

Headlines:

USCG – review of rigid hull inflatable vessels;
USCG – hearing re Polar Security Cutter acquisition;
DOJ – F/V captain sentenced for interfering with USCG boarding;
NOAA – 2018 hurricane season draws to a close;
CBP – Vessel Repair Unit update;
Senate – BWM and vessel incidental discharge reform;
Court – clarification of ambiguous arbitration award;
UN – Emissions Gap Report 2018; and
Malta – poor maintenance led to crane collapse.

November 29, 2018



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>

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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. Why make the same mistake twice when there are so many possibilities?*

USCG – review of rigid hull inflatable vessels



The USCG Marine Safety Center (MSC) issued an updated technical note concerning rigid hull inflatable and rigid hull foam collar vessels. The MTN provides an alternative design standard equivalent to certain regulatory requirements found in 46 CFR Subchapters T and S for rigid hull inflatable and rigid hull foam collar small passenger vessels (RHIs). The major changes include adjustment of minimum collar material properties and clarification of acceptable drainage criteria and stability requirements. **MTN 1-08, Ch. 2** (11/21/18) [https://www.dco.uscg.mil/Portals/9/MSC/MTN/MTN.01-08.CH-2.2018.11.21.Review_of_Rigid_Hull_Inflatable_Vessels.pdf].

USCG – hearing re Polar Security Cutter acquisition



The US Coast Guard issued a **bulletin** stating that its Chief Acquisition Officer, Rear Adm. Michael Haycock, will testify Nov. 29, 2018, before the House Subcommittee on Coast Guard and Maritime Transportation regarding Polar Security Cutter acquisition. (11/28/18)

[<http://mariners.coastguard.dodlive.mil/2018/11/28/11-28-2018-congressional-hearing-alert-polar-security-cutter-acquisition/>].

DOJ – F/V captain sentenced for interfering with USCG boarding



The Department of Justice (DOJ) issued a **news release** stating that a fishing boat captain pleaded guilty to interfering with a Coast Guard inspection and was sentenced to two years of probation, with the first four months to be served in home confinement with electronic monitoring. When the Coast Guard boarded his vessel, the net was being towed behind. The boarding officer directed him to haul in the net for inspection. Instead, he let out more cable. He ignored a second order to reverse the winch and haul in the net, getting it go to full length, whereupon the cable snapped, swinging violently across the deck and endangering the crew and the boarding party. The net was later recovered from the ocean floor and was found to consist of three separate layers, effectively reducing the size of the mesh and allowing for the catch smaller fish. (11/28/18)

[<https://www.justice.gov/usao-ma/pr/new-bedford-fishing-boat-captain-sentenced-interfering-coast-guard-inspection>].

NOAA – 2018 hurricane season draws to a close



National Oceanic and Atmospheric Administration (NOAA) issued a **news release** stating that the 2018 hurricane season ends on Friday. During this season, there were 15 named storms, including eight hurricanes, of which two were major. The year will be remembered for Hurricanes Florence and Michael, which heavily impacted those in their paths and the first responders. (11/28/18)

[<https://www.noaa.gov/media-release/destructive-2018-atlantic-hurricane-season-draws-to-end>].

CBP – Vessel Repair Unit update



The US Customs and Border Protection (CBP) promulgated a technical amendment updating its regulations relating to the declaration, entry, and dutiable status of repair expenditures made abroad to certain US vessels to reflect

the Port of New Orleans as the only Vessel Repair Unit (VRU) location. The amendment enters into effect immediately. **83 Fed. Reg. 61318** (11/29/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-11-29/pdf/2018-25953.pdf>].

Senate – BWM and vessel incidental discharge reforms



The Congressional Record includes an **informative exchange** between Senator Thune (R-SD) and Senator Carper (D-DE) discussing the Coast Guard Authorization Act and that bill's reform of the ballast water management and vessel incidental discharge programs. (11/27/18) [<https://www.congress.gov/congressional-record/2018/11/27/senate-section/article/S7129-3>].

Court – clarification of ambiguous arbitration award



The US Court of Appeals for the Second Circuit affirmed a district court ruling that denied a petition by plaintiff reinsurance company to confirm an arbitration award and granted a cross-petition by defendant insurance company to confirm a clarified arbitration award. The appellate court recognized an exception to the doctrine of *functus officio* limiting the power of arbitrators to alter an award, holding that arbitrators retain their authority to clarify an award that is ambiguous. **General Re Life Corp v Lincoln National**, No. 17-2496-cv (2nd Cir., November 28, 2018) [http://www.ca2.uscourts.gov/decisions/isysquery/3560ca5b-467f-480a-bcd3-4a724d9a5711/1/doc/17-2496_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/3560ca5b-467f-480a-bcd3-4a724d9a5711/1/hilite/]. *Note: While this is not a maritime case, the same principle should apply to any arbitration award.*

UN – Emissions Gap Report 2018



The United Nations released the **Emissions Gap Report 2018**, which shows that global carbon dioxide (CO₂) emissions rose again during 2017 after a three year hiatus, highlighting the imperative for countries to deliver on the historic **Paris Agreement** to keep global warming to below 2°C above pre-industrial levels. (11/27/18) [<https://www.unenvironment.org/resources/emissions-gap-report-2018>].

Malta – poor maintenance led to crane collapse



Transport Malta issued the report of its investigation of the deck slewing crane failure on the product tanker Bozdag in the port of Tallinn on 28 November 2017. During a test of the tanker's deck slewing crane, a load in excess of the safe working load was lifted. The load slipped and the crane's jib collapsed. Two crew members in the crane's cabin were injured. Investigation revealed that the crane had not been maintained adequately. **Report 22-2018** (11/27/18) [https://mtp.gov.mt/en/msiu/Documents/MV%20Bozdag_Final%20Safety%20Investigation%20Report.pdf].

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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>

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