

Headlines:

White House – Armed Forces Day;
White House – National Maritime Day;
White House – National Safe Boating Week;
San Francisco – bulker lost propulsion;
FMC – COSCON request for extension;
FTA – passenger ferry grants;
DHS – cybersecurity information sharing meeting;
CBP – ACS demise, long live ACE;
Court – uberrimae fidei;
Australia – fine assessed for low sulphur fuel violation;
Ireland – keep your eyes on the sky; and
New Zealand – Maritime Labour Convention.

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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. A website recently asked if I accept cookies; I replied chocolate chip.

White House – Armed Forces Day



President Obama signed a **Proclamation** designating 21 May as Armed Forces Day, 2016, honoring the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who defend our nation and its values. (5/20/16)
[<https://www.whitehouse.gov/the-press-office/2016/05/20/presidential-proclamation-armed-forces-day-2016>].

White House – National Maritime Day



President Obama signed a **Proclamation** designating 22 May as National Maritime Day, 2016 honoring the patriots of the United States Merchant Marine who have long served as the nation’s “fourth arm of defense”. (5/20/16) [<https://www.whitehouse.gov/the-press-office/2016/05/20/presidential-proclamation-national-maritime-day-2016>].

White House – National Safe Boating Week



President Obama signed a **Proclamation** designating 21-27 May as National Safe Boating Week, 2016 and encouraging everyone to apply safe boating practices. (5/20/16) [<https://www.whitehouse.gov/the-press-office/2016/05/20/presidential-proclamation-national-safe-boating-week-2016>].

San Francisco – bulker lost propulsion



The US Coast Guard issued a **news release** stating the bulk carrier Ultra lascar lost propulsion while operating offshore inbound for San Francisco Bay. The vessel anchored three miles offshore Daly City awaiting assistance tugs. (5/20/16) [<http://www.uscgnews.com/go/doc/4007/2832010/>].

FMC – COSCON request for extension



The Federal Maritime Commission (FMC) issued a notice stating that COSCO Container Lines Company Limited (COSCON) petitioned the Commission for an extension of time to complete negotiations with a limited number of shippers regarding a new COSCON tariff. Comments on the petition must be received by 27 May. **81 Fed. Reg. 32328** (5/23/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-05-23/pdf/2016-12020.pdf>].

FTA – passenger ferry grants



The Federal Transit Administration (FTA) issued a notice announcing the selection of projects for the **Passenger Ferry Grant Program**. These Ferry Program funds will provide financial assistance to support existing ferry service, establish new ferry service, and repair and modernize ferry boats, terminals, and

related facilities and equipment. **81 Fed. Reg. 32383** (5/23/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-05-23/pdf/2016-12143.pdf>].

DHS – cybersecurity information sharing meeting



The Department of Homeland Security (DHS) issued a notice stating that a public workshop will be held on 9 June in Arlington, Virginia to discuss information sharing as related to Title I of the Cybersecurity Information Sharing Act. **81 Fed. Reg. 32340** (5/23/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-05-23/pdf/2016-12018.pdf>].

CBP – ACS demise, long live ACE



The US Customs & Border Protection (CBP) issued a notice stating that, effective 21 July, the Automated Commercial System (ACS) will no longer be a CBP-authorized EDI system for purposes of electronic filings. Instead, the Automated Commercial Environment (ACE) will be the sole electronic data interchange (EDI) authorized for processing electronic entry and entry summary filings associated with most entry types. **81 Fed. Reg. 32339** (5/23/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-05-23/pdf/2016-12067.pdf>].

Court – uberrimae fidei



The US Court of Appeals for the Second Circuit upheld the doctrine of uberrimae fidei in marine insurance contracts. Plaintiff insurer brought suit against defendant pollution insurance underwriter after an insured dry dock sank and emitted pollution. The court held that the pollution insurance policy for the dry dock was a marine insurance policy. Insured dry dock owner had failed to disclose that the dry dock had deteriorated and that repairs recommended over several years had not been made. Thus, the marine pollution insurance policy became void, as the insured had not fulfilled its duty of utmost good faith. **Fireman's Fund Insurance v. Great American Insurance**, No. 14-1346-cv(L) (2nd Cir., May 20, 2016).

Australia – fine assessed for low sulphur fuel violation



The New South Wales (NSW) Environment Protection Authority (EPA) issued a **media release** stating that it has fined Carnival PLC \$15,000 after the cruise ship Pacific Jewel was found to have breached the low sulphur fuel regulations in Sydney Harbour. A fuel sample taken by the ship's crew and

provided to EPA officers while the ship was berthed in Sydney on 26 February had a sulphur level of 0.293%, nearly three times the 0.1% sulphur limit. (5/19/16) [<http://www.epa.nsw.gov.au/epamedia/EPAMedia16051901.htm>].
Note: Unofficial reports indicate that the company is challenging the assessment, contending that it failed to take into account technical information indicating that the fuel changeover was completed within the allowed time.

Ireland – keep your eyes on the sky



The Irish Department of Transport, Tourism, and Sport issued a notice stating that the launch of a Soyouz Flight from the Kourou Spaceport in French Guinea on or around 24 May may result in some elements of the launcher landing in the Irish EEZ. Mariners are advised to exercise caution. **Notice 23-2016** (5/20/16)
[http://www.dttas.ie/sites/default/files/MN23of2016_SoyouzFlight.pdf].

New Zealand – Maritime Labour Convention



Maritime New Zealand issued a **notice** reminding stakeholders that the Maritime Labour Convention, 2006 (MLC) enters into effect for New Zealand on 9 March 2017. (5/20/16)
[<http://www.maritimenz.govt.nz/Commercial/Shipping-safety/maritime-labour-convention/default.asp>].

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

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