

Headlines:

Houston Ship Channel – fully reopened;
FMC – meeting;
DOE – wave energy prize competition;
USCG – CRADA proposed;
USCG – PWSRCAC;
OEAB – meeting;
Court – well site leaders are not seamen;
Court – prejudgment interest rate; and
ADM John Byng, RN executed – 14 March 1757.

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Bryant's Maritime News

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Houston Ship Channel – fully reopened



The US Coast Guard issued a [news release](#) [located at <http://www.uscgnews.com/go/doc/4007/2477838/>] stating that the Houston Ship Channel has been fully reopened following completion of the initial salvage of the damaged chemical tanker and its removal from the Channel. Investigation of the marine casualty continues. (3/12/15).

FMC – meeting



The Federal Maritime Commission (FMC) issued a notice stating that the Commissioners will meet on 18 March in Washington, DC. During the open session, the commissioners will receive a briefing on monitoring the Latin American trades. During the closed session, they will receive briefings on Consumer Affairs and Dispute Resolution Services Inter-Agency Outreach and on

the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (S. 2444). **80 Fed. Reg. 13376** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05955.pdf>] (3/13/15).

DOE – wave energy prize competition



The Department of Energy (DOE) issued a notice stating that seeks public comments on its draft Wave Energy Prize Rules and Terms and Conditions. DOE proposes to award a grand prize of \$1.5 million for the design, construction, and test/evaluation of game-changing performance enhancements to wave energy conversion (WEC) devices. Comments must be received by 20 March. **80 Fed. Reg. 13365** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05770.pdf>] (3/13/15).

USCG – CRADA proposed



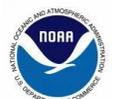
The US Coast Guard issued a notice stating that it intends to enter into a Cooperative Research and Development Agreement (CRADA) with Vector Controls, Inc. to develop changes to the response boat-medium (RB-M) onboard engine data bus that will convert Society of Automotive Engineers (SAE) J1939 format to the National Marine Electronics Association (NMEA) 0183/2000 data format. Comments must be submitted by 13 April. **80 Fed. Reg. 13401** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05418.pdf>] (3/13/15).

USCG – PWSRCAC



The US Coast Guard issued a notice stating that it has recertified the charter of the Prince William Sound Regional Citizens' Advisory Council. **80 Fed. Reg. 13403** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05806.pdf>] (3/13/15).

OEAB – meeting



The Ocean Exploration Advisory Board (OEAB), sponsored by the National Oceanic and Atmospheric Administration (NOAA), will meet in La Jolla on 31 March – 1 April. **80 Fed. Reg. 13332** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05775.pdf>] (3/13/15).

Court – well site leaders are not seamen



The US Court of Appeals for the Fifth Circuit ruled that well site leaders working on the MODU Deepwater Horizon when it suffered an explosion and fire resulting in eleven deaths are not subject to prosecution under the Seaman's Negligence Act because they are not "seamen" for purposes of that statute. While the individuals had certain responsibilities with regard to the drilling of the well, they had no responsibilities for the operation of vessel itself as a vessel. **United States v. Kaluza**, No. 14-30122 (5th Cir., March 11, 2015) [located at <http://www.ca5.uscourts.gov/opinions/pub/14/14-30122-CR0.pdf>]. *Note: This item was first brought to my attention by my good friend Alan Spackman of the International Association of Drilling Contractors.*

Court – prejudgment interest rate



In an unpublished decision, the US Court of Appeals for the Second Circuit ruled that district courts have broad discretion in awarding prejudgment interest and that the court in this seaman's death case did not abuse its discretion in utilizing the forum state's rate of 9%. **Moran Towing v. Young**, No. 14-482-cv (2nd Cir., March 12, 2015) [located at http://www.ca2.uscourts.gov/decisions/isysquery/48cfad1f-36e9-4af9-b487-08268001191e/6/doc/14-482_so.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/48cfad1f-36e9-4af9-b487-08268001191e/6/hilite/]. *Note: This item was first brought to my attention by my friend Charles Davis of The Law Office of Charles M. Davis.*

ADM John Byng, RN, executed – 14 March 1757



On 14 March 1757, Admiral John Byng, Royal Navy, was executed by firing squad while he was kneeling on the fore-castle of *HMS Monarch* in the Solent. Admiral Byng had been court-martialed for personal cowardice, disaffection, and for not having done his utmost to prevent Minorca from falling to the French following the Battle of Minorca on 20 May 1756. He was convicted only of "failing to do his utmost". The British and French fleets were numerically equal (ten ships each), but the British had scrapped their group together hastily and its ships were in disrepair. The British fleet suffered significant, but not fatal, battle damage. When the French fleet departed at the end of the engagement, Admiral Byng did not order his fleet to follow. Rather, he had the fleet sail to Gibraltar for repairs. It was this departure to Gibraltar that the court-martial interpreted as a failure by the Admiral to do his utmost against the French. The court-martial was highly controversial, with many contending that the Navy panel had found the Admiral guilty to hide their own failure to

properly prepare the fleet for the mission. Regardless, the event is said to have instilled a tradition of aggressiveness in Royal Navy officers.

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