

Headlines:

FERC – LNG export facility;
EPA – NO₂ Primary Assessment;
FMC – Commissioner Cordero to depart;
MARAD – Port Planning & Investment Toolkit;
House – bill introduced re harbor maintenance funding;
Court – overtime compensation; and
Court – ship owner responsibility under LHWCA.

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Bryant's Maritime News

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FERC – LNG export facility



The Federal Energy Regulatory Commission (FERC) issued a notice stating that it received an application from Driftwood LNG LLC seeking authorization to construct and operate an LNG export facility in Calcasieu Parish, Louisiana. Comments must be received by 2 May. **82 Fed. Reg. 18140** (4/17/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-04-17/pdf/2017-07695.pdf>].

EPA – NO₂ Primary Assessment



The Environmental Protection Agency (EPA) issued a notice announcing the availability of its Policy Assessment for the Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (NO₂ PA). **82 Fed. Reg. 17947** (4/14/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-04-14/pdf/2017-07558.pdf>].

FMC – Commissioner Cordero to depart



The Federal Maritime Commission (FMC) issued a **news release** stating that Commissioner Mario Cordero is leaving the Commission to accept a position with the Port of Long Beach. (4/15/17)
[http://www.fmc.gov/NR_17_08/].

MARAD – Port Planning & Investment Toolkit



The Maritime Administration (MARAD) issued a **news release** stating that, in cooperation with private sector stakeholders, it has completed the final two modules of the Port Planning and Investment Toolkit (PPIT). (4/15/17)
[https://www.marad.dot.gov/newsroom/news_item/2017/aapa-marad-complete-final-two-modules-of-port-planning-and-investment-toolkit/].

House – bill introduced re harbor maintenance funding



Representative Kelly (R-PA) introduced the **Investing in America: Unlocking the Harbor Maintenance Trust Fund Act** (H.R. 1908) to provide for the use of funds in the Harbor Maintenance Trust Fund for the purposes for which the funds were collected and to ensure that funds credited to the Harbor Maintenance Trust Fund are used to support navigation. Representative Kelly issued a **press release** explaining the measure. (4/5/17)
[<https://www.gpo.gov/fdsys/pkg/BILLS-115hr1908ih/pdf/BILLS-115hr1908ih.pdf>].

Court – overtime compensation



The US Court of Appeals for the Eleventh Circuit ruled that entitlement to overtime compensation under the Fair Labor Standards Act must be determined based on the appropriate compensation period. Plaintiff sold cruises for defendant cruise line. His base pay was calculated weekly, while his commissions were calculated monthly. The court held that, in this situation, his entitlement to overtime compensation should be determined on a monthly basis. **Freixa v Prestige Cruise Services**, No. 16-13745 (11th Cir., April 13, 2017)
[<http://media.ca11.uscourts.gov/opinions/pub/files/201613745.pdf>].

Court – ship owner responsibility under LHWCA



In an unpublished decision, the US Court of Appeals for the Eleventh Circuit affirmed the district court ruling that the ship owner breached no duty under the Longshore and Harbor Workers' Compensation Act (LHWCA) when a longshoreman was injured during the stevedore's loading of cargo in accordance with the owner's general instructions. **Miller v. Navalmar (UK) Ltd**, No. 16-11967 (11th Cir., April 14, 2017)

[<http://media.ca11.uscourts.gov/opinions/unpub/files/201611967.pdf>].

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