

Headlines:

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USCG – 15th BWMS type-approval issued;
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Court – vicarious liability;
EC – ‘no-deal’ Brexit measures;
GLA – ATON review;
UK – Russian freighter refloated; and
Holiday greeting.

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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](http://brymar-consulting.com) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](mailto:dennis.l.bryant@gmail.com) 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. The proposal is all very well in practice, but it will never work in theory.

New York – asphalt carrier disabled after fire



The news release stating that an asphalt carrier suffered an engine room fire about three miles south of Breezy Point in New York Harbor. There have been no reports of injuries or pollution. A salvage plan is being developed for the disabled vessel. (12/19/18)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/2239e6c>].

USCG – E-Zero designation



The US Coast Guard issued a **bulletin** announcing that the tanker Nordic Ann has earned an E-Zero designation, having demonstrated the highest commitment to maintaining compliance with US and international safety, security, and environmental regulations. (12/19/18)
[<http://mariners.coastguard.dodlive.mil/2018/12/19/12-19-2018-congratulations-to-the-latest-e-zero-designees/>].

USCG – 15th BWMS type-approval issued



The US Coast Guard issued a **bulletin** stating that a ballast water management system (BWMS) type-approval certificate has been issued to De Nora Water Technologies Texas for its BALPURE BWMS. (12/19/18)
[<http://mariners.coastguard.dodlive.mil/2018/12/19/12-19-2018-marine-safety-center-issues-ballast-water-management-system-type-approval-certificate-to-de-nora-water-technologies-texas-llc/>].

USCG – APEC Conference maritime security



The US Coast Guard issued a **news release** stating that 94 USCG personnel and six small boats provided waterside security during the 12-18 November Asian Pacific Economic Cooperation (APEC) Economic Leaders Conference in Port Moresby, Papua New Guinea. (12/19/18)
[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/2239291>].

DOE – simplifying LNG export reporting requirements



The Department of Energy (DOE) issued a **news release** stating that it will only require LNG exporters to report the country or countries of deliveries, not the country of end-use. (12/19/18)
[<https://www.energy.gov/articles/departments-energy-moves-increase-certainty-and-streamline-lng-exports>].

Court – bunker subcontractor has no maritime lien



The US Court of Appeals for the Second Circuit affirmed the district court's partial final judgment denying a bunker supplier's claim of a maritime lien for bunkers provided to a vessel where the claimant was a subcontractor. The bunker contractor had gone into bankruptcy without paying the subcontractor. **Clearlake Shipping v Nustar Energy Services**, No. 17-1458-cv (2nd Cir., December 19, 2018)

[http://www.ca2.uscourts.gov/decisions/isysquery/68f71bea-40bf-42b5-b292-4a7fbcdfa4db/2/doc/17-1458_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/68f71bea-40bf-42b5-b292-4a7fbcdfa4db/2/hilite/].

Court – bunker supplier may have maritime lien



The US Court of Appeals for the Second Circuit vacated the district court judgment denying a bunker supplier's claim of a maritime lien for bunkers provided to a vessel where the claimant asserted that the vessel owner's purchase orders specified that the physical supplier of the bunkers was to be the claimant. **US Oil Trading v MV Vienna Express**, No. 17-0922 (2nd Cir., December 19, 2018)

[http://www.ca2.uscourts.gov/decisions/isysquery/68f71bea-40bf-42b5-b292-4a7fbcdfa4db/1/doc/17-922_17-931_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/68f71bea-40bf-42b5-b292-4a7fbcdfa4db/1/hilite/].

Court – premature summary judgment



In an unpublished decision, the US Court of Appeals for the Second Circuit vacated an award of summary judgment in a bunker supplier dispute regarding the forum for arbitration, requiring further consideration of contract terms. **NCL (Bahamas) v OW Bunker USA**, No. 17-4028 (2nd Cir., December 19, 2018) [http://www.ca2.uscourts.gov/decisions/isysquery/6c29e711-5607-41c0-895b-b5181def25f7/6/doc/17-4028_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/6c29e711-5607-41c0-895b-b5181def25f7/6/hilite/].

Court – LHWCA and borrowed employee doctrine



The US Court of Appeals for the Ninth Circuit affirmed the award of summary judgment in favor of defendant shipyard in a personal injury case brought under admiralty law. Plaintiff was employed by another company, but had been assigned to work for the shipyard for about a year and was directly supervised by shipyard employees. Following her injury, plaintiff filed a Longshore and Harbor Workers' Compensation Act (LHWCA) claim against her employer and received compensation thereunder. In a case of first impression for the circuit, the appellate court held that the borrowed employee doctrine applies to individuals who have been compensated under the LHWCA. **Cruz v National Steel & Shipbuilding**, No. 17-55441 (9th Cir., December 19, 2018) [<http://cdn.ca9.uscourts.gov/datastore/opinions/2018/12/19/17-55441.pdf>].

Court – vicarious liability



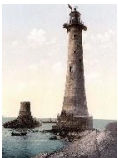
The US Court of Appeals for the Fifth Circuit affirmed the award of summary judgment in favor of defendant tug owner in a seaman's personal injury case alleging negligence and unseaworthiness. Plaintiff crew member incurred an injury while working onboard the vessel in port. The master called 911. An ambulance arrived and took plaintiff to a local hospital. Due to negligent treatment at the hospital, plaintiff is now permanently incapacitated. The court held that defendant vessel owner had no role in the selection of the hospital and is not vicariously for its negligent treatment. **Randle v Crosby Tugs**, No. 17-30963 (5th Cir., December 19, 2018) [<http://www.ca5.uscourts.gov/opinions/pub/17/17-30963-CVo.pdf>].

EC – 'no-deal' Brexit measures



The European Commission (EC) issued a **press release** announcing a package of 14 measures to be undertaken in the event of a 'no-deal' Brexit. (12/19/18) [].

GLA – ATON review



The Irish Commissioners of Lights (CIL) posted a **notice** stating that the General Lighthouse Authorities (GLA) will be undertaking a review of aids to

navigation (ATON) provided around the coasts of Great Britain and Ireland during 2019. The Review will be published in 2020 and will inform the GLAs' work plans for the following five-year period. (12/31/18)
[<https://www.irishlights.ie/safety-navigation/notices-to-mariners/2019-04-navigation-review.aspx>].

UK – Russian freighter refloated



The UK Maritime and Coastguard Agency (MCA) issued a **news release** concerning the refloating of the Russian freighter that had grounded off Cornwall. (12/19/18) [<https://www.gov.uk/government/news/russian-carrier-ship-which-ran-aground-off-cornwall-is-refloated>].

Holiday greetings



We are fully into the holiday season. I want to take this opportunity to thank the many long-suffering readers who have sent me greetings, either electronically or via snail-mail. And I particularly want to thank the many readers who have sent contributions to help defray the cost of compiling and distributing this newsletter. Please know that your thoughts and efforts have been appreciated! Be safe and spend more time with your loved ones.

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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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