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NTSB – marine investigation procedures;  
NTSB – investigation procedures;  
NTSB – tropical cyclone information recommendations;  
NTSB – engine room fire;  
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USCG – cyber risk reminder;  
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Panama Canal – Safe Boarding Week;  
Panama Canal – Expanded Canal first anniversary; and  
Declaration of Independence Day – July Fourth.

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# Bryant's Maritime News

Bryant's Maritime Consulting - 4845 SW 91<sup>st</sup> Way - Gainesville, FL 32608-8135 - USA

Tel: 1-352-692-5493 – Email: [dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com) – Internet: <http://brymar-consulting.com>

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## **NTSB – marine investigation procedures**



The National Transportation Safety Board (NTSB) promulgated an interim rule adding a new subpart for marine casualty investigations. The revised procedures enter into effect on 31 July. Comments should be submitted by 31 July. **82 Fed. Reg. 29690** (6/29/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-06-29/pdf/2017-12983.pdf>].

## NTSB – investigation procedures



The National Transportation Safety Board (NTSB) promulgated a final rule to reorganize, clarify, and update its regulations for conducting transportation investigations, with the exception of marine casualty investigations, which are addressed separately. The new procedures enter into effect on 31 July. **82 Fed. Reg. 29670** (6/29/17)  
[<https://www.gpo.gov/fdsys/pkg/FR-2017-06-29/pdf/2017-12988.pdf>].

## NTSB – tropical cyclone information recommendations



The National Transportation Safety Board (NTSB) issued a safety recommendation report urging the National Oceanic and Atmospheric Administration (NOAA), the National Weather Service (NWS; a component of NOAA), and the US Coast Guard to take action on the safety recommendations in this report. The recommendations address, in the interest of mariner safety, the development of tropical cyclone information and its availability to mariners. The recommendations derive primarily from factual information gathered during the NTSB's ongoing investigation into the sinking of cargo vessel *El Faro* on October 1, 2015. The factual data revealed that critical tropical cyclone information issued by the NWS is not always available to mariners via well-established broadcast methods. The data also suggest that modifying the way the NWS develops certain tropical cyclone forecasts and advisories could help mariners at sea better understand and respond to tropical cyclones. Further, factual data on the official forecasts for Hurricane Joaquin and other recent tropical cyclones suggest that a new emphasis on improving hurricane forecasts is warranted. The NTSB has yet to determine the probable cause of, or contributing factors in, *El Faro's* sinking. Nevertheless, based on the meteorological facts gathered thus far, plus discussions with the NWS and the Coast Guard, the NTSB makes ten recommendations in this report. Two recommendations are addressed to NOAA, seven to the NWS, and one to the Coast Guard. **MSR 17-02** (6/20/17)  
[<https://www.nts.gov/investigations/AccidentReports/Reports/MSR1702.pdf>].

## NTSB – engine room fire



The National Transportation Safety Board (NTSB) issued the report of its investigation of the 7 September 2015 engine room fire aboard cruise ship *Carnival Liberty*. At the time, the vessel was alongside the dock in the Port of Charlotte Amalie, St. Thomas, US Virgin Islands. The master ordered the passengers aboard the vessel to evacuate to the dock. The crew used the ship's water mist- and carbon dioxide (CO<sub>2</sub>) firefighting systems to extinguish the fire.

No one was injured, nor was any environmental damage reported. Fire damage to the ship was estimated at \$1.725 million. The probable cause of the engine room fire aboard the *Carnival Liberty* was loosened bolts, likely resulting from improper tightening during prior maintenance and vibration of the piping over time, on a fuel supply inlet flange on diesel generator 4, which triggered an uncontrolled fuel spray from the inlet flange onto a hot surface on the diesel generator. **MAB 17-21** (6/30/17)  
[<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1721.pdf>].

### USCG – cyber risk management



The US Coast Guard issued a **bulletin** stating that at its 98th session the IMO Maritime Safety Committee approved Resolution MSC.428(98) – Maritime Cyber Risk Management in Safety Management Systems. Cyber risks are to be appropriately addressed in safety management systems. (6/30/17)  
[<http://mariners.coastguard.dodlive.mil/2017/06/30/6302017-imo-approves-resolution-on-cyber-risk-management/>].

### USCG – cyber risk reminder



The US Coast Guard issued a **bulletin** reminding stakeholders that cyber threats are real. As recent experience shows, cyber attacks hit more than their intended targets and cause business disruptions and loss of important data. Cyber awareness and cyber risk management are vital elements of infrastructure systems. (6/29/17)  
[<http://mariners.coastguard.dodlive.mil/2017/06/29/6292017-cargo-disruption-a-reminder-that-cyber-risks-are-real/>].

### EPA & USACE – ‘Waters of the United States’



The Environmental Protection Agency (EPA) issued a **news release** stating that it and the US Army Corps of Engineers (USACE) will soon formally propose to rescind the 2015 ‘Waters of the United States’ rule and re-codify the regulatory text that existed prior to that time. (6/27/17)  
[<https://www.epa.gov/newsreleases/epa-us-army-move-rescind-2015-waters-us>].

## St. Lawrence Seaway – draft reduction



The Great Lakes-St. Lawrence Seaway System issued a notice stating, due to high flow conditions and decreasing water levels, effective 14 July and until further notice, the maximum permissible draft in the Montreal-Lake Ontario section will be reduced to 80.0 dm (26' 3") for upbound vessels only. **Seaway Notice 17-2017** (6/27/17) [<http://www.greatlakes-seaway.com/en/pdf/navigation/notice20170627.pdf>].

## House – Coast Guard reform bill approved



The Coast Guard Improvement and Reform Act of 2017 (H.R. 1726) was approved by the House and forwarded to the Senate for consideration. (6/26/17).

## Senate – bill introduced to establish Arctic policy



Senator Sullivan (R-AK) introduced a bill (S. 1442) to establish United States policy for the Arctic region for the next 10 years, and for other purposes. (6/26/17).

## Senate – hearing on marine sanctuaries



The Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Senate Committee on Commerce, Science, and Transportation conducted a hearing on **Marine Sanctuaries**. (6/27/17) [<https://www.commerce.senate.gov/public/index.cfm/hearings?ID=212AF2A6-2FAA-4AF3-87F5-438E094FC34B>].

## Court – scope of insurance coverage



The US Court of Appeals for the Fifth Circuit ruled that summary judgment on a marine insurance claim must be vacated where the insurance policy is not in the record of trial. Plaintiff offshore survey brought an action against the owner of a ship operating company that it had hired after the towline used for the survey allided with the submerged mooring line of a mobile offshore drilling unit (MODU). After reviewing the contract between the parties, the trial

court granted defendant vessel operating company's motion for summary judgment, finding that the indemnity provision in the contract to not be triggered by the allision. Because the insurance provision in the contract was similarly worded, the trial court also granted defendant's motion for summary judgment with respect to the insurance claim. The appellate court ruled that the scope of insurance coverage can only be determined by the language of the insurance contract. **International Marine v. Tesla Offshore**, No. 16-30456 (5th Cir., June 21, 2017) [<http://www.ca5.uscourts.gov/opinions/pub/16/16-30456-CVo.pdf>].

### **Panama Canal – Safe Boarding Week**



The Panama Canal Authority (ACP) issued an advisory stating that Safe Boarding Week will be conducted on 3-7 July. An **inspection checklist** was also posted. **Advisory 21-2017** (6/23/17) [<https://www.pancanal.com/common/maritime/advisories/2017/a-21-2017.pdf>].

### **Panama Canal – Expanded Canal first anniversary**



The Panama Canal Authority (ACP) issued a **press release** commemorating the one-year anniversary of the opening of the Expanded Canal. (6/26/17) [<https://www.pancanal.com/eng/pr/press-releases/2017/06/26/pr628.html>].

### **Declaration of Independence Day – July Fourth**



This Tuesday, July 4, 2017, marks the 241st anniversary of the publication of the Declaration of Independence in Philadelphia (July 4, 1776). It is not the 241st anniversary of the independence of the United States, because what we on this side of the pond call the Revolutionary War had just begun. Even October 19, 1781, when British Major General Lord Cornwallis surrendered to American General George Washington and French Lieutenant General de Rochambeau at the Battle of Yorktown, was not the end of the fighting. The independence of the United States was officially established by the signing of the Treaty of Paris on September 3, 1783, when the Kingdom of Great Britain recognized the United States of America as a separate nation and withdrew its remaining troops from New York. In a larger sense, though, the independence of the United States is contested every day – and not just in places like Iraq and Afghanistan. While it is appropriate that we set aside one day each year to celebrate our independence, it is also necessary to dedicate ourselves daily to live up to the principles on which this great nation was founded. We hold these truths to be self-evident: That all men are created equal, that they are endowed by

their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness, [and] that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

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## Dennis L. Bryant

Bryant's Maritime Consulting  
4845 SW 91<sup>st</sup> Way  
Gainesville, FL 32608-8135  
USA

1-352-692-5493  
[dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com)  
<http://brymar-consulting.com>

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