

Headlines:

NTSB – El Faro VDR located;
FMC – optional filing method;
NLRB – class action arbitration waiver struck down;
DOD – Freedom of Navigation report;
New Zealand – verified gross mass reminder; and
SS Sultana explosion and fire – 27 April 1865.

April 27, 2016



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. Be the person that your dog thinks you are.

NTSB – El Faro VDR located



The National Transportation Safety Board (NTSB) issued a **press release** stating that the voyage data recorder (VDR) of the El Faro has been located in 15,000 feet of water. The ship sank on 1 October 2015 during Hurricane Joaquin. The next step will be the actual recovery of the VDR, which hopefully has retained information regarding what was happening on the ship before it sank, resulting in the deaths of all 33 persons on board. (4/26/16) [<http://www.nts.gov/news/press-releases/Pages/PR20160426b.aspx>].

FMC – optional filing method



The Federal Maritime Commission (FMC) promulgated a direct final rule adding an optional method of filing ocean common carrier and marine terminal operator agreements through a new electronic filing system. This new

rule will enter into effect on 13 June unless significant adverse comment is received by 27 May. **81 Fed. Reg. 24703** [] (4/27/16).

NLRB – class action arbitration waiver struck down



The National Labor Relations Board (NLRB) posted on its website its **Decision and Order** in the matter of Victory II, LLC and Donald Morgan, Case 12-CA-146110 (363 NLRB No. 167 (April 22, 2016)). This decision holds that casino ship respondent violated Section 8(a)(1) of the National Labor Relations Act by requiring its employees to sign a waiver barring the arbitration of claims on a class action basis. [<https://www.nlr.gov/cases-decisions/board-decisions>]. *Note: This item was brought to my attention by my good friend Keith Heard of **Burke & Parsons**.*

DOD – Freedom of Navigation report



The Department of Defense (DOD) issued a **news release** stating that during fiscal year 2015 US forces challenged excessive maritime claims asserted by thirteen nations. (4/25/16) [<http://www.defense.gov/News/News-Releases/News-Release-View/Article/742156/dod-releases-2015-fiscal-year-freedom-of-navigation-report>].

New Zealand – verified gross mass reminder



Maritime New Zealand (MNZ) issued a **notice** reminding stakeholders that all shipping containers for export from New Zealand will need verified weights before they can be loaded on a ship from 1 July. Shippers are responsible for providing the verified gross mass (VGM) of the container on the shipping documents. The ship's master cannot allow the container to be loaded without this information. (4/26/16) [<http://www.maritimenz.govt.nz/Commercial/Shipping-safety/cargo/container-weight.asp>]. MNZ also posted a set of **Questions and Answers** regarding this upcoming requirement. (4/26/16) [<http://www.maritimenz.govt.nz/Commercial/Shipping-safety/cargo/container-weight-qas.asp>].

SS Sultana explosion and fire – 27 April 1865



151 years ago, the United States experienced its most significant marine casualty in terms of lives lost. On that day the steamship *Sultana* exploded and caught fire. An estimated 1,800 of the approximately 2,400 passengers and crew died after one of the ship's boilers exploded. The ship had just left Vicksburg en route St. Louis. It was carrying numerous Union Army veterans home, many recently released from Confederate prisons. As a result of this tragedy, inspection standards for steamships were strengthened.

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

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