

Headlines:

White House – Coast Guard Authorization Act signed;
White House – FY2017 Budget;
USCG – El Faro hearing;
Great Lakes – 2015 ballast water management;
USCG – TSAC members sought;
Beaufort Sea – Liberty Development & Production Plan;
CBP – ACE test to include TSCA data;
FMC – meeting on 18 February;
GAO – military service member hazing;
Court – extramarital affair and statute of limitations;
Washington – environmental planner sought;
Australia – fishing fatality;
Denmark – container weight reminder; and
New Zealand – SOLAS-related amendments proposed.

February 10, 2016



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. Planck's Constant isn't.

White House – Coast Guard Authorization Act signed



President Obama signed into law the [Coast Guard Authorization Act of 2015](https://www.gpo.gov/fdsys/pkg/BILLS-114hr4188enr/pdf/BILLS-114hr4188enr.pdf) (H.R. 4188) [located at <https://www.gpo.gov/fdsys/pkg/BILLS-114hr4188enr/pdf/BILLS-114hr4188enr.pdf>]. (2/8/16).

White House – FY2017 Budget



The White House released the **Budget of the United States Government, Fiscal Year 2017** [located at <https://www.whitehouse.gov/omb/budget/Overview>]. (2/9/16). *Note: It must be remembered that this document is even more aspirational than the Semi-Annual Regulatory Agenda, and that's saying a lot!*

USCG – El Faro hearing



The US Coast Guard issued a **notice** stating that the Marine Board of Investigation hearing into the loss of the steam ship El Faro and the 33 persons on board will commence on 16 February in Jacksonville. The hearing will be live streamed on the internet. (2/9/16).

Great Lakes – 2015 ballast water management



The US Coast Guard issued a **news release** [located at <http://www.uscgnews.com/go/doc/4007/2785234/>] stating that the Great Lakes Ballast Water Working Group has posted the **2015 Summary of Great Lakes Ballast Water Management**. During the year, 100% of the vessels bound for the Great Lakes from outside the EEZ received a ballast water management exam. (2/9/16).

USCG – TSAC members sought



The US Coast Guard seeks applications for membership on the Towing Safety Advisory Committee (TSAC). Applications should be received by 28 March. **81 Fed. Reg. 7132** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-10/pdf/2016-02671.pdf>] (2/10/16).

Beaufort Sea – Liberty Development & Production Plan



The Bureau of Ocean Energy Management (BOEM) has extended, through 28 March, the period within which to submit comments on the proposed Liberty Development and Production Plan for waters of the US outer continental shelf (OCS) in the Beaufort Sea Planning Area. **81 Fed. Reg. 7143** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-10/pdf/2016-02654.pdf>] (2/10/16).

CBP – ACE test to include TSCA data



The US Customs and Border Protection (CBP) issued a notice stating that it plans to modify the National Customs Automation Program (NCAP) test concerning the transmission of electronic filings of data to the Automated Commercial Environment (ACE), known as the Partner Government Agency (PGA) Message Set test to include Environmental Protection Agency (EPA) Toxic Substances Control Act (TSCA) certification data. Comments will be accepted through the duration of the test. **81 Fed. Reg. 7133** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-10/pdf/2016-02716.pdf>] (2/10/16).

FMC – meeting on 18 February



The Federal Maritime Commission (FMC) issued a **news release** [located at http://www.fmc.gov/meeting_scheduled_2_18_2016/] stating that the Commissioners will meet in Washington, DC on 18 February. The following matters will be consider in open session: (1) International Ocean Transportation Supply Chain Engagement; (2) Implementation of attorney's fees; (3) OCC & MTO agreements subject to the Shipping Act; (4) service contracts & NVOCC service arrangements; and (5) Commission user fees. (2/9/16).

GAO – military service member hazing



The Government Accountability Office (GAO) issued a report on hazing incidents involving military service members. It noted that the Department of Defense (DOD) and each of the military services, including the US Coast Guard, have issued policies addressing hazing, but that they generally do not know the extent to which the policies have been implemented. It recommends that the services monitor policy implementation and issue guidance on the collection and tracking of hazing incident data. **GAO-16-226** [located at <http://www.gao.gov/assets/680/675040.pdf>] (2/9/16).

Court – extramarital affair and statute of limitations



In an unpublished decision, the US Court of Appeals for the Fifth Circuit reversed in part the dismissal by the district court of plaintiff company's claim under the Federal Tort Claims Act (FTCA) alleging malicious prosecution.

In 1999, plaintiff was indicted for illegally storing hazardous waste without a permit. The charge was dismissed in 2003 and it was subsequently revealed that two of the federal agents involved in the investigation and prosecution had used the case as a means to engage in an extramarital affair with one another. It was also revealed that one of these agents had committed perjury and obstructed justice in attempting to conceal the affair and the true motivation for the prosecution. The appellate court ruled that the district court had erred by failing to equitably toll the statute of limitations. **Trinity Marine Products v. US**, No. 14-31130 (5th Cir., February 8, 2016) [located at <http://www.ca5.uscourts.gov/opinions/pub/14/14-31130-CVo.pdf>].

Washington – environmental planner sought



The Washington Department of Ecology issued an **announcement** [located at <https://www.governmentjobs.com/careers/washington/jobs/1337789/legislative-strategic-policy-analyst-environmental-planner-5>] stating that it seeks qualified applicants for the position of Legislative/Strategic Policy Analyst (Environmental Planner 5). (2/8/16).

Australia – fishing fatality



The Australian Transport Safety Bureau (ATSB) issued the report of its investigation of the man overboard fatality from the bulk carrier Cape Splendor in Port Hedland on 6 October 2014. The ship's bosun descended to the lower platform of the accommodation ladder during lunch in order to fish. He asked a seaman to assist. The bosun, who was not wearing any floatation devices or fall prevention equipment, lost his balance and fell into the sea. The seaman returned to the deck, threw a lifebuoy toward the bosun, and sounded the alarm. The ship's rescue boat was deployed within 10 minutes. Despite an extensive 3-day air and sea search, the bosun was not found. **MO-2014-011** [located at <http://www.atsb.gov.au/media/5768549/mo2014011-final.pdf>] (2/9/16).

Denmark – container weight reminder



The Danish Maritime Authority (DMA) issued a **news release** [located at <http://www.dma.dk/news/Sider/Containersmustbeweighedbeforedeparture.aspx>] reminding stakeholders that, effective 1 July 2016, packed shipping containers must be weighed before loading. The shipper who completes the packing of the container is to establish the verified weight and the weight information is to follow the container at all times and be available to the ship and the terminal. (2/9/16).

New Zealand – SOLAS-related amendments proposed



Maritime New Zealand issued a **notice** [located at <http://www.maritimenz.govt.nz/Consultation/SOLAS-related-amendments/default.asp>] stating that it seeks comments on various proposed SOLAS-related amendments to its Maritime Rules. Comments must be received by 11 March. (2/9/16).

Join our mailing list



If you are not receiving our almost daily electronic newsletter and would like have it sent directly to your email inbox, please right-click the box below and provide your email address.

Join Our Mailing List!



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>

© Dennis L. Bryant – February 2016



Redistribution permitted with attribution