

**Subpart J—Ro-Ro Passenger Ships**

SOURCE: CGD 95-062, 62 FR 34534, June 26, 1997, unless otherwise noted.

**§ 10.1001 Purpose of regulations.**

The purpose of the regulations in this subpart is to establish requirements for officers serving on roll-on/roll-off (Ro-Ro) passenger ships.

**§ 10.1003 Definition.**

*Roll-on/roll-off (Ro-Ro) passenger ship* means a passenger ship with Ro-Ro cargo spaces or special-category spaces as defined in the Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), to which a SOLAS certificate is issued.

**§ 10.1005 General requirement for license-holders.**

To serve on a Ro-Ro passenger ship after January 31, 1997, a person licensed as master, chief mate, licensed mate, chief engineer, or licensed engineer shall meet the appropriate requirements of STCW Regulation V/2 and Section A-V/2 of the STCW Code (incorporated by reference in §10.102) and shall hold documentary evidence to show his or her meeting these requirements.

[CGD 95-062, 62 FR 34534, June 26, 1997, as amended by USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

**Subpart K—Officers on a Passenger Ship, Other Than a Ro-Ro Passenger Ship, When on an International Voyage**

SOURCE: USCG-1999-5610, 67 FR 66068, Oct. 30, 2002, unless otherwise noted.

**§ 10.1101 Purpose of rules.**

The rules in this subpart establish requirements for officers serving on passenger ships as defined in §10.1103.

**§ 10.1103 Definitions.**

*Passenger ship* in this subpart means a ship, other than a Ro-Ro passenger ship, carrying more than 12 passengers when on an international voyage.

**§ 10.1105 General requirements for license holders.**

If you are licensed as a master, mate, chief mate, engineer, or chief engineer, then, before you may serve on a passenger ship, you must—

- (a) Meet the appropriate requirements of the STCW Regulation V/3 and of section A-V/3 of the STCW Code (incorporated by reference in §10.102); and
- (b) Hold documentary evidence to show that you meet these requirements through approved or accepted training.

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AUTHORITY: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701, and 70105; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGFR 65-50, 30 FR 16640, Dec. 30, 1965, unless otherwise noted.

**Subpart 12.01—General**

**§ 12.01-1 Purpose of rules in this part.**

(a) The purposes of the regulations in this part are to provide—

(1) A comprehensive and adequate means of determining and verifying the identity, citizenship, nationality, and professional qualifications an applicant must possess to be eligible for certification to serve on merchant vessels of the United States;

(2) A means of determining that an applicant is competent to serve as a “rating forming part of a navigational watch” or a “rating forming part of an engine-room watch”, or is otherwise “designated to perform duties in a periodically unmanned engine-room”, on a seagoing ship, in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW), and to receive the certificate or endorsement required by STCW (incorporated by reference in § 12.01-3); and

(3) A means, through a criminal record review and a safety and security check, to determine whether the holder of a merchant mariner's document would be a threat to the safety of life or property at sea, or his or her presence would be adverse to the security of the United States.

(b) The regulations in subpart 12.03 of this part prescribe the requirements applicable to all training and assessment associated with meeting the standards of competence established by STCW.

(c) Continuous discharge books and merchant mariner documents are issued by the Coast Guard and are property of the Coast Guard.

[CGD 95-062, 62 FR 34534, June 26, 1997, as amended by USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2003-14500, 69 FR 531, Jan. 6, 2004]

#### § 12.01-3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must ensure that the material is available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Operating and Environmental Standards, room 1210, 2100 Second Street SW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:

*International Maritime Organization (IMO)*, 4 Albert Embankment, London, SE1 7SR, England. The STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and 1997 (the STCW

Convention, or the STCW)—and Seafarers' Training, Certification and Watchkeeping Code (the STCW Code), approved for incorporation by reference in sections 12.01-1; 12.01-6; 12.02-7; 12.02-11; 12.03-1; 12.05-3; 12.05-7; 12.05-11; 12.10-3; 12.10-5; 12.10-7; 12.10-9; 12.15-3; 12.15-7; 12.25-45; 12.30-5; and 12.35-5 of this part.

[USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

#### § 12.01-6 Definitions of terms used in this part.

*Approved* means approved by the Coast Guard in accordance with 46 CFR 10.302.

*Coast Guard-accepted* means that the Coast Guard has officially acknowledged in writing that the material or process at issue meets the applicable requirements; that the Coast Guard has issued an official policy statement listing or describing the material or process as meeting the applicable requirements; or that an entity acting on behalf of the Coast Guard under a Memorandum of Agreement has determined that the material or process meets the applicable requirements.

*Conviction* means the applicant for a merchant mariner's document has been found guilty by judgment or plea by a court of record of the United States, the District of Columbia, any State, territory, or possession of the United States, a foreign country, or any military court, of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by the court to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forgo appeal of a trial court's conviction, then the Coast Guard will consider the applicant to have received a conviction. A later expungement of the conviction will not negate a conviction unless the Coast Guard is satisfied that the expungement is based upon a showing that the court's earlier conviction was in error.

*Designated examiner* means a person who has been trained or instructed in techniques of training or assessment

and is otherwise qualified to evaluate whether a candidate for a license, document, or endorsement has achieved the level of competence required to hold the license, document, or endorsement. This person may be designated by the Coast Guard, or by a Coast Guard-approved or accepted program of training or assessment. A faculty member employed at a State maritime academy or the U.S. Merchant Marine Academy operated in accordance with regulations in 46 CFR part 310 and instructing in a navigation or engineering course is qualified to serve as a designated examiner in his or her area(s) of specialization without individual evaluation by the Coast Guard.

*Evaluation* means processing an application, from the point of receipt to approval or rejection of the application, including review of all documents and records submitted with an application as well as those obtained from public records and databases.

*Fails a chemical test for dangerous drugs* means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as “positive” for the presence of dangerous drugs or drug metabolites in an individual’s system by a Medical Review Officer in accordance with that part.

*National Driver Register (NDR)* means the nationwide repository of information on drivers maintained by the National Highway Traffic Safety Administration as provided under 49 U.S.C. Chapter 303.

*NDR listed convictions* means a conviction of any of the following motor vehicle-related offenses or comparable offenses:

(a) Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or

(b) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

*Officer in Charge, Marine Inspection (OCMI)* for the purposes of part 12 means the officer or individual so designated at one of the Regional Examination Centers, or any person so designated by the Commandant.

*Original document* means the first merchant mariner’s document issued to any person by the Coast Guard.

*Passes a chemical test for dangerous drugs* means the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as “negative” by a Medical Review Officer in accordance with that part.

*Practical demonstration* means the performance of an activity under the direct observation of a designated examiner for the purpose of establishing that the performer is sufficiently proficient in a practical skill to meet a specified standard of competence or other objective criterion.

*Qualified instructor* means a person who has been trained or instructed in instructional techniques and is otherwise qualified to provide required training to candidates for licenses, documents, and endorsements. A faculty member employed or at a State maritime academy or the U.S. Merchant Marine Academy operated in accordance with 46 CFR part 310 and instructing in a navigation or engineering course is qualified to serve as a qualified instructor in his or her area(s) of specialization without individual evaluation by the Coast Guard.

*Qualified rating* means various categories of Able Seaman, Qualified Member of the Engine Department, Lifeboatman, or Tankerman endorsements on merchant mariner’s documents.

*Safe and suitable person* is one whose character and habits of life are such as to support the belief that his or her presence on board vessels of the United States is not, or may not be, adverse to the security of the United States.

*Safety and Security Check* is the process or action taken by the Coast Guard to determine whether an applicant for, or holder of, a merchant mariner’s document is a safe and suitable person to be issued such a document or to be employed on a vessel under the authority of such a document.

*Standard of competence* means the level of proficiency to be achieved for the proper performance of duties on board vessels in accordance with national and international criteria.

*STCW* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (incorporated by reference in §12.01-3).

*STCW Code* means the Seafarer's Training, Certification and Watchkeeping Code.

*STCW endorsement* means a certificate or endorsement issued in accordance with STCW. An STCW endorsement issued by the Officer in Charge, Marine Inspection (OCMI), will be valid only when accompanied by the appropriate U.S. license or document; and, if the license or document is revoked, then the associated STCW endorsement will no longer be valid for any purpose. References to STCW placed on a U.S. license or merchant mariner's document will suffice as STCW endorsements for the mariner serving on a vessel operating exclusively on a domestic voyage (i.e., to and from U.S. ports or places subject to U.S. jurisdiction).

[CGD 91-002, 58 FR 15238, Mar. 19, 1993, as amended by CGD 91-223, 60 FR 4525, Jan. 23, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995; CGD 95-062, 62 FR 34534, June 26, 1997; CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2003-14500, 69 FR 531, Jan. 6, 2004; USCG-2006-25535, 71 FR 48482, Aug. 21, 2006]

#### § 12.01-7 Where to apply.

Applicants for licenses or certification may apply to the Coast Guard National Maritime Center or any of the Regional Examination Centers. Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, West Virginia 25404, or by telephone at 1-888-I-ASK-NMC (1-888-427-5662). A list of Regional Examination Locations is available through the Coast Guard Web site at <http://www.uscg.mil>.

[USCG-2006-25535, 71 FR 48482, Aug. 21, 2006, as amended by USCG-2008-0906, 73 FR 56508, Sept. 29, 2008]

#### § 12.01-9 Paperwork approval.

(a) This section lists the control numbers assigned by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (Pub. L. 96-511) for the reporting and record keeping requirements in this part.

(b) The following control numbers have been assigned to the sections indicated:

(1) OMB 1625-0079—46 CFR 12.02-17 and 12.03-1.

(2) [Reserved]

[CGD 95-062, 62 FR 34535, June 26, 1997, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

#### § 12.01-11 Transportation Worker Identification Credential.

By April 15, 2009 all mariners holding a Merchant Mariner's Document or STCW endorsement issued under this part must hold a valid Transportation Worker Identification Credential (TWIC) issued by the Transportation Security Administration under 49 CFR part 1572. Failure to obtain or hold a valid TWIC may serve as a basis for suspension or revocation of a mariner's license, COR or STCW endorsement under 46 U.S.C. 7702 and 7703.

[CG-2006-24196, 72 FR 3588, Jan. 25, 2007, as amended at 73 FR 25566, May 7, 2008]

### Subpart 12.02—General Requirements for Certification

#### § 12.02-3 Where documents are issued.

(a) Merchant mariner's documents may be issued to qualified applicants at the National Maritime Center or at any Regional Examination Center during usual business hours.

(b)(1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for upgrading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

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(3) The written examinations are forwarded to the Commanding Officer, National Maritime Center by Merchant Marine Details. Any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commanding Officer, National Maritime Center. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commanding Officer, National Maritime Center fully as to the circumstances.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004; USCG-2004-18884, 69 FR 68089, Nov. 23, 2004; USCG-2006-25535, 71 FR 48483, Aug. 21, 2006]

### § 12.02-4 Basis for denial of a merchant mariner's document.

(a) No person who has been convicted by a court of record of a violation of the dangerous-drug laws of the United States, the District of Columbia, any State, territory, or possession of the United States, a foreign country, or any military court, is eligible for a merchant mariner's document, except as provided by paragraph (c) of this section. No person who has ever been the user of a dangerous drug, addicted or not, or has ever been convicted of an NDR offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304) because of addiction to or abuse of alcohol is eligible for a merchant mariner's document, unless he or she furnishes satisfactory evidence of suitability for service in the merchant marine as provided in paragraph (e) of this section.

(b) An applicant who fails a chemical test for dangerous drugs required by § 12.02-9 will not be issued a merchant mariner's document.

(c) *Criminal Record Review and Safety and Security Check.* The Coast Guard may conduct a criminal record review and conduct a safety and security check of an applicant for a merchant mariner's document. An applicant pursuing simultaneous transactions for

merchant mariner's credentials shall undergo a single criminal record review and safety and security check. Each applicant must provide written disclosure of all prior convictions (as defined in § 12.01-6) at the time of application.

(1) When a criminal record review and a safety and security check are conducted, the applicant shall provide fingerprints in a form and manner specified by the Coast Guard.

(i) When a criminal record review or a safety and security check leads the Coast Guard to determine that an applicant is not a safe and suitable person (as defined in § 12.01-6) or cannot be entrusted with the duties and responsibilities of the merchant mariner's document for which application is made, the application may be disapproved.

(ii) If an application is disapproved, the applicant will be notified in writing of the fact, and, except as provided by this paragraph, the reason or reasons for disapproval and advised that the appeal procedures in § 1.03 of this chapter apply. No examination will be given pending decision on appeal. The applicant will be notified in writing of the reason or reasons for disapproval, unless the Coast Guard determines that such disclosure of information is prohibited by law, regulation, or agency policy, in which case the reason(s) will not be disclosed.

(2) The Officer in Charge, Marine Inspection will use table 12.02-4(c) to evaluate applicants for merchant mariner's documents who have criminal convictions. The table lists major categories of criminal activity and is not to be construed as an all-inclusive list. If an applicant is convicted of an offense that does not appear on the list, the Officer in Charge, Marine Inspection will establish an appropriate assessment period using the list as a guide. The assessment period commences when an applicant is no longer incarcerated. The applicant must establish proof of the time incarcerated and periods of probation and parole to the satisfaction of the Officer in Charge, Marine Inspection. The assessment period may include supervised or unsupervised probation or parole. A conviction for a drug offense more than

10 years prior to the date of application will not alone be grounds for denial.

(3) When an applicant has convictions for more than one offense, the minimum assessment period will be the longest minimum in table 12.02-4(c) and table 12.02-4(d) based upon the applicant's convictions; the maximum assessment period will be the longest shown in table 12.02-4(c) and table 12.02-4(d) based upon the applicant's convictions.

(4) If a person with a criminal conviction applies for a merchant mariner's document before the minimum assessment period shown in table 12.02-4(c), or established by the Officer in Charge, Marine Inspection under paragraph (c)(2) of this section has elapsed, then the applicant must provide, as part of the application package, evidence of suitability for service in the merchant marine. Factors which are evidence of suitability for service in the merchant marine are listed in paragraph (e) of this section. The Officer in Charge, Marine Inspection will consider the applicant's evidence submitted with the application and may issue the merchant mariner's document in less than the listed minimum assessment period if the Officer in Charge, Marine Inspection is satisfied that the applicant is suitable to hold the merchant mariner's document for which he or she has applied. If an application filed before the minimum assessment period has elapsed does not include evidence of suitability for service in the merchant marine, then the application will be considered incomplete and will not be processed by the Officer in Charge, Marine Inspection until the applicant provides the necessary evidence as set forth in paragraph (e) of this section.

(5) If a person with a criminal conviction applies for a merchant mariner's document during the time between the minimum and maximum assessment periods shown in table 12.02-4(c) or established by the Officer in Charge, Ma-

rine Inspection under paragraph (c)(2) of this section, then the Officer in Charge, Marine Inspection shall consider the conviction and, unless there are offsetting factors, shall grant the applicant the merchant mariner's document for which he or she has applied. Offsetting factors include such factors as multiple convictions, failure to comply with court orders (e.g., child support orders), previous failures at rehabilitation or reform, inability to maintain steady employment, or any connection between the crime and the safe operation of a vessel. If the Officer in Charge, Marine Inspection considers the applicant unsuitable for service in the merchant marine at the time of application, the Officer in Charge, Marine Inspection may disapprove the application.

(6) If a person with a criminal conviction applies for a merchant mariner's document after the maximum assessment period shown in table 12.02-4(c) or established by the Officer in Charge, Marine Inspection under paragraph (c)(2) of this section, has elapsed, then the Officer in Charge, Marine Inspection will grant the applicant the merchant mariner's document for which he or she has applied unless the Officer in Charge, Marine Inspection considers the applicant still unsuitable for service in the merchant marine. If the Officer in Charge, Marine Inspection disapproves an applicant with a conviction older than the maximum assessment period listed in table 12.02-4(c), the Officer in Charge, Marine Inspection will notify the applicant in writing of the reason(s) for the disapproval including the Officer in Charge, Marine Inspection's reason(s) for considering a conviction older than the maximum assessment period listed in table 12.02-4(c). The Officer in Charge, Marine Inspection will also inform the applicant, in writing, that the reconsideration and appeal procedures contained in §1.03 of this chapter apply.

TABLE 12.02-4(c)—GUIDELINES FOR EVALUATING APPLICANTS FOR MERCHANT MARINER'S DOCUMENTS WHO HAVE CRIMINAL CONVICTIONS

| Crime <sup>1</sup>  | Assessment periods |           |
|---|--------------------|-----------|
|   | Minimum            | Maximum   |
| <b>Crimes Against Persons</b>                                     |                    |           |
| Homicide (intentional) .....                                      | 7 years .....      | 20 years. |
| Homicide (unintentional) .....                                    | 5 years .....      | 10 years. |
| Assault (aggravated) .....  | 5 years .....      | 10 years. |
| Assault (simple) .....  | 1 year .....       | 5 years.  |
| Sexual Assault (rape, child molestation) .....                    | 5 years .....      | 10 years. |
| Other crimes against persons <sup>2</sup> .                       |                    |           |
| <b>Vehicular Crimes</b>   |                    |           |
| Conviction involving fatality .....                               | 1 year .....       | 5 years.  |
| Reckless Driving .....  | 1 year .....       | 2 years.  |
| Racing on the Highway .....                                       | 1 year .....       | 2 years.  |
| Other vehicular crimes <sup>2</sup> .                             |                    |           |
| <b>Crimes Against Public Safety</b>                               |                    |           |
| Destruction of Property .....                                     | 5 years .....      | 10 years. |
| Other crimes against public safety <sup>2</sup> .                 |                    |           |
| <b>Crimes Involving National Security</b>                         |                    |           |
| Terrorism, Acts of Sabotage, Espionage and related offenses ..... | 7 years .....      | 20 years. |
| <b>Dangerous Drug Offenses <sup>3,4,5</sup></b>                   |                    |           |
| Trafficking (sale, distribution, transfer) .....                  | 5 years .....      | 10 years. |
| Dangerous drugs (Use or possession) .....                         | 1 year .....       | 10 years. |
| Other dangerous drug convictions <sup>6</sup> .                   |                    |           |

<sup>1</sup> Conviction of attempts, solicitations, aiding and abetting, accessory after the fact, and conspiracies to commit the criminal conduct listed in this table carry the same minimum and maximum assessment periods provided in the table.

<sup>2</sup> Other crimes are to be reviewed by the Officer in Charge, Marine Inspection to determine the minimum and maximum assessment periods depending on the nature of the crime.

<sup>3</sup> Applicable to original applications only. Any applicant who has ever been the user of, or addicted to the use of, a dangerous drug shall meet the requirements of paragraph (a) of this section. Note: Applicants for reissue of a merchant mariner's document with a new expiration date including a renewal or additional endorsement(s), who have been convicted of a dangerous drug offense while holding a merchant mariner's document, may have their application withheld until appropriate action has been completed by the Officer in Charge, Marine Inspection under the regulations which appear in 46 CFR part 5 governing the administrative actions against merchant mariner credentials.

<sup>4</sup> The OCMI may consider dangerous drug convictions more than 10 years old only if there has been a dangerous drug conviction within the past 10 years.

<sup>5</sup> Applicants must demonstrate rehabilitation under paragraph (e) of this section, including applicants with dangerous drug use convictions more than ten years old.

<sup>6</sup> Other dangerous drug convictions are to be reviewed by the Officer in Charge, Marine Inspection on a case by case basis to determine the appropriate assessment period depending on the nature of the offense.

(d) *National Driver Register*. A merchant mariner's document will not be issued or reissued with a new expiration date unless the applicant consents to a check of the NDR for offenses described in section 205(a)(3)(A) or (B) of the NDR Act (i.e., operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; and any traffic violations arising in connection with a fatal traffic accident, reckless driving, or racing on the highways). The Officer in Charge, Marine Inspection will not consider NDR listed civil convictions that are more than 3 years old from the date of request unless that information re-

lates to the current suspension or revocation of the applicant's license to operate a motor vehicle. The Officer in Charge Marine Inspection may determine minimum and maximum assessment periods for NDR listed criminal convictions using table 12.02-4(c). An applicant conducting simultaneous merchant mariner's credential transactions is subject to only one NDR check.

(1) Any application may be disapproved if information from the NDR check leads the Officer in Charge, Marine Inspection to determine that the applicant cannot be entrusted with the

duties and responsibilities of the merchant mariner's document for which the application is made. If an application is disapproved, the Officer in Charge, Marine Inspection will notify the applicant in writing of the reason(s) for disapproval and advise the applicant that the appeal procedures in §1.03 of this chapter apply. No examination will be given or merchant mariner's document issued pending decision on appeal.

(2) Prior to disapproving an application because of information received from the NDR, the Officer in Charge, Marine Inspection will make the information available to the applicant for review and written comment. The applicant may submit reports from the applicable State concerning driving record and convictions to the Coast Guard Regional Examination Center (REC) processing the application. The REC will hold an application with NDR listed convictions pending the completion of the evaluation and delivery by the individual of the underlying State records.

(3) The guidelines in table 12.02-4(d) will be used by the Officer in Charge, Marine Inspection when evaluating applicants for merchant mariner's documents who have drug or alcohol related

NDR listed convictions. Non-drug or alcohol related NDR listed convictions will be evaluated by the Officer in Charge, Marine Inspection under table 12.02-4(c) as applicable.

(4) An applicant may request an NDR file check for *personal* use in accordance with the Federal Privacy Act of 1974 (Pub. L. 93-579) by contacting the NDR at the following address: National Driver Register, Nassif Building, 400 7th Street SW., Washington, DC 20590.

(i) Applicants should request Form NDR-PRV or provide the following information on a notarized letter:

- (A) Full legal name;
- (B) Other names used;
- (C) Complete mailing address;
- (D) Driver license number;
- (E) Eye color;
- (F) Social security number;
- (G) Height;
- (H) Weight; and
- (I) Sex.

(ii) The NDR will respond to every valid inquiry including requests which produce no record(s) on the NDR file. Records can be made available, within a reasonable amount of time after the request, for personal inspection and copying during regular working hours at 7:45 a.m. to 4:15 p.m., each day except Federal holidays.

TABLE 12.02-4(D)—GUIDELINES FOR EVALUATING APPLICANTS FOR MERCHANT MARINER'S DOCUMENTS WHO HAVE NDR MOTOR VEHICLE CONVICTIONS INVOLVING DANGEROUS DRUGS OR ALCOHOL<sup>1</sup>

| No. of convictions | Date of conviction                 | Assessment period   |
|--------------------|------------------------------------|---|
| 1 .....            | Less than 1 year .....             | 1 year from date of conviction.   |
| 1 .....            | More than 1, less than 3 years ... | Application will be processed, unless suspension, or revocation <sup>2</sup> is still in effect. Applicant will be advised that additional conviction(s) may jeopardize merchant mariner credentials. |
| 1 .....            | More than 3 years old .....        | Not necessary unless suspension or revocation is still in effect.   |
| 2 or more .....    | Any less than 3 years old .....    | 1 year since last conviction and at least 3 years from 2nd most recent conviction, unless suspension or revocation is still in effect.  |
| 2 or more .....    | All more than 3 years old .....    | Application will be processed unless suspension or revocation is still in effect.   |

<sup>1</sup> Any applicant who has ever been the user of, or addicted to the use of, a dangerous drug shall meet the requirements of paragraph (a) of this section.

<sup>2</sup> Suspension or revocation, when referred to in table 12.02-4(d), means a State suspension or revocation of a motor vehicle operator's license.

(e) If an applicant for an original merchant mariner's document has one or more alcohol or dangerous drug related criminal or NDR listed convictions; if the applicant has ever been the user of, or addicted to the use of, a dangerous drug; or if the applicant applies before the minimum assessment period

for his or her conviction has elapsed; the Officer in Charge, Marine Inspection may consider the following factors, as applicable, in assessing the applicant's suitability to hold a merchant mariner's document. This list is intended as a guideline. The Officer in

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Charge, Marine Inspection may consider other factors which he or she judges appropriate, such as:

(1) Proof of completion of an accredited alcohol- or drug-abuse rehabilitation program.

(2) Active membership in a rehabilitation or counseling group, such as Alcoholics or Narcotics Anonymous.

(3) Character references from persons who can attest to the applicant's sobriety, reliability, and suitability for employment in the merchant marine including parole or probation officers.

(4) Steady employment.

(5) Successful completion of all conditions of parole or probation.

[CGFR 69-116, 35 FR 6860, Apr. 30, 1970, as amended by CGD 91-223, Jan. 23, 1995; CGD 95-072, 60 FR 50460, Sept. 29, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995; USCG-2003-14500, 69 FR 531, Jan. 6, 2004; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

### § 12.02-5 Form in which documents are issued.

(a) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form CG-2838, and wherever such certificates are mentioned in this part they shall be deemed to include merchant mariner's documents representing such certificates.

(b) Continuous discharge books are issued on Coast Guard Form CG-719B.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by USCG-2003-14500, 69 FR 532, Jan. 6, 2004]

### § 12.02-7 When documents are required.

(a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service

or efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unrigged vessels except seagoing barges and certain tank barges.

(b) Every seaman, as referred to in paragraph (a) of this section, shall produce a continuous discharge book or certificate of identification or merchant mariner's document representing such a certificate to the United States shipping commissioner before signing Articles of Agreement, and where the seaman is not signed on before a shipping commissioner, one of these documents shall be exhibited to the master of the vessel at the time of his employment. Seamen who do not possess one of these documents may be employed at a foreign port or place.

(c)(1) Every person employed on any merchant vessel of the United States of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer and registered staff officer, shall possess a valid certificate of service, or merchant mariner's document representing such certificate, issued by an Officer in Charge, Marine Inspection.

(2) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any unrigged vessel except seagoing barges and certain tank barges.

(3) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U.S.C. 151) and in 33 CFR part 82.

(d) After January 31, 1997, each person serving as a rating forming part of a navigational watch on a seagoing ship of 500 gross tons or more shall hold an STCW endorsement certifying him or her as qualified to perform the navigational function at the support level, in accordance with STCW (incorporated by reference in § 12.01-3).

(e) After January 31, 2002, each person serving as a rating forming part of a watch in a manned engine-room or

designated to perform duties in a periodically unmanned engine-room, on a seagoing ship driven by main propulsion machinery of 750 kW [1,000 hp] of propulsion power or more, shall hold an STCW endorsement certifying him or her as qualified to perform the marine-engineering function at the support level, in accordance with STCW.

(f) Notwithstanding any other rule in this part, no unlicensed person serving on any of the following vessels needs hold an STCW endorsement, either because he or she is exempt from application of the STCW, or because the vessels are not subject to further obligation under STCW, on account of their special operating conditions as small vessels engaged in domestic voyages:

(1) Small passenger vessels subject to subchapter T or K of title 46, CFR.

(2) Vessels of less than 200 GRT (other than passenger vessels subject to subchapter H of title 46, CFR).

(3) Uninspected passenger vessels as defined in 46 U.S.C. 2101(42).

(4) Fishing vessels as defined in 46 U.S.C. 2101(11)(a).

(5) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(11)(c).

(6) Barges as defined in 46 U.S.C. 2101(2), including non-self-propelled mobile offshore-drilling units.

(7) Vessels operating exclusively on the Great Lakes.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34535, June 26, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

#### § 12.02-9 Application for documents.

(a) *General.* The Coast Guard will not process an incomplete merchant mariner's document application. It will process an application that is current and up-to-date with respect to service, physical examination, and other pertinent matters. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a merchant mariner's document representing a certificate of identification, at the option of the applicant.

(b)(1) When the application is submitted for a certificate of identification, certificate of service, certificate

of efficiency, merchant mariner's document, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish photographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

(2) When the application requests a continuous discharge book in addition to a certificate of service or certificate of efficiency or merchant mariner's document one additional photograph shall be furnished.

(c) An applicant for a document where sea service is required shall produce with his application discharges or other documentary evidence of his service, indicating the name of the vessels and dates on which he has had service, in what capacity and on what waters.

(d) If the applicant possesses a continuous discharge book, certificate of identification, or merchant mariner's document representing such certificate, it shall be exhibited at the time of making application for any other document.

(e) Approved applications are valid for 12 months.

(f) Except for applicants requesting an inactive merchant mariner's document renewal under § 12.02-27(g) of this part, to obtain an original issuance of a merchant mariner's document, the first endorsement as an able seaman, lifeboatman, qualified member of the engine department, or tankerman, or a reissuance of a merchant mariner's document with a new expiration date, each applicant shall present evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in § 16.220 of this subchapter.

(g) Each applicant for a merchant mariner's document may be subject to a criminal record review and a safety and security check as described by § 12.02-4(c).

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(h) Each applicant for a merchant mariner's document shall comply with the NDR requirements in §12.02-4(d).

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 74-178, 40 FR 57673, Dec. 11, 1975; CGD 91-211, 59 FR 49300, Sept. 27, 1994; CGD 91-223, 60 FR 4525, Jan. 23, 1995; CGD 91-212, 60 FR 65489, Dec. 19, 1995; USCG-2003-14500, 69 FR 532, Jan. 6, 2004]

### § 12.02-10 Applications for documents from aliens.

(a) No application from an alien for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document shall be accepted unless the alien presents acceptable documentary evidence from the United States US Citizenship and Immigration Services that he is lawfully admitted to the United States for permanent residence.

(b) This evidence may be in the form of an alien registration receipt card issued by the US Citizenship and Immigration Services bearing the certification that the alien was admitted to the United States as an immigrant, or a declaration of intention to become a citizen of the United States issued by a naturalization court.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

### § 12.02-11 General provisions respecting merchant mariners' documents.

(a) As provided in §12.02-5, every certificate of service, certificate of efficiency, or certificate of identification issued or reissued shall be in the form of a merchant mariner's document, Coast Guard Form CG-2838.

(b) Any licensed officer or unlicensed seaman currently holding, in a valid status, any of the documents listed in paragraph (a) of this section may, upon request and without examination, be issued a merchant mariner's document.

(c) A merchant mariner's document shall be a certificate of service authorizing the holder to serve in any rating endorsed thereon, or in any lower rating in the same department, or in any rating covered by a general endorsement thereon.

(d)(1) A merchant mariner's document issued to a licensed deck officer

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will be endorsed for, *any unlicensed rating in the deck department, except able seaman*, and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the deck department, except able seaman, without being required to present his license. If a licensed deck officer qualifies as able seaman, the merchant mariner's document will be endorsed, *any unlicensed rating in the deck department, including able seaman*, and such endorsement will be deemed to include a certificate of efficiency as lifeboatman.

(2) A merchant mariner's document issued to an engineer officer licensed for inspected vessels of over 2,000 horsepower, will be endorsed for *any unlicensed rating in the engine department*, and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the engine department without being required to present his license. If a licensed engineer qualifies as a lifeboatman, the further endorsement, *lifeboatman*, will be placed on the merchant mariner's document.

(3) A merchant mariner's document issued to a licensed radio officer will be endorsed as follows: *See License as Radio Officer*. If a licensed radio officer qualifies as a lifeboatman, the further endorsement, *Lifeboatman*, will be placed on the merchant mariner's document. Qualifications for other ratings for which a radio officer is eligible may also be endorsed on the document.

(e)(1) A merchant mariner's document issued to a staff officer will be endorsed as follows: *See Certificate of Registry*. The holder of a certificate of registry as chief purser, purser, senior assistant purser, or junior assistant purser, may also serve in any capacity in the staff department not requiring a certificate of registry without obtaining an additional endorsement on his merchant mariner's document.

(2) The authorized holder of any valid merchant mariner's document, however endorsed, may serve in any capacity in the staff department of a vessel, except in those capacities requiring registered staff officers: *Provided*, That whenever such service includes the handling of food no person may be so employed unless his document bears

the food handler's endorsement "(F.H.)."

(f) A merchant mariner's document endorsed as able seaman or as lifeboatman shall be a certificate of efficiency as lifeboatman.

(g) Every merchant mariner's document shall be a certificate of identification unless the holder also holds a continuous discharge book. The holder of a certificate of identification in the form issued before November 1, 1945, shall surrender that certificate before he is issued a merchant mariner's document.

(h) When a merchant mariner's document is issued, renewed, or endorsed, the Officer in Charge, Marine Inspection, will determine whether the holder of the document is required to hold an STCW endorsement for service on a seagoing vessel, and then, if the holder is qualified, the Officer in Charge, Marine Inspection will issue the appropriate endorsement. The Officer in Charge, Marine Inspection will also issue an STCW endorsement at other times, if circumstances so require and if the holder of the document is qualified to hold the endorsement. The Officer in Charge, Marine Inspection will issue an STCW endorsement for the following ratings:

(1) A rating forming part of a navigational watch on a seagoing ship of 500 GT or more if the holder of the document is qualified in accordance with STCW Regulation II/4 and Section A-II/4 of the STCW Code (incorporated by reference in §12.01-3), to perform the navigational function at the support level.

(2) A rating forming part of a watch in a manned engine-room, or designated to perform duties in a periodically unmanned engine-room, on a seagoing ship driven by main propulsion machinery of 750 kW [1,000 hp] of propulsion power or more, if the holder is qualified in accordance with STCW Regulation III/4 and Section A-III/4 of the STCW Code, to perform the marine-engineering function at the support level.

(i) At the request of the holder of the document, the Officer in Charge, Marine Inspection may add an endorsement to indicate that a qualified holder has received basic safety-training or

instruction required under Chapter VI of STCW.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34535, June 26, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

#### § 12.02-12 Identity.

(a) Each person applying for a merchant mariner's document shall present acceptable proof of identity. Proof of identity shall consist of two current forms of identification, one of which shall contain a photo of the applicant. The Coast Guard may require other identification information reasonably necessary to prove the applicant's identity.

(b) The following credentials are acceptable proof of identity:

(1) Unexpired U.S. military identification card;

(2) Unexpired U.S. driver's license;

(3) Unexpired U.S. passport;

(4) Unexpired official identification card issued by a federal, State, or local government or by a territory or possession of the U.S. (including a federal employee's identification credential);

(5) Unexpired port credential, with photo of the applicant, issued by State or local port authority;

(6) Unexpired law enforcement credential, with photo of the applicant;

(7) Unexpired merchant mariner's document issued after February 3, 2003;

(8) Unexpired foreign passport; or

(9) Birth Certificate or Birth Registration, issued by a State, county, municipality or outlying possession of the U.S.

[USCG-2003-14500, 69 FR 532, Jan. 6, 2004]

#### § 12.02-13 Citizenship requirements.

(a) Any person making application for a continuous discharge book or a certificate of identification or a merchant mariner's document representing a certificate of identification and claiming to be a citizen of the United States shall present acceptable evidence of such citizenship at the time of making application. No original document shall be issued to any person claiming to be a citizen of the United States until such citizenship is established by acceptable evidence.

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(b) The OCMI may reject any evidence of citizenship that is not believed to be authentic. Acceptable evidence of citizenship may be an original or a copy certified as true by the agency responsible for issuing the document of the following:

- (1) Birth certificate or birth registration;
- (2) Certificate of naturalization (original must be presented; photocopies are unlawful);
- (3) Baptismal certificate or parish record recorded within one year after birth;
- (4) Statement of a practicing physician certifying the physician's attendance at the birth and who possesses a record showing the date and location at which it occurred;
- (5) State Department passport;
- (6) A merchant mariner's document issued by the Coast Guard after February 3, 2003, that shows that the holder is a citizen of the U.S.;
- (7) Delayed certificate of birth issued under a state seal in the absence of any collateral facts indicating fraud in its procurement; or
- (8) Certificate of Citizenship issued by the US Citizenship and Immigration Services or by the Bureau of Citizenship and Immigration Services;

(c) If the applicant can not meet the requirements set forth in paragraphs (b)(1) through (8) of this section, the applicant must make a statement to that effect, and may submit data of the following character for consideration:

- (1) Report of the Census Bureau showing the earliest available record of age or birth.
- (2) Affidavits of parents, other relative, or two or more responsible citizens of the U.S. stating citizenship.
- (3) School records, immigration records, or insurance policies.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended at 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-2001-10224, 66 FR 48619, Sept. 21, 2001; USCG-2003-14500, 69 FR 532, Jan. 6, 2004; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

**§ 12.02-14 Nationality of aliens.**

(a) Any alien making application for a continuous discharge book or certificate of identification or merchant mariner's document representing a cer-

tificate of identification shall present acceptable evidence of nationality at the time of making application. No original document shall be issued to any alien until nationality is established by acceptable evidence.

(b) Any document of an official character showing the country of which the alien is a citizen or subject may be accepted as acceptable evidence of an alien's nationality. The following are examples of such a document:

(1) Declaration of intention to become a citizen of the United States made by the alien after 1929.

(2) A travel document in the nature of a passport issued by the government of the country of which the alien is a citizen or subject.

(3) A certificate issued by the consular representative of the country of which the alien is a citizen or subject.

(c) Should any doubt arise as to whether or not the document presented may be considered as acceptable evidence of the alien's nationality, the matter shall be referred to the Commanding Officer, National Maritime Center, for decision.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998]

**§ 12.02-15 Oath requirement.**

Applicants for a merchant mariner's document for any rating shall take an oath before an Officer in Charge, Marine Inspection, or other official authorized to give such oath, or a commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, that they will faithfully and honestly perform all the duties required of them by law and carry out all lawful orders of superior officers on shipboard. Such an oath remains binding for all subsequent merchant mariner's documents issued to a person until the document is surrendered to the Officer in Charge, Marine Inspection.

[CGD 91-211, 59 FR 49300, Sept. 27, 1994]

**§ 12.02-17 Preparation and issuance of documents.**

(a) Upon application of a person for a merchant mariner's document, any required examination will be given as soon as practicable.

(b) Upon determining that the applicant satisfactorily meets all requirements for the document and any endorsements requested, the Officer in Charge, Marine Inspection, shall issue the appropriate document to the applicant. A merchant mariner's document is valid for a term of 5 years from the date of issuance. Any document which is renewed or reissued prior to its expiration date automatically becomes void upon issuance of the replacement document.

(c) When a person applies for a merchant mariner's document, he or she must—

(1) Sign the document; and

(2) Provide acceptable proof of identity as described in § 12.02-12.

(d) For recordkeeping purposes, the official identification number is a seaman's social security number.

(e) After July 31, 1998, an applicant for a merchant mariner's document who will be serving on a seagoing vessel of 200 GRT or more shall provide a document issued by a qualified medical practitioner attesting the applicant's medical fitness to perform the functions for which the document is issued.

(f) An applicant for a certificate of service or efficiency who has been duly examined and refused a certificate by an Officer in Charge, Marine Inspection may come before the same Officer in Charge, Marine Inspection for reexamination at any time after the date of the initial examination. The Officer in Charge, Marine Inspection sets the time of reexamination based on the applicant's performance on the initial examination. However, the maximum waiting period after the initial failure will be 30 days, and the maximum waiting period after a second or subsequent failure will be 90 days.

(g) An applicant who has been examined and refused a certificate by an Officer in Charge, Marine Inspection may not make application for examination to any other Officer in Charge, Marine Inspection until 30 days after the applicant's last failure of an examination or

reexamination. However, an applicant may apply for examination by another Officer in Charge, Marine Inspection before the expiration of the 30 day period if sanctioned by the Officer in Charge, Marine Inspection who refused the applicant.

(h) The mariner shall return the previous MMD when a new MMD is issued.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 72-81R, 37 FR 10834, May 31, 1972; 44 FR 21021, Apr. 9, 1979; CGD 91-211, 59 FR 49300, Sept. 27, 1994; CGD 95-062, 62 FR 34535, June 26, 1997; USCG-2003-14500, 69 FR 532, Jan. 6, 2004]

**§ 12.02-18 Fees.**

(a) Use table 12.02-18 to determine the fees that you must pay for merchant mariner document activities in this part.

(b) Unless otherwise specified in this part, when two documents are processed on the same application—

(1) *Evaluation fees.* If a merchant mariner document transaction is processed on the same application as a license or certificate of registry transaction, only the license or certificate of registry evaluation fee will be charged;

(2) *Examination fees.* If a license examination under part 10 also fulfills the examination requirements in this part for a merchant mariner document, only the fee for the license examination is charged; and

(3) *Issuance fees.* A separate issuance fee will be charged for each document issued.

(c) You may pay—

(1) All fees required by this section when you submit your application; or

(2) A fee for each phase at the following times:

(i) An evaluation fee when you submit your application.

(ii) An examination fee before you take the first examination section.

(iii) An issuance fee before you receive your merchant mariner document.

(d) If you take your examination someplace other than a Regional Examination Center (REC), you must pay the examination fee to the REC at least one week before your scheduled examination date.

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(e) Unless the REC provides additional payment options, your fees may be paid as follows:

(1) Your fee payment must be for the exact amount.

(2) Make your check or money order payable to the U.S. Coast Guard, and write your social security number on the front of each check or money order.

(3) If you pay by mail, you must use either a check or money order.

(4) If you pay in person, you may pay with cash, check, or money order at Coast Guard units where Regional Examination Centers are located.

(f) The Coast Guard may assess charges for collecting delinquent payments or returned checks. The Coast Guard will not provide documentation services to a mariner who owes money for documentation services previously provided.

TABLE 12.02-18—FEES

| If you apply for—                                      | And you need—               |                              |                           |
|--|-----------------------------|------------------------------|---------------------------|
|  | Evaluation—Then the fee is— | Examination—Then the fee is— | Issuance—Then the fee is— |
| <b>Merchant Mariner Document:</b>                      |                             |                              |                           |
| Original:  |                             |                              |                           |
| Without endorsement .....                              | \$95 .....                  | n/a .....                    | \$45.                     |
| With endorsement .....                                 | \$95 .....                  | \$140 .....                  | \$45.                     |
| Endorsement for qualified rating .....                 | \$95 .....                  | \$140 .....                  | \$45.                     |
| Upgrade or Raise in Grade .....                        | \$95 .....                  | \$140 .....                  | \$45.                     |
| Renewal without endorsement for qualified rating ..... | \$50 .....                  | n/a .....                    | \$45.                     |
| Renewal with endorsement for qualified rating .....    | \$50 .....                  | \$45 .....                   | \$45.                     |
| Renewal for continuity purposes .....                  | n/a .....                   | n/a .....                    | \$45.                     |
| Reissue, Replacement, and Duplicate .....              | n/a .....                   | n/a .....                    | \$45. <sup>1</sup>        |
| <b>STCW Certification:</b>                             |                             |                              |                           |
| Original .....   | No fee .....                | No fee .....                 | No fee.                   |
| Renewal .....  | No fee .....                | No fee .....                 | No fee.                   |
| <b>Other Transactions:</b>                             |                             |                              |                           |
| Duplicate Continuous Discharge Book .....              | n/a .....                   | n/a .....                    | \$10.                     |
| Duplicate record of sea service .....                  | n/a .....                   | n/a .....                    | \$10.                     |
| Copy of certificate of discharge .....                 | n/a .....                   | n/a .....                    | \$10.                     |

<sup>1</sup> Duplicate for document lost as result of marine casualty—No Fee.

[USCG-1997-2799, 64 FR 42815, Aug. 5, 1999; 64 FR 53231, Oct. 1, 1999]

§ 12.02-19 **Suspension or revocation of documents.**

Any certificate of service or of efficiency or merchant mariner's document representing such certificate(s) is subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of 46 U.S.C. Chapter 77.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51196, Sept. 30, 1997]

§ 12.02-21 **Issuance of documents after revocation.**

(a) An applicant who has had a certificate or other document revoked and who is applying for certification in the same or any other rating shall state in his application the date of revocation

and number or type of the document revoked.

(b) No applicant who has had a certificate or other document revoked will be certificated in the same or any other rating except upon approval of the Commanding Officer, National Maritime Center.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998]

§ 12.02-23 **Issuance of duplicate documents.**

(a) If a seaman loses his continuous discharge book, merchant mariner's document or certificate of discharge by shipwreck or other casualty, he shall be supplied with a reissue of such documents free of charge. The phrase *or other casualty* as used in this section is interpreted to mean any damage to a

ship caused by collision, explosion, tornado, wreck or flooding of the ship, such as a tidal wave or a grounding of the ship on a sand bar, or a beaching of the ship on a shore or by fire or other causes in a category with these mentioned.

(b) If a seaman loses a continuous discharge book, merchant mariner's document, or certificate of discharge otherwise than by shipwreck or other casualty and applies for a reissue, the appropriate fee set out in table 12.02-18 in § 12.02-18 is required.

(c) A person entitled to a duplicate merchant mariner's document, duplicate continuous discharge book, copies of certificates of discharge, or record of sea service may obtain the documents by applying at any Regional Examination Center referenced in § 12.01-7 by:

(1) Completing the application form provided by the Coast Guard; and

(2) Paying the fee set out in table 12.02-18 in § 12.02-18.

(d) Each person issued a document described in § 12.02-5, shall report its loss to an Officer in Charge, Marine Inspection.

(e) If a merchant mariner's document or service record is lost, the seaman may obtain a duplicate by following the procedures in paragraph (c) of this section and by signing an affidavit, before the OCMI or a designated representative, explaining the loss of the document or service record. The Coast Guard will not process any application for a duplicate merchant mariner's document unless the applicant complies with the requirements of § 12.02-9.

(f) No application from an alien for a duplicate merchant mariner's document shall be accepted unless the alien complies with the requirements of § 12.02-10.

(g) The Coast Guard may deny applications for duplicate merchant mariner's documents for any reason listed in § 12.02-4.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGFR 71-168, 36 FR 23297, Dec. 8, 1971; CGD 72-81R, 37 FR 10834, May 31, 1972; CGD 91-002, 58 FR 15239, Mar. 19, 1993; USCG-1997-2799, 64 FR 42816, Aug. 5, 1999; USCG-2003-14500, 69 FR 532, Jan. 6, 2004; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004; USCG-2008-0906, 73 FR 56508, Sept. 29, 2008]

**§ 12.02-24 Reporting loss of continuous discharge book, merchant mariner's document, or certificate of discharge.**

Whenever a mariner loses a continuous discharge book, merchant mariner's document, or certificate of discharge, the mariner shall immediately report the loss to the nearest OCMI. The report shall be made in writing giving the facts incident to its loss.

[USCG-2003-14500, 69 FR 532, Jan. 6, 2004]

**§ 12.02-25 Right of appeal.**

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50379, Dec. 6, 1989]

**§ 12.02-27 Requirements for renewal of a merchant mariner's document.**

(a) *General.* Except as provided in paragraph (g) of this section, an applicant for renewal of a merchant mariner's document shall establish possession of all of the necessary qualifications before the document is renewed. The Coast Guard will not process an application until the applicant has submitted a complete application package that complies with the requirements of § 12.02-9. A request for a renewed merchant mariner's document may be denied for any reason listed in § 12.02-4.

(1) Each application for a merchant mariner's document must be made on form CG-719B furnished by the Coast Guard and be accompanied by the evaluation fee (including examination and issuance fees when required) established in Table 12.02-18 of § 12.02-18. Each application must contain all necessary proofs of qualifications, identity, and citizenship or nationality. It must be current and up-to-date with respect to service, the physical examination, and all other pertinent matters.

(2) The applicant may apply either in person at any Regional Examination Center referenced in § 12.01-7(a) or by mail under paragraph (e)(3) of this section.

(3) Each applicant who elects to renew by mail shall submit the merchant mariner's document with his or

her application. If a document is submitted, it will not be returned to the applicant. A photocopy of a merchant mariner's document showing both the front and the back of the document may be submitted in place of the existing document.

(4) The expiration date of a merchant mariner's document that was issued without an expiration date is determined in accordance with §12.02-29.

(5) Each applicant shall comply with §12.02-09(b)(1) of this part.

(b) *Fitness.* No merchant mariner's document will be renewed if it has been suspended without probation or revoked as a result of action under part 5 of this chapter, or facts which would render a renewal improper have come to the attention of the Coast Guard.

(c) *Professional requirements.* (1) In order to renew a merchant mariner's document endorsed with a qualified rating, the applicant shall comply with one of the following:

(i) Present evidence of at least 1 year of sea service during the past 5 years;

(ii) Pass a comprehensive, open-book exercise covering the general subject matter required by this part for the applicable endorsement or pass an open-book license exercise that covers the same subject matter required for the MMD endorsement;

(iii) Complete an approved refresher training course; or,

(iv) Present evidence of employment in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate for the endorsement) for at least 3 years during the past 5 years.

(2) There are no professional requirements for renewal of a merchant mariner's document that is not endorsed with any qualified ratings.

(d) *Physical requirements.* (1) An applicant for renewal of a merchant mariner's document endorsed with a qualified rating other than lifeboatman, shall submit a certification by a licensed physician or physician assistant that he or she is in good health and has no physical impairment or medical condition which would render him or her incompetent to perform the ordinary duties of that qualified rating(s). This certification must address visual acuity and hearing in addition to gen-

eral physical condition, and must have been completed within the previous 12 months.

(2) If the Officer in Charge, Marine Inspection has reason to believe that an applicant suffers from some physical impairment or medical condition which would render the applicant incompetent to perform the duties of the qualified rating(s) (other than lifeboatman), the applicant may be required to submit the results of an examination by a licensed physician or physician assistant that meets the requirements for originally obtaining the rating(s).

(3) An applicant who has lost sight in one eye may renew a merchant mariner's document with qualified ratings, provided the applicant is qualified in all other respects and that the visual acuity in the remaining eye passes the test required in §10.205(d) of this chapter.

(e) *Special circumstances—(1) Reissuance after expiration, Period of grace.* Except as provided in this paragraph, a merchant mariner's document may not be renewed more than 12 months after it has expired. To obtain a reissuance of a merchant mariner's document expired more than 12 months, an applicant shall comply with the requirements of paragraph (f) of this section. When an applicant's merchant mariner's document expires during a time of service with the Armed Forces and there is no reasonable opportunity for renewal, including by mail, this 12-month period of grace may be extended. The period of military service following the date of merchant mariner's document expiration which precluded renewal may be added to the 12 month period of grace. The 12 month period of grace, and any extension, do not affect the expiration date of the document. A merchant mariner's document, and any endorsements that it contains, are not valid for use after the expiration date.

(2) *Renewal in advance.* A merchant mariner's document may not be renewed more than 12 months before expiration unless it is being renewed in conjunction with a license or certificate of registry which is either due for renewal or being upgraded, or unless

the Officer in Charge, Marine Inspection is satisfied that special circumstances exist to justify renewal.

(3) *Renewal by mail.* (i) Applications for renewal of merchant mariner's documents by mail may be sent to any Coast Guard Regional Examination Center. The following documents must be submitted:

(A) A completed application and the evaluation fee (including examination and issuance fees when required) established in Table 12.02-18 in §12.02-18.

(B) The document to be renewed, or, if it has not expired, a photocopy of it, showing both the front and the back.

(C) A copy (both front and back if the credentials are printed on two sides) of two credentials deemed acceptable proofs of identity in §12.02-12, one of which must be a photo identification.

(D) A certification from a licensed physician or physician assistant in accordance with paragraph (d) of this section.

(E) Evidence of, or acceptable substitute for, sea service in accordance with paragraph (c) of this section.

(ii) The open-book exercise, if required, may be administered through the mail.

(4) *Concurrent renewal of merchant mariner's documents, and licenses, or certificates of registry.* An applicant for concurrent renewal of more than one merchant mariner credential shall satisfy the individual renewal requirements and pay the applicable fees required by tables in §§12.02-18 and 10.109 of this chapter for each merchant mariner's document, license, or certificate of registry being renewed.

(5) Each applicant applying for renewal by mail must appear in person at an REC at least one time during the application process to obtain a renewed merchant mariner's document. At that time, the applicant must show the same proofs of identity submitted with the application package as required by paragraph (e)(3)(i)(C) of this section. No other proofs of identity will be accepted. At the time the applicant appears in person at the REC, the applicant shall provide fingerprints in a form and manner specified by the Coast Guard. The applicant shall return the expired or expiring document to the Coast Guard. If the applicant has ap-

plied in person, shown the proofs of identity, submitted the expired or expiring document with the application, and provided fingerprints, then the renewed document may be mailed to an address provided by the applicant.

(f) *Reissuance of expired merchant mariner's documents.* (1) Whenever an applicant applies for reissuance of a merchant mariner's document endorsed with qualified rating(s) more than 12 months after expiration, in lieu of the requirements of paragraph (c) of this section the applicant shall demonstrate continued professional knowledge for each qualified rating for which reissuance is sought by completing a course approved for this purpose or, by passing the complete examination for each rating, or by passing the examination for a related license required by §10.209(f)(1) of this chapter. The fees listed in tables in §§12.02-18 and 10.109 apply to these examinations.

(2) A merchant mariner's document without any qualified rating endorsements that has been expired more than 12 months shall be reissued in the same manner as a current merchant mariner's document. There are no additional requirements for reissuing merchant mariner's documents without qualified ratings that have been expired more than 12 months.

(g) *Inactive document renewal.* (1) Applicants for renewal of merchant mariner's documents that are endorsed with qualified ratings, who are unwilling or otherwise unable to meet the requirements of paragraphs (c) or (d) of this section may renew the merchant mariner's document, with the following restrictive endorsement placed on the document: "Continuity only; service under document prohibited." Holders of merchant mariner's documents with this *continuity endorsement* may have the prohibition rescinded at any time by satisfying the renewal requirements in paragraphs (c) and (d) of this section and §12.02-9(f) of this part.

(2) Applications for renewal of a document with the continuity endorsement must include:

(i) The document to be renewed, or, if it is unexpired, a photocopy of the document including the back and,

(ii) A signed statement from the applicant attesting to an awareness of

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the restriction to be placed on the renewed document and of the requirements for rescinding the continuity endorsement.

[CGD 91–211, 59 FR 49301, Sept. 27, 1994, as amended by CGD 91–223, 60 FR 4525, Jan. 23, 1995; USCG–1997–2799, 64 FR 42816, Aug. 5, 1999; USCG–2003–14500, 69 FR 532, Jan. 6, 2004; USCG–2008–0906, 73 FR 56508, Sept. 29, 2008]

## § 12.02–29 [Reserved]

### Subpart 12.03—Approved and Accepted Training

#### § 12.03–1 Coast Guard-accepted training other than approved courses.

(a) When the training and assessment of competence required by part 10 of this chapter or by this part 12 are not subject to approval under §10.302 of this chapter, but are used to qualify to hold an STCW certificate or endorsement for service on or after February 1, 2002, the training and assessment must meet the following requirements:

(1) The training and assessment must have written, clearly defined objectives that emphasize specific knowledge, skills, and abilities, and that include criteria to be used in establishing a student's successful achievement of the training objectives.

(2) The training must be set out in a written syllabus that conforms to a Coast Guard-accepted outline for such training and includes—

(i) The sequence of subjects to be covered;

(ii) The number of hours to be devoted to instruction in relevant areas of knowledge;

(iii) The identity and professional qualifications of the instructor(s) to be conducting the training or providing instruction;

(iv) The identity of other media or facilities to be used in conducting the training; and

(v) Measurements at appropriate intervals of each candidate's progress toward acquisition of the specific knowledge, skills, and abilities stated in the training objectives.

(3) Except as provided in paragraph (a)(4) of this section, documentary evidence must be readily available to establish that all instructors—

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(i) Have experience, training, or instruction in effective instructional techniques;

(ii) Are qualified in the task for which the training is being conducted; and

(iii) Hold the level of license, endorsement, or other professional credential required of those who would apply, on board a vessel, the relevant level of knowledge, skills, and abilities described in the training objectives.

(4) Neither a specialist in a particular field of non-maritime education, such as mathematics or first aid, nor a person with at least 3 years of service as a member of the Armed Forces of the United States, specializing in a particular field, need hold a maritime license or document to conduct training in that field.

(5) A simulator may be used in training if—

(i) The simulator meets applicable performance standards;

(ii) The instructor has gained practical operational experience on the particular type of simulator being used; and

(iii) The instructor has received appropriate guidance in instructional techniques involving the use of simulators.

(6) Essential equipment and instructional materials must afford each student adequate opportunity to participate in exercises and acquire practice in performing required skills.

(7) A process for routinely assessing the effectiveness of the instructors, including the use of confidential evaluations by students, is in place.

(8) Documentary evidence is readily available to establish that any evaluation of whether a student is competent in accordance with standards, methods, and criteria set out in part A of the STCW Code (incorporated by reference in §12.01–3) is conducted by a designated examiner who has experience, training, or instruction in assessment techniques.

(9) Records of the student's performance are maintained for at least 1 year by the offeror of the training and assessment.

(10) To ensure that the training is meeting its objectives, and the requirements of paragraphs (a) (1) through (9)

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of this section, its offeror must either—

(i) Be regulated as a maritime academy or marine academy pursuant to 46 CFR part 310; or

(ii) Monitor it in accordance with a Coast Guard-accepted QSS, which must include the following features:

(A) The training must be provisionally certified, on the basis of an initial independent evaluation conducted under a Coast Guard-accepted QSS, as being capable of meeting its stated objective.

(B) The training must be periodically monitored in accordance with the schedule stipulated under the Coast Guard-accepted quality-standards system.

(C) Each person conducting the initial evaluation or the subsequent periodic monitoring of the training shall be knowledgeable about the subjects being evaluated or monitored and about the national and international requirements that apply to the training, and shall not himself or herself be involved in the training and assessment of students.

(D) Each person evaluating or monitoring the training shall enjoy convenient access to all appropriate documents and facilities, and opportunities both to observe all appropriate activities and to conduct confidential interviews when necessary.

(E) Arrangements must be such as to ensure that no person evaluating or monitoring the training is penalized or rewarded, directly or indirectly, by the sponsor of the training for making any particular observations or for reaching any particular conclusions.

(11) Each person conducting the initial evaluation under paragraph (a)(10)(ii)(A) of this section or the periodic monitoring of the training under paragraph (a)(10)(ii)(B) of this section shall communicate his or her conclusions to the Commanding Officer, National Maritime Center, NMC-2, 100 Forbes Drive, Martinsburg, West Virginia 25404, within 1 month of the completion or the evaluation of the monitoring.

(12) Each offeror of the training shall let the Coast Guard or someone authorized by the Coast Guard observe the records of a student's performance and

records otherwise relating to paragraphs (a) (1) through (10) of this section.

(b) The Coast Guard will maintain a list of training each of whose offerors submits a certificate, initially not less than 45 calendar days before offering training under this section, and annually thereafter, signed by the offeror or its authorized representative, stating that the training fully complies with requirements of this section, and identifying the Coast Guard-accepted QSS being used for independent monitoring. Training on this list will offer the training necessary for licenses and STCW endorsements under this part. The Coast Guard will update this list periodically and make it available to members of the public on request.

(c) If the Coast Guard determines, on the basis of observations or conclusions either of its own or of someone authorized by it to monitor the training, that particular training does not satisfy one or more of the conditions described in paragraph (a) of this section—

(1) The Coast Guard will so notify the offeror of the training by letter, enclosing a report of the observations and conclusions;

(2) The offeror may, within a period specified in the notice, either appeal the observations or conclusions to the Commanding Officer, National Maritime Center or bring the training into compliance; and

(3) If the appeal is denied—or the deficiency is not corrected in the allotted time, or within any additional period judged by the Coast Guard to be appropriate, considering progress towards compliance—the Coast Guard will remove the training from the list maintained under paragraph (b) of this section until it can verify full compliance; and it may deny applications for licenses for STCW endorsement based in whole or in part on training not on the list, until additional training or assessment is documented.

[CGD 95-062, 62 FR 34536, June 26, 1997, as amended by USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004; USCG-2008-0906, 73 FR 56508, Sept. 29, 2008]

**Subpart 12.05—Able Seamen****§ 12.05-1 Certification required.**

(a) Every person employed in a rating as able seaman on any United States vessel requiring certificated able seamen, before signing articles of agreement, shall present to the master, his or her certificate as able seaman (issued in the form of a merchant mariner's document).

(b) No certificate as able seaman is required of any person employed on any tug or towboat on the bays and sounds connected directly with the seas, or on any unrigged vessel except seagoing barges or tank barges.

(c) The following categories of able seaman are established:

- (1) Able Seaman—Any Waters, Unlimited.
- (2) Able Seaman—Limited.
- (3) Able Seaman—Special.
- (4) Able Seaman—Special (OSV).

[CGD 80-131, 45 FR 69240, Oct. 20, 1980]

**§ 12.05-3 General requirements.**

(a) To qualify for certification as able seaman an applicant must:

- (1) Be at least 18 years of age;
- (2) Pass the prescribed physical examination;
- (3) Meet the sea service or training requirements set forth in this part;
- (4) Pass an examination demonstrating ability as an able seaman and lifeboatman; and,
- (5) Speak and understand the English language as would be required in performing the general duties of able seaman and during an emergency aboard ship.

(b) An STCW endorsement valid for any period on or after February 1, 2002, will be issued or renewed only when the candidate for certification as an able seaman also produces satisfactory evidence, on the basis of assessment of a practical demonstration of skills and abilities, of having achieved or maintained within the previous 5 years the minimum standards of competence for the following 4 areas of basic safety:

(1) Personal survival techniques as set out in table A-VI/1-1 of the STCW Code (incorporated by reference in § 12.01-3).

(2) Fire prevention and fire-fighting as set out in table A-VI/1-2 of the STCW Code.

(3) Elementary first aid as set out in table A-VI/1-3 of the STCW Code.

(4) Personal safety and social responsibilities as set out in table A-VI/1-4 of the STCW Code.

(c) An STCW endorsement valid for any period on or after February 1, 2002, will be issued or renewed only when the candidate for certification as able seaman meets the requirements of STCW Regulation II/4 and of Section A-II/4 of the STCW Code, if the candidate will be serving as a rating forming part of the navigational watch on a seagoing ship of 500 GT or more.

[CGD 80-131, 45 FR 69240, Oct. 20, 1980, as amended by CGD 95-062, 62 FR 34537, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

**§ 12.05-5 Physical requirements.**

(a) All applicants for a certificate of service as able seaman shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present to the Officer in Charge, Marine Inspection, a certificate executed by the Public Health Service Officer. Such certificate shall attest to the applicant's acuity of vision, color sense, hearing, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by any other reputable physician.

(b) The medical examination for an able seaman is the same as for an original license as a deck officer as set forth in § 10.205 of this subchapter. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by USCG-1998-4442, 63 FR 52189, Sept. 30, 1998]

**§ 12.05-7 Service or training requirements.**

(a) The minimum service required to qualify an applicant for the various

categories of able seaman is as listed in this paragraph.

(1) Able Seaman—Any Waters, Unlimited. Three years service on deck on vessels operating on the oceans or the Great Lakes.

(2) Able Seaman—Limited. Eighteen months service on deck in vessels of 100 gross tons or over which operate in a service not exclusively confined to the rivers and smaller inland lakes of the United States.

(3) Able Seaman—Special. Twelve months service on deck on vessels operating on the oceans, or the navigable waters of the United States including the Great Lakes.

(4) Able Seaman—Special (OSV). Six months service on deck on vessels operating on the oceans, or the navigable waters of the United States including the Great Lakes.

(5) After July 31, 1998, to receive an STCW endorsement for service as a “rating forming part of a navigational watch” on a seagoing ship of 500 GT or more, the applicant’s seagoing service must include training and experience associated with navigational watchkeeping and involve the performance of duties carried out under the direct supervision of the master, the officer in charge of the navigational watch, or a qualified rating forming part of a navigational watch. The training and experience must be sufficient to establish that the candidate has achieved the standard of competence prescribed in table A-II/4 of the STCW Code (incorporated by reference in §12.01-3), in accordance with the methods of demonstrating competence and the criteria for evaluating competence specified in that table.

NOTE: Employment considerations for the various categories of able seaman are contained in §157.20-15 of this chapter.

(b) Training programs approved by the Commanding Officer, National Maritime Center, may be substituted for the required periods of service on deck as follows:

(1) A graduate of a school ship may be rated as able seaman upon satisfactory completion of the course of instruction. For this purpose, *school ship* is interpreted to mean an institution which offers a complete course of instruction, including a period of at sea

training, in the skills appropriate to the rating of able seaman.

(2) Training programs, other than those classified as a school ship, may be substituted for up to one third of the required service on deck. The service/training ratio for each program is determined by the Commanding Officer, National Maritime Center, who may allow a maximum of three days on deck service credit for each day of instruction.

(c) A certificate of service as *Able Seaman, Great Lakes—18 months’ service*, is considered equivalent to a certificate of service as *Able Seaman—Limited*.

(d) A certificate of service as *Able Seaman* with the following route, vessel, or time restrictions is considered equivalent to a certificate of service as *Able Seaman—Special*:

(1) *Any waters—12 months.*

(2) *Tugs and towboats—any waters.*

(3) *Bays and sounds—12 months, vessels 500 gross tons or under not carrying passengers.*

(4) *Seagoing barges—12 months.*

(e) An individual holding a certificate of service endorsed as noted in paragraphs (c) or (d) of this section may have his or her merchant mariner’s document endorsed with the equivalent category, upon request.

[CGD 80-131, 45 FR 69240, Oct. 20, 1980, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; CGD 95-062, 62 FR 34537, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

#### § 12.05-9 Examination and demonstration of ability.

(a) Before an applicant is certified as an able seaman, he or she shall prove to the satisfaction of the Coast Guard by oral or other means of examination, and by actual demonstration, his or her knowledge of seamanship and the ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman. The applicant shall demonstrate that he or she:

(1) Has been trained in all the operations connected with the launching of lifeboats and liferafts, and in the use of oars;

(2) Is acquainted with the practical handling of boats; and

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(3) Is capable of taking command of the boat's crew.

(b) The examination, whether administered orally or by other means, must be conducted only in the English language and must consist of questions regarding:

(1) Lifeboats and liferafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of lifeboats and liferafts, and handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea;

(3) The operation and functions of commonly used types of davits;

(4) The applicant's knowledge of nautical terms; boxing the compass, either by degrees or points according to his experience; running lights, passing signals, and fog signals for vessels on the high seas, in inland waters, or on the Great Lakes depending upon the waters on which the applicant has had service; and distress signals; and,

(5) The applicant's knowledge of commands in handling the wheel by obeying orders passed to him as *wheelsman*, and knowledge of the use of engineroom telegraph or bell-pull signals.

(c) In the actual demonstration, the applicant shall show his ability by taking command of a boat and directing the operation of clearing away, swinging out, lowering the boat into the water, and acting as coxswain in charge of the boat under oars. He shall demonstrate his ability to row by actually pulling an oar in the boat. He shall also demonstrate knowledge of the principal knots, bends, splices, and hitches in common use by actually making them.

(d) The applicant must demonstrate to the satisfaction of the Officer in Charge, Marine Inspection, his knowledge of pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste material from cargo and fueling operations.

(e) Any person who is in valid possession of a certificate as able seaman endorsed, *any waters—12 months* and who can produce documentary evidence of sufficient service to qualify for a cer-

tificate as able seaman endorsed, *any waters—unlimited*, may be issued a new document bearing this endorsement without additional professional examination. The applicant shall surrender for cancellation the document bearing the limited endorsement. No physical examination will be required at the time of this exchange unless it is found that the applicant obviously suffers from some physical or mental infirmity to a degree that in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the usual duties of an able seaman at sea. If such condition is believed to exist, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972; CGD 94-029, 61 FR 47064, Sept. 6, 1996; USCG-2002-13058, 67 FR 61278, Sept. 30, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

**§ 12.05-11 General provisions respecting merchant mariner's document endorsed for service as able seamen.**

(a) The holder of a merchant mariner's document endorsed for the rating of able seamen may serve in any unlicensed rating in the deck department without obtaining an additional endorsement; *provided*, however, that the holder shall hold the appropriate endorsement under the STCW (incorporated by reference in §12.01-3) when serving in as a "rating forming part of a navigational watch" on a seagoing ship of 500 GT or more.

(b) A merchant mariner's document endorsed as able seaman will also be considered a certificate of efficiency as lifeboatman without further endorsement.

(c) This type of document will describe clearly the type of able seaman certificate which it represents, e.g.: able seaman—any waters; able seaman—any waters, 12 months; able seaman—Great Lakes, 18 months; able seaman—on freight vessels, 500 gross tons or less on bays or sounds, and on

tugs, towboats, and barges on any waters.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34537, June 26, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

### Subpart 12.07 [Reserved]

### Subpart 12.10—Lifeboatman

#### § 12.10-1 Certification required.

Every person employed in a rating as lifeboatman on any United States vessel requiring certificated lifeboatmen shall produce a certificate as lifeboatman or merchant mariner's document endorsed as lifeboatman or able seaman to the shipping commissioner, United States collector or deputy collector of customs, or master before signing articles of agreement. No certificate of efficiency as lifeboatman is required of any person employed on any unrigged vessel, except on a sea-going barge and on a tank barge navigating waters other than rivers and/or canals.

#### § 12.10-3 General requirements.

(a) An applicant to be eligible for certification as lifeboatman must meet one of the following requirements:

(1) At least 1 year's sea service in the deck department, or at least 2 years' sea service in the other departments of ocean, coastwise, Great Lakes, and other lakes, bays, or sounds vessels.

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commanding Officer, National Maritime Center.

(3) Satisfactory completion of basic training by a Cadet of the United States Merchant Marine Cadet Corps.

(4) Satisfactory completion of 3 years' training at the U.S. Naval Academy or the U.S. Coast Guard Academy including two training cruises.

(5) Satisfactory completion of a course of training approved by the Commanding Officer, National Maritime Center, and service aboard a training vessel.

(6) Successful completion of a training course, approved by the Commanding Officer, National Maritime Center, such course to include a min-

imum of 30 hours' actual lifeboat training; *provided*, however, that the applicant produces satisfactory evidence of having served a minimum of 6 months at sea board ocean or coastwise vessels.

(b) An applicant, to be eligible for certification as lifeboatman, shall be able to speak and understand the English language as would be required in the rating of lifeboatman and in an emergency aboard ship.

(c) An applicant shall be 18 years old to be certified as proficient in survival craft under STCW Regulation VI/2 (incorporated by reference in §12.01-3).

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; CGD 95-062, 62 FR 34537, June 26, 1997; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

#### § 12.10-5 Examination and demonstration of ability.

(a) Before an applicant is certified as a lifeboatman, he or she shall prove to the satisfaction of the Coast Guard by oral or other means of examination, and by actual demonstration, his or her knowledge of seamanship and the ability to carry out effectively all the duties that may be required of a lifeboatman. The applicant shall demonstrate that he or she:

(1) Has been trained in all the operations connected with the launching of lifeboats and liferafts, and in the use of oars;

(2) Is acquainted with the practical handling of boats; and

(3) Is capable of taking command of the boat's crew.

(b) The examination, whether administered orally or by other means, must be conducted only in the English language and must consist of questions regarding:

(1) Lifeboats and liferafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of lifeboats and liferafts, the handling of lifeboats under oars and sails, including questions relative to the proper handling of a boat in a heavy sea; and,

(3) The operation and functions of commonly used types of davits.

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(c) The practical examination shall consist of a demonstration of the applicant's ability to carry out the orders incident to launching lifeboats, and the use of the boat's sail, and to row.

(d) After July 31, 1998, each applicant for a lifeboatman's certificate endorsed for proficiency in survival craft and rescue boats shall be not less than 18 years old and shall produce satisfactory evidence that he or she meets the requirements of STCW Regulation VI/2 (incorporated by reference in § 12.01-3), paragraph 1, and the appropriate provisions of Section A-VI/2 of the STCW Code (also incorporated by reference in § 12.01-3).

[CGFR 60-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 71-161R, 37 FR 28263, Dec. 21, 1972; CGD 94-029, 61 FR 47064, Sept. 6, 1996; CGD 95-062, 62 FR 34537, June 26, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

### § 12.10-7 General provisions respecting merchant mariner's document endorsed as lifeboatman.

A merchant mariner's document endorsed as able seaman is the equivalent of a certificate as lifeboatman or of an endorsement as lifeboatman and will be accepted as either of these wherever either is required by law; *provided*, however, that, when the holder documented as an able seaman has to be certificated as either proficient in survival craft and rescue boats or proficient in fast rescue boats, he or she shall hold an endorsement under the STCW (incorporated by reference in § 12.01-3).

[CGD 95-062, 62 FR 34537, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997, as amended by USCG-1999-5610, 67 FR 66069, Oct. 30, 2002]

### § 12.10-9 Certificates of proficiency in fast rescue boats.

(a) Each person engaged or employed as a lifeboatman proficient in fast rescue boats shall hold either a certificate of proficiency in these boats or a merchant mariner's document endorsed for proficiency in them.

(b) To be eligible for either a certificate of proficiency in fast rescue boats or a merchant mariner's document endorsed for proficiency in them, an applicant shall—

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(1) Be qualified as a lifeboatman with proficiency in survival craft and fast rescue boats under this subpart; and

(2) Furnish satisfactory proof that he or she has met the requirements for training and competence of STCW Regulation, VI/2 (incorporated by reference in § 12.01-3), paragraph 2, and the appropriate requirements of Section A-VI/2 of the STCW Code.

[CGD 95-062, 62 FR 34537, June 26, 1997, as amended by USCG-1999-5610, 67 FR 66069, Oct. 30, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

## Subpart 12.13—Persons Designated To Provide Medical Care on Board Ship

SOURCE: CGD 95-062, 62 FR 34537, June 26, 1997, unless otherwise noted.

### § 12.13-1 Documentary evidence required.

Each person designated to provide medical first aid on board ship, or to take charge of medical care on board ship, shall hold documentary evidence attesting that the person has attended a course of training in medical first aid or medical care, as appropriate.

[CGD 95-062, 62 FR 34537, June 26, 1997, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

### § 12.13-3 Basis of documentary evidence.

The Officer in Charge, Marine Inspection will issue such documentary evidence to the person, or endorse his or her license or document, on being satisfied that the training required under section 12.13-1 of this section establishes that he or she meets the standards of competence set out in STCW Regulation VI/4 and Section A-VI/4 of the STCW Code.

## Subpart 12.15—Qualified Member of the Engine Department

### § 12.15-1 Certification required.

(a) Every person employed in a rating as qualified member of the engine department on any United States vessel requiring certificated qualified members of the engine department shall

produce a certificate as qualified member of the engine department to the shipping commissioner, United States Collector or Deputy Collector of Customs, or master before signing articles of agreement.

(b) No certificate as qualified member of the engine department is required of any person employed on any unrigged vessel, except seagoing barges.

#### § 12.15-3 General requirements.

(a) A qualified member of the engine department is any person below the rating of licensed officer and above the rating of coal passer or wiper, who holds a certificate of service as such qualified member of the engine department issued by the Coast Guard or predecessor authority.

(b) For purposes of administering this part the rating of *assistant electrician* is considered a rating not above that of coal passer or wiper, but equal thereto.

(c) An applicant, to be eligible for certification as qualified member of the engine department, shall be able to speak and understand the English language as would be required in the rating of qualified member of the engine department and in an emergency aboard ship.

(d) After July 31, 1998, an STCW endorsement valid for any period on or after February 1, 2002, will be issued or renewed only when the candidate for certification as a qualified member of the engine department also produces satisfactory evidence, on the basis of assessment of a practical demonstration of skills and abilities, of having achieved or maintained within the previous 5 years the minimum standards of competence for the following 4 areas of basic safety:

(1) Personal survival techniques as set out in table A-VI/1-1 of the STCW Code (incorporated by reference in §12.01-3).

(2) Fire prevention and fire-fighting as set out in table A-VI/1-2 of the STCW Code.

(3) Elementary first aid as set out in table A-VI/1-3 of the STCW Code.

(4) Personal safety and social responsibilities as set out in table A-VI/1-4 of the STCW Code.

(e) After July 31, 1998 an STCW endorsement that is valid for any period on or after February 1, 2002, will be issued or renewed only when the candidate for certification as a qualified member of the engine department meets the standards of competence set out in STCW Regulation III/4 and Section A-III/4 of the STCW Code, if the candidate will be serving as a rating forming part of a watch in a manned engine-room, or designated to perform duties in a periodically unmanned engine-room, on a seagoing ship driven by main propulsion machinery of 750 kW [1,000 hp] propulsion power or more.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34538, June 26, 1997; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000; USCG-1999-5610, 67 FR 66069, Oct. 30, 2002]

#### § 12.15-5 Physical requirements.

(a) An applicant for a certificate of service as a qualified member of the engine department shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a qualified member of the engine department.

(b) The medical examination for qualified member of the engine department is the same as for an original license as engineer, as set forth in §10.205 of this subchapter. If the applicant is in possession of an unexpired license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

(c) An applicant holding a certificate of service for a particular rating as qualified member of the engine department and desiring certification for another rating covered by this same form of certificate may qualify therefor without a physical examination unless the Officer in Charge, Marine Inspection, finds that the applicant obviously suffers from some physical or mental infirmity to a degree that would render him incompetent to perform the ordinary duties of a qualified member of the engine department. In this event

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the applicant shall be required to undergo an examination to determine his competency.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004; USCG-2004-18884, 69 FR 68089, Nov. 23, 2004]

**§ 12.15-7 Service or training requirements.**

(a) An applicant for a certificate of service as qualified member of the engine department shall furnish the Coast Guard proof of qualification based on six months' service in a rating at least equal to that of wiper or coal passer.

(b) Training programs approved by the Commanding Officer, National Maritime Center, may be substituted for the required service at sea in accordance with the following:

(1) A graduate of a school ship may be rated as qualified member of the engine department upon satisfactory completion of the course of instruction. For this purpose, *school ship* is interpreted to mean an institution which offers a complete course of instruction, including a period of sea training, in the skills appropriate to the rating of qualified member of the engine department.

(2) Training programs other than those classified as a school ship may be substituted for up to one-half of the required service at sea.

(c) To qualify to receive an STCW endorsement for service as a "rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned en-

gine-room" on a seagoing vessel driven by main propulsion machinery 750 kW [1,000 hp] propulsion power or more, an applicant shall prove seagoing service that includes training and experience associated with engine-room watchkeeping and involves the performance of duties carried out under the direct supervision of a qualified engineer officer or a member of a qualified rating. The training must establish that the applicant has achieved the standard of competence prescribed in table A-III/4 of the STCW Code (incorporated by reference in §12.01-3), in accordance with the methods of demonstrating competence and the criteria for evaluating competence specified in that table.

[CGD 80-131, 45 FR 69241, Oct. 20, 1980, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; CGD 95-062, 62 FR 34538, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-1999-5610, 67 FR 66069, Oct. 30, 2002]

**§ 12.15-9 Examination requirements.**

(a) Each applicant for certification as a qualified member of the engine department in the rating of oiler, watertender, fireman, deck engineer, refrigeration engineer, junior engineer, electrician, or machinist shall be examined orally or by other means and only in the English language on the subjects listed in paragraph (b) of this section. The applicant's general knowledge of the subjects must be sufficient to satisfy the examiner that he is qualified to perform the duties of the rating for which he makes application.

(b) List of subjects required:

| Subjects  | Machinist | Refrigerating engineer | Fireman/Watertender | Oiler | Electrician | Junior engineer | Deck engineer |
|---|-----------|------------------------|---------------------|-------|-------------|-----------------|---------------|
| 1. Application, maintenance, and use of hand tools and measuring instruments .....  | X         | X                      | X                   | X     | X           | X               | X             |
| 2. Uses of babbitt, copper, brass, steel, and other metals .....  | X         | X                      | X                   | X     | X           | X               | X             |
| 3. Methods of measuring pipe, pipe fittings, sheet metal, machine bolts and nuts, packing, etc .....  | X         | X                      | X                   | X     | X           | X               | X             |
| 4. Operation and maintenance of mechanical remote control equipment .....   | X         | .....                  | X                   | X     | X           | X               | X             |
| 5. Precautions to be taken for the prevention of fire and the proper use of firefighting equipment .....  | X         | X                      | X                   | X     | X           | X               | X             |
| 6. Principles of mechanical refrigeration; and functions, operation, and maintenance of various machines and parts of the systems .....                           | .....     | X                      | .....               | X     | .....       | X               | .....         |
| 7. Knowledge of piping systems as used in ammonia, freon, and CO <sub>2</sub> , including testing for leaks, operation of bypasses, and making up of joints ..... | .....     | X                      | .....               | ..... | .....       | X               | .....         |

| Subjects   | Ma-<br>chinist | Re-<br>friger-<br>ating<br>engi-<br>neer | Fireman/<br>Watertender | Oiler | Elec-<br>trician | Junior<br>engi-<br>neer | Deck<br>engi-<br>neer |
|--|----------------|--|-------------------------|-------|------------------|-------------------------|-----------------------|
| 8. Safety precautions to be observed in the operation of various refrigerating systems, including storage of refrigerants, and the use of gas masks and firefighting equipment .....                       | X              | X  | X                       | X     | X                | X                       | X                     |
| 9. Combustion of fuels, proper temperature, pressures, and atomization .....   | .....          | .....                                    | X                       | X     | .....            | X                       | .....                 |
| 10. Operation of the fuel oil system on oil burning boilers, including the transfer and storage of fuel oil .....  | .....          | .....                                    | X                       | X     | .....            | X                       | X                     |
| 11. Hazards involved and the precautions taken against accumulation of oil in furnaces, bilges, floorplates, and tank tops; flarebacks, leaks in fuel oil heaters, clogged strainers and burner tips ..... | X              | X  | X                       | X     | X                | X                       | .....                 |
| 12. Precautions necessary when filling empty boilers, starting up the fuel oil burning system, and raising steam from a cold boiler .....  | .....          | .....                                    | X                       | X     | .....            | X                       | .....                 |
| 13. The function, operation, and maintenance of the various engineroom auxiliaries .....   | X              | X  | X                       | X     | X                | X                       | .....                 |
| 14. Proper operation of the various types of lubricating systems .....   | X              | X  | X                       | X     | X                | X                       | X                     |
| 15. Safety precautions to be observed in connection with the operation of engineroom auxiliaries, electrical machinery, and switchboard equipment .....  | X              | X  | X                       | X     | X                | X                       | X                     |
| 16. The function, operation, and maintenance of the bilge, ballast, fire, freshwater, sanitary, and lubricating systems ...  | X              | X  | X                       | X     | .....            | X                       | X                     |
| 17. Proper care of spare machine parts and idle equipment ...  | X              | X  | X                       | X     | X                | X                       | X                     |
| 18. The procedure in preparing a turbine, reciprocating, or Diesel engine for standby; also the procedure in securing ..   | .....          | .....                                    | X                       | X     | .....            | X                       | .....                 |
| 19. Operation and maintenance of the equipment necessary for the supply of water to boilers, the dangers of high and low water and remedial action .....   | .....          | .....                                    | X                       | X     | .....            | X                       | .....                 |
| 20. Operation, location, and maintenance of the various boiler fittings and accessories .....  | X              | .....                                    | X                       | X     | .....            | X                       | .....                 |
| 21. The practical application and solution of basic electrical calculations (Ohm's law, power formula, etc.) .....   | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 22. Electrical wiring circuits of the various two-wire and three-wire D.C. systems and the various single-phase and poly-phase A.C. systems .....  | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 23. Application and characteristics of parallel and series circuits .....  | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 24. Application and maintenance of electrical meters and instruments .....   | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 25. The maintenance and installation of lighting and power wiring involving testing for, locating and correcting grounds, short circuits and open circuits, and making splices .....                       | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 26. The operation and maintenance of the various types of generators and motors, both A.C. and D.C .....   | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 27. Operation, installation, and maintenance of the various types of electrical controls and safety devices .....  | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 28. Testing and maintenance of special electrical equipment, such as telegraphs, telephones, alarm systems, fire-detecting systems, and rudder angle indicators .....                                      | .....          | .....                                    | .....                   | ..... | X                | X                       | .....                 |
| 29. Rules and Regulations and requirements for installation, repair, and maintenance of electrical wiring and equipment installed aboard ships .....   | .....          | .....                                    | .....                   | ..... | X                | X                       | X                     |
| 29a. Pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste from cargo and fueling operations .....                                | X              | X  | X                       | X     | X                | X                       | .....                 |
| 30. Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency .....                             | X              | X  | X                       | X     | X                | X                       | X                     |

(c) Each applicant for certification as a qualified member of the engine department in the rating of pumpman shall, by oral or other examination, demonstrate sufficient knowledge of the subjects peculiar to that rating to

satisfy the Officer in Charge, Marine Inspection, that he or she is qualified to perform the duties of that rating.

(d) Applicants for certification as qualified members of the engine department in the rating of deck engine

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mechanic or engineman, who have proved eligibility for such endorsement under either §12.15-13 or §12.15-15, will not be required to take a written or oral examination for such ratings.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGFR 66-46, 31 FR 13649, Oct. 22, 1966; CGD 71-161R, 37 FR 28263, Dec. 21, 1972; CGD 74-75, 42 FR 24741, May 16, 1977; CGD 94-029, 61 FR 47064, Sept. 6, 1996]

### § 12.15-11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.

The holder of a merchant mariner's document endorsed with one or more qualified member of the engine department ratings may serve in any unqualified rating in the engine department without obtaining an additional endorsement. This does not mean that an endorsement of one qualified member of the engine department rating authorizes the holder to serve in all qualified member of the engine department ratings. Each qualified member of the engine department rating for which a holder of a merchant mariner's document is qualified must be endorsed separately. When, however, the applicant qualifies for all ratings covered by a certificate as a qualified member of the engine department, the certification may read *QMED—any rating*. The ratings are as follows:

- (a) Refrigerating engineer.
- (b) Oiler.
- (c) Deck engineer.
- (d) Fireman/Watertender.
- (e) Junior engineer.
- (f) Electrician.
- (g) Machinist.
- (h) Pumpman.
- (i) Deck engine mechanic.
- (j) Engineman.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGFR 66-46, 31 FR 13649, Oct. 22, 1966; CGD 74-45, 42 FR 24741, May 16, 1977]

### § 12.15-13 Deck engine mechanic.

(a) An applicant for a certificate as *deck engine mechanic* shall be a person holding a merchant mariner's document endorsed as *junior engineer*. The applicant shall be eligible for such certification upon furnishing one of the following:

(1) Satisfactory documentary evidence of sea service of 6 months in the

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rating of *junior engineer* on steam vessels of 4,000 horsepower or over; or,

(2) Documentary evidence from an operator of an automated vessel that he has completed satisfactorily at least 4 weeks indoctrination and training in the engine department of an automated steam vessel of 4,000 horsepower or over; or,

(3) Satisfactory completion of a course of training for *deck engine mechanic* acceptable to the Commanding Officer, National Maritime Center.

(b) The Officer in Charge, Marine Inspection, who is satisfied that an applicant for the rating of *deck engine mechanic* meets the requirements specified in this section, will endorse this rating on the current merchant mariner's document held by the applicant.

(c) Any holder of a merchant mariner's document endorsed for *any unlicensed rating in the engine department* or *QMED—any rating* is qualified as a *deck engine mechanic* and that endorsement will not be entered on his document.

[CGFR 66-46, 31 FR 13649, Oct. 22, 1966, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; CGD 95-028, 62 FR 51196, Sept. 30, 1997; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998]

### § 12.15-15 Engineman.

(a) An applicant for a certificate as *engineman* shall be a person holding a merchant mariner's document endorsed as *fireman/watertender* and *oiler*, or *junior engineer*. The applicant shall be eligible for such certification upon furnishing one of the following:

(1) Satisfactory documentary evidence of sea service of 6 months in any one or combination of *junior engineer*, *fireman/watertender* or *oiler* on steam vessels of 4,000 horsepower or over; or,

(2) Documentary evidence from an operator of a *partially automated* steam vessel that he has completed satisfactorily at least 2 weeks indoctrination and training in the engine department of a *partially automated* steam vessel of 4,000 horsepower or over;

(3) Satisfactory completion of a course of training for *engineman* acceptable to the Commanding Officer, National Maritime Center.

(b) The Officer in Charge, Marine Inspection, who is satisfied that an applicant for the rating of *engineman* meets

the requirements specified in this section, will endorse this rating on the current merchant mariner's document held by the applicant.

(c) Any holder of a merchant mariner's document endorsed for *any unlicensed rating in the engine department, QMED—any rating or deck engine mechanic* is qualified as an *engineman* and that endorsement will not be entered on his document.

[CGFR 66–46, 31 FR 13650, Oct. 22, 1966, as amended by CGD 95–072, 60 FR 50460, Sept. 29, 1995; CGD 95–028, 62 FR 51196, Sept. 30, 1997; USCG–1998–4442, 63 FR 52189, Sept. 30, 1998]

### Subpart 12.25—Certificates of Service for Ratings Other Than Able Seaman or Qualified Member of the Engine Department

#### § 12.25–1 Certification required.

Every person employed in a rating other than able seaman or qualified member of the engine department of U.S. merchant vessels requiring such certificated persons shall produce a merchant mariner's document to the master, or person in charge if appropriate, before signing a shipping articles agreement.

[CGD 95–028, 62 FR 51196, Sept. 30, 1997]

#### § 12.25–10 General requirements.

(a) Merchant mariner's documents shall be issued without professional examination to applicants for certificates of service as endorsements on merchant mariner's documents in capacities other than able seaman, lifeboatman, tankerman or qualified member of the engine department and shall be endorsed for one or more ratings. For example, *ordinary seaman—wiper—steward's department (F.H.)*. Holders of documents endorsed for service as *ordinary seaman* may serve in any unqualified rating in the deck department. Holders of documents endorsed for service as *wiper* may serve in any unqualified rating in the engine department. Documents endorsed for *steward's department (F.H.)* will authorize the holder's service in any capacity in the steward's department. (See § 12.02–11(e)(2) for unqualified ratings in the staff department.)

(b) When the holder of a merchant mariner's document has qualified as a food handler, the endorsement of his rating will be followed by the further endorsement (*F.H.*).

[CGFR 65–50, 30 FR 16640, Dec. 30, 1965, as amended by USCG–2002–13058, 67 FR 61278, Sept. 30, 2002]

#### § 12.25–20 Food handler.

No applicant for a rating authorizing the handling of food will be certificated unless he produces a certificate from a medical officer of the United States Public Health Service, or other reputable physician, stating that the applicant is free from communicable disease.

[CGFR 65–50, 30 FR 16640, Dec. 30, 1965, as amended by USCG–2004–18884, 69 FR 58343, Sept. 30, 2004]

#### § 12.25–25 Members of Merchant Marine Cadet Corps.

No ratings other than cadet (deck) or cadet (engine) as appropriate, and lifeboatman shall be shown on a merchant mariner's document issued to a member of the U.S. Merchant Marine Cadet Corps. The merchant mariner's document shall also be stamped *Valid only while cadet in the U.S. Maritime Administration training program*. The merchant mariner's document thus prepared shall be surrendered upon the holder being certified in any other rating or being issued a license and the rating of cadet (deck) or cadet (engine) shall be omitted from any new merchant mariner's document issued.

#### § 12.25–30 Student observers.

Students in technical schools who are enrolled in courses in marine management and ship operations who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as *student observers—any department* and may be signed on ships as such. Students holding these documents or certificates will not take the place of any of the crew, or fill any of the regular ratings.

#### § 12.25–35 Apprentice engineers.

(a) Persons enrolled in an apprentice engineer training program approved by

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the Commanding Officer, National Maritime Center, and who present a letter or other documentary evidence that they are so enrolled may be issued a merchant mariner's document as apprentice engineer and may be signed on ships as such. The endorsement apprentice engineer may be in addition to other endorsements. However, this endorsement of apprentice engineer does not authorize the holder to fill any of the regular ratings.

(b) Persons holding merchant mariner's documents with the endorsement apprentice engineer shall be deemed to be seamen.

[CGFR 66–69, 31 FR 15669, Dec. 13, 1966, as amended by CGD 95–072, 60 FR 50460, Sept. 29, 1995; CGD 95–028, 62 FR 51196, Sept. 30, 1997; USCG-1998–4442, 63 FR 52189, Sept. 30, 1998]

## § 12.25–40 Apprentice mate.

A person enrolled in an apprentice mate training program approved by the Commanding Officer, National Maritime Center who presents a letter or other documentary evidence that he is so enrolled may be issued a merchant mariner's document as apprentice mate and may be signed on ships as apprentice mate. The endorsement *apprentice mate* may be in addition to other endorsements. However, this endorsement as apprentice mate does not authorize the holder to fill any of the regular ratings.

[CGD 74–226, 40 FR 33976, Aug. 13, 1975, as amended by CGD 95–072, 60 FR 50460, Sept. 29, 1995; USCG-1998–4442, 63 FR 52189, Sept. 30, 1998]

## § 12.25–45 GMDSS At-sea Maintainer.

An applicant is eligible to have his or her STCW certificate or endorsement include a statement of qualification as GMDSS At-sea Maintainer if he or she holds sufficient evidence of having completed a training program that covers at least the scope and content of training outlined in Section B-IV/2 of the STCW Code (incorporated by reference in §12.01–3) for training in maintenance of GMDSS installations on board vessels.

[CGD 95–062, 62 FR 34538, June 26, 1997, as amended by USCG-1999–5610, 67 FR 66069, Oct. 30, 2002]

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### Subpart 12.30—Ro-Ro Passenger Ships

SOURCE: CGD 95–062, 62 FR 34538, June 26, 1997, unless otherwise noted.

#### § 12.30–1 Purpose of regulations.

The purpose of the regulations in this subpart is to establish requirements for certification of seamen serving on roll-on/roll-off (Ro-Ro) passenger ships.

[CGD 95–062, 62 FR 34538, June 26, 1997, as amended by CGD 97–057, 62 FR 51042, Sept. 30, 1997]

#### § 12.30–3 Definitions.

*Roll-on/Roll-off (Ro-Ro) passenger ship* means a passenger ship with Ro-Ro cargo spaces or special-category spaces as defined in the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), to which ship a SOLAS Certificate is issued.

*MMD* means merchant mariner's document.

#### § 12.30–5 General requirements.

To serve on a Ro-Ro passenger ship after January 31, 1997, a person holding an MMD and performing duties toward safety, cargo-handling, or care for passengers shall meet the appropriate requirements of STCW Regulation V/2 and of Section A-V/2 of the STCW Code (incorporated by reference in §12.01–3), and hold documentary evidence to show his or her meeting these requirements.

[CGD 95–062, 62 FR 34538, June 26, 1997, as amended by USCG-1999–5610, 67 FR 66069, Oct. 30, 2002]

### Subpart 12.35—Crewmembers on a Passenger Ship, Other Than a Ro-Ro Passenger Ship, When on an International Voyage

SOURCE: USCG-1999–5610, 67 FR 66069, Oct. 30, 2002, unless otherwise noted.

#### § 12.35–1 Purpose of rules.

The rules in this subpart establish requirements for the certification of seamen serving on passenger ships as defined in §12.35–3.

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### § 12.35-3 Definition.

*Passenger ship* in this subpart means a ship, other than a Ro-Ro passenger ship, carrying more than 12 passengers when on an international voyage.

### § 12.35-5 General requirements.

If you are an unlicensed person, then, before you may serve on a passenger ship and perform duties that involve safety or care for passengers, you must—

(a) Meet the appropriate requirements of the STCW Regulation V/3 and of section A-V/3 of the STCW Code (incorporated by reference in §12.01-3); and

(b) Hold documentary evidence to show that you do meet these requirements through approved or accepted training.

## Subpart 12.40—Non-resident Alien Unlicensed Members of the Steward's Department on U.S.-Flag Large Passenger Vessels

AUTHORITY: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701 and 8103; Department of Homeland Security Delegation No. 0170.1.

SOURCE: USCG-2007-27761, 72 FR 20284, Apr. 24, 2007, unless otherwise noted.

### § 12.40-1 Purpose of rules.

The rules in this subpart implement 46 U.S.C. 8103(k) by establishing requirements for the issuance of merchant mariner's documents, valid only for service in the steward's department of U.S.-flag large passenger vessels, to non-resident aliens.

### § 12.40-3 Definitions.

As used in this subpart:

*Large passenger vessel* means a vessel of more than 70,000 gross tons, as measured under 46 U.S.C. 14302 and documented under the laws of the United States, with capacity for at least 2,000 passengers and a coastwise endorsement under 46 U.S.C. chapter 121.

*Non-resident alien* means an individual who is not a citizen or alien lawfully admitted to the United States for permanent residence, but who is employable in the United States under the Immigration and Nationality Act (8

U.S.C. 1101 *et seq.*), including an alien crewman described in section 101(a)(15)(D)(i) of that Act who meets the requirements of 46 U.S.C. 8103(k)(3)(A).

*Steward's department* means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary under 46 U.S.C. 70103(c). These personnel may also be referred to as members of the hotel department on a large passenger vessel.

### § 12.40-5 General application requirements.

(a) Unless otherwise expressly specified in this subpart, non-resident alien applicants for Coast Guard-issued merchant mariner's documents are subject to all applicable requirements contained in this subchapter.

(b) No application from a non-resident alien for a merchant mariner's document issued pursuant to this subpart will be accepted unless the applicant's employer satisfies all of the requirements of §12.40-7.

### § 12.40-7 Employer requirements.

(a) The employer must submit the following to the Coast Guard, as a part of the applicant's merchant mariner's document application, on behalf of the applicant:

(1) A signed report that contains all material disciplinary actions related to the applicant, such as, but not limited to, violence or assault, theft, drug and alcohol policy violations, and sexual harassment, along with an explanation of the criteria used by the employer to determine the materiality of those actions;

(2) A signed report regarding an employer-conducted background check. The report must contain:

(i) A statement that the applicant has successfully undergone an employer-conducted background check;

(ii) A description of the employer-conducted background check, including all databases and records searched. The background check must, at a minimum, show that the employer has reviewed all information reasonably and

legally available to the owner or managing operator, including the review of available court and police records in the applicant's country of citizenship, and any other country in which the applicant has received employment referrals, or resided, for the past 20 years prior to the date of application; and,

(iii) All information derived from the employer-conducted background check.

(3) The employer-conducted background check must be conducted to the satisfaction of the Coast Guard for a merchant mariner's document to be issued to the applicant.

(b) If a merchant mariner's document is issued to the applicant, the report and information required in paragraph (a)(2) of this section must be securely kept by the employer on the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant is employed. The report and information must remain on the last U.S.-flag large passenger vessel on which the applicant was employed until such time as the merchant mariner's document is returned to the Coast Guard in accordance with paragraph (d) of this section.

(c) If a merchant mariner's document or a transportation worker identification credential (TWIC) is issued to the applicant, each merchant mariner's document and TWIC must be securely kept by the employer on the U.S.-flag large passenger vessel on which the applicant is employed. The employer must maintain a detailed record of the seaman's total service on all authorized U.S.-flag large passenger vessels, and must make that information available to the Coast Guard upon request, to demonstrate that the limitations of § 12.40-13(c) have not been exceeded.

(d) In the event that the seaman's merchant mariner's document and/or TWIC expires, the seaman's visa status terminates, the seaman serves onboard the U.S.-flag large passenger vessel(s) for 36 months in the aggregate as a nonimmigrant crewman, the employer terminates employment of the seaman or if the seaman otherwise ceases working with the employer, the employer must return the merchant mariner's document to the Coast Guard and/or the TWIC to the Transportation Se-

curity Administration within 10 days of the event.

(e) In addition to the initial material disciplinary actions report and the initial employer-conducted background check specified in paragraph (a) of this section, the employer must:

(1) Submit an annual material disciplinary actions report to update whether there have been any material disciplinary actions related to the applicant since the last material disciplinary actions report was submitted to the Coast Guard.

(i) The annual material disciplinary actions report must be submitted to the satisfaction of the Coast Guard in accordance with the same criteria set forth in paragraph (a)(1) of this section, except that the period of time examined for the material disciplinary actions report need only extend back to the date of the last material disciplinary actions report; and

(ii) The annual material disciplinary actions report must be submitted to the Coast Guard on or before the anniversary of the issuance date of the merchant mariner's document.

(2) Conduct a background check each year that the merchant mariner's document is valid to search for any changes that might have occurred since the last employer-conducted background check was performed:

(i) The annual background check must be conducted to the satisfaction of the Coast Guard in accordance with the same criteria set forth in paragraph (a)(2) of this section, except that the period of time examined during the annual background check need only extend back to the date of the last background check; and

(ii) All information derived from the annual background check must be submitted to the Coast Guard on or before the anniversary of the issuance date of the merchant mariner's document.

(f) The employer is subject to the civil penalty provisions specified in 46 U.S.C. 8103(f) for any violation of this section.

#### § 12.40-9 Basis for denial.

In addition to the requirements for a merchant mariner's document established elsewhere in this subchapter, and the basis for denial established in

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§ 12.02-4 of this part, an applicant for a merchant mariner's document issued pursuant to this subpart must:

(a) Have been employed, for a period of at least one year, on a foreign-flag passenger vessel, or foreign flag passenger vessels, that are under the same common ownership or control as the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant will be employed upon issuance of a merchant mariner's document under this subpart.

(b) Have no record of material disciplinary actions during the employment required under paragraph (a) of this section, as verified in writing by the owner or managing operator of the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant will be employed.

(c) Have successfully completed an employer-conducted background check, to the satisfaction of both the employer and the Coast Guard.

(d) Meet the citizenship and identity requirements of § 12.40-11.

### § 12.40-11 Citizenship and identity.

(a) In lieu of the requirements of §§ 12.02-10, 12.02-12 and 12.02-14 of this part, a non-resident alien may apply for a Coast Guard-issued merchant mariner's document, endorsed and valid only for service in the steward's department of a U.S.-flag large passenger vessel as defined in this subpart, if he or she is employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101, *et seq.*), including an alien crewman described in section 101 (a)(15)(D)(i) of that Act.

(b) To meet the citizenship and identity requirements of this subpart, an applicant must present an unexpired passport issued by the government of the country of which the applicant is a citizen or subject; and either a valid U.S. C-1/D Crewman Visa or other valid U.S. visa or authority deemed acceptable by the Coast Guard.

(c) Any non-resident alien applying for a merchant mariner's document under this subpart may not be a citizen of, or a temporary or permanent resident of, a country designated by the Department of State as a "State Sponsor of Terrorism" pursuant to section 6(j) of the Export Administration Act

of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

### § 12.40-13 Restrictions.

(a) A merchant mariner's document issued to a non-resident alien under this subpart authorizes service only in the steward's department of the U.S.-flag large passenger vessel(s), that is/are under the same common ownership and control as the foreign-flag passenger vessel(s), on which the non-resident alien served to meet the requirements of § 12.40-9(a):

(1) The merchant mariner's document will be endorsed for service in the steward's department in accordance with § 12.25-10 of this part;

(2) The merchant mariner's document may also be endorsed for service as a food handler if the applicant meets the requirements of § 12.25-20 of this part; and

(3) No other rating or endorsement is authorized, except lifeboatman, in which case all applicable requirements of this subchapter and the STCW Convention and STCW Code must be met.

(b) The following restrictions must be printed on the merchant mariner's document, or listed in an accompanying Coast Guard letter, or both:

(1) The name and official number of all U.S.-flag vessels on which the non-resident alien may serve. Service is not authorized on any other U.S.-flag vessel;

(2) Upon issuance, the merchant mariner's document must remain in the custody of the employer at all times;

(3) Upon termination of employment, the merchant mariner's document must be returned to the Coast Guard within 10-days in accordance with § 12.40-7;

(4) A non-resident alien issued a merchant mariner's document under this subpart may not perform watchstanding, engine room duty watch, or vessel navigation functions; and,

(5) A non-resident alien issued a merchant mariner's document under this subpart may perform emergency-related duties provided:

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(i) The emergency-related duties do not require any other rating or endorsement, except lifeboatman as specified in paragraph (a)(3) of this section;

(ii) The non-resident alien has completed familiarization and basic safety training, as required in § 15.1105 of this subchapter;

(iii) That if the non-resident alien serves as a lifeboatman, he or she must have the necessary lifeboatman's endorsement; and

(iv) The non-resident alien has completed the training for crewmembers on passenger ships performing duties involving safety or care for passengers, as required in subpart 12.35 of this part.

(c) A non-resident alien may only serve for an aggregate period of 36 months actual service on all authorized U.S.-flag large passenger vessels combined under the provisions of this subpart:

(1) Once this 36-month limitation is reached, the merchant mariner's document becomes invalid and must be returned to the Coast Guard under § 12.40-7(d), and the non-resident alien is no longer authorized serve in a position requiring a merchant mariner's document on any U.S.-flag large passenger vessel; and

(2) An individual who successfully adjusts his or her immigration status to become either a alien lawfully admitted for permanent residence to the United States or citizen of the United States may apply for a merchant mariner's document, subject to the requirements of §§ 12.02-10, 12.02-12 and 12.02-14 of this part, without any restrictions or limitations imposed by this subpart.

### § 12.40-15 Alternative means of compliance.

(a) The owner or managing operator of a U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, seeking to employ non-resident aliens issued merchant mariner's documents under this subpart may submit a plan to the Coast Guard, which, if approved, will serve as an alternative means of complying with the requirements of this subpart.

(b) The plan must address all of the elements contained in this subpart, as well as the related elements contained

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in § 15.530 of this subchapter, to the satisfaction of the Coast Guard.

### PART 13—CERTIFICATION OF TANKERMEN

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