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NTSB – investigation into fatal duck boat sinking;
Table Rock Lake – safety zone;
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DHS – National Cybersecurity Summit on 31 July;
DOL – Seaman’s Protection Act award;
FMC – NVOCC NRAs and SAs;
BOEM – sand and borrow area identification;
Court – Exxon Valdez litigation;
New York – America’s Blue Highway on 27 September;
Australia – collision in good visibility; and
UK – shipowners’ liabilities under MLC 2006.

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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. 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. One must learn the rules in order to properly break them.

NTSB – investigation into fatal duck boat sinking



The National Transportation Safety Board (NTSB) issued a **notice** stating that an investigation has been opened into the fatal sinking of a duck boat in Table Rock Lake in Branson, Missouri. (7/19/18)
[<https://www.nts.gov/investigations/Pages/DCA18MM028.aspx>].

Table Rock Lake – safety zone



The US Coast Guard issued a **news release** stating that a safety zone has been established on certain waters of Table Rock Lake in support of the

investigation into the fatal duck boat sinking. (7/21/18)
[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/2004f1e>]. A **second news release** states that salvage is scheduled to commence on Monday, 23 July.
[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/2007887>].

USCG – Subchapter M reminder



The US Coast Guard issued a **bulletin** reminding stakeholders that Subchapter M concerning the inspection and certification of towing vessels entered into effect on 20 July. (7/20/18)
[<http://mariners.coastguard.dodlive.mil/2018/07/20/7-20-2018-a-milestone-for-towing-vessel-safety/>].

DHS – National Cybersecurity Summit on 31 July



The Department of Homeland Security (DHS) issued a **news release** stating that on 31 July it will host a National Cybersecurity Summit in New York to lay out a vision for a collective defense model to protect the nation's critical infrastructure. (7/18/18) [<https://www.dhs.gov/news/2018/07/18/department-homeland-security-host-national-cybersecurity-summit>].

DOL – Seaman's Protection Act award

The Department of Labor (DOL) Administrative Review Board (ARB) issued a Decision and Order (D&O) affirming the decision of the Administrative Law Judge (ALJ) in favor of a seafarer who had filed a complaint alleging that his employer had violated the Seaman's Protection Act by discharging him in retaliation for making protected safety reports to the US Coast Guard and ABS. The ARB upheld the award \$655,198.90 in back pay plus interest compounded daily; \$10,000 in compensatory damages for emotional distress; and reasonable litigation costs including attorney fees, finding that the ALJ had not abused his discretion. **Loftus v Horizon Lines**, ARB 16-082 (5/24/18)
[https://www.oalj.dol.gov/PUBLIC/ARB/DECISIONS/ARB_DECISIONS/SPA/16_082.SPAP.PDF]. *Note: This item was brought to my attention by my good friend Ron Signorino of **The Blue Oceana Company**.*

FMC – NVOCC NRAs and SAs



The Federal Maritime Commission (FMC) promulgated a final rule amending its regulations governing Non-Vessel-Operating Common Carrier (NVOCC) negotiated rate arrangements (NRAs) and service arrangements (SAs). The rule enters into effect on 22 August. **83 Fed. Reg. 34780** (7/23/18) [].

BOEM – sand and borrow area identification



The Bureau of Ocean Energy Management (BOEM) issued a notice inviting public input on the identification of historic properties or potential impacts to historic properties from a comprehensive research program of sand resource and borrow area identification on the Atlantic and Gulf of Mexico outer continental shelf (OCS). Comments must be received by 13 August. **83 Fed. Reg. 34868** (7/23/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-07-23/pdf/2018-15669.pdf>].

Court – Exxon Valdez litigation



In an unpublished decision, the US Court of Appeals for the Ninth Circuit rule in favor of Exxon in litigation involving pre-judgment and post-judgment interest regarding damages resulting from the 1979 Exxon Valdez oil spill. **Nautilus Marine Enterprises v Exxon**, No. 17-35527 (9th Cir., July 18, 2018) [<https://cdn.ca9.uscourts.gov/datastore/memoranda/2018/07/18/17-35227.pdf>]. *Note: I am astonished to see litigation from the 29-year-old spill is still ongoing. Note: While I correctly calculated the time span between the spill and the latest court action, one long-suffering reader observed there was a typo in the mention of the date of the spill. Oops.*

New York – America's Blue Highway on 27 September



The New York State University Maritime College will host the Marine Highway Conference **America's Blue Highway** on 27 September. (7/20/18) [<https://www.eventbrite.com/e/short-sea-shipping-americas-blue-highways-tickets-48149319912>].

Australia – collision in good visibility



The Australian Maritime Safety Authority (AMSA) issued the report of its investigation of the 23 January 2018 collision of the container ship Beijing Bridge and the fishing vessel Saxon Onward in the Tasman Sea. The two vessels detected each other visually and on radar but were still able to make impact. [MO-2018-002](http://www.atsb.gov.au/media/5774634/mo-2018-002-final.pdf) (7/20/18) [<http://www.atsb.gov.au/media/5774634/mo-2018-002-final.pdf>].

UK – shipowners' liabilities under MLC 2006



The UK Maritime and Coastguard Agency (MCA) issued a notice providing updated guidance regarding shipowners' liabilities including seafarer compensation under MLC 2006 [MGN 480 \(M\) – Amendment 2](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727388/MGN_480_Amdt_2shipowner_liability_final_justified.pdf) (7/20/18) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727388/MGN_480_Amdt_2shipowner_liability_final_justified.pdf].

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