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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, 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. My train of thought left the station without me.*

Central Pacific – five rescued by USCG & AMVER ship



The US Coast Guard issued a [news release](http://www.uscgnews.com/go/doc/4007/2558954/) [located at <http://www.uscgnews.com/go/doc/4007/2558954/>] stating that five men from Kiribati are safe after being adrift in a small boat for four days in the Central Pacific Ocean. The boat was spotted by the crew of a USCG C-130 search plane, which dropped food, water, radios, and a personal location beacon. The five men were then picked up by the bulk carrier Shourong Harmony, which participates in the AMVER program. (7/12/15).

Dutch Harbor – temporary safety zone



The US Coast Guard promulgated a rule establishing a temporary safety zone in the Port of Goodhope Bay, Kotzebue Sound, Alaska through 15 October around moored, anchored, or underway offshore exploration or support vessels. [80 Fed. Reg. 39691](http://www.gpo.gov/fdsys/pkg/FR-2015-07-10/pdf/2015-16700.pdf) [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-10/pdf/2015-16700.pdf>] (7/10/15).

Kotzebue Sound – temporary safety zone



The US Coast Guard promulgated a rule establishing a temporary safety zone in the Port of Dutch Harbor, Alaska through 15 July around moored, anchored, or underway offshore exploration or support vessels regulated navigation area. [80 Fed. Reg. 39689](http://www.gpo.gov/fdsys/pkg/FR-2015-07-10/pdf/2015-16740.pdf) [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-10/pdf/2015-16740.pdf>] (7/10/15).

Alaska – Port Access Route Study



The US Coast Guard has extended, until 18 August, the period within which to submit comments on its Port Access Route Study: In the Chukchi Sea, Bering Strait, and Bering Sea. [80 Fed. Reg. 40074](http://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-16967.pdf) [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-16967.pdf>] (7/13/15).

USCG – ice-covered waterways



The US Coast Guard proposes to establish a regulated navigation area (RNA) on waters of the Fifth Coast Guard District to allow for imposition and enforcement of restrictions on vessels where a threat to navigation exists due to ice-covered waterways. Comments on the proposal must be received by 7 October. [80 Fed. Reg. 39403](http://www.gpo.gov/fdsys/pkg/FR-2015-07-09/pdf/2015-16808.pdf) [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-09/pdf/2015-16808.pdf>] (7/9/15).

GLPAC – meeting on 5 August



The Great Lakes Pilotage Advisory Committee (GLPAC), sponsored by the US Coast Guard, will meet on 5 August in Washington, DC. Topics on the agenda include ice operations, the Great Lakes Pilotage Management System, and pilot development. **80 Fed. Reg. 40075** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-17033.pdf>] (7/13/15).

COAC – meeting on 29 July



The Advisory Committee on Commercial Operations (COAC), sponsored by the US Customs and Border Protection (CBP), will meet in Rosemont, Illinois on 29 July. Topics on the agenda include the Automated Commercial Environment (ACE) Single Window and the feasibility, benefits, and risks of using electronic cargo security devices. **80 Fed. Reg. 39443** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-09/pdf/2015-16814.pdf>] (7/9/15).

CBP – remote filing location test



The US Customs and Border Protection (CBP) issued a notice announcing its plan to conduct a National Customs Automation Program (NCAP) test concerning entries filed using remote location filing (RLF) procedures. The test expands the entry types eligible for RLF procedures and the port locations where RLF entries may be filed; requires the electronic transmission of invoices using the Document Image System (DIS); and requires that single transaction bonds be transmitted using eBond for RLF entries requiring a single transaction bond. The initial phase of the RLF test will begin on 12 August. The test will continue until concluded by announcement in the Federal Register. **80 Fed. Reg. 40079** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-17041.pdf>] (7/13/15).

Pascagoula – application for LNG terminal



The Federal Energy Regulatory Commission (FERC) issued a notice stating that it received an application from Gulf LNG Liquefaction Company, LLC requesting authorization to construct and operate a liquefied natural gas (LNG) terminal and export facility near Pascagoula, Mississippi. Comments on the application must be received by 22 July. **80 Fed. Reg. 40057** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-13/pdf/2015-16999.pdf>] (7/13/15).

ITC – marine sonar imaging devices



The International Trade Commission (ITC) issued a notice stating that the presiding administrative law judge has issued a final initial determination and recommended determination on remedy and bonding in the investigation of marine sonar imaging devices including downscan and sidescan devices. Comments must be received by 11 August. **80 Fed. Reg. 39799** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-10/pdf/2015-16876.pdf>] (7/10/15).

Treasury – international boycott countries



The Treasury Department issued its list of countries which require or may require participation in, or cooperating with, an international boycott. The list consists of: Iraq, Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen. **80 Fed. Reg. 39197** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-07-08/pdf/2015-16681.pdf>] (7/8/15).

USCG – acceptable NOAD formats



The USCG National Vessel Movement Center (NVMC) issued a **notice** [located at [http://www.nvmc.uscg.gov/NVMC/\(S\(4fqat2hbs3fo0oaeqfuizqna\)\)/News.aspx?newsId=07bcc0cb-0a3d-4240-8881-72a7f6369db4](http://www.nvmc.uscg.gov/NVMC/(S(4fqat2hbs3fo0oaeqfuizqna))/News.aspx?newsId=07bcc0cb-0a3d-4240-8881-72a7f6369db4)] stating that as per the newly published Notice of Arrival/Departure (NOAD) regulation, found at 33 CFR Chapter 160, the NVMC will only be accepting NOAD submissions by four specified methods. In addition, as of 30 September, the NVMC will no longer accept NOAD submissions that contain NOAD information as text within the body of emails or attachments of scanned documents. Details regarding the four specified submittal methods may be found in the linked notice. (7/8/15).

USCG – Alternate Compliance Program



The US Coast Guard issued a **notice** encouraging vessel owners to enroll in the Alternate Compliance Program (ACP) to obtain a certificate of inspection (COI) demonstrating compliance with international conventions such as the SOLAS Convention and the MARPOL Convention. (7/10/15).

DOJ – former chief mate sentenced to prison



The Department of Justice (DOJ) issued a **news release** [located at <http://www.justice.gov/opa/pr/chief-mate-sentenced-three-months-prison-environmental-crimes>] stating that the former chief mate of the cargo vessel Murcia Carrier was sentenced to a term of three months prison for failing to maintain an accurate oil record book (ORB) in violation of the Act to Prevent Pollution from Ships (APPS). The former chief mate was found to have ordered the crew to dump overboard several barrels containing hydraulic oil and not recording that disposal in the ORB. (7/8/15).

BSEE – unannounced exercise



The Bureau of Safety and Environmental Enforcement (BSEE) issued a **press release** [located at <http://www.bsee.gov/BSEE-Newsroom/BSEE-News-Briefs/2015/BSEE-Conducts-Exercise-in-Gulf-of-Mexico-Region/>] stating that its Oil Spill Preparedness Division conducted a Government Initiated Unannounced Exercise (GIUE) on LLOG Exploration Company. The exercise required the company to respond to a simulated oil spill from a drilling platform in Mississippi Canyon in the Gulf of Mexico. (7/8/15).

Savannah River – salvage of CSS Georgia



The US Navy issued a **news release** [located at http://www.navy.mil/submit/display.asp?story_id=90084] stating that its personnel and those of the US Army Corps of Engineers (USACE) are diving in the Savannah River to salvage the Civil War ironclad CSS Georgia. (7/10/15).

South China Sea – US Navy patrols



The US Navy issued a **news release** [located at http://www.navy.mil/submit/display.asp?story_id=90056] stating that the guided-missile destroyer USS Lassen (DDG 82) continues to patrol the South China Sea in support of security and stability in the region. Safe interactions with People's Liberation Army (PLA) Navy vessels at sea, courteous radio conversations, and prudent shiphandling establishes the US Navy's commitment to maritime security and informs Chinese counterparts that the US Navy intends to operate freely in international waters. (7/9/15).

Senate – bill introduced re fire-retardant materials



Senator Brown (D-OH) introduced a bill (S. 1717) to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials. Official text of the bill is not yet available. (7/8/15).

Senate – bill introduced re transportation infrastructure



Senator Murray (D-WA) introduced a bill (S. 1748) to provide for improved investment in national transportation infrastructure. Official text of the bill is not yet available, but Senator Murray issued a [news release](#) [located at http://www.murray.senate.gov/public/index.cfm/newsreleases?ContentRecord_id=cdo6f271-oda7-4db5-97da-341aea93a33b] explaining the measure. (7/9/15).

House – bill introduced to honor WWII merchant mariners



Representative Brooks (R-IN) introduced a bill (H.R. 2992) to award a Congressional Gold Medal, collectively, to the U.S. Merchant Marine of World War II, in recognition of their dedicated and vital service during World War II. Official text of the bill is not yet available, but Representative Brooks issued a [press release](#) [located at <http://susanwbrooks.house.gov/media-center/press-releases/rep-brooks-introduces-legislation-to-honor-the-wwii-merchant-marine>] explaining the measure. (7/9/15).

Court – preferred ship mortgages



The US Court of Appeals for the Fifth Circuit ruled that preferred ship mortgages are superior to claims for improper termination of ship management agreements where the termination fees in the agreements was penal and thus unenforceable. This litigation is fallout from the deterioration of charter rates for vessels operating in the Gulf of Mexico. [Comar Marine v. Raider Marine](#), No. 13-30156 (5th Cir., July 6, 2015) [located at <http://www.ca5.uscourts.gov/opinions/pub/13/13-30156-CVO.pdf>].

Court – fraud and civil conspiracy



In an unpublished decision, the US Court of Appeals for the Ninth Circuit reversed and remanded the district court findings in a case for fraud and civil conspiracy. The appellate court upheld the finding that the defendants were liable as alleged, but found error with regard to the calculation of damages and the award of attorneys' fees. **Mitsui OSK v. Seamaster Logistics**, No. 13-15848 (9th Cir., July 6, 2015) [located at <http://cdn.ca9.uscourts.gov/datastore/memoranda/2015/07/06/13-15848.pdf>].

Court – permanent injunction v. consent order



In an unpublished summary order, the US Court of Appeals for the Second Circuit ruled that denial of a permanent injunction against defendant cruise line regarding the making of robo-calls for marketing purposes was appropriate where defendant had already entered into a consent order enjoining such calls. **Bank v. Caribbean Cruise Line**, No. 14-3257 (2nd Cir., July 10, 2015).

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