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Executive Branch – closure on 5 December;
DOS – meeting on 16 January re SDC 6;
USCG – Polar Scout satellites launched;
DOJ – freight forwarding price fixing;
Offshore Massachusetts – Vineyard project draft EIS;
Court – extent of OSHA authority;
Australia – high-pressure fire-fighting systems;
Ireland – ro-ro passenger ferry casualty; and
SV Mary Celeste – 4 December 1872.

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Bryant's Maritime News

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

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

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*Note: This newsletter is one section of the **Bryant's Maritime Consulting** website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining **Dennis Bryant** 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. The proposal is all very well in practice, but it will never work in theory.*

Executive Branch – closure on 5 December



President Trump issued a **Proclamation** providing for the closing of Executive Departments and agencies on 5 December as a mark of respect for **George Herbert Walker Bush**, the forty-first President of the United States. Certain offices and installations may remain open if determined in the interest of national security, defense, or other public need. (12/1/18)
[<https://www.whitehouse.gov/presidential-actions/executive-order-providing-closing-executive-departments-agencies-federal-government-december-5-2018/>].

DOS – meeting on 16 January re SDC 6



The Department of State (DOS) issued a notice stating that a meeting will be held on 16 January 2019 in Washington, DC to prepare for the upcoming session of the IMO Sub-Committee on Ship Design and Construction (SDC 6). Topics on the agenda include safe mooring operations, watertight integrity, and intact stability criteria. **83 Fed. Reg. 62656** (12/4/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-12-04/pdf/2018-26336.pdf>].

USCG – Polar Scout satellites launched



The US Coast Guard issued a **news release** stating that the newly-launched Polar Scout will evaluate the effectiveness of space-based sensors in support of Arctic search and rescue (SAR) missions. The satellites were developed by the USCG Research, Development, Test, and Evaluation (RDT&E) Program in partnership with the DHS Science and Technology (S&T) Directorate to fill a SAR capability gap in this remote area. (12/3/18) [<https://content.govdelivery.com/accounts/USDHSCG/bulletins/21ea252>].

DOJ – freight forwarding price fixing



The Department of Justice issued a **news release** stating that two freight forwarding executives have pleaded guilty to fixing the prices for international ocean shipments. (12/3/18) [<https://www.justice.gov/opa/pr/two-freight-forwarding-executives-plead-guilty-fixing-prices>].

Offshore Massachusetts – Vineyard project draft EIS



The Bureau of Ocean Energy Management (BOEM) issued a **news release** stating that a draft environmental impact statement (EIS) has been prepared for the proposed Vineyard wind energy facility offshore Massachusetts. Comments should be submitted by 21 January 2019. (11/30/18) [<https://www.boem.gov/press11302018/>].

Court – extent of OSHA authority



The US Court of Appeals for the Fifth Circuit determined that its prior decision regarding OSHA jurisdiction relating to multi-employer work sites had been overruled by subsequent Supreme Court decisions and held that the agency has authority to issue a citation to a general contractor at such site who controls a hazardous condition there even if the condition affects another employer's employees. While this is not a maritime case, the ruling will apply to maritime companies in instances not directly controlled by US Coast Guard inspection requirements. **Acosta v. Hensel Phelps Construction**, No. 17-60543 (11/26/18) [<http://www.ca5.uscourts.gov/opinions/pub/17/17-60543-CV0.pdf>]. *Note: This item was brought to my attention by my good friend Ron Signorino of the BlueOceana Company.*

Australia – high-pressure fire-fighting systems



The Australian Maritime Safety Authority (AMSA) issued a notice reminding stakeholders of the dangers involved when working with high-pressure fire-fighting systems and the safeguards that may be implemented to reduce those risks. **Marine Notice 4-2018** (11/19/18) [<https://www.amsa.gov.au/about/regulations-and-standards/high-pressure-fire-fighting-systems-design-safeguards-against>].

Ireland – ro-ro passenger ferry casualty



The Irish Marine Casualty Investigation Board (MCIB) issued the report of its investigation into the heavy weather incident involving the ro-ro passenger ferry Epsilon on 8 February 2016. The ferry was enroute from Cherbourg to Dublin. As the weather worsened, the ferry sought shelter in Barnstable Bay, England. Since anchoring was deemed unsafe, it was decided to slow-steam back and forth across the bay. During one turn, the ferry rolled heavily and cargo on four decks shifted, causing injuries to some passengers and crew and damage to some cargo. Investigation revealed that the master was unfamiliar with the use of weather routing and that the cargo had not be fully secured. **Report 6-2018** (11/29/18) [http://www.mcib.ie/_fileupload/Documents/reports/mcib-258-mv-epsilon/2018-11-29-02-56-Epsilon%207-18_Redacted%20%20for%20the%20website%2028%20Nov.pdf].

SV Mary Celeste – 4 December 1872



On 4 December 1872, the US brigantine **Mary Celeste**, en route from New York to Genoa, was discovered abandoned and deserted off the Azores Islands in a disheveled but seaworthy condition, with no obvious signs of sudden catastrophe. The final entry in the log, dated ten days previously, was a routine statement of the ship's position. There were ample provisions on board, and the cargo was intact. None of those who had been on board were seen or heard from again. At the subsequent salvage hearings in Gibraltar, the court's officers found no evidence of conspiracy or foul play. Over time the story has been distorted by false detail and fanciful explanations, including attacks by giant squid and paranormal intervention. The mystery has been recounted and dramatized in documentaries, novels, plays and films, and the name of the ship has become synonymous with unexplained desertion. After the Gibraltar hearings, Mary Celeste continued in service under new owners until, in 1885, the ship was wrecked off the coast of Haiti in an attempted insurance fraud.

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Dennis L. Bryant

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

1-352-692-5493
dennis.l.bryant@gmail.com
<http://brymar-consulting.com>

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