

Headlines:

USCG – NMC site approval process;
USCG – BWMS type approval process;
Lower Chesapeake Bay – anchorage grounds;
USCG – APC National Guidelines;
Offshore North Carolina – wind energy lease sale;
Court – strict compliance; and
Panama Canal – AIS deficiencies.

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Bryant's Maritime News

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USCG – NMC site approval process



The USCG National Maritime Center (NMC) issued a **bulletin** explaining its process for conducting site approvals for approved courses and programs. (8/12/16)

[https://www.uscg.mil/nmc/announcements/pdfs/site_approvals_081216.pdf].

USCG – BWMS type approval process



The US Coast Guard issued a **bulletin** providing insight into its work with the Marine Environmental Resource Center (MERC) in Baltimore to test ballast water management systems (BWMSs) for potential USCG type approval. (8/15/16) [<http://mariners.coastguard.dodlive.mil/2016/08/15/recent-visit-bwms-testing-facility-ballast-water/>].

Lower Chesapeake Bay – anchorage grounds



The US Coast Guard issued a notice stating that a public meeting to receive comments on the advance notice of proposed rulemaking for anchorage grounds near Cape Charles on the Lower Chesapeake Bay will be held in Cape Charles, Virginia on 17 August. Comments must be received by 31 August. **81 Fed. Reg. 54531** (8/16/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-16/pdf/2016-19510.pdf>].

USCG – APC National Guidelines



The US Coast Guard issued a notice stating that a public meeting will be held on 21 September in Anchorage, Alaska to discuss the Alternative Planning Criteria (APC) National Guidelines as they relate to oil spill preparedness pursuant to vessel response plan requirements. Written comments on the guidelines must be submitted by 23 September. **81 Fed. Reg. 54584** (8/16/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-16/pdf/2016-19512.pdf>].

Offshore North Carolina – wind energy lease sale



The Bureau of Ocean Energy Management (BOEM) issued a notice announcing the Proposed Sale Notice (PSN) for the sale of one commercial wind energy lease on the US outer continental shelf (OCS) offshore North Carolina. Comments must be submitted by 17 October. **81 Fed. Reg. 54591** (8/16/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-16/pdf/2016-19552.pdf>].

Court – strict compliance



The US Court of Appeals for the Second Circuit has provided us with a lesson on the importance of complying with the terms of a contract when bringing suit to enforce that contract. Plaintiff contracted to sell four shipments of meat products to a company in Kosovo. Plaintiff required the purchaser to obtain a standby letter of credit (SLOC) of credit, issued by a Kosovo bank and confirmed by defendant LHB AG. Under terms of the SLOC, if the purchaser failed to pay within 45 days of the date of the invoice, plaintiff could obtain payment on the SLOC upon presentment within a specified time of a defined set of documents, including, but not limited to, a photocopy of the bill of lading evidencing shipment of goods. The goods were shipped and the purchaser defaulted. Plaintiff presented its demand for payment to defendant, but included two unsigned bills of lading rather than the signed photocopies. Defendant rejected the tender as not in conformity with the contract. A second, similar demand met with the same rejection. The third demand, made on the last day allowed under the contract, included telexes from the ocean carrier stating that it had retained the original signed bills of lading. Again, defendant rejected the tender. Finally, after passage of the deadline, plaintiff presented photocopies of the signed bills of lading. This presentment was rejected as untimely. Plaintiff sued. The court ruled that in order to protect the bank issuing a letter of credit, the absolute duty to pay does not arise unless the terms of the letter have been complied with strictly. **Mago International v. LHB AG**, No. 15-2776 (2nd Cir., August 15, 2016).

Panama Canal – AIS deficiencies



The Panama Canal Authority (ACP) issued an advisory identifying common Automatic Identification System (AIS) deficiencies found on vessels transiting the Canal. Non-compliant vessels require that a supplemental tracking device be brought on board, with an associated fee **Advisory 43-2016** (8/12/16) [<https://www.pan canal.com/common/maritime/advisories/2016/a-43-2016.pdf>].

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

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