

## Headlines:

USCG – final denial of BWMS appeal;  
USCG – ballast water management guidance;  
USCG – third party review team;  
OMB – TWIC card reader requirements;  
House – USCG Arctic Implementation Capabilities;  
Court – sea otter translocation program; and  
South China Sea – Philippines prevails,

July 13, 2016



# Bryant's Maritime News

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## **USCG – final denial of BWMS appeal**



The US Coast Guard posted a **notice** announcing that the it has taken final action and denied the appeals from four ballast water management system manufacturers to use an alternative testing method for USCG type approval of their ultra-violet (UV) based ballast water management systems (BWMS). The four BWMS manufacturers advocated use of a most probable number (MPN) system as equivalent to testing required by regulations. The Coast Guard determined that there was insufficient evidence to show the asserted equivalency.

(7/12/16) [[http://mariners.coastguard.dodlive.mil/2016/07/12/7122016-final-action-on-ballast-water-management-system-appeals/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+MaritimeCommons+%28Maritime+Commons%29](http://mariners.coastguard.dodlive.mil/2016/07/12/7122016-final-action-on-ballast-water-management-system-appeals/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+MaritimeCommons+%28Maritime+Commons%29)].

### USCG – ballast water management guidance



The US Coast Guard issued a Marine Safety Information Bulletin (MSIB) providing an update on aspects of the Alternate Management Systems (AMS) program for ballast water management and compliance with applicable regulations. **OES-MSIB 010-16** (7/13/16)  
[[https://www.uscg.mil/msib/docs/010\\_16\\_7-12-2016.pdf](https://www.uscg.mil/msib/docs/010_16_7-12-2016.pdf)].

### USCG – third party review team



The US Coast Guard posted a **notice** announcing the creation of an internal team to inventory, analyze, update, and develop/implement strategies which promote, economize, and leverage the use of third party organizations for compliance operations. (7/12/16)  
[<http://mariners.coastguard.dodlive.mil/2016/07/12/7122016-creation-of-a-third-party-review-team/>].

### OMB – TWIC card reader requirements



The Office of Management & Budget (OMB) has concluded its **review** of the Coast Guard's draft final rule regarding Transportation Worker Identification Credential (TWIC) Card Reader Requirements. The rule is being returned to the agency for promulgation in the Federal Register. (7/12/16)  
[<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201604&RIN=1625-AB21>].

### House – hearing re USCG Arctic Implementation Capabilities



The Coast Guard and Maritime Transportation Subcommittee of the House Committee on Transportation and Infrastructure conducted a **hearing** on Coast guard Arctic Implementation Capabilities. The subcommittee expressed concern regarding the gap between the capabilities required to perform various Arctic missions and the Coast Guard's current abilities in that region. Testimony was heard from ADM Charles Michel, USCG; Ms. Allison Stiller, DOD; Ms.

Jennifer Grover, GAO; Mr. Ronald O'Rourke, CRS; Ms. Heather Conley, CSIS; and Mr. Matthew Paxton, SCA. (7/12/16)  
[<http://transportation.house.gov/calendar/eventsingle.aspx?EventID=400434>].

### Court – sea otter translocation program



The US Court of Appeals for the Ninth Circuit ruled an action brought by commercial fishing groups against Fish & Wildlife Service (FWS) challenging the agency's termination of a sea otter translocation program was timely when it was filed within six years of the decision for such termination. The case was remanded for a hearing on the merits. **California Sea Urchin Commission v. Bean**, No. 14-55580 (9th Cir., July 12, 2016)  
[<http://cdn.ca9.uscourts.gov/datastore/opinions/2016/07/12/14-55580.pdf>].

### South China Sea – Philippines prevails



The Permanent Court of Arbitration in The Hague issued its 501-page decision in the case brought by the Philippines against the People's Republic of China regarding the latter's claims of jurisdiction and actions in wide expanses of the South China Sea. The court found no basis for Chinese claims of jurisdiction to waters, shoals, and related areas within the 200-mile exclusive economic zone (EEZ) of the Philippines and for its acts in creating artificial islands in the South China Sea. **Republic of the Philippines v. People's Republic of China**, PCA Case No. 2013-19 (12 July 2016) [<https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>].

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