

Headlines:

Columbia River – bulker refloated, moved to pier;
USCG – electrical deficiencies;
USCG – safe carriage of chemicals in bulk;
NTSB – marine safety expert sought;
Senate – bill introduced re HMTF;
Court – Rule B attachment and the UCC;
Court – insurance coverage;
FSM – port security;
New Zealand – Oil Pollution Levy consultation;
Panama Canal – Expansion to be inaugurated on 26 June;
Panama Canal – decreasing water levels; and
EXXON VALDEZ oil spill – 24 March 1989.

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Bryant's Maritime News

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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. Gravity waves were found to be hiding behind the dark matter.

Columbia River – bulker refloated, moved to pier



The US Coast Guard issued a [news release](#) stating that the bulk carrier Sparna has been safely refloated and moved to a pier. The vessel had incurred significant hull damage when it grounded in the Columbia River on 21 March. The incident is under investigation. (3/23/16) [located at <http://www.uscgnews.com/go/doc/4007/2801733/>].

USCG – electrical deficiencies



The US Coast Guard issued a **news release** reminding stakeholders of the importance of inspecting the wiring of vessels prior to getting underway after winter layup. Examples of common electrical discrepancies include: dead-ended wiring; compromised watertight integrity; wire chafing; and deteriorated wiring. (3/23/16) [located at <http://www.uscgnews.com/go/doc/4007/2800365/>].

USCG – safe carriage of chemicals in bulk



The US Coast Guard issued a **notice** stating that it seeks feedback regarding development of international regulations for the safe carriage of chemicals in bulk by water. The Coast Guard participates in the IMO Sub-Committee on Pollution Prevention and Response to draft such regulations, found in the IBC Code. Meaningful and effective regulations are best developed with the active participation of industry representatives. (3/23/16) [located at <http://mariners.coastguard.dodlive.mil/2016/03/23/3232016-pollution-prevention-and-response-sub-committee-meeting-seeking-feedback/>].

NTSB – marine safety expert sought



The National Transportation Safety Board (NTSB) posted a **job announcement** stating that it seeks qualified applicants for the position of Director, Office of Marine Safety. Applications must be received by 18 April. [located at <https://www.usajobs.gov/GetJob/ViewDetails/432772600>] (3/18/16).

Senate – bill introduced re HMTF



Senator Murray (D-WA) introduced the **Harbor Maintenance Trust Fund Reform Act of 2016** (S. 2729) to require full spending of the Harbor Maintenance Trust Fund, provide for expanded uses of the Fund, and prevent cargo diversion, and for other purposes. [located at <https://www.gpo.gov/fdsys/pkg/BILLS-114s2729is/pdf/BILLS-114s2729is.pdf>]. (3/17/16).

Court – Rule B attachment and the UCC



The US Court of Appeals for the Fifth Circuit affirmed an order of Rule B attachment of a vessel's bunkers. Defendant asserted that, since it had not paid for the bunkers at the time attachment was sought, the attachment was improper. The court examined the sparse and conflicting federal decisions on point and ended up turning to state law and the Uniform Commercial Code to determine that defendant had sufficient interest in the bunkers to justify the attachment. **Malin International Ship Repair v. Oceanografia**, No. 15-40463 (5th Cir., March 23, 2016) [located at <http://www.ca5.uscourts.gov/opinions/pub/15/15-40463-CVo.pdf>].

Court – insurance coverage



The US Court of Appeals for the Fifth Circuit held that the P&I insurance policy in this dispute did not provide coverage where the insured's employee (a Jones Act seaman) was injured while working ashore on a matter wholly unrelated to his work as a seaman and where that injury was due to the negligence of the insured. **Naquin v. Elevating Boats**, No. 15-30471 (5th Cir., March 22, 2016) [located at <http://www.ca5.uscourts.gov/opinions/pub/15/15-30471-CVo.pdf>].

FSM – port security



The US Coast Guard issued a **news release** stating that its International Port Security team is working with authorities in the Federated States of Micronesia (FSM) to enhance port facility security in the Port of Kosrae. (3/22/16) [located at <http://www.uscgnews.com/go/doc/4007/2800429/>].

New Zealand – Oil Pollution Levy consultation



Maritime New Zealand issued a **notice** stating that its Oil Pollution Levy 2015/16 Review has commenced. Comments must be received by 6 May. (3/23/16) [located at <http://www.maritimenz.govt.nz/Consultation/OPL/OPL-Consultation.asp>].

Panama Canal – Expansion to be inaugurated on 26 June



The Panama Canal Authority (ACP) issued a **press release** announcing that the Panama Canal Expansion will be officially inaugurated on Sunday, 26 June. The Expansion Program is currently 97% complete. (3/23/16)

[located at <https://www.pancanal.com/eng/pr/press-releases/2016/03/23/pr579.html>].

Panama Canal – decreasing water levels



The Panama Canal Authority (ACP) issued a **press release** explaining its plans for dealing with decreasing water levels in the Canal caused by the El Nino phenomenon. (3/22/16) [located at <https://www.pancanal.com/eng/pr/press-releases/2016/03/22/pr578.html>].

EXXON VALDEZ oil spill – 24 March 1989



On 24 March 1989, the single-hull tanker **EXXON VALDEZ** was departing the Port of Valdez, Alaska with a full load of North Slope crude oil (approximately 1.26 million barrels) destined for Long Beach when it grounded on Bligh Reef in Prince William Sound. The resulting **oil spill** (approximately 258,000 barrels), while not the largest in US history, was clearly the most important. It engendered much litigation. Public concern over the spill led directly to enactment of the **Oil Pollution Act of 1990** (OPA 90), which mandated double hulls for new tankers, response plans, and a number of other remedial measures. OPA 90 also significantly changed the liability and compensation scheme for oil spills in US waters. The amount of oil entering waters of the United States from ships drastically decreased following implementation of OPA 90. *Note: On a personal note, I was directly involved in development and promulgation of regulations implementing OPA 90 for the US Coast Guard, supervising a large staff of dedicated individuals. A lot has changed in the succeeding 27 years, most significantly the commitment of the maritime industry to minimize the risk of oil pollution from ships. One can only hope that oil discharges from point sources and non-point sources ashore demonstrate similar reductions.*

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

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