

## Headlines:

USCG – NVIC re pipeline & hose testing;  
Hawaii – wreck removal;  
USCG – Buzzards Bay PAWS study;  
USCG – Florida Keys safety zone;  
CBP – civil penalty inflation adjustment;  
NOAA – Steller sea lion;  
FMC – Supply Chain Innovation Report;  
Senate – NTSB authorization bill introduced;  
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Court – liability of yacht builder;  
EC – maritime spatial planning;  
ReCAAP – November report;  
UK – HMS Queen Elizabeth commissioned; and  
UK – explosions during carriage of U-IBA.

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# Bryant's Maritime News

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## **USCG – NVIC re pipeline & hose testing**



The US Coast Guard issued a Navigation and Vessel Inspection Circular (NVIC) providing guidance for pipeline and hose testing for marine transportation related facilities handling oil or hazardous material in bulk. **NVIC 06-17** (12/7/17)  
[[http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2017/NVIC\\_6-17.pdf](http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2017/NVIC_6-17.pdf)].

## Hawaii – wreck removal



The US Coast Guard issued a [news release](#) stating that the fishing vessel Pacific Paradise has been successfully removed from the reef off Kaimana Beach, Oahu. The vessel grounded on 10 October. Wreck removal efforts were complicated by unpredictable ocean conditions, the size and weight of the vessel, its location on a delicate coral reef, and its proximity to one of Hawaii's most populated beach areas. The vessel will be towed offshore and sunk in nearly 1,800 feet of water. (12/7/17)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/1ca8752>].

## USCG – Buzzards Bay PAWS study



The US Coast Guard issued a [news release](#) stating that it is conducting a Ports and Waterways Safety Assessment (PAWS) regarding Buzzards Bay. Webinars will be conducted on 10 January. A public workshop will be held in Wareham on 7-8 February. (12/7/17)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/1c99c7a>].

## USCG – Florida Keys safety zone



The US Coast Guard promulgated a temporary interim rule establishing a temporary safety zone for certain waters within the Sector Key West Captain of the Port (COTP) Zone, prohibiting vessels for entering into, anchoring, loitering, or movement within a safety zone around salvage or pollution removal vessels in the Florida Keys. The rule enters into effect immediately and remains in effect until 1 February 2018. [82 Fed. Reg. 57826](#) (12/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-12-08/pdf/2017-26462.pdf>].

## CBP – civil penalty inflation adjustment



The US Customs and Border Protection (CBP) promulgated a final rule adjusting certain civil monetary penalties for inflation, including the penalties for transporting passengers between coastwise points and towing a vessel between coastwise points. The amendments enter into effect immediately. [82 Fed. Reg.](#)

57821 (12/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-12-08/pdf/2017-26506.pdf>].

### NOAA – Steller sea lion



The National Oceanic and Atmospheric Administration (NOAA) issued a notice stating that it intends to conduct a 5-year review for the endangered western distinct population segment of Steller sea lion. Comments must be received by 6 February 2018. **82 Fed. Reg. 57955** (12/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-12-08/pdf/2017-26435.pdf>].

### FMC – Supply Chain Innovation Report



The Federal Maritime Commission (FMC) issued the **Supply Chain Innovation Report**. Among other things, the report recommends development of a National Seaport Information Portal to change the behavior of actors in the supply chain and increase the performance of the American freight delivery system. (12/7/17) [<https://www.fmc.gov/assets/1/Page/SCITFinalReport-reduced.pdf>].

### Senate – NTSB authorization bill introduced



Senator Thune (R-SD) introduced a bill (S. 2202) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes. Official text of the bill is not yet available. (12/6/17) [].

### Court – waiver of Carmack Amendment



In an unpublished decision, the US Court of Appeals for the Third Circuit ruled that, in an action by an insurer against two trucking companies for loss of cargo when the truck carrying the cargo from Georgia to Tennessee was stolen, a claim under the Carmack Amendment must be dismissed where the shipper and the carrier expressly agreed to a waiver of the Amendment. **Sanofi-Aventis US v. Great American Lines**, No. 16-3668 (3rd Cir., December 6, 2017) [<http://www2.ca3.uscourts.gov/opinarch/163668np.pdf>]. *Note: The Carmack*

*Amendment normally makes the carrier of cargo (regardless of mode) strictly liable to losses occurring in interstate commerce. Application of the Amendment is subject to waiver by the shipper and the carrier.*

## Court – liability of yacht builder



In an interesting unpublished decision, the US Court of Appeals for the Ninth Circuit affirmed the lower court ruling of liability of defendant yacht builder in an action brought by the yacht owner for breach of express and implied warranties. **Parker v. Alexander Marine**, No. 15-55995 (9th Cir., December 6, 2017) [<https://cdn.ca9.uscourts.gov/datastore/memoranda/2017/12/06/15-55995.pdf>].

## EC – maritime spatial planning



The European Commission (EC) issued a **press release** stating that it is referring to court matters against Bulgaria, Finland, and Greece for failure to adopt measures transposing into national law EU rules establishing a framework for maritime spatial planning. (12/7/17) [[http://europa.eu/rapid/press-release\\_IP-17-4774\\_en.htm](http://europa.eu/rapid/press-release_IP-17-4774_en.htm)].

## ReCAAP – November report



The ReCAAP Information Sharing Centre issued its **November 2017 Report**. During the month, reports were received of nine incidents of piracy and armed robbery against ships in Asian waters. The number of incidents reported during the period Jan-Nov in 2017 was the lowest among the ten-year reporting period. (12/7/17) [[http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core\\_Download&EntryId=579&PortalId=0&TabId=78](http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=579&PortalId=0&TabId=78)].

## UK – HMS Queen Elizabeth commissioned



The Royal Navy issued a **news release** stating that Her Majesty Queen Elizabeth commissioned HMS Queen Elizabeth. The new aircraft carrier is the largest ship ever commissioned in the fleet. (12/7/17) [<https://www.royalnavy.mod.uk/news-and-latest->

activity/news/2017/december/07/171207-queen-welcomes-royal-navys-largest-ever-ship-into-the-fleet].

## UK – explosions during carriage of U-IBA



The UK Marine Accident Investigation Branch (MAIB) issued the report of its investigation of the explosions on the bulk carrier Nortrader off Plymouth on 13 January. The ship, carrying a cargo of unprocessed incinerator bottom ash (U-IBA), suffered 2 explosions in quick succession. The first explosion was in the forecastle store and the second in the cargo hold. The chief engineer, in the forecastle store at the time, suffered second degree burns requiring 4 months to recover. The vessel suffered extensive damage putting it out of service for over 3 months. U-IBA is not included in the schedule of authorized cargoes of the International Maritime Solid Bulk Cargoes (IMSBC) Code. Appropriate tests could have identified the propensity of the cargo, U-IBA, to release hydrogen when wet. **Report 26-2017** (12/7/17) [<https://www.gov.uk/maib-reports/gas-explosions-on-general-cargo-ship-nortrader-with-1-person-injured>].

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