

Headlines:

White House – waters of the United States;
EPA – waters of the United States;
USCG – REAL ID enforcement;
USCG – hoax SAR caller deterrence;
MERMED – meeting on 4-5 April;
NBSAC – meeting on 23-25 March;
NTSB – sinking of fishing vessel;
BSEE – dispersant effectiveness research;
Senate – bill introduced to lift Cuban trade embargo;
House – bill introduced re US vessel carriage;
House – bill introduced re navigable waters;
GAO – Navy fixed-price incentive contracts;
Court – LHWCA improper venue;
Court – soil stabilization contract;
Court – duty to passenger; and
California – Ballast Water Management Summit.

March 2, 2017



Bryant's Maritime News

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

Tel: 1-352-692-5493 – Email: 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** 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. Common sense is a flower that doesn't grow in everyone's garden.*

White House – waters of the United States



President Trump issued an **Executive Order** that, among other things, directs the Administrator of the Environmental Protection Agency (EPA) and the Assistant Secretary of the Army for Civil works to review the 2015 rulemaking relating to the definition of waters of the United States for consistency with his policy for restoring the rule of law, federalism, and economic growth. (2/28/17)

[<https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic>].

EPA – waters of the United States



The Environmental Protection Agency (EPA) issued a **news release** regarding the Executive Order concerning waters of the United States. (2/28/17) [<https://www.epa.gov/newsreleases/epa-act-waters-united-states-rule-1>].

USCG – REAL ID enforcement



The US Coast Guard issued guidance to its field units stating that, in accordance with the REAL ID Act of 2005, driver's licenses and identification cards from Maine, Minnesota, Missouri, Montana, and Washington may not be accepted for the purpose of accessing federal facilities and military installations. Enhanced Driver's Licenses from Minnesota and Washington are acceptable.

ALCOAST 064/17 (3/1/17)

[https://www.uscg.mil/announcements/ALCOAST/064-17_ALCOAST.txt].

Note: The guidance does not address the acceptability of driver's licenses and ID cards for merchant mariner certificate (MMC) and Transportation Worker Identification Credential (TWIC) applications.

USCG – hoax SAR caller deterrence



The US Coast Guard issued a **bulletin** stating that it is partnering with Carnegie Mellon University on voice and audio forensics to create an audio 'fingerprint' of callers on suspicious maritime search and rescue emergency calls to detect, identify, and deter hoax SAR callers. (3/1/17)

[<http://coastguard.dodlive.mil/2017/03/coast-guard-partners-to-deter-search-and-rescue-hoax-calls/>].

MERMED – meeting on 4-5 April



The Merchant Mariner Medical Advisory Committee (MERMED), sponsored by the US Coast Guard, will meet on 4-5 April in Martinsburg, West Virginia. Topics on the agenda include revisions to NVIC 04-08 and the Mariner Occupational Health Risk Study. **82 Fed. Reg. 12367** (3/2/17)

[<https://www.gpo.gov/fdsys/pkg/FR-2017-03-02/pdf/2017-04041.pdf>].

NBSAC – meeting on 23-25 March



The National Boating Safety Advisory Council (NBSAC), sponsored by the US Coast Guard, will meet on 23-25 March in Arlington, Virginia. Topics on the agenda include alternatives to pyrotechnic visual distress signals and grant projects. **82 Fed. Reg. 12366** (3/2/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-03-02/pdf/2017-04038.pdf>].

NTSB – sinking of fishing vessel



The National Transportation Safety Board (NTSB) issued the report of its investigation of the sinking, with loss of life, of the commercial fishing vessel Orin C off Cape Ann, Massachusetts on 3 December 2015. The three crew members abandoned the vessel just prior to its sinking. One crew member, though, lost consciousness before being pulled into a USCG motor lifeboat. Despite over an hour of CPR, the crew member died. The probable cause of the sinking was the structural failure of the vessel's wooden hull and subsequent flooding. While probably not a factor in the fisherman's death, the NTSB noted that the USCG motor lifeboat carried advanced first-aid equipment that the crew members knew how to operate. It recommended that at least one USCG crew member on each rescue vessel be trained in use of the first-aid and trauma equipment on board. **Marine Accident Brief 17-05** (2/28/17) [<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1705.pdf>].

BSEE – dispersant effectiveness research



The Bureau of Safety and Environmental Enforcement (BSEE) issued a **press release** stating that it funded oil spill research to measure dispersant effectiveness. (3/1/17) [<https://www.bsee.gov/newsroom/latest-news/statements-and-releases/press-releases/bsee-funds-oil-spill-research-to-measure>].

Senate – bill introduced to lift Cuban trade embargo



Senator Moran (R-KS) introduced a bill (S. 472) to lift the trade embargo on Cuba, and for other purposes. Official text of the bill is not yet available. (2/28/17).

House – bill introduced re US vessel carriage



Representative Garamendi (D-CA) introduced a bill (H.R. 1240) to require a certain percentage of liquefied natural gas and crude oil exports be transported on vessels documented under the laws of the United States, and for other purposes. Official text of the bill is not yet available. (2/28/17).

House – bill introduced re navigable waters



Representative Thornberry (R-TX) introduced a bill (H.R. 1261) to clarify the definition of navigable waters, and for other purposes. Official text of the bill is not yet available. (2/28/17).

GAO – Navy fixed-price incentive contracts



The Government Accountability Office (GAO) issued a report on Navy shipbuilding, in particular the use of fixed-price incentive (FPI) contracts. It found that half of the six such contracts reviewed did not document the Navy's justification for selecting this contract type. It also found that, in most of the 40 contracts reviewed, the contract terms resulted in the Navy absorbing the majority of the cost risk. The report recommends that the Navy document in the contract file its rationale for selecting a FPI contract and study the effectiveness of added incentives. [GAO-17-211](#) (3/1/17) [<http://www.gao.gov/assets/690/683085.pdf>].

Court – LWHCA improper venue



The Court of Federal Claims dismissed without prejudice a document submitted by a pro se plaintiff longshoreman asserting that his claim for compensation was improperly dismissed due to actions of his now-disbarred attorney. The court advised that the complaint should have been filed with the court of appeals for the circuit where work injury occurred. [Patillo v. United States](#), No. 16-1568C (CFC, February 23, 2017) [https://ecf.cofc.uscourts.gov/cgi-bin/show_public_doc?2016cv1568-8-0]. *Note: This matter was brought to my attention by my good friend Tom Langan of [Weeks Marine](#).*

Court – soil stabilization contract



In an unpublished decision, the US Court of Appeals for the Fifth Circuit affirmed the district court ruling in favor of defendant contractor in a dispute alleging breach of contract and negligent failure to warn over a contract between defendant and plaintiff shipbuilder for soil stabilization work at a facility in Houma. **LaShip, LLC v. Hayward Baker, Inc**, No. 1530816 (5th Cir., March 1, 2017) [<http://www.ca5.uscourts.gov/opinions/unpub/15/15-30816.o.pdf>].

Court – duty to passenger



In a mercifully brief unpublished decision, the US Court of Appeals for the Eleventh Circuit affirmed the district court grant of summary judgment in favor of defendant cruise line in plaintiff passenger's negligence action for the reasons stated in the district court's discussion of the duty owed to the plaintiff as well as the open and obvious nature of the danger presented. **Miller v. NCL (Bahamas) Ltd**, No. 16-12019 (11th Cir., March 1, 2017) [<http://media.ca11.uscourts.gov/opinions/unpub/files/201612019.pdf>].

California – Ballast Water Management Summit



The California State Lands Commission (SLC) issued a **notice** stating that the fourth annual Ballast Water Management Summit will be held in Long Beach on 6-8 March. (2/25/17) [<http://infocastinc.com/event/ballast-water-management-summit/>].

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 91st Way
Gainesville, FL 32608-8135
USA

1-352-692-5493
dennis.l.bryant@gmail.com
<http://brymar-consulting.com>

© **Dennis L. Bryant – March 2017**

 **Redistribution permitted with attribution**