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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. Linear thinking provides freedom from insight.*

Hawaii – Papahānaumokuākea MNM expanded



President Obama signed a **Proclamation** expanding the Papahānaumokuākea Marine National Monument. (8/26/16) [<https://www.whitehouse.gov/the-press-office/2016/08/26/presidential-proclamation-papahanaumokuakea-marine-national-monument>]. A **Fact Sheet** has also been issued regarding the Proclamation.

Hawaii – threats to Papahānaumokuākea MNM



The National Oceanic and Atmospheric Administration (NOAA) issued a **media release** discussing threats to the Papahānaumokuākea Marine National Monument. (8/23/16) [<http://www.noaa.gov/media-release/sea-level-rise-ocean-acidification-ocean-warming-threaten-papah-naumoku-kea-marine>].

FMC – user fees



The Federal Maritime Commission (FMC) promulgated a final rule amending its user fee regulations to more accurately align those fees with the associated costs. The changes enter into effect on 1 October. **81 Fed. Reg. 59141** (8/29/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-20647.pdf>].

USCG – cargo securing manuals



The US Coast Guard promulgated correcting amendments to its May 9, 2016 interim rule regarding cargo securing manuals. **81 Fed. Reg. 59136** (8/29/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-20678.pdf>].

MERPAC – meeting on 13-14 September



The Merchant Marine Personnel Advisory Committee (MERPAC), sponsored by the US Coast Guard, will meet on 13-14 September in St. Louis. Topics on the agenda include: using military education, training, and assessment

for merchant mariner certification; implementation of 24 December 2013 STCW rulemaking; and fatigue mitigation and management. **81 Fed. Reg. 59232** (8/29/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-20641.pdf>].

MEDMAC – meeting on 15-16 September



The Merchant Mariner Medical Advisory Committee (MEDMAC), sponsored by the US Coast Guard, will meet on 15-16 September in St. Louis. Topics on the agenda include: chiropractors; mariners prescribed medical marijuana; and over-the-counter medications. **81 Fed. Reg. 59231** (8/29/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-20642.pdf>].

Baltimore – passenger vessel allides with pier



The US Coast Guard issued a **news release** stating that the passenger vessel Spirit of Baltimore allided with the pier at Henderson Wharf Marina in Baltimore. There were 447 persons on board. Reports indicate cosmetic damage to the vessel and damage to 60 feet of the pier. There were no reports of pollution. The incident is under investigation. (8/28/16) [<http://www.uscgnews.com/go/doc/4007/2878422/>].

USCG – towing industry annual safety report



The US Coast Guard, in cooperation with the American Waterways Operators (AWO), released the National Quality Steering Committee's **Annual Safety Report** for 2015. The committee looks at three safety measures to track overall trends in towing industry safety and environmental protection. (8/3/16) [<https://www.uscg.mil/hq/cg5/cg545/docs/CGAWO03Aug16.pdf>].

CBP – TSCA substance importation



The US Customs and Border Protection and the Treasury Department, in cooperation with the Environmental Protection Agency (EPA) propose to amend the regulations regarding the requirement to file a Toxic Substances Control Act (TSCA) certification when importing into the customs territory of the United States chemicals in bulk form or as part of mixtures and articles containing a chemical or mixture. Comments must be received by 28 September.

81 Fed. Reg. 59157 (8/29/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-29/pdf/2016-20546.pdf>].

BSEE – offshore production safety technologies



The Bureau of Safety and Environmental Enforcement (BSEE) issued a **press release** stating that the final rule regarding safety and maintenance requirements for offshore oil and gas production technologies has been approved and forwarded to the Office of the Federal Register for publication. (8/26/16) [<https://www.bsee.gov/newsroom/latest-news/statements-and-releases/press-releases/interior-issues-final-regulations-to-o>].

Court – TLP is not a vessel



The US Court of Appeals for the Fifth Circuit affirmed the denial of benefits under the Longshore and Harbor Workers' Compensation Act (LHWCA) to an employee allegedly injured in the employer's waterside marine fabrication yard while building a housing module designed for use on a tension leg offshore oil platform (TLP). The court held that the TLP is not a vessel and that plaintiff's activities did not have a sufficiently substantial nexus to outer continental shelf (OCS) operations. **Baker v. Gulf Island Marine Fabricators**, No. 15-60634 (5th Cir., August 19, 2016) [<http://www.ca5.uscourts.gov/opinions/pub/15/15-60634-CVO.pdf>]. *Note: This item was brought to my attention by my good friend Alan Spackman of the **International Association of Drilling Contractors**.*

Micronesia – AMVER vessel spots survivors



The US Coast Guard issued a **news release** stating that two individuals were rescued from an uninhabited island in the Federated States of Micronesia (FSM) following a seven-day search effort by multiple assets including 14 AMVER vessels. During the search, one of the AMVER vessels spotted flashing lights from the island. The Coast Guard vectored a USN search plane to the island and the individuals were sighted. A FSM patrol boat then completed the rescue. (8/26/16) [<http://www.uscgnews.com/go/doc/4007/2878162/>].

UK –post implementation review of regulations



The UK Maritime and Coastguard Agency (MCA) is opening a statutory **Post Implementation Review** (PIR) of its Merchant Shipping (Safety of

Navigation) (Amendment) Regulations 2011 to assess whether those amendments are still fit for purpose. The regulations were implemented in order to ensure that the master's discretion in decision-making is not compromised and to stipulate carriage requirements and necessary performance standards for Long Range Identification and Tracking (LRIT) equipment. Comments must be received by 16 September. (8/26/16)
[<https://www.gov.uk/government/consultations/statutory-post-implementation-review-pir-of-the-merchant-shipping-safety-of-navigation-amendment-regulations-2011-request-for-information>].

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

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