

Headlines:

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USCG – TWIC reader update;
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USCG – polar icebreaker PEIS;
MARAD – DWP license application received;
OSHA – shipyard cited for safety violations;
BSEE – seeking physical scientist;
Court – Himalaya Clause interpreted;
Arctic Council – Large Marine Ecosystems; and
Cyprus – electronic certificates accepted.

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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. 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. One must never blatantly assume the existence of right triangles.*

White House – TWIC Accountability Act



President Trump signed into law the **Transportation Worker Identification Credential Accountability Act of 2018** (H.R. 5729), which prohibits the Coast Guard from requiring use of a biometric reader until after submission of a report to Congress on the efficacy of credentialing requirements for enhancing security. (8/2/18) [<https://www.gpo.gov/fdsys/pkg/BILLS-115hr5729enr/pdf/BILLS-115hr5729enr.pdf>].

USCG – TWIC reader update



The US Coast Guard issued a **bulletin** providing an update regarding the TWIC reader final rule. (8/3/18)
[<http://mariners.coastguard.dodlive.mil/2018/08/03/8-3-2018-latest-developments-regarding-twic-reader-final-rule/>].

USCG & FEMA – MOU re PSGP



The US Coast Guard issued a **bulletin** announcing that it and the Federal Emergency Management Agency (FEMA) have signed a new Memorandum of Understanding (MOU) to formalize each agency's responsibilities relating to the Port Security Grant Program (PSGP). (8/3/18)
[<http://mariners.coastguard.dodlive.mil/2018/08/03/8-3-2018-coast-guard-fema-sign-new-port-security-grant-program-memorandum-of-understanding/>].

USCG – polar icebreaker PEIS



The US Coast Guard issued a notice stating that it has prepared a draft Programmatic Environmental Impact Statement (PEIS) for the Polar Icebreaker Program's design and build of up to six polar icebreakers. Comments must be submitted by 20 September. **83 Fed. Reg. 38317** (8/6/18)
[<https://www.gpo.gov/fdsys/pkg/FR-2018-08-06/pdf/2018-16760.pdf>].

MARAD – DWP license application received



The Maritime Administration (MARAD) issued a notice stating that it and the US Coast Guard have received an application from Texas Gulf Terminals, Inc. for the licensing of a deepwater port (DWP) in the Gulf of Mexico off the coast of Texas. **83 Fed. Reg. 38455** (8/6/18)
[<https://www.gpo.gov/fdsys/pkg/FR-2018-08-06/pdf/2018-16673.pdf>].

OSHA – shipyard cited for safety violations



The Occupational Safety and Health Administration (OSHA) issued a **news release** stating that it has cited Vigor Marine, Inc. for 16 willful and serious violations following an inspection at the shipbuilder's Portland, Oregon

facility. The company faces proposed penalties totaling \$370,358. (7/31/18)
[<https://www.osha.gov/news/newsreleases/region10/07312018>].

BSEE – seeking physical scientist



The Bureau of Safety and Environmental Enforcement (BSEE) seeks qualified applicants for the position of Physical Scientist, GS-1301-11/12/13; FPL: GS-13 at the Pacific Oil Spill Preparedness Section in Camarillo, California. BSEE-EEGG-18-KS-064(DEU): <https://www.usajobs.gov/GetJob/ViewDetails/506149100> . BSEE-EEGG-18-KS-065(MP): <https://www.usajobs.gov/GetJob/ViewDetails/506313600> . Closing Date: Friday, August 10th, 2018.

Court – Himalaya Clause interpreted



The US Court of Appeals for the Fifth Circuit affirmed the district court grant of summary judgment in favor of various links in a multimodal shipment chain that were sued by the owner of cargo damaged in shipment under a through bill of lading. The court held that the Himalaya Clause in the bill of lading prevailed over various clauses in the cargo owner's original contract with the intermediary who had arranged the shipment. **Royal SMIT Transformers v Onego Shipping**, No. 17-30543 (5th Cir., August 2, 2018) [<http://www.ca5.uscourts.gov/opinions/pub/17/17-30543-CV0.pdf>]. Note: This item was brought to my attention by my good friend Don Haycraft of **Liskow & Lewis**.

Arctic Council – Large Marine Ecosystems



The Arctic Council issued a **news release** announcing publication of a series of fact sheets on the Large Marine Ecosystems of the Arctic providing a new lens through which to see the Arctic's natural boundaries. (7/31/18) [<https://www.arctic-council.org/index.php/en/our-work2/8-news-and-events/492-lme-fact-sheets>].

Cyprus – electronic certificates accepted



The Cypriot Ministry of Shipping issued a notice stating that it now accepts electronic certificates issued by recognized organizations to the extent that the electronic documents conform to IMO standards. **Circular 14-2018** (7/13/18)

[[http://www.dms.gov.cy/dms/dms.nsf/All/38B555B2A847899FC22582C90020F07B/\\$file/14-2018%20\(2018-07-13\).pdf?OpenElement](http://www.dms.gov.cy/dms/dms.nsf/All/38B555B2A847899FC22582C90020F07B/$file/14-2018%20(2018-07-13).pdf?OpenElement)].

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