

1978, as amended 1995 (the STCW Convention or the STCW), incorporation by reference approved for §§10.107, 10.109, and 10.231.

(2) The Seafarers' Training, Certification and Watchkeeping Code, as amended 1995 (the STCW Code), incorporation by reference approved for §§10.107, 10.109, 10.227, and 10.231.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2009-0702, 74 FR 49224, Sept. 25, 2009]

#### § 10.105 Paperwork approval. [Reserved]

#### § 10.107 Definitions in subchapter B.

(a) With respect to part 16 and §15.1101 of this title only, if the definitions in paragraph (b) of this section differ from those set forth in either §16.105 or §15.1101, the definition set forth in either §16.105 or §15.1101, as appropriate, applies.

(b) As used in this subchapter, the following terms apply only to merchant marine personnel credentialing and the manning of vessels subject to the manning provisions in the navigation and shipping laws of the United States:

*Apprentice mate (steersman) of towing vessels* means a mariner qualified to perform watchkeeping on the bridge, while in training onboard a towing vessel under the direct supervision and in the presence of a master or mate (pilot) of towing vessels.

*Approved* means approved by the Coast Guard according to §11.302 of this chapter.

*Approved training* means training that is approved by the Coast Guard or meets the requirements of §11.309 of this chapter.

*Assistance towing* means towing a disabled vessel for consideration.

*Assistant engineer* means a qualified officer in the engine department.

*Authorized official* includes, but is not limited to, a Federal, State or local law enforcement officer.

*Ballast control operator or BCO* means an officer restricted to service on mobile offshore drilling units (MODUs) whose duties involve the operation of the complex ballast system found on many MODUs. When assigned to a MODU, a ballast control operator is

equivalent to a mate on a conventional vessel.

*Barge supervisor or BS* means an officer restricted to service on MODUs whose duties involve support to the offshore installation manager (OIM) in marine-related matters including, but not limited to, maintaining watertight integrity, inspecting and maintaining mooring and towing components, and maintaining emergency and other marine-related equipment. A barge supervisor, when assigned to a MODU, is equivalent to a mate on a conventional vessel.

*Boatswain* means the leading seaman and immediate supervisor of deck crew who supervises the maintenance of deck gear.

*Cargo engineer* means a person holding an officer endorsement on a dangerous-liquid tankship or a liquefied-gas tankship whose primary responsibility is maintaining the cargo system and cargo-handling equipment.

*Chief engineer* means any person responsible for the mechanical propulsion of a vessel and who is the holder of a valid officer endorsement as chief engineer.

*Chief mate* means the deck officer next in seniority to the master and upon whom the command of the vessel will fall in the event of incapacity of the master.

*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.

*Coastwise seagoing vessel* means a vessel that is authorized by its Certificate of Inspection to proceed beyond the Boundary Line established in part 7 of this chapter.

*Competent person* as used in part 13 only, means a person designated as such under 29 CFR 1915.7.

*Conviction* means that the applicant for a merchant mariner credential 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.

*Credential* means any or all of the following:

- (1) Merchant mariner's document.
- (2) Merchant mariner's license.
- (3) STCW endorsement.
- (4) Certificate of registry.
- (5) Merchant mariner credential.

*Criminal record review* means the process or action taken by the Coast Guard to determine whether an applicant for, or holder of, a credential is a safe and suitable person to be issued such a credential or to be employed on a vessel under the authority of such a credential.

*Dangerous drug* means a narcotic drug, a controlled substance, or a controlled-substance analogue (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 802)).

*Dangerous liquid or DL* means a liquid listed in 46 CFR 153.40 of this chapter that is not a liquefied gas as defined in this part. Liquid cargoes in bulk listed in 46 CFR part 153, table 2, of this chapter are not dangerous-liquid cargoes when carried by non-oceangoing barges.

*Day* means, for the purpose of complying with the service requirements of this subchapter, eight hours of watchstanding or day-working not to include overtime. On vessels where a 12-hour working day is authorized and

practiced, each work day may be creditable as one and one-half days of service. On vessels of less than 100 gross register tons, a day is considered as eight hours unless the Coast Guard determines that the vessel's operating schedule makes this criteria inappropriate, in no case will this period be less than four hours. When computing service required for MODU endorsements, a day is a minimum of four hours, and no additional credit is received for periods served over eight hours.

*Deck crew (excluding individuals serving under their officer endorsement)* means, as used in 46 U.S.C. 8702, only the following members of the deck department: able seamen, boatswains, and ordinary seamen.

*Designated areas* means those areas within pilotage waters for which first class pilot's endorsements are issued under part 11, subpart G, of this chapter, by the Officer in Charge, Marine Inspection (OCMI). The areas for which first class pilot's endorsements are issued within a particular Marine Inspection Zone and the specific requirements to obtain them may be obtained from the OCMI concerned.

*Designated duty engineer or DDE* means a qualified engineer, who may be the sole engineer on vessels with a periodically unattended engine room.

*Designated examiner* means a person who has been trained or instructed in techniques of training or assessment and is otherwise qualified to evaluate whether an applicant has achieved the level of competence required to hold a merchant mariner credential (MMC) 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 or instructing in a navigation or engineering course at the U.S. Merchant Marine Academy or at a State maritime academy operated under 46 CFR part 310 is qualified to serve as a designated examiner in his or her area(s) of specialization without individual evaluation by the Coast Guard.

*Directly supervised*, only when referring to issues related to tankermen, means being in the direct line of sight of the person-in-charge or maintaining

direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a handheld radio.

*Disabled vessel* means a vessel that needs assistance, whether docked, moored, anchored, aground, adrift, or underway, but does not mean a barge or any other vessel not regularly operated under its own power.

*Drug test* means a chemical test of an individual's urine for evidence of dangerous drug use.

*Employment assigned to* is the total period a person is assigned to work on MODUs, including time spent ashore as part of normal crew rotation.

*Endorsement* is a statement of a mariner's qualifications, which may include the categories of officer, staff officer, ratings, and/or STCW appearing on a merchant mariner credential.

*Entry-level mariner* means those mariners holding no rating other than ordinary seaman, wiper, or steward's department (F.H.)

*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 under 49 CFR part 40 was reported as "positive" by a Medical Review Officer because the chemical test indicated the presence of a dangerous drug at a level equal to or exceeding the levels established in 49 CFR part 40.

*First assistant engineer* means the engineer officer next in seniority to the chief engineer and upon whom the responsibility for the mechanical propulsion of the vessel will fall in the event of the incapacity of the chief engineer.

*Great Lakes* for the purpose of calculating service requirements for an officer endorsement, means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between mile 321 and 322), and the Saint Lawrence River as far

east as the lower exit of Saint Lambert Lock. For purposes of requiring merchant mariner credentials with rating endorsements, the connecting and tributary waters are not part of the Great Lakes.

*Harbor assist* means the use of a towing vessel during maneuvers to dock, undock, moor, or unmoor a vessel, or to escort a vessel with limited maneuverability.

*Horsepower* means, for the purpose of this subchapter, the total maximum continuous shaft horsepower of all the vessel's main propulsion machinery.

*IMO* means the International Maritime Organization.

*Inland waters* means the navigable waters of the United States shoreward of the Boundary Lines as described in part 7 of this chapter, excluding the Great Lakes, and, for towing vessels, excluding the Western Rivers. For establishing credit for sea service, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska, are inland waters.

*Invalid credential* means a merchant mariner credential, merchant mariner's document, merchant mariner's license, STCW endorsement, or certificate of registry that has been suspended or revoked, or has expired.

*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.

*Liquefied gas or LG* means a cargo that has a vapor pressure of 172 kPa (25 psia) or more at 37.8°C (100°F).

*Liquid cargo in bulk* means a liquid or liquefied gas listed in §153.40 of this chapter and carried as a liquid cargo or liquid-cargo residue in integral, fixed, or portable tanks, except a liquid cargo carried in a portable tank actually loaded and discharged from a vessel with the contents intact.

*Lower level* is used as a category of deck and engineer officer endorsements established for assessment of fees. Lower-level officer endorsements are other than those defined as upper level, for which the requirements are listed in subparts D, E, and G of part 11.

## § 10.107

*Marine chemist* means a person certificated by the National Fire Protection Association.

*Master* means the officer having command of a vessel.

*Mate* means a qualified officer in the deck department other than the master.

*Merchant mariner credential or MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

*MMC application* means the application for the MMC, as well as the application for any endorsement on an MMC.

*Mobile offshore drilling unit or MODU* means a vessel capable of engaging in drilling operations for the exploration for or exploitation of subsea resources. MODU designs include the following:

(1) Bottom bearing units, which include:

(i) Self-elevating (or jack-up) units with moveable, bottom bearing legs capable of raising the hull above the surface of the sea; and

(ii) Submersible units of ship-shape, barge-type, or novel hull design, other than a self-elevating unit, intended for operating while bottom bearing.

(2) Surface units with a ship-shape or barge-type displacement hull of single or multiple hull construction intended for operating in a floating condition, including semi-submersibles and drill ships.

*Month* means 30 days, for the purpose of complying with the service requirements of this subchapter.

*National Driver Register or NDR* means the nationwide repository of information on drivers maintained by the National Highway Traffic Safety Administration under 49 U.S.C. chapter 303.

*National Maritime Center Detachments* means a Coast Guard office that supports the National Maritime Center in the issuance of merchant mariners' credentials and endorsements.

## 46 CFR Ch. I (10–12 Edition)

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

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

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

*Near coastal* means ocean waters not more than 200 miles offshore.

*Non-resident alien* means an alien, as defined under Section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*) (the Act), who is not lawfully admitted for permanent residence, as defined by Section 101(a)(20) of the Act, but who is employable in the United States under the Act and its implementing regulations, including an alien crewman described in section 101(a)(15)(D)(i) of the Act who meets the requirements of 46 U.S.C. 8103(k)(3)(A).

*Oceans* means the waters seaward of the Boundary Lines as described in 46 CFR part 7. For the purposes of establishing sea service credit, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska, are not considered oceans.

*Officer endorsement* means an annotation on a merchant mariner credential that allows a mariner to serve in the capacities in §10.109(a). The officer endorsement serves as the license and/or certificate of registry pursuant to 46 U.S.C. subtitle II part E.

*Officer in Charge, Marine Inspection or OCMI* means, for the purposes of this subchapter, the individual so designated at one of the Regional Examination Centers, or any person designated as such by the Commandant.

*Offshore installation manager or OIM* means an officer restricted to service on MODUs. An assigned offshore installation manager is equivalent to a master on a conventional vessel and is the person designated by the owner or operator to be in complete and ultimate command of the unit.

*On location* means that a mobile offshore drilling unit is bottom bearing or moored with anchors placed in the drilling configuration.

*Operate, operating, or operation*, as applied to the manning requirements of vessels carrying passengers, refers to a vessel any time passengers are embarked whether the vessel is underway, at anchor, made fast to shore, or aground.

*Operator* means an individual qualified to operate certain uninspected vessels.

*Orally assisted examination* means an examination as described in part 11, subpart I of this chapter verbally administered and documented by an examiner.

*Participation*, when used with regard to the service on transfers required for tankerman by §§ 13.120, 13.203, or 13.303 of this chapter, means either actual participation in the transfers or close observation of how the transfers are conducted and supervised.

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

*PIC* means a person in charge.

*Pilot of towing vessels* means a qualified officer of a towing vessel operated only on inland routes.

*Pilotage waters* means the navigable waters of the United States, including all inland waters and offshore waters to a distance of three nautical miles from the baseline from which the Territorial Sea is measured.

*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 a merchant mariner credential endorsement. A faculty member employed at a State maritime academy or the U.S. Merchant Marine Academy operated under 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 of specialization with-

out individual evaluation by the Coast Guard.

*Qualified rating* means various categories of able seaman, qualified member of the engine department, lifeboatman, or tankerman endorsements formerly issued on merchant mariner’s documents.

*Raise of grade* means an increase in the level of authority and responsibility associated with an officer or rating endorsement.

*Rating endorsement* is an annotation on a merchant mariner credential that allows a mariner to serve in those capacities set out in § 10.109(b) and (c). The rating endorsement serves as the merchant mariner’s document pursuant to 46 U.S.C. subtitle II part E.

*Restricted tankerman endorsement* means a valid tankerman endorsement on a merchant mariner credential restricting its holder as the Coast Guard deems appropriate. For instance, the endorsement may restrict the holder to one or a combination of the following: A specific cargo or cargoes; a specific vessel or vessels; a specific facility or facilities; a specific employer or employers; a specific activity or activities (such as loading or unloading in a cargo transfer); or a particular area of water.

*Rivers* means a river, canal, or other similar body of water designated as such by the Coast Guard.

*Safe and suitable person* means a person whose prior record, including but not limited to criminal record and/or NDR record, provides no information indicating that his or her character and habits of life would support the belief that permitting such a person to serve under the MMC and/or endorsement sought would clearly be a threat to the safety of life or property, detrimental to good discipline, or adverse to the interests of the United States. See 46 CFR 10.211 and 10.213 for the regulations associated with this definition.

*Self propelled* has the same meaning as the terms “propelled by machinery” and “mechanically propelled.” This term includes vessels fitted with both sails and mechanical propulsion.

*Self-propelled tank vessel* means a self-propelled tank vessel, other than a tankship.

*Senior company official* means the president, vice president, vice president for personnel, personnel director, or similarly titled or responsible individual, or a lower-level employee designated in writing by one of these individuals for the purpose of certifying employment and whose signature is on file at the REC at which application is made.

*Service as*, used when computing the required service for MODU endorsements, means the time period, in days, a person is assigned to work on MODUs, excluding time spent ashore as part of crew rotation. A day is a minimum of four hours, and no additional credit is received for periods served over eight hours.

*Simulated transfer* means a transfer practiced in a course meeting the requirements of §13.121 of this chapter that uses simulation supplying part of the service on transfers required for tankerman by §13.203 or 13.303 of this chapter.

*Staff officer* means a person who holds an MMC with an officer endorsement listed in §10.109(a)(31).

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

*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.

*STCW* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended 1995 (incorporated by reference in §10.103).

*STCW Code* means the Seafarer's Training, Certification and Watchkeeping Code, as amended 1995 (incorporated by reference in §10.103).

*STCW endorsement* means an annotation on a merchant mariner credential that allows a mariner to serve in those capacities under §10.109(d). The STCW endorsement serves as evidence that a

mariner has met the requirements of STCW.

*Tank barge* means a non-self-propelled tank vessel.

*Tank vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that:

- (1) Is a vessel of the United States;
- (2) Operates on the navigable waters of the United States; or
- (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

*Tankerman assistant* means a person holding a valid "Tankerman-Assistant" endorsement to his or her merchant mariner credential.

*Tankerman engineer* means a person holding a valid "Tankerman-Engineer" endorsement to his or her merchant mariner credential.

*Tankerman PIC* means a person holding a valid "Tankerman-PIC" endorsement on his or her merchant mariner credential.

*Tankerman PIC (Barge)* means a person holding a valid "Tankerman-PIC (Barge)" endorsement to his or her merchant mariner credential.

*Tankship* means any tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk as cargo or as cargo residue and propelled by power or sail.

*Transfer* means any movement of dangerous liquid or liquefied gas as cargo in bulk or as cargo residue to, from, or within a vessel by means of pumping, gravitation, or displacement. Section 13.127 of this chapter describes what qualifies as participation in a creditable transfer.

*Transportation Worker Identification Credential or TWIC* means an identification credential issued by the Transportation Security Administration under 49 CFR part 1572.

*Underway* means that a vessel is not at anchor, made fast to the shore, or aground. When referring to a mobile offshore drilling unit (MODU), underway means that the MODU is not in an on-location or laid-up status and includes that period of time when the MODU is deploying or recovering its mooring system.

*Undocumented vessel* means a vessel not required to have a certificate of documentation issued under the laws of the United States.

*Upper level* is used as a category of deck and engineer officer endorsements established for assessment of fees. Upper-level endorsements are those for which the requirements are listed in §§11.404 to 11.407 of this subchapter and §§11.510, 11.512, 11.514, and 11.516 of this subchapter.

*Vessel Security Officer (VSO)* means a person onboard the vessel accountable to the Master, designated by the Company as responsible for security of the vessel, including implementation and maintenance of the Vessels Security Plan, and for liaison with the Facility Security Officer and the vessel's Company Security Officer.

*Western rivers* means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternate Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternate Route including the Old River and the Red River, and those waters specified in 33 CFR 89.25.

*Year* means 360 days for the purpose of complying with the service requirements of this subchapter.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17455, 77 FR 31517, May 29, 2012; USCG-2012-0832, 77 FR 59774, Oct. 1, 2012]

#### § 10.109 Classification of endorsements.

(a) The following officer endorsements are established in part 11 of this subchapter. The endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 11 of this subchapter:

- (1) Master;
- (2) Chief mate;
- (3) Second mate;
- (4) Third mate;
- (5) Mate;
- (6) Master of towing vessel;

- (7) Mate (pilot) of towing vessel;
- (8) Apprentice mate (Steersman);
- (9) Offshore installation manager (OIM);
- (10) Barge supervisor (BS);
- (11) Ballast control operator (BCO);
- (12) Operator of uninspected passenger vessels (OUPV);
- (13) Master of uninspected fishing industry vessels;
- (14) Mate of uninspected fishing industry vessels;
- (15) Master of offshore supply vessels;
- (16) Chief mate of offshore supply vessels;
- (17) Mate of offshore supply vessels;
- (18) Chief engineer;
- (19) Chief engineer (limited);
- (20) Chief engineer (limited-ocean);
- (21) Chief engineer (limited-near-coastal);
- (22) First assistant engineer;
- (23) Second assistant engineer;
- (24) Third assistant engineer;
- (25) Assistant engineer (limited);
- (26) Designated duty engineer (DDE);
- (27) Chief engineer offshore supply vessel;
- (28) Engineer offshore supply vessel;
- (29) Chief engineer MODU;
- (30) Assistant engineer MODU;
- (31) Chief engineer uninspected fishing industry vessels;
- (32) Assistant engineer uninspected fishing industry vessels;
- (33) Radio officer;
- (34) First class pilot
- (35) Chief purser;
- (36) Purser;
- (37) Senior assistant purser;
- (38) Junior assistant purser;
- (39) Medical doctor;
- (40) Professional nurse;
- (41) Marine physician assistant;
- (42) Hospital corpsman; and
- (43) Radar observer.

(b) The following rating endorsements are established in part 12 of this subchapter. The endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 12 of this subchapter:

- (1) Able seaman:
  - (i) Any waters, unlimited;
  - (ii) Limited;
  - (iii) Special; and