

## Headlines:

Hawaii – injuries on lava tour boat;  
USCG – covered areas on open decks;  
Gulf of Aden – threat to shipping;  
NTSB – towboat grounding;  
NTSB – fishing vessel sinks due to icing;  
BSEE – confidential near-miss data;  
CBP – interest rates;  
Court – unpermitted but known mooring dolphin; and  
Australia – ship banned for underpaying crew.

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# Bryant's Maritime News

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## **Hawaii – injuries on lava tour boat**



The US Coast Guard issued a **news release** stating that it is investigating the report of an incident aboard a lava tour boat in Kapoho Bay, Big Island. Twelve persons were reported injured on the vessel near a lava flow. (7/16/18)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/1ff0ff5>].

## **USCG – covered areas on open decks**



The US Coast Guard issued a **bulletin** advising of the potential safety risks posed by covered areas on open decks of passenger vessels. (7/16/18)

[<http://mariners.coastguard.dodlive.mil/2018/07/16/7-16-2018-covered-areas-on-open-decks-risks-and-requirements-for-passenger-vessels/>].

## Gulf of Aden – threat to shipping



The Maritime Administration (MARAD) posted an advisory concerning the continued threat to shipping in the Gulf of Aden and adjacent waters posed by regional conflict and piracy. **Advisory 2018-009** (7/16/18) [<https://www.marad.dot.gov/environment-and-safety/office-of-security/msci/advisory/>].

## NTSB – towboat grounding



The National Transportation Safety Board (NTSB) issued the report of its investigation of the 8 July 2017 grounding on the uninspected towboat Eric Haney on a submerged portion of an erosion-control dike while pushing 15 empty barges upriver on the Upper Mississippi River by Cairo, Illinois, at mile marker (mm) 13.4. All crewmembers climbed aboard one of the empty barges without any reported injuries. The towboat and barges were freed by the current, drifted downriver, and were pushed into the opposite bank by another towboat at mm 9.7. The barges broke free, and the towboat partially sank. Minimal oil sheening was observed after the sinking. Damage to the vessel was estimated at \$4.3 million. The probable cause of the grounding and subsequent sinking of the towboat was the pilot's failure to identify a charted navigation hazard (erosion-control dike) during towing operations. **MAB 18-15** (7/13/18) [<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1815.pdf>].

## NTSB – fishing vessel sinks due to icing



The National Transportation Safety Board (NTSB) issued the report of its investigation of the sinking of the fishing vessel Destination 2.6 miles northwest of St. George Island, Alaska on 11 February 2017. The vessel was transiting from Dutch Harbor to St. Paul Island, Alaska, to deliver bait and to fish for crab. No mayday call was received. However, a signal from the vessel's emergency position-indicating radio beacon (EPIRB) alerted the US Coast Guard to the sinking. During search and rescue efforts, debris and an oil sheen were sighted, but none of the six crewmembers aboard were found and are thereby presumed to be dead. The value of the vessel was estimated at \$2.5 million. The probable cause of the capsizing and sinking of the fishing vessel was the captain's decision to proceed during heavy freezing spray conditions without ensuring the

vessel had a margin of stability to withstand an accumulation of ice or without taking sufficient mitigating action to avoid or limit the effects of icing. **MAB 18-14** (7/13/18)  
[<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1814.pdf>].

### **BSEE – confidential near-miss data**



The Bureau of Safety and Environmental Enforcement (BSEE) issued a **news release** announcing availability of its SafeOCS report. The report consists of industry failure data and notifications shared confidentially by the OCS oil and gas industry. The data is collected by the Bureau of Transportation Statistics (BTS) and is protected by the Confidential Information Protection and Statistical Efficiency Act of 2002. (7/16/18)  
[<https://www.bsee.gov/newsroom/latest-news/statements-and-releases/press-releases/bsee-cites-safeocs-report-to-emphasize>].

### **CBP – interest rates**



The US Customs and Border Protection (CBP) issued a notice stating that interest rates for the quarter beginning 1 July 2018 will be 4% for overpayments by corporations and 5% for non-corporations. Interest rates for underpayments will be 5% for both. **83 Fed. Reg. 33232** (7/17/18)  
[<https://www.gpo.gov/fdsys/pkg/FR-2018-07-17/pdf/2018-15179.pdf>].

### **Court – unpermitted but known mooring dolphin**



In an unpublished decision, the US Court of Appeals for the Fifth Circuit affirmed the summary judgment in favor of plaintiff dock owner against the owner and operator of the pushboat whose barge broke loose and damaged a mooring dolphin adjacent to the dock. Among other things, the court held that the fact that the dolphin had not been permitted by the US Army Corps of Engineers (USACE) was of no consequence since the master of the pushboat was aware of the existence and location of the mooring dolphin. **Entergy Mississippi v Marquette Transportation**, No. 17-60719 (5th Cir., July 16, 2018)  
[<http://www.ca5.uscourts.gov/opinions/unpub/17/17-60719.o.pdf>].

## Australia – ship banned for underpaying crew



The Australian Maritime Safety Authority (AMSA) issued a **news release** stating that the bulk carrier Shandong Hai Wang has been banned from making port calls in Australia for twelve months after it was discovered that the crew had been deliberately underpaid. The ship was detained until all arrearages had been satisfied. (7/12/18) [<https://www.amsa.gov.au/news-community/news-and-media-releases/bulk-carrier-banned-underpaying-crew>].

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