

## Headlines:

NTSB – fatigue-induced collision;  
Mississippi River – master falls overboard;  
Upper Niagara River – boaters towed to safety;  
USCG – inspection of towing vessels COI;  
DOJ – tanker owner and operator indicted;  
Court – use of low frequency sonar;  
EU – comment on arbitral award;  
ReCAAP – half-yearly report;  
Australia- cartel guilty plea;  
Singapore – 4G/LTE broadband wireless scheme; and  
MREN – Slow walking the inspection of towing vessels.

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# Bryant's Maritime News

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## **NTSB – fatigued-induced collision**



The National Transportation Safety Board (NTSB) issued the report of its investigation of the collision between the Coast Guard patrol boat USCGC Key Largo and the fishing vessel Sea Shepherd near Vieques Island on 23 September

2014 with the subsequent sinking of the fishing vessel. There were no injuries. The investigation determined that the probable cause of the collision was the failure of the patrol boat's officer of the deck (OOD) to detect and avoid the fishing vessel, most likely because he had fallen asleep prior to the collision, having had only 3.5 hours of sleep in the prior 24. Contributing to the collision was the failure of the OOD to report to the commanding officer his unfitness for duty due to lack of sleep. The report also noted that the Coast Guard had developed a Crew Endurance Management (CEM) program to address fatigue, but that the program had not been implemented. **MAB 16-09** (7/11/16) [<http://www.nts.gov/investigations/AccidentReports/Reports/MAB1609.pdf>].

### **Mississippi River – master falls overboard**



The US Coast Guard issued a **news release** stating that the master of the freighter African Raptor fell into the Mississippi River at mile marker 179 near Donaldson while attempting to board the vessel from a crew boat. He was wearing a personal flotation device. (7/17/16) [<http://www.uscgnews.com/go/doc/4007/2865893/>].

### **Upper Niagara River – boaters towed to safety**



The US Coast Guard issued a **news release** stating that a recreational vessel with two persons on board lost power on the Upper Niagara River above the Canadian Falls. When it was unable to anchor, the water level on the river was lowered, causing the boat to ground. A tow line was floated to the boat, which was then towed to shore. (7/18/16) [<http://www.uscgnews.com/go/doc/4007/2865998/>].

### **USCG – inspection of towing vessels COI**



The US Coast Guard issued a notice stating that the Office of Management and Budget (OMB) has approved the collection of information (COI) requirements of the Inspection of Towing Vessels final rule, making those recordkeeping and reporting requirements enforceable. **81 Fed. Reg. 46848** (7/19/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-07-19/pdf/2016-17007.pdf>].

## DOJ – tanker owner and operator indicted



The Department of Justice (DOJ) issued a **news release** stating that a ship management company, a corporate vessel owner, and three former engineering officers of the tank vessel Green Sky were indicted by a federal grand jury of failing to keep an accurate oil record book (ORB), obstruction of justice, and conspiracy. In a related development, the tanker's former master pleaded guilty to one count of obstruction of justice. (7/15/16)

[<https://www.justice.gov/opa/pr/liberian-ship-management-company-corporate-vessel-owner-and-three-engineering-officers>].

## Court – use of low frequency sonar



The US Court of Appeals for the Ninth Circuit reversed a district court grant of summary judgment in favor of the Secretary of Commerce in a case brought by the Natural Resources Defense Council (NRDC) and other environmental advocacy groups relating to the US Navy use of surveillance towed array sensor system low frequency active sonar. The National Marine Fisheries Service (NMFS) recently authorized, under the Marine Mammal Protection Act (MMPA), the incidental take of marine mammals through use of the sonar. The appellate court held that the NMFS authorization was not in accordance with the MMPA because it did not establish the means of effecting the least practicable adverse impact on marine mammal species, stock, and habitat. The authorization impermissibly conflated the least practicable adverse impact standard with the negligible impact finding. The case has been remanded for further consideration. **NRDC v. Pritzker**, No. 14-16375 (9th Cir., July 15, 2016) [<http://cdn.ca9.uscourts.gov/datastore/opinions/2016/07/15/14-16375.pdf>].

## EU – comment on arbitral award



The European Union (EU) issued a **press release** stating that it acknowledges the Award rendered by the Arbitral Tribunal in arbitration between the Republic of the Philippines and the People's Republic of China and urges the parties to resolve the dispute through peaceful means in accordance with the framework of the United Nations Convention on the Law of the Sea (UNCLOS). (7/15/16) [<http://www.consilium.europa.eu/en/press/press-releases/2016/07/15-south-china-sea-arbitration/>].

## ReCAAP – half-yearly report



The ReCAAP Information Sharing Centre issued its **Half-Yearly Report**. The report for January-June 2016 shows 41 reports of incidents of piracy and armed robbery against ships in Asian water as compared with 114 reports during the same period in 2015, a 64% decrease. (7/18/16) [[http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core\\_Download&EntryId=454&PortalId=0&TabId=78](http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=454&PortalId=0&TabId=78)].

## Australia – cartel guilty plea



The Australian Competition & Consumer Commission (ACCC) issued a **media release** stating that Nippon Yusen Kabushiki Kaisha (NYK) pleaded guilty in federal court for cartel conduct in connection with the transportation of vehicles to Australia between July 2009 and September 2012. The investigation into other alleged cartel participants is continuing. (7/18/16) [<http://www.accc.gov.au/media-release/australia%E2%80%99s-first-criminal-cartel-charge-laid-against-nyk>].

## Singapore – 4G/LTE wireless broadband scheme



The Singapore Maritime and Port Authority (MPA) issued a circular announcing a funding scheme for development of 4G/LTE wireless broadband availability within port waters. **Port Marine Circular 12-2016** (7/18/16) [<http://www.mpa.gov.sg/web/portal/home/port-of-singapore/circulars-and-notices/detail/05e3c4dd-dcdo-4301-84ed-c9b4af9b9be3>].

## MREN – Slow walking the inspection of towing vessels



My article “**Slow walking the inspection of towing vessels**”, may be found in the July 2016 edition of Maritime Reporter & Engineering News. In the article, I discuss the US Coast Guard's recent rulemaking on the inspection of towing vessels - Subchapter M. The article points out that, while the regulations have technically entered into effect, many of their provisions will not become applicable until a future date. For example, the requirement for each covered towing vessel to have a valid certificate of inspection (COI) will be phased in over the next six years. (7/18/16) [<http://www.brymar-consulting.com/wp-content/uploads/MREN/MREN160700.pdf>].

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