

## Headlines:

USCG – five-year renewal of FSPs, VSPs, and the ASP;  
NOAA – GFNMS and CBNMS;  
DHS – protected critical infrastructure information;  
Senate – hearing on US maritime industry;  
Court – conditional delivery preserves maritime lien;  
Court – stay of action overturned;  
Australia – engine room fire;  
India – DGS e-governance system;  
Singapore – cyber security seminar;  
North Pole – change in movement; and  
MREN – verified gross mass.

April 21, 2016



# Bryant's Maritime News

Bryant's Maritime Consulting - 4845 SW 91<sup>st</sup> Way - Gainesville, FL 32608-8135 - USA

Tel: 1-352-692-5493 – Email: [dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com) – Internet: <http://brymar-consulting.com>

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## **USCG – five-year renewal of FSPs, VSPs, and the ASP**



The US Coast Guard issued a policy letter outlining the timeline and process for five-year renewal of Facility Security Plans (FSPs), Vessel Security Plans (VSPs), and the Alternative Security Program (ASP). [CG-5P Policy Letter 01-16](#) (4/5/16).

## **NOAA – GFNMS and CBNMS**



The National Oceanic and Atmospheric Administration (NOAA) issued a notice stating that it intends to conduct scoping, hold public scoping meetings, and prepare an environmental impact statement regarding changes in

regulations for the Greater Farallones and Cordell Bank National Marine Sanctuaries ((GFNMS and CBNMS). Public scoping meeting will be held in Sausalito (10 May), Bodega Bay (11 May), and Gualala (12 May). Written comments must be received by 31 May. [81 Fed. Reg. 23445](#) [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-04-21/pdf/2016-09248.pdf>] (4/21/16).

### DHS – protected critical infrastructure information



The Department of Homeland Security (DHS) proposes to update its procedures for accepting Critical Infrastructure Information (CII) as a step toward meeting the challenges of evolving technology and identifying ways to make the Protecting Critical Infrastructure Information (PCII) Program more effective. Comments must be submitted by 20 July. [81 Fed. Reg. 23442](#) [located at <https://www.gpo.gov/fdsys/pkg/FR-2016-04-21/pdf/2016-09186.pdf>] (4/21/16).

### Senate – hearing on US maritime industry



The Senate Committee on Commerce, Science & Transportation conducted a **hearing** entitled “The State of the US Maritime Industry: Stakeholder Perspectives”. Witnesses testified concerning current trends, opportunities, and challenges in the US maritime transportation system and how federal policy and programs could enhance its performance. (4/20/16) [located at <http://www.commerce.senate.gov/public/index.cfm/2016/4/the-state-of-the-u-s-maritime-industry-stakeholder-perspectives>].

### Court – conditional delivery preserves maritime lien



The US Court of Appeals for the Third Circuit ruled that the contract between the shipper of cargo and the carrier of the cargo created a maritime lien that survived the delivery of the cargo. After the shipper declared bankruptcy, the carrier asserted a maritime lien with regard to cargo still in its possession, not only for the transportation costs of retained cargo, but also for the unpaid transportation costs of previously delivered cargo. The shipper’s motion to strike the claimed lien with regard to the previously delivered cargo was granted by the bankruptcy court and the carrier appealed. The appellate court reversed, holding the contract between the parties clearly evidenced that that the carrier’s maritime lien for unpaid freight had not been lost because delivery of the cargo to the shipper was not unconditional. [World Imports v. OEC Group](#), No. 15-1498 (3rd

Cir., April 20, 2016) [located at <http://www2.ca3.uscourts.gov/opinarch/151498p.pdf>].

### Court – stay of action overturned



In an unpublished decision, the US Court of Appeals for the Second Circuit vacated the district court order granting a stay of plaintiff technology company's action against defendant passenger ship owner in a breach of contract dispute relating to the installation and repair of surveillance equipment on the ship. Defendant had moved to stay the federal action because a parallel suit was pending in state court. The appellate court ruled that federal courts have a virtually unflagging obligation to exercise the jurisdiction given them. *Aventura Technologies v World of Residence II*, No. 15-1465-cv (2nd Cir., April 20, 2016) [located at [http://www.ca2.uscourts.gov/decisions/isysquery/eea11176-f159-415a-a44f-aa6062e993db/1/doc/15-1465\\_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/eea11176-f159-415a-a44f-aa6062e993db/1/hilite/](http://www.ca2.uscourts.gov/decisions/isysquery/eea11176-f159-415a-a44f-aa6062e993db/1/doc/15-1465_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/eea11176-f159-415a-a44f-aa6062e993db/1/hilite/)].

### Australia – engine room fire



The Australian Transport Safety Bureau (ATSB) issued the report of its investigation of the engine room fire on board the bulk carrier *Marigold* at Port Hedland on 13 July 2014. The ATSB determined that the fire began on *Marigold's* number one generator after a fuel oil pipe fitting on it failed. The resulting spray of fuel oil likely contacted a hot surface on the generator and ignited. The deployment of the ship's Halon gas fixed fire suppression system was ineffective, as a full release of Halon gas did not occur and the engine room was not effectively sealed. Failures within the Halon system and multiple failures of the ventilation closing mechanisms were indicative of a lack of effective planned maintenance on board. The port's emergency response plan was initiated, but there were misunderstandings between the agencies involved as to the roles of the others during the initial stages of the incident and response. Their emergency plans did not refer to trigger points for transfer of control or include detailed instructions of how to hand over control during an incident. *MO-2014-008* (4/20/16) [located at <http://www.atsb.gov.au/media/5770062/mo-2014-008-final.pdf>].

### India – DGS e-governance system



The Indian Directorate General of Shipping (DGS) issued a notice stating that it seeks suggestions from stakeholders on the comprehensive revamping of its e-governance system. Comments must be received by 5 May.

(4/19/16) [located at [http://dgshipping.gov.in/WriteReadData/News/201604200326453407516E-Gov\\_Notice\\_to\\_Stakeholders\\_dtd\\_200416.pdf](http://dgshipping.gov.in/WriteReadData/News/201604200326453407516E-Gov_Notice_to_Stakeholders_dtd_200416.pdf)].

### Singapore – cyber security seminar



The Singapore Maritime and Port Authority (MPA) issued a **news release** stating that the inaugural Cyber Security Seminar was held in Singapore to address cyber incidents and mitigating strategies. (4/20/16) [located at <http://www.mpa.gov.sg/web/portal/home/media-centre/news-releases/detail/7c63a1df-b929-4b60-97f2-5e5491a54cda>].

### North Pole – change in movement



National Geographic posted the article “**Climate Change is Moving the North Pole**”. The article states that the exact position of the North Pole (the point where the axis of rotation reaches the surface of the Earth in the Northern Hemisphere) moves slowly but continually due to a variety of factors, including the irregular shape of the planet. Lately, though, rather than slowing inching toward Canada as it has for the past century, the North Pole has been moving in the direction of the United Kingdom. Scientists speculate that this change is due to sea level rise and the melting of ice caps in Greenland and Antarctica. (4/5/16) [located at <http://news.nationalgeographic.com/2016/04/160408-climate-change-shifts-earth-poles-water-loss/>].

### MREN – Verified gross mass



In the April 2016 edition of Maritime Reporter and Engineering News, you can find my article entitled "**Verified gross mass**". In the article, I discuss prior marine casualties in which significant disparities between the declared mass of shipping containers and their actual mass was a factor; the 2014 amendment to the SOLAS Convention requiring shippers to provide to the master (prior to loading) the verified gross mass of each container; and the currently unresolved process issues required for completion of this upcoming task. (4/20/16).

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## Dennis L. Bryant

Bryant's Maritime Consulting  
4845 SW 91<sup>st</sup> Way  
Gainesville, FL 32608-8135  
USA

1-352-692-5493  
[dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com)  
<http://brymar-consulting.com>

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