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USCG – Qualship 21 Program update;  
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California – heavy-duty technology and fuels assessment;  
California – Sustainable Freight Initiative; and  
Union Faith-Warren J. Doucet tow collision – 6 April 1969.

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# Bryant’s Maritime News

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## **OFAC – Iranian sanctions remain in place**



The Office of Foreign Assets Control (OFAC) issued **guidance** [located at <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/iran.aspx>] relating to the 2 April announcement of parameters for a Joint Comprehensive Plan of Action (JCPOA) regarding the Islamic Republic of Iran’s Nuclear Program. As of today and until a JCPOA is concluded, other than the sanctions relief provided for under the JCPOA, all US sanctions remain in place and will continue to be vigorously enforced. (4/3/15).

## DOT – \$500 million in TIGER grant funding



The Department of Transportation (DOT) issued a **news release** [located at <http://www.dot.gov/briefing-room/us-transportation-secretary-foxx-announces-500-million-seventh-round-tiger-funding>] announcing the availability of \$500 million in TIGER grant funding. Preapplications are due on 4 May, with final applications due on 5 June. (4/2/15).

## Port Fourchon – anchorage grounds considered



The US Coast Guard is considering establishing two new anchorage grounds in the Gulf of Mexico for Port Fourchon. Comments must be received by 5 June. **80 Fed. Reg. 18324** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-06/pdf/2015-07847.pdf>] (4/6/15).

## USCG – Arctic drones



The US Coast Guard intends to enter into a Cooperative Research and Development Agreement (CRADA) with Conoco Phillips Company to evaluate unmanned aircraft system (UAS) capabilities, benefits, risks, and technical limitations of operating UAS from land and/or off a Coast Guard Cutter in a maritime environment in support of Coast Guard missions in the Arctic. Comments must be submitted by 20 April. **80 Fed. Reg. 18431** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-06/pdf/2015-07848.pdf>] (4/6/15).

## USCG – Qualship 21 Program update



The US Coast Guard issued a **notice** stating that in March 2015 it began issuing Qualship 21 Program certificates to flag administrations, companies, and vessels with a unique identification number. Previously issued certificates without such numbers remain valid until regular renewal. (4/3/15).

## NOAA – shortnose sturgeon



The National Oceanic and Atmospheric Administration (NOAA) is considering whether to delist the Saint John River distinct population segment (DPS) of the shortnose sturgeon from the Endangered Species Act. Comments

must be received by 5 June. **80 Fed. Reg. 18347** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-06/pdf/2015-07833.pdf>] (4/6/15).

### **NOAA – Bryde’s whale**



The National Oceanic and Atmospheric Administration (NOAA) is considering whether to list the Gulf of Mexico Bryde’s whale as an endangered distinct population segment (DPS) under the Endangered Species Act. Comments must be received by 5 June. **80 Fed. Reg. 18343** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-06/pdf/2015-07836.pdf>] (4/6/15).

### **COAC – meeting on 24 April**



The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC), sponsored by the US Customs and Border Protection (CBP), will meet on 24 April in Washington, DC. Topics on the agenda include the Automated Commercial Environment and the Customs-Trade Partnership Against Terrorism. **80 Fed. Reg. 18430** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-04-06/pdf/2015-07867.pdf>] (4/6/15).

### **CBP – cabotage ruling**



The US Customs and Border Protection (CBP) issued a **Ruling** stating that carriage by non-coastwise-qualified vessels of reformulated gasoline created by blending in a non-US location US-origin hydrocarbons would not be a violation of US cabotage laws because the reformulation proposed would result in a new and different product. (1/29/15).

### **Court – other waterfront terminal**



The US Court of Appeals for the Second Circuit plaintiff terminal operator is subject to the jurisdiction of defendant Waterfront Commission of New York Harbor because plaintiff engages in stevedoring activities at its warehouse and that the warehouse is an “other waterfront terminal” within the meaning of the Waterfront Commission Act. The court noted that the Act provided the Commission jurisdiction over stevedoring activities occurring not only at a pier, but over such activities occurring within 1,000 yards of a pier (referred to in the Act as “other waterfront terminal”). Plaintiff unloaded cargo at the terminal from ocean shipping containers obtained from containerships. Measurements showed that plaintiff’s warehouse was within 1,000 yards of a New York Harbor pier. **Continental Terminals v Waterfront Commission**, No. 13-

3903-cv (2nd Cir., April 3, 2015) [located at [http://www.ca2.uscourts.gov/decisions/isysquery/cbo23944-cdfd-4460-96bo-6f1be3f36eoa/1/doc/13-3903\\_opn.pdf#xml=](http://www.ca2.uscourts.gov/decisions/isysquery/cbo23944-cdfd-4460-96bo-6f1be3f36eoa/1/doc/13-3903_opn.pdf#xml=)].

### **Court – lack of standing**



In an unpublished decision, the US Court of Appeals for the Ninth Circuit affirmed the grant of summary judgment in favor of a county, a city, and their senior officials in an action brought by a maritime labor union alleging improper interference with First Amendment rights by union members during a labor-management dispute. The court determined that the union lacked standing to sue on behalf of its members and that the claim for injunctive relief was moot. **ILWU v. Nelson**, No. 13-35364 (9th Cir., April 2, 2015) [located at <http://cdn.ca9.uscourts.gov/datastore/memoranda/2015/04/02/13-35364.pdf>].

### **California – heavy-duty technology and fuels assessment**



The California Air Resources Board (ARB) posted its draft report entitled **Heavy-Duty Technology and Fuels Assessment: Overview** [located at [http://www.arb.ca.gov/msprog/tech/techreport/ta\\_overview\\_v\\_4\\_3\\_2015\\_final.pdf](http://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final.pdf)]. The draft report provides an overview and status update on the heavy duty technology (including marine vessels) and fuels available (including low sulfur diesel and LNG). (4/3/15).

### **California – Sustainable Freight Initiative**



The California Air Resources Board (ARB) will meet to discuss the **Sustainable Freight Initiative: Pathways to Zero and Near-Zero Emissions** [located at <http://www.arb.ca.gov/gmp/sfti/sfti.htm>] in Sacramento on 23 April.

### **Union Faith-Warren J. Doucet tow collision – 6 April 1969**



On 6 April 1969, the steamship Union Faith, operating with a local pilot, was upbound on the Mississippi River at New Orleans. The towboat Warren J. Doucet was downbound with three tank barges, each holding about 9,000 barrels of crude oil. A second towboat was made up to the port quarter of the face barge. In accordance with local custom, the tow was

favoring the bends. Slightly upstream of the Greater New Orleans Bridge, in the Gouldsboro Bend, the Union Faith collided with the lead barge of the towboat. The barge broke loose and caught fire. A series of explosions followed almost immediately and the Union Faith was engulfed in flames. Crude oil burned on the river, threatening moored vessels and harbor facilities. Union Faith drifted downriver, burning from stem to stern and then sank. A total of 25 persons on Union Faith, including all persons on the bridge, died in the incident. Investigation revealed that the towboat was operating its radio on 2738 kHz, but was not monitoring 156.65 MHz (Channel 13). The pilot on Union Faith was using a portable transceiver operating on 156.65 MHz, but apparently not monitoring 2738 kHz. Both vessels were equipped with marine radar and the navigation lights on both vessels were apparently operating properly. As a direct result of this casualty, and in accordance with a primary recommendation of the [USCG Marine Casualty Report](#), Congress adopted the Vessel Bridge-to-Bridge Radio Telephone Act (Pub.L. 93-63, August 4, 1971), requiring vessels in the same waterway to monitor a common frequency.

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