

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]