

§ 10.1001

Subpart J—Ro-Ro Passenger Ships

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

§ 10.1001 Purpose of regulations.

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

§ 10.1003 Definition.

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

§ 10.1005 General requirement for license-holders.

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

PART 12—CERTIFICATION OF SEAMEN

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Subpart 12.30—Ro-Ro Passenger Ships

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- 12.30-3 Definitions.
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AUTHORITY: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

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

Subpart 12.01—General

§ 12.01-1 Purposes of regulations.

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

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

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

(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]

§ 12.01-3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must ensure that the material is available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Operating and Environmental Standards, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

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

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England

STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW Convention), and Seafarer’s Training, Certification and Watchkeeping Code (STCW Code)—12.01-1; 12.01-6; 12.02-7; 12.02-11; 12.05-3; 12.05-7; 12.05-11; 12.10-3; 12.10-5; 12.10-7; 12.10-9; 12.10-11; 12.15-3; 12.15-7; 12.25-45; 12.30-5.

[CGD 95-062, 62 FR 34534, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-1999-6216, 64 FR 53223, Oct. 1, 1999]

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

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

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

Memorandum of Agreement has determined that the material or process meets the applicable requirements.

Conviction means the applicant for a merchant mariner's document has been found guilty by judgment or plea by a court of record of the United States, the District of Columbia or any State or territory of the United States of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982 (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 forego appeal of a trial court's conviction, then the applicant will be considered to have received a conviction. A later expungement of the conviction will not negate a conviction unless it is proved to the OCMI that the expungement is based upon a showing that the court's earlier conviction was in error.

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

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

Fails a chemical test for dangerous drugs means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "positive"

for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

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

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

- (a) Operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; or
- (b) A traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

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

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

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

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

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

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

STCW means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995.

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

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

[CGD 91-002, 58 FR 15238, Mar. 19, 1993, as amended by CGD 91-223, 60 FR 4525, Jan. 23, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995; CGD 95-062, 62 FR 34534, June 26, 1997; CGD 97-057, 62 FR 51042, Sept. 30, 1997]

§ 12.01-7 Regional Examination Centers.

Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA	Toledo, OH
New York, NY	San Pedro, CA
Baltimore, MD	San Francisco, CA
Charleston, SC	Seattle, WA
Miami, FL	Anchorage, AK
New Orleans, LA	Juneau, AK
Houston, TX	Honolulu, HI
Memphis, TN	Portland, OR
St. Louis, MO	

Where the term *Officer in Charge, Marine Inspection*, or *Marine Inspection Office* is used within the context of this part it is to mean that *Officer* or *Office* at one of the above listed locations.

[CGD 82-033, 47 FR 28679, July 1, 1982, as amended by CGD 91-002, 58 FR 15239, Mar. 19, 1993; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000]

§ 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 2115-0624-46 CFR 12.02-17 and 12.03-1.

(2) [Reserved]

[CGD 95-062, 62 FR 34535, June 26, 1997]

Subpart 12.02—General Requirements for Certification

§ 12.02-3 Where documents are issued.

(a) Certificates of identification, certificates of service, certificates of efficiency, and continuous discharge books are issued to applicants qualifying therefor at any Marine Inspection Office of the Coast Guard during usual business hours.

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

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

(3) The written examinations are forwarded to the Commanding Officer, National Maritime Center by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in

the case from the Commanding Officer, National Maritime Center. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commanding Officer, National Maritime Center fully as to the circumstances.

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

§ 12.02-4 Basis for denial of documents.

(a) No person who has been convicted by a court of record of a violation of the dangerous drug laws of the United States, the District of Columbia, or any State or territory of the United States is eligible for an original merchant mariner's document, except as provided by the provisions of paragraph (c) of this section. No person who has ever been the user of, or addicted to the use of, a dangerous drug, or has ever been convicted of an offense described in section 205 of the National Driver Register Act of 1982 (49 U.S.C. 30304) due to the addiction or abuse of alcohol is eligible for a merchant mariner's document unless he or she furnishes satisfactory evidence of suitability for service in the merchant marine as provided in paragraph (e) of this section.

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

(c) *Criminal Record Review.* The Officer in Charge, Marine Inspection, may require a criminal record check of an applicant for a merchant mariner's document issued as an original or reissued with a new expiration date. An applicant conducting simultaneous merchant mariner's credential transactions shall undergo only one criminal record check. Applicants must provide written disclosure of all prior convictions at the time of application.

(1) If a criminal record check is required by the Officer in Charge, Marine Inspection, applicants shall provide fingerprints at the time of application. The fingerprints will be used to deter-

mine whether the applicant has a record of a criminal conviction. An application may be disapproved if the individual's criminal record leads the Officer in Charge, Marine Inspection to determine that the applicant cannot be entrusted with the duties and responsibilities of the merchant mariner's document for which application is made. If an application is disapproved, the Officer in Charge, Marine Inspection will notify the applicant in writing of the reason(s) for disapproval and advise the applicant that the appeal procedures in § 1.03 of this chapter apply. No examination will be given pending decision on appeal.

(2) The Officer in Charge, Marine Inspection will use table 12.02-4(c) to evaluate applicants for merchant mariner's documents who have criminal convictions. The table lists major categories of criminal activity and is not to be construed as an all-inclusive list. If an applicant is convicted of an offense that does not appear on the list, the Officer in Charge, Marine Inspection will establish an appropriate assessment period using the list as a guide. The assessment period commences when an applicant is no longer incarcerated. The applicant must establish proof of the time incarcerated and periods of probation and parole to the satisfaction of the Officer in Charge, Marine Inspection. The assessment period may include supervised or unsupervised probation or parole. A conviction for a drug offense more than 10 years prior to the date of application will not alone be grounds for denial.

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

(4) If a person with a criminal conviction applies for a merchant mariner's document before the minimum assessment period shown in table 12.02-4(c), or established by the Officer in Charge, Marine Inspection under paragraph (c)(2) of this section has elapsed, then the applicant must provide, as part of

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

(5) If a person with a criminal conviction applies for a merchant mariner's document during the time between the minimum and maximum assessment periods shown in table 12.02-4(c) or established by the Officer in Charge, Marine Inspection under paragraph (c)(2) of this section, then the Officer in Charge, Marine Inspection shall consider the conviction and, unless there are offsetting factors, shall grant the applicant the merchant mariner's document for which he or she has applied. Offsetting factors include such factors as multiple convictions, failure to comply with court orders (e.g., child sup-

port orders), previous failures at rehabilitation or reform, inability to maintain steady employment, or any connection between the crime and the safe operation of a vessel. If the Officer in Charge, Marine Inspection considers the applicant unsuitable for service in the merchant marine at the time of application, the Officer in Charge, Marine Inspection may disapprove the application.

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

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

Crime ¹	Assessment periods	
	Minimum	Maximum
Crimes Against Persons		
Homicide (intentional)	7 years	20 years.
Homicide (unintentional)	5 years	10 years.
Assault (aggravated)	5 years	10 years.
Assault (simple)	1 year	5 years.
Sexual Assault (rape, child molestation)	5 years	10 years.
Other crimes against persons ² .		
Vehicular Crimes		
Conviction involving fatality	1 year	5 years.
Reckless Driving	1 year	2 years.
Racing on the Highway	1 year	2 years.

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

Crime ¹	Assessment periods	
	Minimum	Maximum
Other vehicular crimes ² .		
Crimes Against Public Safety		
Destruction of Property	5 years	10 years.
Other crimes against public safety ² .		
Crimes Involving National Security		
Terrorism, Acts of Sabotage, Espionage and related offenses	7 years	20 years.
Dangerous Drug Offenses^{3,4,5}		
Trafficking (sale, distribution, transfer)	5 years	10 years.
Dangerous drugs (Use or possession)	1 year	10 years.
Other dangerous drug convictions ⁶ .		

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

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

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

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

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

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

(d) *National Driver Register*. A merchant mariner's document will not be issued or reissued with a new expiration date unless the applicant consents to a check of the NDR for offenses described in section 205(a)(3)(A) or (B) of the NDR Act (i.e., operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; and any traffic violations arising in connection with a fatal traffic accident, reckless driving, or racing on the highways). The Officer in Charge, Marine Inspection will not consider NDR listed civil convictions that are more than 3 years old from the date of request unless that information relates to the current suspension or revocation of the applicant's license to operate a motor vehicle. The Officer in Charge Marine Inspection may determine minimum and maximum assessment periods for NDR listed criminal convictions using table 12.02-4(c). An applicant conducting simultaneous merchant mariner's credential trans-

actions is subject to only one NDR check.

(1) Any application may be disapproved if information from the NDR check leads the Officer in Charge, Marine Inspection to determine that the applicant cannot be entrusted with the duties and responsibilities of the merchant mariner's document for which the application is made. If an application is disapproved, the Officer in Charge, Marine Inspection will notify the applicant in writing of the reason(s) for disapproval and advise the applicant that the appeal procedures in §1.03 of this chapter apply. No examination will be given or merchant mariner's document issued pending decision on appeal.

(2) Prior to disapproving an application because of information received from the NDR, the Officer in Charge, Marine Inspection will make the information available to the applicant for review and written comment. The applicant may submit reports from the

applicable State concerning driving record and convictions to the Coast Guard Regional Examination Center (REC) processing the application. The REC will hold an application with NDR listed convictions pending the completion of the evaluation and delivery by the individual of the underlying State records.

(3) The guidelines in table 12.02-4(d) will be used by the Officer in Charge, Marine Inspection when evaluating applicants for merchant mariner's documents who have drug or alcohol related NDR listed convictions. Non-drug or alcohol related NDR listed convictions will be evaluated by the Officer in Charge, Marine Inspection under table 12.02-4(c) as applicable.

(4) An applicant may request an NDR file check for *personal* use in accordance with the Federal Privacy Act of 1974 (Pub. L. 93-579) by contacting the NDR at the following address: National

Driver Register, Nassif Building, 400 7th Street SW., Washington, DC 20590.

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

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

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

TABLE 12.02-4(D)—GUIDELINES FOR EVALUATING APPLICANTS FOR MERCHANT MARINER'S DOCUMENTS WHO HAVE NDR MOTOR VEHICLE CONVICTIONS INVOLVING DANGEROUS DRUGS OR ALCOHOL¹

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

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

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

(e) If an applicant for an original merchant mariner's document has one or more alcohol or dangerous drug related criminal or NDR listed convictions; if the applicant has ever been the user of, or addicted to the use of, a dangerous drug; or if the applicant applies before the minimum assessment period for his or her conviction has elapsed; the Officer in Charge, Marine Inspection may consider the following factors, as applicable, in assessing the applicant's suitability to hold a merchant mariner's document. This list is intended as a guideline. The Officer in Charge, Marine Inspection may con-

sider other factors which he or she judges appropriate, such as:

- (1) Proof of completion of an accredited alcohol- or drug-abuse rehabilitation program.
- (2) Active membership in a rehabilitation or counseling group, such as Alcoholics or Narcotics Anonymous.
- (3) Character references from persons who can attest to the applicant's sobriety, reliability, and suitability for employment in the merchant marine including parole or probation officers.
- (4) Steady employment.

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

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

§ 12.02-5 Form in which documents are issued.

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

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

§ 12.02-7 When documents are required.

(a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service or efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unrigged vessels except seagoing barges and certain tank barges.

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

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

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

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

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

(e) After January 31, 2002, each person serving as a rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room, on a seagoing ship driven by main propulsion machinery of 750 kW [1,000 hp] of propulsion power or more, shall hold an STCW endorsement certifying him or her as qualified to perform the marine-engineering function at the support level, in accordance with STCW.

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

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

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

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

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

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

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

(7) Vessels operating exclusively on the Great Lakes.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34535, June 26, 1997]

§ 12.02-9 Application for documents.

(a) An applicant for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document, shall make written application, in duplicate, on Coast Guard Form CG-719-b and shall appear in person before an Officer in Charge, Marine Inspection, or other person authorized to issue documents. This application may be for the certificates or the rating endorsement for which the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a merchant mariner's document representing a certificate of identification, at the option of the applicant.

(b)(1) When the application is submitted for a certificate of identification, certificate of service, certificate of efficiency, merchant mariner's document, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish photographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

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

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

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

(e) Approved applications are valid for 12 months.

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

(g) Each applicant for an original merchant mariner's document may be required to submit to a criminal record check as required by § 12.02-4(c).

(h) Each applicant for an original merchant mariner's document or a merchant mariner's document reissued with a new expiration date shall comply with the NDR requirements in § 12.02-4(d).

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

§ 12.02-10 Applications for documents from aliens.

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

admitted to the United States for permanent residence.

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

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

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

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

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

(d)(1) A merchant mariner's document issued to a licensed deck officer will be endorsed for, *any unlicensed rating in the deck department except able seaman*, and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the deck department except able seaman without being required to present his license. If a licensed deck officer qualifies as able seaman the merchant mariner's document will be endorsed, *any unlicensed rating in the deck department including able seaman*, and such endorsement will be deemed to include a certificate of efficiency as lifeboatman.

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

fies as a lifeboatman, the further endorsement, *lifeboatman*, will be placed on the merchant mariner's document.

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

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

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

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

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

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

issue an STCW endorsement at other times, if circumstances so require and if the holder of the document is qualified to hold the endorsement. The Officer in Charge, Marine Inspection will issue an STCW endorsement for the following ratings:

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

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

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

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34535, June 26, 1997]

§ 12.02-13 Citizenship requirements.

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

(b) Any person who has been issued a continuous discharge book or certificate of identification or merchant mariner's document showing question marks prior to the effective date of this section may at any time produce additional evidence of citizenship to a

shipping commissioner or Officer in Charge, Marine Inspection. If the additional evidence produced satisfies the shipping commissioner or the Officer in Charge, Marine Inspection, to whom it is presented that the same is acceptable evidence of the citizenship of the person, such official may draw lines through the question marks and note the citizenship of the person in the space provided therefor, attesting the change, or reissue the certificate or document. Whenever such changes are made the official making the change shall immediately thereafter notify the Commanding Officer, National Maritime Center.

(c) Acceptable evidence of citizenship is set forth in §10.205(c) of this subchapter.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended at 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-2001-10224, 66 FR 48619, Sept. 21, 2001]

§ 12.02-14 Nationality of aliens.

(a) Any alien making application for a continuous discharge book or certificate of identification or merchant mariner's document representing a certificate of identification shall present acceptable evidence of nationality at the time of making application. No original document shall be issued to any alien until nationality is established by acceptable evidence.

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

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

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

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

(c) Should any doubt arise as to whether or not the document presented may be considered as acceptable evidence of the alien's nationality, the

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matter shall be referred to the Commanding Officer, National Maritime Center, for decision.

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

§ 12.02-15 Oath requirement.

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

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

§ 12.02-17 Rules for the preparation and issuance of documents.

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

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

(c) When a seaman applies for a merchant mariner's document, he must:

- (1) Sign the document; and
- (2) Impress his left thumbprint on the document; or
- (3) Impress his right thumbprint on the document if his left thumb is missing.

(d) A seaman's social security number is placed on his document and is his official identification number for record purposes.

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

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

(g) An applicant who has been examined and refused a certificate by an Officer in Charge, Marine Inspection may not make application for examination to any other Officer in Charge, Marine Inspection until 30 days after the applicant's last failure of an examination or reexamination. However, an applicant may apply for examination by another Officer in Charge, Marine Inspection before the expiration of the 30 day period if sanctioned by the Officer in Charge, Marine Inspection who refused the applicant.

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

§ 12.02-18 Fees.

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

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

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

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

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

(c) You may pay—

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

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

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

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

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

(d) If you take your examination someplace other than a Regional Examination Center (REC), you must pay the examination fee to the REC at

least one week before your scheduled examination date.

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

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

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

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

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

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

TABLE 12.02-18—FEES

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

¹ Duplicate for document lost as result of marine casualty—No Fee.

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

§ 12.02-19 Suspension or revocation of documents.

Any certificate of service or of efficiency or merchant mariner's document representing such certificate(s) is subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or rev-

ocation of licenses of officers under the provisions of 46 U.S.C. Chapter 77.

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

§ 12.02-21 Issuance of documents after revocation.

(a) An applicant who has had a certificate or other document revoked and

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who is applying for certification in the same or any other rating shall state in his application the date of revocation and number or type of the document revoked.

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

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

§ 12.02-23 Issuance of duplicate documents.

(a) If a seaman loses his continuous discharge book, merchant mariner's document or certificate of discharge by shipwreck or other casualty, he shall be supplied with a reissue of such documents free of charge. The phrase *or other casualty* as used in this section is interpreted to mean any damage to a ship caused by collision, explosion, tornado, wreck or flooding of the ship, such as a tidal wave or a grounding of the ship on a sand bar, or a beaching of the ship on a shore or by fire or other causes in a category with these mentioned.

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

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

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

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

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

(e) If a seaman's document or service record is missing, he may obtain a du-

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plicate by following the procedures in paragraph (c) of this section and by:

(1) Signing an affidavit before the Officer in Charge, Marine Inspection, or his designated representative, that explains the loss of his document or service record; and

(2) Submitting at least two photographs for each duplicate document.

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

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGFR 71-168, 36 FR 23297, Dec. 8, 1971; CGD 72-81R, 37 FR 10834, May 31, 1972; CGD 91-002, 58 FR 15239, Mar. 19, 1993; USCG-1997-2799, 64 FR 42816, Aug. 5, 1999]

§ 12.02-24 Reporting loss or recovery of continuous discharge book, merchant mariners document, or certificate of discharge.

Whenever a continuous discharge book, merchant mariners document, or certificate of discharge is reported to an Officer in Charge, Marine Inspection (OCMI), as having been stolen, lost, or destroyed, the OCMI shall immediately report the fact by letter to the Commanding Officer, National Maritime Center giving all the facts incident to its loss or destruction. By the same procedure the OCMI shall report the recovery of a continuous discharge book, merchant mariners document or certificate of discharge with all the facts incident to its recovery, and shall forward the recovered book, document, or discharge to the Commanding Officer, National Maritime Center.

[CGD 79-161, 44 FR 70155, Dec. 6, 1979, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998]

§ 12.02-25 Right of appeal.

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

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

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

(a) *General.* Except as provided in paragraph (g) of this section, an applicant for renewal of a merchant mariner's document shall establish possession of all of the necessary qualifications before a merchant mariner's document is issued.

(1) Each application must be on a Coast Guard furnished form and accompanied by the evaluation fee established in table 12.02-18 in §12.02-18. An approved application is valid for 12 months.

(2) The applicant may apply in person at any Regional Examination Center listed in §12.01-7 or may renew the merchant mariner's document by mail under paragraph (e)(3) of this section.

(3) The applicant shall submit the original or a photocopy of the merchant mariner's document to be renewed. A photocopy must include the front and back of the merchant mariner's document. If requested, the old document will be returned to the applicant.

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

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

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

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

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

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

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

(iv) Present evidence of employment in a position closely related to the op-

eration, construction, or repair of vessels (either deck or engineer as appropriate for the endorsement) for at least 3 years during the past 5 years.

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

(d) *Physical requirements.* (1) An applicant for renewal of a merchant mariner's document endorsed with a qualified rating other than lifeboatman, shall submit a certification by a licensed physician or physician assistant that he or she is in good health and has no physical impairment or medical condition which would render him or her incompetent to perform the ordinary duties of that qualified rating(s). This certification must address visual acuity and hearing in addition to general physical condition, and must have been completed within the previous 12 months.

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

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

(e) *Special circumstances—(1) Reissuance after expiration, Period of grace.* Except as provided in this paragraph, a merchant mariner's document may not be renewed more than 12 months after it has expired. To obtain a reissuance of a merchant mariner's document expired more than 12 months, an applicant shall comply with the requirements of paragraph (f) of this section. When an applicant's merchant mariner's document expires during a time of service with the

Armed Forces and there is no reasonable opportunity for renewal, including by mail, this 12-month period of grace may be extended. The period of military service following the date of merchant mariner's document expiration which precluded renewal may be added to the 12 month period of grace. The 12 month period of grace, and any extension, do not affect the expiration date of the document. A merchant mariner's document, and any endorsements that it contains, are not valid for use after the expiration date.

(2) *Renewal in advance.* A merchant mariner's document may not be renewed more than 12 months before expiration unless it is being renewed in conjunction with a license or certificate of registry which is either due for renewal or being upgraded, or unless the Officer in Charge, Marine Inspection is satisfied that special circumstances exist to justify renewal.

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

(A) A properly completed application on a Coast Guard furnished form, and the evaluation fee required by table 12.02-18 in § 12.02-18.

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

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

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

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

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

ner's document, license, or certificate of registry being renewed.

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

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

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

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

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

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

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

[CGD 91-211, 59 FR 49301, Sept. 27, 1994, as amended by CGD 91-223, 60 FR 4525, Jan. 23, 1995; USCG-1997-2799, 64 FR 42816, Aug. 5, 1999]

§ 12.02-29 Expiration of existing merchant mariner's documents.

The expiration year of a merchant mariner's document issued without an expiration date is calculated by adding 5-year increments to the issuance date of the document, up to the first applicable year falling between 1995 and 1999, inclusive. The day and month of expiration are the same as that of issuance. Table 12.02-29 is provided as an aid for calculating the expiration date of a document issued without an expiration date. A merchant mariner's document is not valid for use after the expiration date calculated under this section, but may be renewed in accordance with the requirements of §12.02-27.

TABLE 12.02-29.—EXPIRATION OF MERCHANT MARINER'S DOCUMENTS ISSUED WITH NO EXPIRATION DATE ¹

Expiration year				
1999	1998	1997	1996	1995
Issue Year				
1994	1993	1992	1991	1990
1989	1988	1987	1986	1985
1984	1983	1982	1981	1980
1979	1978	1977	1976	1975
1974	1973	1972	1971	1970
1969	1968	1967	1966	1965
1964	1963	1962	1961	1960
1959	1958	1957	1956	1955
1954	1953	1952	1951	1950
1949	1948	1947	1946	1945
1944	1943	1942	1941	1940
1939	1938	1937

¹ Find the year in which the merchant mariner's document was issued (Issue Year), then move up the column to find the Expiration Year. Month and day of expiration correspond to the month and day of issue.

[CGD 91-211, 59 FR 49302, Sept. 27, 1994]

Subpart 12.03—Approved and Accepted Training

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

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

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

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

(i) The sequence of subjects to be covered;

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

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

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

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

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

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

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

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

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

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

(i) The simulator meets applicable performance standards;

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

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

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

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

(8) Documentary evidence is readily available to establish that any evaluation of whether a student is competent in accordance with standards, methods, and criteria set out in part A of the STCW Code 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-4B, 4200 Wilson Boulevard, suite 510, Arlington, VA 22203-1804, within 1 month of the completion or the evaluation of the monitoring.

(12) Each offeror of the training shall let the Coast Guard or someone authorized by the Coast Guard observe the records of a student's performance and records otherwise relating to paragraphs (a) (1) through (10) of this section.

(b) The Coast Guard will maintain a list of training each of whose offerors

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

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

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

(2) The offeror may, within a period specified in the notice, either appeal the observations or conclusions to the Commandant (G-MS) 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]

Subpart 12.05—Able Seamen

§ 12.05-1 Certification required.

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

(issued in the form of a merchant mariner's document).

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

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

(1) Able Seaman—Any Waters, Unlimited.

(2) Able Seaman—Limited.

(3) Able Seaman—Special.

(4) Able Seaman—Special (OSV).

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

§ 12.05-3 General requirements.

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

(1) Be at least 18 years of age;

(2) Pass the prescribed physical examination;

(3) Meet the sea service or training requirements set forth in this part;

(4) Pass an examination demonstrating ability as an able seaman and lifeboatman; and,

(5) Speak and understand the English language as would be required in performing the general duties of able seaman and during an emergency aboard ship.

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

(1) Personal survival techniques as set out in table A-VI/1-1 of the STCW Code.

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

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

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

(c) An STCW endorsement valid for any period on or after February 1, 2002, will be issued or renewed only when the

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candidate for certification as able seaman meets the requirements of STCW Regulation II/4 and of Section A-II/4 of the STCW Code, if the candidate will be serving as a rating forming part of the navigational watch on a seagoing ship of 500 GT or more.

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

§ 12.05-5 Physical requirements.

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

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

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

§ 12.05-7 Service or training requirements.

(a) The minimum service required to qualify an applicant for the various categories of able seaman is as listed in this paragraph.

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

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

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

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

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

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

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

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

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

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

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

(1) *Any waters—12 months*.

(2) *Tugs and towboats—any waters*.

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

(4) *Seagoing barges—12 months*.

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

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

§ 12.05-9 Examination and demonstration of ability.

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

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

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

(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.

(c-1) 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.

(d) Any person who is in valid possession of a certificate as able seaman endorsed, *any waters—12 months* and who can produce documentary evidence of sufficient service to qualify for a certificate as able seaman endorsed, *any waters—unlimited*, may be issued a new document bearing this endorsement without additional professional examination. The applicant shall surrender for cancellation the document bearing the limited endorsement. No physical examination will be required at the time of this exchange unless it is found that the applicant obviously suffers from some physical or mental infirmity to a degree that in the opinion of

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the Officer in Charge, Marine Inspection, would render him incompetent to perform the usual duties of an able seaman at sea. If such condition is believed to exist, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency.

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

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

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

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

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

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-062, 62 FR 34537, June 26, 1997]

Subpart 12.07 [Reserved]

Subpart 12.10—Lifeboatman

§ 12.10-1 Certification required.

Every person employed in a rating as lifeboatman on any United States vessel requiring certificated lifeboatmen shall produce a certificate as lifeboatman or merchant mariner's document endorsed as lifeboatman or able seaman to the shipping commis-

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sioner, United States collector or deputy collector of customs, or master before signing articles of agreement. No certificate of efficiency as lifeboatman is required of any person employed on any unrigged vessel, except on a seagoing barge and on a tank barge navigating waters other than rivers and/or canals.

§ 12.10-3 General requirements.

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

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

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

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

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

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

(6) Successful completion of a training course, approved by the Commanding Officer, 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 certification as lifeboatman, shall be able to speak and understand the English language as would be required in the rating of lifeboatman and in an emergency aboard ship.

(c) An applicant shall be 18 years old to be certified as proficient in survival craft under STCW Regulation VI/2.

[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]

§ 12.10-5 Examination and demonstration of ability.

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

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

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

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

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

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

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

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

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

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

[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]

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

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

[CGD 95-062, 62 FR 34537, June 26, 1997; CGD 95-062, 62 FR 40140, July 25, 1997]

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

(a) After July 31, 1998, each person engaged or employed as a lifeboatman proficient in fast rescue boats shall hold either a certificate of proficiency in these boats or a merchant mariner's document endorsed for proficiency in them.

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

(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.

[CGD 95-062, 62 FR 34537, June 26, 1997]

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.

After July 31, 1998, 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

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person has attended a course of training in medical first aid or medical care, as appropriate.

§ 12.13-3 Basis of documentary evidence.

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

Subpart 12.15—Qualified Member of the Engine Department

§ 12.15-1 Certification required.

(a) Every person employed in a rating as qualified member of the engine department on any United States vessel requiring certificated qualified members of the engine department shall produce a certificate as qualified member of the engine department to the shipping commissioner, United States Collector or Deputy Collector of Customs, or master before signing articles of agreement.

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

§ 12.15-3 General requirements.

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

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

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

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department and in an emergency aboard ship.

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

(1) Personal survival techniques as set out in table A-VI/1-1 of the STCW Code.

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

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

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

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

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

§ 12.15-5 Physical requirements.

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

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

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

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

§ 12.15-7 Service or training requirements.

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

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

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

the skills appropriate to the rating of qualified member of the engine department.

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

(c) To qualify to receive an STCW endorsement for service as a "rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned 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. The training must establish that the applicant has achieved the standard of competence prescribed in table A-III/4 of the STCW Code, 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]

§ 12.15-9 Examination requirements.

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

(b) List of subjects required:

Subjects	Machinist	Refrigerating engineer	Fireman/Watertender	Oiler	Electrician	Junior engineer	Deck engineer
1. Application, maintenance, and use of hand tools and measuring instruments	X	X	X	X	X	X	X
2. Uses of babbitt, copper, brass, steel, and other metals	X	X	X	X	X	X	X

Subjects	Machin-ist	Refrigerating engi-neer	Fire-man/Water-tender	Oiler	Elec-trician	Junior engi-neer	Deck engi-neer
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	
21. The practical application and solution of basic electrical calculations (Ohm's law, power formula, etc.)					X	X	X
22. Electrical wiring circuits of the various two-wire and three-wire D.C. systems and the various single-phase and poly-phase A.C. systems					X	X	X
23. Application and characteristics of parallel and series circuits					X	X	X
24. Application and maintenance of electrical meters and instruments					X	X	X
25. The maintenance and installation of lighting and power wiring involving testing for, locating and correcting grounds, short circuits and open circuits, and making splices					X	X	X
26. The operation and maintenance of the various types of generators and motors, both A.C. and D.C					X	X	X
27. Operation, installation, and maintenance of the various types of electrical controls and safety devices					X	X	X
28. Testing and maintenance of special electrical equipment, such as telegraphs, telephones, alarm systems, fire-detecting systems, and rudder angle indicators					X	X	
29. Rules and Regulations and requirements for installation, repair, and maintenance of electrical wiring and equipment installed aboard ships					X	X	X
29a. Pollution laws and regulations, procedures for discharge containment and cleanup, and methods for disposal of sludge and waste from cargo and fueling operations	X	X	X	X	X	X	
30. Such further examination of a nonmathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency	X	X	X	X	X	X	X

(c) Each applicant for certification as a qualified member of the engine department in the rating of pumpman shall, by oral or other examination, demonstrate sufficient knowledge of the subjects peculiar to that rating to satisfy the Officer in Charge, Marine Inspection, that he or she is qualified to perform the duties of that rating.

(d) Applicants for certification as qualified members of the engine department in the rating of deck engine mechanic or engineman, who have proved eligibility for such endorsement under either §12.15-13 or §12.15-15, will not be required to take a written or oral examination for such ratings.

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

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

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

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

(j) Engineman.

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

§ 12.15-13 Deck engine mechanic.

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

(1) Satisfactory documentary evidence of sea service of 6 months in the rating of *junior engineer* on steam vessels of 4,000 horsepower or over; or,

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

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

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

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

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

§ 12.15-15 Engineman.

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

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

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(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 current merchant mariner's document held by the applicant.

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

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

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

§ 12.25-1 Certification required.

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

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

§ 12.25-10 General requirements.

(a) Merchant mariner's documents shall be issued without professional examination to applicants for certificates of service as endorsements on merchant mariner's documents in capacities other than able seaman, lifeboatman, tankerman or qualified member of the engine department and shall be endorsed for one or more rat-

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ings. For example, *ordinary seaman—wiper—steward's department (F.H.)*. Holders of documents endorsed for service as *ordinary seaman* may serve in any unqualified rating in the deck department. Holders of documents endorsed for service as *wiper* may serve in any unqualified rating in the engine department. Documents endorsed for *steward's department (F.H.)* will authorize the holder's service in any capacity in the steward's department. (See § 12.02-11(e)(2) for unqualified ratings in the staff department.)

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

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

§ 12.25-20 Food handler.

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

§ 12.25-25 Members of Merchant Marine Cadet Corps.

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

§ 12.25-30 Student observers.

Students in technical schools who are enrolled in courses in marine management and ship operations who present a letter or other documentary evidence that they are so enrolled shall

be issued a merchant mariner's document as *student observers—any department* and may be signed on ships as such. Students holding these documents or certificates will not take the place of any of the crew, or fill any of the regular ratings.

§ 12.25–35 Apprentice engineers.

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

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

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

§ 12.25–40 Apprentice mate.

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

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

§ 12.25–45 GMDSS At-sea Maintainer.

An applicant is eligible to have his or her STCW certificate or endorsement include a statement of qualification as GMDSS At-sea Maintainer if he or she holds sufficient evidence of having completed a training program that cov-

ers at least the scope and content of training outlined in Section B–IV/2 of the STCW Code for training in maintenance of GMDSS installations on board vessels.

[CGD 95–062, 62 FR 34538, June 26, 1997]

Subpart 12.30—Ro-Ro Passenger Ships

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

§ 12.30–1 Purpose of regulations.

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

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

§ 12.30–3 Definitions.

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

MMD means merchant mariner's document.

§ 12.30–5 General requirements.

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

PART 13—CERTIFICATION OF TANKERMEN

Subpart A—General

- Sec.
- 13.101 Purpose.
 - 13.103 Definitions.
 - 13.105 Paperwork approval.
 - 13.107 Tankerman endorsement: General.
 - 13.109 Tankerman endorsement: Authorized cargoes.
 - 13.111 Restricted endorsement.