of the bill is not yet available. (9/18/14).

Court – unconscionable arbitration clause unenforceable



Over a vigorous dissent, the majority of a panel of the US Court of Appeals for the Ninth Circuit affirmed the denial of a motion by defendant ocean common carrier to compel arbitration. Plaintiff ocean transportation intermediary (OTI) sued defendant ocean common carrier. The carriage contract at issue included an arbitration clause, which defendant carrier sought to enforce. While acknowledging that the Federal Arbitration Act preempts contrary state law, the majority ruled that the arbitration clause was unconscionable under state law, making the clause unenforceable. **Elite Logistics v. Hanjin Shipping** [found at <http://cdn.ca9.uscourts.gov/datastore/memoranda/2014/09/19/12-56238.pdf>], No. 12-56238 (9th Cir., September 19, 2014).

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

Dennis L. Bryant

Bryant's Maritime Consulting
4845 SW 91st Way
Gainesville, FL 32608-8135
USA

1-352-692-5493
dennis.l.bryant@gmail.com
<http://brymar-consulting.com>

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