

## Headlines:

USCG – foreign rebuild determination;  
USCG – US build determination;  
DHS – Joint Task Forces for border & maritime security;  
NOAA – oceanic whitetip shark;  
FMC – petition for rulemaking; and  
Court – premature summary judgment.

December 29, 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>

**Contact me to help you reach your target audience**

*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. The biggest lie I tell myself is: "I don't need to write that down – I'll remember it."*

## **USCG – foreign rebuild determination**



The US Coast Guard posted a **determination letter** stating that, based on the estimated steel work to be done in a foreign shipyard to a coastwise-qualified barge that was damaged in foreign waters, the barge will continue to be coastwise-qualified. The owner, though, is required to submit evidence of the actual steel work performed when repairs have been completed. (12/21/16) [<https://www.uscg.mil/hq/cg5/nvdc/rebuild/Kirby.pdf>].

## **USCG – US build determination**



The US Coast Guard posted a **determination letter** stating that a vessel the hull and superstructure of which are wholly fabricated in the United States and the bolt-on components of which, although foreign built, are

assembled in the United States will be eligible for a coastwise trade endorsement. (12/21/16) [<https://www.uscg.mil/hq/cg5/nvdc/rebuild/watermaster.pdf>].

### DHS – Joint Task Forces for border and maritime security



The Department of Homeland Security (DHS) posted the **statement** of Secretary Jeh Johnson on the passage by Congress of the FY National Defense Authorization Act (**S. 2943**), which includes (in section 1901) provisions for strengthening DHS by approving the establishment of Joint Task Forces for border and maritime security. These Joint Task Forces are comprised of the US Coast Guard, US Immigration & Customs Enforcement (ICE), and US Customs and Border Protection (CBP). (12/27/16)

[<https://www.dhs.gov/news/2016/12/27/statement-secretary-johnson-passage-congress-fy-2017-ndaa-provisions-strengthening>].

### NOAA – oceanic whitetip shark



The National Oceanic and Atmospheric Administration (NOAA) issued a notice stating that it is considering designation of the oceanic whitetip shark as a threatened species. Comments must be received by 29 March 2017. **81 Fed. Reg. 96304** (12/29/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-12-29/pdf/2016-31460.pdf>].

### FMC – petition for rulemaking



The Federal Maritime Commission (FMC) issued a notice stating that the Coalition for Fair Port Practices has petitioned the FMC to initiate a rulemaking to clarify what constitutes 'just and reasonable rules and practices' with respect to the assessment of demurrage, detention, and per diem charges to ocean common carriers and marine terminal operators when ports are congested or otherwise inaccessible. Comments must be submitted by 28 February 2017. **81 Fed. Reg. 95612** (12/28/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-12-28/pdf/2016-31356.pdf>].

### Court – premature summary judgment



The US Court of Appeals for the First Circuit vacated an order of summary judgment in favor of a maritime employer in an action brought to

recover maintenance and cure payments made to defendant fisherman. The fisherman had returned to work on another fishing vessel while collecting maintenance and cure from plaintiff employer. The appellate court ruled that defendant had the right to notice and a reasonable time to respond before a motion for summary judgment could be granted. **Block Island Fishing v. Rogers**, No. 16-1267 (1st Cir., December 23, 2016) [<http://media.ca1.uscourts.gov/pdf.opinions/16-1267P-01A.pdf>].

### Join my mailing list



If you are not receiving my almost daily electronic newsletter and would like to have it sent directly to your email inbox, please send me an email, or see below:

Join Our Mailing List!



If you have questions regarding the above items or are interested in advertising in this newsletter, please contact the editor:

### 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>

© Dennis L. Bryant – December 2016



Redistribution permitted with attribution