

Headlines:

White House – H.R. 644 signed into law;
White House – anchorage & movement of vessels re Cuba;
Virginia Beach – danger zone;
Marina del Rey – anchorage area;
FMC – OCC & MTO agreements;
FMC – service contracts and NVOCC service arrangements;
CBP – electronic data Interchange filings;
MERPAC – meeting on 16-17 March;
DOS – meeting on 22 March;
TRB – impact of USCG regulations;
USCG – cryogenic composite hoses;
DOI – early detection and rapid response;
Court – interpleader; and
Court – alter ego.

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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. Planck's Constant isn't.*

White House – H.R. 644 signed into law



President Obama signed into law the **Trade Facilitation and Trade Enforcement Act of 2015** (H.R. 644). The measure includes numerous provisions relating to the operation and trade enforcement functions of the US Customs and Border Protection (CBP). [Located at <https://www.gpo.gov/fdsys/pkg/BILLS-114hr644enr/pdf/BILLS-114hr644enr.pdf>] (2/24/16).

White House – anchorage and movement of vessels re Cuba



President Obama issued a Proclamation modifying and continuing the National Emergency with respect to Cuba and continuing to authorize the US Coast Guard to regulate the anchorage and movement of vessels in US waters that may be used for voyages to Cuba. **81 Fed. Reg. 9735** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-25/pdf/2016-04289.pdf>] (2/25/16).

Virginia Beach – danger zone



The US Army Corps of Engineers (USACE) has established a danger zone on waters of the Atlantic Ocean south of Rudee Inlet, Virginia Beach, Virginia offshore of the Camp Pendleton firing range. The regulation enters into effect on 30 March. **81 Fed. Reg. 10087** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-29/pdf/2016-04215.pdf>] (2/29/16).

Marina del Rey – anchorage area



The US Coast Guard proposes to modify the special anchorage area on waters of Marina del Rey Harbor, California. Comments on the proposal must be received by 14 April. **81 Fed. Reg. 10156** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-29/pdf/2016-04336.pdf>] (2/29/16).

FMC – OCC & MTO agreements



The Federal Maritime Commission (FMC) issued an advance notice of proposed rulemaking (ANPRM) seeking comments on possible modifications to its rules governing agreements by or among ocean common carriers (OCC) and/or marine terminal operators (MTO) and possible modifications of authority regarding the Director, Bureau of Trade Analysis. Comments must be received by 4 April. **81 Fed. Reg. 10188** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-29/pdf/2016-04263.pdf>] (2/29/16).

FMC – service contracts & NVOCC service arrangements



The Federal Maritime Commission (FMC) issued an advance notice of proposed rulemaking (ANPRM) seeking comments on possible amendments to its rules governing service contracts and NVOCC service arrangements. Comments must be received by 30 March. **81 Fed. Reg. 10198** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-29/pdf/2016-04264.pdf>] (2/29/16).

CBP – electronic data interchange filings



The US Customs and Border Protection (CBP) issued a notice announcing that, effective 31 March, the Automated Commercial Environment (ACE) will be the sole electronic data interchange (EDI) system for processing certain electronic entry and entry summary filings. **81 Fed. Reg. 10264** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-29/pdf/2016-04421.pdf>] (2/29/16).

MERPAC – meeting on 16-17 March



The Merchant Marine Personnel Advisory Committee (MERPAC), sponsored by the US Coast Guard, will meet on 16-17 March in Jacksonville. Topics on the agenda include: competency requirements for the polar regions; mariner occupational health risk study; and fatigue mitigation and management. **81 Fed. Reg. 9209** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-24/pdf/2016-03816.pdf>] (2/24/16).

DOS – meeting on 22 March



The Department of State (DOS) will hold a meeting in Arlington, Virginia on 22 March to prepare for the upcoming session of the IMO Facilitation Committee (FAL 40). Topics on the agenda include: application of the single-window concept; electronic certificates and documents; and persons rescued at sea and stowaways. **81 Fed. Reg. 9575** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-25/pdf/2016-04048.pdf>] (2/25/16).

IWUB – meeting on 1 April



The Inland Waterways Users Board (IWUB), sponsored by the US Army Corps of Engineers (USACE), will meet on 1 April in Pittsburgh. Topics on the agenda include the status of the Olmsted Locks and Dam Project and the Locks and Dams 2,3, and 4, Monongahela River Project. **81 Fed. Reg. 9813** [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-02-26/pdf/2016-04181.pdf>] (2/26/16).

TRB – impact of USCG regulations



The Transportation Research Board (TRB) issued a report on the “**Impact of US Coast Guard Regulations on the US Flag Registry**”. The report found that costs associated with USCG regulatory compliance are a fraction of a percent of those costs associated with other operating expenses. The report, though, recommends further steps toward harmonizing USCG regulations with international standards. (2/25/16). [Located at <http://onlinepubs.trb.org/onlinepubs/reports/USFlagRegistry.pdf>].

USCG – cryogenic composite hoses



The US Coast Guard issued a **notice** stating that its Liquefied Gas Carrier National Center of Expertise (LGC NCOE) recently conducted a service-wide webinar on cryogenic composite hoses. Such hoses are increasingly utilized throughout the maritime LNG industry from large scale ship-to-ship transfers to small scale LNG bunkering operations. (2/25/16). [Located at <http://mariners.coastguard.dodlive.mil/2016/02/25/2252016-lgc-ncoe-works-with-industry-to-train-coast-guard-personnel-on-cryogenic-composite-hoses/>].

DOI – early detection and rapid response



The Department of the Interior (DOI) released its invasive species early detection and rapid response (EDRR) plan entitled “**Safeguarding America’s Lands and Waters from Invasive Species**”. (2/24/16) [Located at <https://www.doi.gov/sites/doi.gov/files/National%20EDRR%20Framework.pdf>]

Court – interpleader



The US Court of Appeals for the Second Circuit upheld a maritime interpleader action brought by a vessel owner that had been sued by a bunker supplier. The transaction had been impacted by the O.W. Bunker Group bankruptcy. The vessel owner brought the action to avoid having to separately defend actions by multiple claimants. **Hapag-Lloyd Aktiengesellschaft v US Oil Trading**, No. 15-97 (2nd Cir., February 24, 2016). *Note: This item was brought to my attention by my good friend Keith Heard of **Burke & Parsons**.*

Court – alter ego



In an unpublished decision, the US Court of Appeals for the Fifth Circuit reversed a finding of liability as to a barge owner, ruling that the finding was based on an erroneous alter ego finding, where, in this contract case, plaintiff made no allegation of fraud. **JAB Energy Solutions v Servicio Marina Superior**, No. 15-30504 (5th Cir., February 26, 2016) [located at <http://www.ca5.uscourts.gov/opinions/unpub/15/15-30504.o.pdf>].

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

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