

Subpart J—Ro-Ro Passenger Ships

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

§ 11.1001 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.

§ 11.1003 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.

§ 11.1005 General requirements for officers.

To serve on a Ro-Ro passenger ship, a person endorsed as master, chief mate, mate, chief engineer, or engineer shall meet the appropriate requirements of STCW Regulation V/2 and Section A-V/2 of the STCW Code (incorporated by reference, see § 11.102) and shall hold documentary evidence to show his or her meeting these requirements.

[USCG-2006-24371, 74 FR 11254, Mar. 16, 2009]

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.

§ 11.1101 Purpose of rules.

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

§ 11.1103 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.

§ 11.1105 General requirements for officer's endorsements.

If you are 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, see § 11.102); and

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

[USCG-1999-5610, 67 FR 66068, Oct. 30, 2002, as amended by USCG-2006-24371, 74 FR 11254, Mar. 16, 2009]

PART 12—REQUIREMENTS FOR RATING ENDORSEMENTS**Subpart 12.01—General**

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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 endorsement required by STCW; and

(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.

[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; USCG-2006-24371, 74 FR 11254, Mar. 16, 2009; USCG-2003-14500, 77 FR 31520, May 29, 2012]

§ 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 this section, the Coast Guard must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection 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. Also, it is available for inspection at the Coast Guard, Marine Personnel Qualifications Division (CG-OES-1), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, 202-372-1405 and is available from the sources indicated in this section.

(b) *International Maritime Organization (IMO)*, 4 Albert Embankment, London, SE1 7SR, England, telephone: + 44 (0)20 7735 7611, <http://www.imo.org>.

(1) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended 1995 (the STCW Convention or the STCW), incorporation by reference approved for §§ 12.02-7, 12.02-11, 12.05-3, 12.05-11, 12.10-3; 12.10-5, 12.10-7, 12.10-9, 12.15-3, 12.30-5, and 12.35-5.

(2) The Seafarers' Training, Certification and Watchkeeping Code, as amended 1995 (the STCW Code), incorporation by reference approved for §§ 12.02-11, 12.03-1, 12.05-3, 12.05-7, 12.10-5, 12.10-9, 12.15-3, 12.15-7, 12.25-45, 12.30-5, and 12.35-5.

[USCG-2006-24371, 74 FR 11254, Mar. 16, 2009, as amended by USCG-2009-0702, 74 FR 49225, Sept. 25, 2009]

§§ 12.01-6-12.01-7 [Reserved]

§ 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 [Reserved]

Subpart 12.02—General Requirements for Certification

§§ 12.02-3-12.02-5 [Reserved]

§ 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, must carry a valid merchant mariner credential (MMC) or merchant mariner's document (MMD) with all appropriate endorsements for the position served and, beginning on April 15, 2009, a valid Transportation Worker Identification Credential (TWIC). 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 valid MMC or MMD with all applicable rating endorsements for the position sought and, beginning on April 15, 2009, a valid TWIC to the master of the vessel at the time of his or her employment before signing articles of agreement. Seamen who do not possess one of these credentials 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 grades of officer and staff officer, must possess a valid MMC or MMD with all appropriate endorsements for the positions served;

(2) No endorsements are required of any person below the rank of officer employed on any unrigged vessel except seagoing barges and certain tank barges.

(3) No endorsements are required of any person below the rank of 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.

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(d) Each person serving as an able seaman or a rating forming part of a navigational watch on a seagoing ship of 500 gross tonnage (200 GRT) 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, see §12.01-3).

(e) Each person serving as a qualified member of the engine department (QMED) or 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 person subject to this part serving on any of the following vessels needs to 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; USCG-2006-24371, 74 FR 11254, Mar. 16, 2009]

§§ 12.02-9-12.02-10 [Reserved]

§ 12.02-11 General provisions respecting rating endorsements.

(a)(1) An MMC with a deck officer endorsement will authorize the holder to serve in any rating capacity in the deck department, except able seaman. If a deck officer qualifies as able seaman, the MMC will be endorsed with the appropriate able seaman and lifeboatman endorsement. STCW endorsements as RFPNW and PSC will also be entered upon qualification.

(2) An MMC issued to an engineer officer endorsed for inspected vessels of over 2,000 horsepower will authorize the holder to serve in any rating capacity in the engine department. If an engineer officer qualifies as a lifeboatman, the appropriate lifeboatman endorsement will be placed on the MMC. STCW endorsements as RFPEW and PSC will also be entered upon qualification.

(b) The authorized holder of any valid rating endorsement may serve in any capacity in the staff department of a vessel, except in those capacities requiring a staff officer; except that whenever the service includes the handling of food, no person may be so employed unless his or her credential bears the food handler's endorsement "(F.H.)".

(c) A rating endorsement as able seaman or lifeboatman authorizes service as lifeboatman.

(d) The OCMI will issue an STCW endorsement if the applicant for or holder of an MMC is qualified for the endorsement. The OCMI 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 credential is qualified according to STCW Regulation II/4 of the STCW Code (incorporated by reference, see §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 to STCW Regulation III/4 and

Section A-III/4 of the STCW Code, (incorporated by reference, see §12.01-3) to perform the marine-engineering function at the support level.

(e) At the request of the holder of the document, the OCMI may add an endorsement to indicate that a qualified holder has received basic-safety training or instruction required under Chapter VI of STCW (incorporated by reference, see §12.01-3).

[USCG-2006-24371, 74 FR 11255, Mar. 16, 2009]

§§ 12.02-12-12.02-15 [Reserved]

§ 12.02-17 Examination procedures and denial of rating endorsements.

(a) Upon application for a rating endorsement, any required examination will be given as soon as practicable.

(b) An applicant for a rating endorsement who has been duly examined and refused a certificate by the Coast Guard may come before the Coast Guard for reexamination at any time after the date of the initial examination. The Coast Guard 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.

(c) An applicant who has been examined and refused a certificate by the Coast Guard may not again make application for examination until 30 days after the applicant's last failure of an examination or reexamination.

[USCG-2006-24371, 74 FR 11255, Mar. 16, 2009]

§§ 12.02-18-12.02-29 [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 parts 10 or 12 of this subchapter are not subject to approval under §11.302 of this chapter, but are used to qualify an applicant to hold an STCW or rating endorsement, 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—

(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 Coast Guard credential 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 Coast Guard credential 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) 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 both officer 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 the 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 National Maritime Center (NMC) 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; USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

Subpart 12.05—Able Seamen

§ 12.05-1 Certification required.

(a) Every person serving under the authority of a rating endorsement 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 an MMC or MMD endorsement).

(b) No MMD or MMC endorsed 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, as amended by USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

§ 12.05-3 General requirements.

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

(1) Be at least 18 years of age;

(2) Pass the prescribed physical and medical examination in §10.215 of this subchapter;

(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, 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 as rating forming part of the navigational watch will be issued or renewed when the candidate for an endorsement meets the requirements of STCW Regulation II/4 and of Section A-II/4 of the STCW Code (incorporated by reference, see §12.01-3).

[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; USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

§ 12.05-5

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§ 12.05-5 [Reserved]

§ 12.05-7 Service or training requirements.

(a) The minimum service required to qualify an applicant for the various categories of endorsement as able seaman are 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 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.

[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; USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

§ 12.05-9 Examination and demonstration of ability.

(a) Before an applicant is issued an endorsement 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

(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 *wheelman*, 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 holds a valid MMC or MMD endorsed as able seaman, any waters-12 months and who can produce documentary evidence of sufficient service to qualify for an endorsement as able seaman, any waters-unlimited, may be issued a new MMC bearing this endorsement without additional professional examination. The applicant shall surrender for cancellation the credential 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 to determine his competency as set forth in §10.215 of this chapter.

[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; USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

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

(a) The holder of an MMC or MMD endorsed for the rating of able seamen may serve in any 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, see §12.01-3) when serving as a rating forming part of a navigational watch (RFPNW) on a seagoing ship of 500 GT or more.

(b) An MMC or MMD endorsed as able seaman will also be considered an endorsement as lifeboatman.

(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; USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

Subpart 12.07 [Reserved]

Subpart 12.10—Lifeboatman

§ 12.10-1 Credentials required.

Every person serving under the authority of a rating endorsement as lifeboatman on any United States vessel requiring lifeboatmen must produce an MMC or MMD endorsed as lifeboatman or able seaman to the

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United States Customs and Border Protection Port Director or his or her representative or master before signing articles of agreement. No endorsement as lifeboatman is required of any person employed on any unrigged vessel, except on a seagoing barge and on a tank barge navigating waters other than rivers and/or canals.

[USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

§ 12.10-3 General requirements.

(a) An applicant to be eligible for an endorsement 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 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 National Maritime Center, or service aboard a training vessel.

(6) Successful completion of a training course, approved by the National Maritime Center, such course to include a minimum 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 an endorsement 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 eligible for an endorsement as proficient in survival craft under

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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; USCG-2006-24371, 74 FR 11256, Mar. 16, 2009]

§ 12.10-5 Examination and demonstration of ability.

(a) Before an applicant is issued an endorsement 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.

(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) Each applicant for a lifeboatman's endorsement with an STCW endorsement 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

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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; USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.10-7 General provisions respecting an MMC or MMD endorsed as lifeboatman.

An MMC or MMD endorsed as able seaman is the equivalent of an endorsement as lifeboatman and will be accepted wherever a lifeboatman is required by law; provided, however, that, when an able seaman has to be endorsed 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, see §12.01-3).

[USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.10-9 Endorsement for proficiency in fast rescue boats.

(a) Each person engaged or employed as a lifeboatman proficient in fast rescue boats must hold an appropriately endorsed MMC or MMD.

(b) To be eligible for an MMC endorsed for proficiency in fast rescue boats, an applicant must:

(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 paragraph 2, and the appropriate requirements of Section A-VI/2 of the STCW Code (incorporated by reference in §12.01-3).

[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; USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

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 MMC, 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.

[CGD 95-062, 62 FR 34537, June 26, 1997, as amended by USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

Subpart 12.15—Qualified Member of the Engine Department

§ 12.15-1 Credentials required.

(a) Every person serving under the authority of a rating endorsement as qualified member of the engine department on any United States vessel requiring qualified members of the engine department shall produce an endorsement as qualified member of the engine department to the United States Customs and Border Protection Port Director or his or her representative or master before signing articles of agreement.

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

[USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.15-3 General requirements.

(a) A qualified member of the engine department is any person below officer and above the rating of coal passer or

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wiper, who holds an MMC or MMD endorsed as qualified member of the engine department issued by the Coast Guard.

(b) For purposes of administering this part the rating of assistant electrician is considered a rating equal to coal passer or wiper.

(c) An applicant, to be eligible for an endorsement 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) An STCW endorsement will be issued or renewed only when the candidate for endorsement 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) An STCW endorsement will be issued or renewed only when the candidate for endorsement 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 (incorporated by reference, see §12.01-3), 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 ma-

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chinery 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; USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.15-5 Physical and medical requirements.

The physical and medical requirements for an endorsement as QMED are found in §10.215 of this chapter.

[USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.15-7 Service or training requirements.

(a) An applicant for an endorsement 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 qualify for a rating endorsement 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 engine-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 in the engine department. 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; USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.15-9 Examination requirements.

(a) Each applicant for endorsement 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 ₂ , including testing for leaks, operation of bypasses, and making up of joints .....	.....	X	.....	.....	.....	X	.....
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

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Subjects	Machinist	Refrigerating engineer	Fireman/Watertender	Oiler	Electrician	Junior engineer	Deck engineer
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 an endorsement 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 an endorsement as qualified members of the engine department in the rating of deck engine 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; USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§12.15-11 General provisions respecting an endorsement as qualified member of the engine department.

The holder of an endorsement with one or more qualified members 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 must be a separate endorsement. When, however, the applicant qualifies for all ratings covered by an endorsement as a QMED, the endorsement 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; USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.15-13 Deck engine mechanic.

(a) An applicant for an endorsement as *deck engine mechanic* shall be a person holding an MMC or MMD 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 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 MMC held by the applicant.

(c) Any holder of an MMC or MMD 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 or her credential.

[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; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

§ 12.15-15 Engineman.

(a) An applicant for an endorsement as *engineman* shall be a person holding an MMC or MMD document endorsed as *fireman/watertender* and *oiler*, or *junior engineer*. The applicant shall be eligible for such endorsement 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; or

(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 applicant's MMC.

(c) Any holder of an MMC or MMD endorsed for any 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 or her credential.

[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; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

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

§ 12.25-1 Credentials 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 persons shall produce an MMC or MMD with the appropriate endorsement to the master, or person in charge if appropriate, before signing a shipping articles agreement.

[CGD 95-028, 62 FR 51196, Sept. 30, 1997, as amended by USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

§ 12.25-10 General requirements.

(a) Rating endorsements shall be issued without professional examination to applicants in capacities other than *able seaman*, *lifeboatman*, *tankerman*, or *QMED*. For example, *ordinary seaman*, *wiper*, and *steward's department (F.H.)* endorsements do not require an exam. Holders of MMCs or MMDs endorsed as *ordinary seaman* may serve in any unqualified rating in the deck department. Holders of MMCs or MMDs endorsed as *wiper* may serve in any unqualified rating in the engine

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department. MMCs or MMDs endorsed as steward's department (F.H.) will authorize the holder's service in any capacity in the steward's department. (See §12.02–11(b) of this part for unqualified ratings in the staff department.)

(b) When the holder of an endorsement is qualified as a food handler, the steward's department endorsement will be followed by the further endorsement (F.H.).

[USCG–2006–24371, 74 FR 11258, Mar. 16, 2009]

§ 12.25–20 Physical and medical requirements.

The physical and medical requirements for this subpart are found in part 10 of this chapter.

[USCG–2006–24371, 74 FR 11258, Mar. 16, 2009]

§ 12.25–25 Members of Merchant Marine Cadet Corps.

No ratings other than cadet (deck) or cadet (engine), as appropriate, and lifeboatman will be shown on an MMC issued to a member of the U.S. Merchant Marine Cadet Corps. The MMC will also indicate that it is valid only while the holder is a cadet in the U.S. Maritime Administration training program. The MMC must be surrendered upon the holder being endorsed in any other rating or upon being issued an officer's endorsement and the rating of cadet (deck) or cadet (engine) will be omitted.

[USCG–2006–24371, 74 FR 11258, Mar. 16, 2009]

§ 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 MMC endorsed as *student observers—any department* and may be signed on ships as such. Students holding these endorsements will not take the place of any of the crew, or fill any of the regular ratings.

[CGFR 65–50, 30 FR 16640, Dec. 30, 1965, as amended by USCG–2006–24371, 74 FR 11258, Mar. 16, 2009]

§ 12.25–35 Apprentice engineers.

(a) Persons enrolled in an apprentice engineer training program approved by the Commanding Officer, National Maritime Center, and who present a letter or other documentary evidence that they are so enrolled may be issued an endorsement 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 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; USCG–2006–24371, 74 FR 11258, Mar. 16, 2009]

§ 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 an endorsement 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; USCG–2006–24371, 74 FR 11258, Mar. 16, 2009]

§ 12.25–45 GMDSS At-sea Maintainer.

An applicant is eligible to have his or her STCW 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

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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; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

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 endorsements for 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; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

§ 12.30-3 [Reserved]

§ 12.30-5 General requirements.

To serve on a Ro-Ro passenger ship a person holding an endorsement 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; USCG-2006-24371, 74 FR 11258, Mar. 16, 2009]

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 qualification of sea-

men serving on passenger ships as defined in part 10 of this chapter.

[USCG-1999-5610, 67 FR 66069, Oct. 30, 2002, as amended by USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

§ 12.35-3 [Reserved]

§ 12.35-5 General requirements.

A mariner with no endorsements, may serve on a passenger ship and perform duties that involve safety or care for passengers, only after meeting the following conditions—

(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 the mariner meets these requirements through approved or accepted training.

[USCG-1999-5610, 67 FR 66069, Oct. 30, 2002, as amended by USCG-2006-24371, 74 FR 11257, Mar. 16, 2009]

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, 74 FR 47734, Sept. 17, 2009, 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 credentials, valid only for service in the steward's department of U.S. flag large passenger vessels, to non-resident aliens.

§ 12.40-3 [Reserved]

§ 12.40-5 General application requirements.

(a) Unless otherwise expressly specified in this subpart, non-resident alien applicants for Coast Guard-issued merchant mariner credentials are subject

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to all applicable requirements contained in this subchapter.

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

§ 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 credential 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 credential to be issued to the applicant.

(b) If a merchant mariner credential 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 credential is returned to the Coast Guard in accordance with paragraph (d) of this section.

(c) If a merchant mariner credential or a Transportation Worker Identification Credential (TWIC) is issued to the applicant, each merchant mariner credential 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) of this subpart have not been exceeded.

(d) In the event that the seaman's merchant mariner credential 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 credential to the Coast Guard and the TWIC to the Transportation Security 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

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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 credential.

(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 credential.

(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 credential established elsewhere in this subchapter, and the basis for denial established in §§ 10.209, 10.211, and 10.213 of this subchapter, an applicant for a merchant mariner credential issued pursuant to this subpart must:

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

§ 12.40-11 Citizenship and identity.

(a) In lieu of the requirements of § 10.221 of this subchapter, a non-resident alien may apply for a Coast Guard-issued merchant mariner credential, 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 authorized for employment under the immigration laws of the United States, 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 or D visa or other valid evidence of employment authorization in the United States deemed acceptable by the Coast Guard.

(c) Any non-resident alien applying for a merchant mariner credential 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 credential 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) of this subpart:

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

(2) The merchant mariner credential may also be endorsed for service as a food handler if the applicant meets the

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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 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention), and the Seafarers' Training, Certification and Watchkeeping Code (STCW Code), must be met.

(b) The following restrictions must be printed on the merchant mariner credential, 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 credential must remain in the custody of the employer at all times;

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

(4) A non-resident alien issued a merchant mariner credential 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 credential under this subpart may perform emergency-related duties provided:

(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 credential becomes invalid and must be returned to the Coast Guard under §12.40-7(d) of this subpart, and the non-resident alien is no longer authorized to serve in a position requiring a merchant mariner credential on any U.S. flag large passenger vessel; and

(2) An individual who successfully adjusts his or her immigration status to that of an alien lawfully admitted for permanent residence to the United States or who becomes a United States citizen may apply for a merchant mariner credential, subject to the requirements of §10.221 of this subchapter, 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 credential 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 in §15.530 of this subchapter, to the satisfaction of the Coast Guard.

PART 13—CERTIFICATION OF TANKERMEN

Subpart A—General

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- 13.103 [Reserved]
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