

Headlines:

Ohio River – closed at Lock and Dam 52;
NTSB – damage to submerged pipeline;
Court – anchoring is not excavation;
Panama Canal – call for strike lifted; and
Singapore – LRIT conformance testing & certification.

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Bryant's Maritime News

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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, requiring use of Adobe Acrobat Reader. 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'll never work in theory.

Ohio River – closed at Lock and Dam 52



The US Coast Guard issued a [news release](http://www.uscgnews.com/go/doc/4007/2582782/) [located at <http://www.uscgnews.com/go/doc/4007/2582782/>] stating that the Ohio River at mile marker 939, near Paducah, has been closed to navigation due to construction on Lock and Dam 52. The US Army Corps of Engineers (USACE) has begun raising the wickets on the dam. (8/12/15).

NTSB – damage to submerged pipeline



The National Transportation Safety Board (NTSB) posted the report of its investigation into the subsea pipeline damage by the articulated tug-barge (ATB) Valiant/Everglades in the Gulf of Mexico on 17 November 2014. The ATB lost propulsion and drifted to within about 20 yards of the East Cameron (EC) 321A production platform in the Gulf of Mexico, forcing the shutdown of the platform and evacuation of its 35 crewmembers about 0600. The captain of the tug ordered the anchor dropped to slow the ATB until propulsion was restored, and in the process of backing away, the anchor ruptured a subsea pipeline,

causing an estimated \$2 million in damage and the release of a total of about 249,800 mcf of natural gas. Neither the platform nor the ATB was damaged, and no one was injured. The NTSB determined that the probable cause of the damage to the subsea natural gas pipeline was the anchor from the ATB dragging across the pipeline after the vessel lost starting air pressure and propulsion due to the opening of an unprotected air system valve on deck. **MAB 15-15** [located at <http://www.nts.gov/investigations/AccidentReports/Reports/MAB1515.pdf>] (8/12/15).

Court – anchoring is not excavation



In an unpublished decision, the US Court of Appeals for the Fifth Circuit ruled that using a dredge's cutter head to hold the dredge in position constitutes anchoring rather than excavation. Defendant's dredge lowered its cutter head into the seabed in Louisiana waters while seeking to secure its position. The cutter head struck and damaged plaintiff's submerged pipeline. Among other things, plaintiff alleged that defendant's actions violated a state statute requiring that persons planning to excavate near an underground utility or facility must give at least 48 hours' notice to the appropriate regional notification center, which then notifies the utility or facility owner. Defendant's motion for partial summary judgment on this issue was granted and plaintiff appealed. The appellate court held that the dredge was in the process of anchoring and that anchoring does not fall within the state statute's definition of excavation. **Plains Pipeline v. Great Lakes Dredge & Dock**, No. 14-31046 (5th Cir., August 12, 2015) [located at <http://www.ca5.uscourts.gov/opinions/unpub/14/14-31046.o.pdf>].

Panama Canal – call for strike lifted



The Panama Canal Authority (ACP) issued a **press release** [located at <http://www.pancanal.com/eng/pr/press-releases/2015/08/12/pr555.html>] stating that the recent call for a union labor strike involving the Panama Canal expansion project has been lifted. The union and the project's prime contractor have reached an agreement. The expansion project is currently 93% complete. (8/12/15).

Singapore – LRIT conformance testing & certification



The Singapore Maritime and Port Authority (MPA) posted a circular advising owners and operators of Singapore ships on the new appointment of testing Application Service Providers (ASPs) to conduct LRIT conformance testing. **Shipping Circular 14-2015** [located at http://www.mpa.gov.sg/sites/circulars_and_notices/pdfs/shipping_circulars/sc_no_14_of_2015.pdf] (7/24/15).

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If you have questions regarding the above items, please contact the editor:

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