

## Headlines:

USCG – new MSC website;  
USCG – boater safety education funding;  
USCG – BWMS type approval application received;  
USCG – amended BWMS type approval certificate;  
Court – OPA 90 exemptions not applicable;  
Court – LNG export licenses upheld; and  
Australia – ship accommodation ladders.

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# Bryant's Maritime News

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## **USCG – new MSC website**



The USCG Marine Safety Center (MSC) issued a **bulletin** announcing the enhancements of its new **website**. All of its plan review guides, tonnage guides, and ballast water type approvals may now be accessed there. (10/31/17) [[http://www.dco.uscg.mil/Portals/9/MSC/MSCIB/MSCIB\\_03-17.pdf](http://www.dco.uscg.mil/Portals/9/MSC/MSCIB/MSCIB_03-17.pdf)].

## **USCG – boater safety education funding**



The US Coast Guard issued a **bulletin** announcing that it may award up to \$5.1 million for cooperative agreements in support of the National Recreational Boating Safety Program. The deadline to apply is 26 January 2018. (11/8/17) [<http://mariners.coastguard.dodlive.mil/2017/11/08/1182017-notice-of-funding-opportunity-to-promote-boater-safety-education/>].

## USCG – BWMS type approval application received



The US Coast Guard issued a **bulletin** stating that it received an application for ballast water management system (BWMS) type approval for the Electro-Cleen System manufactured by Techcross, Inc. This is the eighth application received from BWMS type approval. (11/3/17)  
[<http://mariners.coastguard.dodlive.mil/2017/11/03/1132017-eighth-application-received-for-bwms-type-approval/>].

## USCG – amended BWMS type approval certificate



The US Coast Guard issued a **bulletin** stating that an updated ballast water management system (BWMS) type approval certificate has been issued to Optimarin AS for the Optimarin OBS/OBS Ex BWMS. (11/3/17)  
[<http://mariners.coastguard.dodlive.mil/2017/11/03/1132017-marine-safety-center-issues-amended-ballast-water-management-system-type-approval-certificate-to-optimarin-as/>].

## Court – OPA 90 exemptions not applicable



The US Court of Appeals for the Fifth Circuit ruled that the owner of a vessel that was operated in a grossly negligent manner while operating under a bareboat charter may be fully liable for an oil discharge caused by such operation. Defendant had bareboat chartered its tug Mel Oliver to DRD Towing, which then operated the tug under a fully found charter to defendant. The tug was pushing a loaded tank barge across the Mississippi River with an unqualified person in charge when it collided with a downbound vessel, causing the loss of the tank barge and its entire cargo. The court found that DRD Towing was not a third party because it was in a close contractual arrangement with defendant and that defendant could not limit its liability due to the gross negligence. **US v. American Commercial Lines, LLC**, No. 16-31150 (5th Cir., November 7, 2017)  
[<http://www.ca5.uscourts.gov/opinions/pub/16/16-31150-CVO.pdf>]. *Note: This item was brought to my attention by my good friend David Reisman of **Liskow & Lewis**.*

## Court – LNG export licenses upheld



The US Court of Appeals for the District of Columbia Circuit the petitions for review filed by an environmental advocacy group challenging defendant's approval of three LNG export license applications. The court found that the approval decisions were not arbitrary, capricious, or an abuse of discretion. **Sierra Club v. Department of Energy**, No. 16-1186 (D.C. Cir., November 1, 2017)

[[https://www.cadc.uscourts.gov/internet/judgments.nsf/53A522314213ED75852581CB00429F92/\\$file/16-1186.pdf](https://www.cadc.uscourts.gov/internet/judgments.nsf/53A522314213ED75852581CB00429F92/$file/16-1186.pdf)].

## Australia – ship accommodation ladders



The Australian Maritime Safety Authority (AMSA) issued a notice regarding potential hazards and risks associated with accommodation ladders rigged with unapproved or inadequate secondary means of support arrangements. **Marine Notice 13/2017** (November 2017)

[<https://apps.amsa.gov.au/MOReview/MarineNoticeExternal.html>].

## Great Lakes storm of 1913



In early November, 1913, a blizzard struck the US Midwest and the Canadian province of Ontario. The **Great Lakes storm of 1913** reached its highest intensity on 9 November. A total of 19 ships were sunk and another 19 were stranded on Lakes Superior, Michigan, Huron, and Erie. Cargo losses were in excess of 68,300 tons and were valued at over a million dollars. More than 280 mariners lost their lives in the most destructive natural disaster to ever strike the Great Lakes.

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