

discharge, or termination of service of every merchant mariner in the crew. At least every 6 months, the person maintaining this record shall transmit it to the Coast Guard, either manually, in the form of a copy of a certificate of discharge, or electronically.

(b) The owner, charterer, managing operator, master, or individual in charge of the vessel shall keep original shipping articles and a copy of each certificate ready for review by the Coast Guard or the concerned mariner upon request. After January 3, 1997, the Coast Guard will no longer keep either original articles or copies of certificates; it will keep only electronic records of employment.

(c) The master or individual in charge of the vessel shall ensure that every entry made in the articles agrees with the corresponding entry made in a continuous discharge book, on a certificate, or in any other proof of sea service furnished to the mariner.

(d) Each oceanographic company shall keep all original articles and copies of all certificates for 3 years. After that each such company shall send all articles to the address in §14.103(a).

(e) Each oceanographic company that goes out of business or merges with another company shall send all original articles to the address in §14.103(a) within 30 days of the transaction.

PART 15—MANNING REQUIREMENTS

Subpart A—Purpose and Applicability

- Sec.
- 15.101 Purpose of regulations.
 - 15.102 Paperwork approval.
 - 15.103 General.
 - 15.105 Incorporation by reference.

Subpart B—Definition of Terms

- 15.301 Definitions of terms used in this part.

Subpart C—Manning Requirements; All Vessels

- 15.401 Employment and service within restrictions of license or document.
- 15.405 Familiarity with vessel characteristics.
- 15.410 Licensed individuals for assistance towing vessels.
- 15.415 Transportation Worker Identification Credential.

Subpart D—Manning Requirements; Inspected Vessels

- 15.501 Certificate of inspection.
- 15.505 Changes in the certificate of inspection.
- 15.510 Right of appeal.
- 15.515 Compliance with certificate of inspection.
- 15.520 Mobile offshore drilling units.
- 15.525 Reference to other parts.
- 15.530 Large passenger vessels.

Subpart E—Manning Requirements; Uninspected Vessels

- 15.601 General.
- 15.605 Licensed operators for uninspected passenger vessels.
- 15.610 Master and mate (pilot) of towing vessels.

Subpart F—Limitations and Qualifying Factors

- 15.701 Officers Competency Certificates Convention, 1936.
- 15.705 Watches.
- 15.710 Working hours.
- 15.715 Automated vessels.
- 15.720 Use of non-U.S. licensed and/or documented personnel.
- 15.725 Sailing short.
- 15.730 Language requirements.

Subpart G—Computations

- 15.801 General.
- 15.805 Master.
- 15.810 Mates.
- 15.812 Pilots.
- 15.815 Radar observers.
- 15.820 Chief engineer.
- 15.825 Engineers.
- 15.830 Radio officers.
- 15.835 Staff officers.
- 15.840 Able seamen.
- 15.845 Lifeboatmen.
- 15.850 Lookouts.
- 15.855 Cabin watchmen and fire patrolmen.
- 15.860 Tankerman.

Subpart H—Equivalents

- 15.901 Inspected vessels of less than 100 gross tons.
- 15.905 Uninspected passenger vessels.
- 15.910 Towing vessels.
- 15.915 Engineer licenses.

Subpart I—Vessels in Foreign Trade

- 15.1001 General.
- 15.1010 California.
- 15.1020 Hawaii.
- 15.1030 New York and New Jersey.
- 15.1040 Massachusetts.
- 15.1050 North Carolina.

Subpart J—Vessels Subject to Requirements of STCW

- 15.1101 General.
- 15.1103 Employment and service within restrictions of a license, document, and STCW endorsement or of a certificate of training.
- 15.1105 Familiarization and basic safety-training.
- 15.1107 Maintenance of merchant mariners' records by owner or operator.
- 15.1109 Watches.
- 15.1111 Work hours and rest periods.
- 15.1113 Vessel Security Officer (VSO).

AUTHORITY: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906, 9102, and 8103; and Department of Homeland Security Delegation No. 0170.1.

EFFECTIVE DATE NOTE: At 73 FR 52795, Sept. 11, 2008, the authority citation to part 15 was revised, effective Oct. 14, 2008. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8103, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906 and 9102; and Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 81-059, 52 FR 38652, Oct. 16, 1987, unless otherwise noted.

Subpart A—Purpose and Applicability

§ 15.101 Purpose of regulations.

The purpose of the regulations in this part is to set forth uniform minimum requirements for the manning of vessels. In general, they implement, interpret, or apply the specific statutory manning requirements in title 46, U.S.C., parts E & F, implement various international conventions which affect merchant marine personnel, and provide the means for establishing the complement necessary for safe operation of vessels.

§ 15.102 Paperwork approval.

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

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

- (1) OMB 1625-0079—46 CFR 15.1107.

(2) [Reserved]

[CGD 95-62, 62 FR 34538, June 26, 1997, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.103 General.

(a) The regulations in this part apply to all vessels which are subject to the manning requirements contained in the navigation and shipping laws of the United States, including uninspected vessels (46 U.S.C. 7101-9308).

(b) The navigation and shipping laws state that a vessel may not be operated unless certain manning requirements are met. In addition to establishing a minimum of licensed individuals and members of the crew to be carried on board certain vessels, they establish minimum qualifications concerning licenses, citizenship, and conditions of employment. It is the responsibility of the owner, charterer, managing operator, master, or person in charge or command of the vessel to ensure that appropriate personnel are carried to meet the requirements of the applicable navigation and shipping laws and regulations.

(c) Inspected vessels are issued a certificate of inspection which indicates the minimum complement of licensed individuals and crew (including lifeboatmen) considered necessary for safe operation. The certificate of inspection complements the statutory requirements but does not supersede them.

(d) The regulations in subpart J of this part apply to seagoing vessels subject to the International Convention on Standards of Training, Certification and watchkeeping for Seafarers as amended (STCW).

(e) Neither any person serving on any of the following vessels, nor any owner or operator of any of these vessels, need meet the requirements of subpart J, because the vessels are exempt from application of STCW:

- (1) Uninspected passenger vessels as defined in 46 U.S.C. 2101(42).
- (2) Fishing vessels as defined in 46 U.S.C. 2101(11)(a).
- (3) Fishing vessels used as fish-tender vessels as defined in 46 U.S.C. 2101(11)(c).

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

(5) Vessels operating exclusively on the Great Lakes.

(f) Personnel serving on the following vessels, and the owners and operators of these vessels, are in compliance with subpart J and are not subject to further obligation for the purposes of STCW, on account of the vessels' 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).

(g) Licensed personnel serving on vessels identified in paragraphs (e)(5), (f)(1), and (f)(2) of this section will be issued, without additional proof of qualification, an appropriate STCW certificate or endorsement when the Officer in Charge, Marine Inspection determines that such an endorsement is necessary to enable the vessel to engage in an international voyage. The STCW certificate or endorsement will be expressly limited to service on the vessel or the class of vessels and will not establish qualification for any other purpose.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by CGD 95-062, 62 FR 34538, June 26, 1997; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.105 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must ensure that the material is available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Operating and Environmental Standards, 2100 Second Street SW., Washington, DC 20593-0001, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/>

federal register/
code_of_federal_regulations/
ibr_locations.html. All material is available from the sources indicated in paragraph (b) of this section.

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

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England

STCW—The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, (STCW Convention), and Seafarer's Training, Certification and Watchkeeping Code (STCW Code)—15.103; 15.1101; 15.1103; 15.1105; 15.1109.

[CGD 95-062, 62 FR 34539, June 26, 1997, as amended by USCG-1999-6216, 64 FR 53223, Oct. 1, 1999; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

Subpart B—Definition of Terms

§ 15.301 Definitions of terms used in this part.

(a) The following terms defined in this subpart apply only to the manning of vessels subject to the manning provisions in the navigation and shipping laws of the United States:

Assistance Towing means towing a disabled vessel for consideration.

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

Deck crew (excluding licensed individuals) means, as used in 46 U.S.C. 8702, only the following members of the deck department below the grade of licensed individual: Able seamen and ordinary seamen.

Designated areas means those areas within pilotage waters for which first class pilot's licenses or endorsements are issued under part 10, subpart G, of this Chapter, by the Officer in Charge, Marine Inspection (OCMI). The areas for which first class pilot's licenses or endorsements are issued within a particular Marine Inspection Zone and the specific requirements to obtain them may be obtained from the OCMI concerned.

Directly supervised means being in the direct line of sight of the person in charge or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a hand-held radio.

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

Officer in Charge, Marine Inspection (OCMI) for the purposes of part 15 means any person designated as such by the Commandant and who under the Coast Guard District Commander is in charge of an inspection zone.

Operate, operating, or operation, as applied to vessels, refers to a vessel anytime passengers are embarked whether the vessel is underway, at anchor, made fast to shore, or aground.

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

Staff officer means a person who holds a certificate of registry in the staff department such as a purser, a medical doctor or professional nurse, which is issued by the Coast Guard.

Self-Propelled has the same meaning as the terms propelled by *machinery* and mechanically propelled. This term would also include vessels fitted with both sails and mechanical propulsion.

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

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

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

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

Underway means that a vessel is not at anchor, made fast to the shore, or aground.

(b) The following categories of licensed individuals are established in part 10 of this chapter. When used in this part, the following terms mean an individual holding a valid license and/or endorsement to serve in that capacity issued under part 10 of this chapter.

- (1) Master;
 - (2) Mate;
 - (3) Pilot;
 - (4) Engineer;
 - (5) Radio officer;
 - (6) Operator of uninspected passenger vessels;
 - (7) Offshore installation manager (OIM);
 - (8) Barge supervisor (BS);
 - (9) Ballast control operator (BCO);
- and
- (10) GMDSS radio operator; and
 - (11) Vessel Security Officer.

(c) The following ratings are established in part 12 of this chapter. When used in this part, terms for the ratings identify persons holding valid merchant mariners' documents for service in the ratings issued under that part:

- (1) Able seaman.
- (2) Ordinary seaman.
- (3) Qualified member of the engine department.
- (4) Lifeboatman.
- (5) Wiper.
- (6) Steward's department (F.H.).
- (7) GMDSS At-sea Maintainer.

(d) The following ratings are established in part 13 of this chapter. When used in this part, the terms for the ratings identify persons holding valid merchant mariners' documents for service in the ratings issued under that part:

- (1) Tankerman-PIC.
- (2) Tankerman-PIC (Barge).
- (3) Restricted Tankerman-PIC.
- (4) Restricted Tankerman-PIC (Barge).
- (5) Tankerman-Assistant.
- (6) Tankerman-Engineer.

[CGD 81-059 and CGD 81-059a, 52 FR 38623 and 38670, Oct. 16, 1987]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §15.301, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Subpart C—Manning Requirements; All Vessels

§ 15.401 Employment and service with-in restrictions of license or document.

A person may not employ or engage an individual, and an individual may not serve, in a position in which an individual is required by law or regulation to hold a license, certificate of registry, or merchant mariner's document, unless the individual holds a valid license, certificate of registry, or merchant mariner's document, as appropriate, authorizing service in the capacity in which the individual is engaged or employed and the individual serves within any restrictions placed on the license, certificate of registry, or merchant mariner's document.

[CGD 81-059, 54 FR 149, Jan. 4, 1989]

§ 15.405 Familiarity with vessel characteristics.

Each licensed, registered, or certificated individual must become familiar with the relevant characteristics of the vessel on which engaged prior to assuming his or her duties. As appropriate, these include but are not limited to: general arrangement of the vessel; maneuvering characteristics; proper operation of the installed navigation equipment; firefighting and life-saving equipment; stability and loading characteristics; emergency duties; and main propulsion and auxiliary machinery, including steering gear systems and controls.

§ 15.410 Licensed individuals for assistance towing vessels.

Every assistance towing vessel must be under the direction and control of a licensed individual authorized to engage in assistance towing under the provisions of 46 CFR 10.482.

[CGD 87-017, 53 FR 18562, May 24, 1988]

§ 15.415 Transportation Worker Identification Credential.

By April 15, 2009 a person may not employ or engage an individual, and an individual may not serve in a position in which an individual is required by law or regulation to hold an active License, Merchant Mariner Document

(MMD), Certificate of Registry (COR), or STCW endorsement, unless the individual holds a valid Transportation Worker Identification Credential (TWIC). All mariners holding an active License, MMD, COR or STCW endorsement issued by the Coast Guard must hold a valid TWIC issued by the Transportation Security Administration under 49 CFR part 1572.

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

Subpart D—Manning Requirements; Inspected Vessels

§ 15.501 Certificate of inspection.

(a) The certificate of inspection (COI) issued by an Officer in Charge, Marine Inspection (OCMI), to a vessel required to be inspected under 46 U.S.C. 3301 specifies the minimum complement of officers and crew necessary for the safe operation of the vessel.

(b) The manning requirements for a particular vessel are determined by the OCMI after consideration of the applicable laws, the regulations in this part, and all other factors involved, such as: Emergency situations, size and type of vessel, installed equipment, proposed routes of operation including frequency of port calls, cargo carried, type of service in which employed, degree of automation, use of labor saving devices, and the organizational structure of the vessel.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended at CGD 81-059, 54 FR 149, Jan. 4, 1989]

§ 15.505 Changes in the certificate of inspection.

All requests for changes in manning as indicated on the certificate of inspection must be made to the OCMI who last issued the certificate of inspection, unless the request is made in conjunction with an inspection for certification, in which case the request should be addressed to the OCMI conducting the inspection.

§ 15.510 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard,

§ 15.515

may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50380, Dec. 6, 1989]

§ 15.515 Compliance with certificate of inspection.

(a) Except as provided by § 15.725, no vessel may be operated unless it has in its service and on board, the complement required by the certificate of inspection.

(b) Any vessel subject to inspection under 46 U.S.C. 3301 must, while on a voyage, be under the direction and control of an individual who holds an appropriate license issued by the Coast Guard. For the purposes of this paragraph:

(1) A voyage is the period of time necessary to transit from the port of departure to the final port of arrival.

(2) A port does not include an Outer Continental Shelf (OCS) facility as defined in 33 CFR part 140.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended at USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.520 Mobile offshore drilling units.

(a) The requirements in this section for mobile offshore drilling units (MODUs) supplement other requirements in this part.

(b) The OCMI determines the minimum number of licensed individuals and crew (including lifeboatmen) required for the safe operation of inspected MODUs. In addition to other factors listed in this part, the specialized nature of the MODU is considered in determining the specific manning levels.

(c) A license as offshore installation manager (OIM), barge supervisor (BS), or ballast control operator (BCO) authorizes service only on MODUs. A license or endorsement as OIM is restricted to the MODU type and mode of operation specified on the license.

(d) A self-propelled MODU other than a drillship must be under the command of an individual who holds a license as master endorsed as OIM.

(e) A drillship must be under the command of an individual who holds a license as master. When a drillship is on location, the individual in command

46 CFR Ch. I (10-1-08 Edition)

must hold a license as master endorsed as OIM.

(f) A non-self-propelled MODU must be under the command of an individual who holds a license or endorsement as OIM.

(g) An individual serving as mate on a self-propelled surface unit other than a drillship must hold an appropriate license as mate and an endorsement as BS or BCO. An individual holding a license or endorsement as barge supervisor or ballast control operator may be substituted for a required mate when a self-propelled surface unit other than a drillship is on location or under tow, under certain circumstances as determined by the cognizant OCMI.

(h) An individual holding a license or endorsement as barge supervisor is required on a non-self-propelled surface unit other than a drillship.

(i) An individual holding a license or endorsement as barge supervisor may serve as ballast control operator.

(j) The OCMI issuing the MODU's certificate of inspection may authorize the substitution of chief or assistant engineer (MODU) for chief or assistant engineer, respectively, on self-propelled or propulsion assisted surface units, except drillships. The OCMI may also authorize the substitution of assistant engineer (MODU) for assistant engineer on drillships.

(k) Requirements in this part concerning radar observers do not apply to non-self-propelled MODUs.

(1) A surface mobile offshore drilling unit underway or on location, when afloat and equipped with a ballast control room, must have that ballast control room manned by an individual holding a license or endorsement authorizing service as ballast control operator.

[CGD 81-059a, 55 FR 14805, Apr. 18, 1990]

§ 15.525 Reference to other parts.

Parts 31 and 35 of this chapter contain additional manning requirements applicable to tank vessels.

§ 15.530 Large passenger vessels.

(a) The definition of terms used in this section is the same as § 12.40-3 of this subchapter.

(b) The owner or operator of a U.S.-flag large passenger vessel must ensure

that any non-resident alien holding a Coast Guard-issued merchant mariner's document described in subpart 12.40 of this subchapter is provided the rights, protections, and benefits of the International Labor Organization's Merchant Shipping (Minimum Standards) Convention of 1976.

(c) On U.S.-flag large passenger vessels, non-resident aliens holding a Coast-Guard issued merchant mariner's document described in subpart 12.40 of this subchapter:

(1) May only be employed in the steward's department on the vessel(s) specified on the merchant mariner's document or accompanying Coast Guard letter under §12.40-13(b)(1) of this subchapter;

(2) May only be employed for an aggregate period of 36 months actual service on all authorized U.S.-flag large passenger vessels combined, under §12.40-13(c) of this subchapter;

(3) May not perform watchstanding, engine room duty watch, or vessel navigation functions, under §12.40-13(b)(4) of this subchapter; and

(4) May perform emergency-related duties only if, under §12.40-13(b)(5) of this subchapter:

(i) The emergency-related duties do not require any other rating or endorsement, except lifeboatman as specified in §12.40-13(a)(3) of this subchapter;

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

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

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

(d) No more than 25 percent of the total number of unlicensed seamen on a U.S.-flag large passenger vessel may be aliens, whether admitted to the United States for permanent residence or otherwise allowed to be employed in the United States as non-resident aliens.

(e) The owner or operator of a U.S.-flag large passenger vessel employing non-resident aliens holding Coast Guard-issued merchant mariner's documents described in subpart 12.40 of this subchapter must:

(1) Retain custody of all non-resident alien merchant mariner's documents for the duration of employment, under §12.40-13(b)(2) of this subchapter; and

(2) Return all non-resident alien merchant mariner's documents to the Coast Guard upon termination of employment, under §12.40-13(b)(3) of this subchapter.

(f) The owner or operator of a U.S.-flag large passenger vessel employing non-resident aliens holding Coast Guard-issued merchant mariner's documents described in subpart 12.40 of this subchapter is subject to the civil penalty provisions specified in 46 U.S.C. 8103(f), for any violation of this section.

[USCG-2007-27761, 72 FR 20286, Apr. 24, 2007]

Subpart E—Manning Requirements; Uninspected Vessels

§ 15.601 General.

The following sections of subparts F, G, and H of this part contain provisions concerning manning of uninspected vessels; §§ 15.701, 15.705, 15.710, 15.720, 15.730, 15.801, 15.805, 15.810, 15.820, 15.825, 15.840, 15.850, 15.855, 15.905, 15.910, and 15.915.

§ 15.605 Licensed operators for uninspected passenger vessels.

Each uninspected passenger vessel must be under the direction and control of an individual licensed by the Coast Guard as follows:

(a) Every self-propelled, uninspected vessel as defined by 46 U.S.C. 2101(42)(B), carrying not more than six passengers, must be under the direction and control of an individual holding a license as operator.

(b) Every uninspected passenger vessel of 100 gross tons or more, as defined by 46 U.S.C. 2101(42)(A), must be under the direction and control of a licensed master, pilot, or mate as appropriate.

[USCG-1999-5040, 67 FR 34767, May 15, 2002]

§ 15.610 Master and mate (pilot) of towing vessels.

(a) Except as provided in this paragraph, every towing vessel of at least 8 meters (at least 26 feet) in length, measured from end to end over the deck (excluding sheer), must be under the direction and control of a person licensed as master or mate (pilot) of towing vessels or as master or mate of vessels of greater than 200 gross register tons holding either an endorsement on his or her license for towing vessels or a completed Towing Officer's Assessment Record (TOAR) signed by a designated examiner indicating that the officer is proficient in the operation of towing vessels. This does not apply to any vessel engaged in assistance towing, or to any towing vessel of less than 200 gross register tons engaged in exploiting offshore minerals or oil if the vessel has sites or equipment so engaged as its place of departure or ultimate destination.

(b) An officer may continue to operate towing vessels within any restrictions of his or her license from May 21, 2001, until the first renewal or upgrade of that license, but not later than May 21, 2006. Every towing vessel covered by paragraph (a) of this section must carry at least the following personnel:

(1) An officer designated Master and holding a license as—

- (i) Master of towing vessels;
- (ii) Master of towing vessels (Limited) when operating solely within a limited local area;
- (iii) Operator of uninspected towing vessels;
- (iv) Master of inspected, self-propelled vessels within any restrictions on the license; or
- (v) Mate or first-class pilot of inspected, self-propelled vessels with a license for service in vessels of greater than 200 gross register tons (Domestic service only).

(2) Another officer, if the vessel is operating more than 12 hours in any 24-hour period, holding a license—

- (i) Listed in 46 CFR 15.610(b)(1);
- (ii) As mate (pilot) of towing vessels;
- (iii) As second-class OUTV; or
- (iv) As mate of inspected, self-propelled vessels within any restrictions on the license.

(c) Any towing vessel operating in the pilotage waters of the Lower Mississippi River must be under the control of an officer who holds a first-class pilot's license or endorsement for that route, or meets the requirements of either paragraph (c)(1) or paragraph (c)(2) of this section as applicable:

(1) To operate a towing vessel with tank barges, or a tow of barges carrying hazardous materials regulated under part N or O of this subchapter, an officer in charge of the towing vessel must have completed 12 round trips over this route as an observer, with at least 3 of those trips during hours of darkness, and at least 1 round trip of the 12 within the last 5 years.

(2) To operate a towing vessel without barges, or a tow of uninspected barges, an officer in charge of the towing vessel must have completed at least four round trips over this route as an observer, with at least one of those trips during hours of darkness, and at least one round trip of the 12 within the last 5 years.

[USCG–1999–6224, 66 FR 20944, Apr. 26, 2001, as amended at 68 FR 35818, June 17, 2003; USCG–2008–0906, 73 FR 56508, Sept. 29, 2008]

Subpart F—Limitations and Qualifying Factors**§ 15.701 Officers Competency Certificates Convention, 1936.**

(a) This section implements the Officers Competency Certificates Convention, 1936, and applies to each vessel documented under the laws of the United States navigating seaward of the Boundary Lines in part 7 of this chapter, except:

- (1) A public vessel;
- (2) A wooden vessel of primitive build, such as a dhow or junk;
- (3) A barge; and,
- (4) A vessel of less than 200 gross tons.

(b) The master, mates and engineers on any vessel to which this section applies must hold a license to serve in that capacity issued by the Coast Guard under part 10 of this chapter.

(c) A vessel to which this section applies, or a foreign flag vessel to which the Convention applies, may be detained by a designated official until that official is satisfied that the vessel

Coast Guard, DHS

§ 15.705

is in compliance with the Convention. *Designated official* includes Coast Guard officers, Coast Guard petty officers and officers or employees of the Customs Service.

(d) Whenever a vessel is detained, the owner, charterer, managing operator, agent, master, or individual in charge may appeal the detention within five days under the provisions of § 2.01-70 of this chapter.

§ 15.705 Watches.

(a) Title 46 U.S.C. 8104 is the law applicable to the establishment of watches aboard certain U.S. vessels. The establishment of adequate watches is the responsibility of the vessel's master. The Coast Guard interprets the term *watch* to be the direct performance of vessel operations, whether deck or engine, where such operations would routinely be controlled and performed in a scheduled and fixed rotation. The performance of maintenance or work necessary to the vessel's safe operation on a daily basis does not in itself constitute the establishment of a watch. The minimum safe manning levels specified in a vessel's certificate of inspection take into consideration routine maintenance requirements and ability of the crew to perform all operational evolutions, including emergencies, as well as those functions which may be assigned to persons in watches.

(b) Subject to exceptions, 46 U.S.C. 8104 requires that when a master of a seagoing vessel of more than 100 gross tons establishes watches for the licensed individuals, sailors, coal passers, firemen, oilers and watertenders, the personnel shall be *divided, when at sea, into at least three watches and shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel*. The Coast Guard interprets *sailors* to mean those members of the deck department other than licensed officers, whose duties involve the mechanics of conducting the ship on its voyage, such as helmsman (wheelsman), lookout, etc., and which are necessary to the maintenance of a continuous watch. *Sailors* is not interpreted to include able seamen and ordinary seamen not performing these duties.

(c) Subject to exceptions, 46 U.S.C. 8104(g) permits the licensed individuals and crew members (except the coal passers, firemen, oilers, and watertenders) to be divided into two watches when at sea and engaged on a voyage of less than 600 miles on the following categories of vessels:

- (1) Towing vessel;
- (2) Offshore supply vessel; or,
- (3) Barge.

(d) Subject to exceptions, 46 U.S.C. 8104(h) permits a licensed master or mate (pilot) operating a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding sheer) to work not more than 12 hours in a consecutive 24 hour period except in an emergency. The Coast Guard interprets this, in conjunction with other provisions of the law, to permit licensed masters or mates (pilots) serving as operators of towing vessels that are not subject to the provisions of the Officers' Competency Certificates Convention, 1936, to be divided into two watches regardless of the length of the voyage.

(e) Fish processing vessels are subject to various provisions of 46 U.S.C. 8104 concerning watches.

(1) For fish processing vessels that entered into service before January 1, 1988, the following watch requirements apply to the licensed officers and deck crew:

(i) If over 5000 gross tons—three watches.

(ii) If more than 1600 gross tons and not more than 5000 gross tons—two watches.

(iii) If not more than 1600 gross tons—no watch division specified.

(2) For fish Processing vessels which enter into service after December 31, 1987, the following watch requirements apply to the licensed officers and deck crew:

(i) If over 5000 gross tons—three watches.

(ii) If not more than 5000 gross tons and having more than 16 individuals on board primarily employed in the preparation of fish or fish products—two watches.

(iii) If not more than 5000 gross tons and having not more than 16 individuals on board primarily employed in

§ 15.710

the preparation of fish or fish products—no watch division specified.

(f) Properly manned uninspected passenger vessels of at least 100 gross tons—

(1) Which are underway for no more than 12 hours in any 24-hour period, and which are adequately moored, anchored, or otherwise secured in a harbor of safe refuge for the remainder of that 24-hour period may operate with one navigational watch;

(2) Which are underway more than 12 hours in any 24-hour period must provide a minimum of a two-watch system;

(3) In no case may the crew of any watch work more than 12 hours in any 24-hour period, except in an emergency.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-1999-6224, 64 FR 63235, Nov. 19, 1999; USCG-1999-5040, May 15, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.710 Working hours.

In addition to prescribing watch requirements, 46 U.S.C. 8104 sets limitations on the working hours of licensed individuals and crew members, prescribes certain rest periods, and prohibits unnecessary work on Sundays and certain holidays when the vessel is in a safe harbor. It is the responsibility of the master or person in charge to ensure that these limitations are met. However, under 46 U.S.C. 8104(f), the master or other licensed individual can require any part of the crew to work when, in his or her judgment, they are needed for:

(a) Maneuvering, shifting berth, mooring, unmooring;

(b) Performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;

(c) Saving of life on board another vessel in jeopardy; or,

(d) Performing fire, lifeboat, or other drills in port or at sea.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.715 Automated vessels.

(a) Coast Guard acceptance of automated systems to replace specific personnel or to reduce overall crew requirements is predicated upon the capabilities of the system, the system's

46 CFR Ch. I (10-1-08 Edition)

demonstrated and continuing reliability, and a planned maintenance program that ensures continued safe operation of the vessel.

(b) The OCMI considers the capabilities of an automated system in establishing initial manning levels; however, until the system is proven reliable, a manning level adequate to operate in a continuously attended mode will be specified on a vessel's COI. It remains the responsibility of the vessel's master to determine when a continuous watch is necessary.

§ 15.720 Use of non-U.S. licensed and/or documented personnel.

(a) United States vessels which need to replace one or more persons while on a foreign voyage and outside the jurisdiction of the United States, in order to meet manning requirements, may utilize non-U.S. licensed and documented personnel, except for the positions of master and radio officer, until the vessel returns to a port at which in the most expeditious manner replacements who are citizens of the United States can be obtained.

(b) The citizenship requirements of 46 U.S.C. 8103 (a) and (b) are waived, except for the requirement that the master must be a U.S. citizen, with respect to the following vessels:

(1) A U.S.-documented offshore supply vessel (OSV) (as that term is defined in 46 U.S.C. 2101(19)) that is operating from a foreign port; and

(2) A U.S.-documented mobile offshore drilling unit (MODU) (as that term is defined in 46 U.S.C. 2101(15a)) that is operating beyond the water above the U.S. Outer Continental Shelf.

(c) The waiver provided in paragraph (b) of this section does not apply to any vessel operating in water above the U.S. Outer Continental Shelf (as that term is defined in 43 U.S.C. 1331(a)).

(d) The master shall assure that any replacements of crewmembers by non-U.S. citizens made in accordance with this section will be with an individual who holds a license or document which is equivalent in experience, training, and other qualifications to the U.S. license or document required for the position and that the person possesses or will possess the training required to

Coast Guard, DHS

§ 15.801

communicate to the extent required by § 15.730.

[CGD 89-061, 55 FR 1212, Jan. 12, 1990]

§ 15.725 Sailing short.

Whenever a vessel is deprived of the service of a member of its complement, and the master or person in charge is unable to find appropriate licensed or documented personnel to man the vessel, the master or person in charge may proceed on the voyage, having determined the vessel is sufficiently manned for the voyage. A report of sailing short must be filed in writing with the Officer in Charge, Marine Inspection (OCMI) having cognizance for inspection in the area in which the vessel is operating, or the OCMI within whose jurisdiction the voyage is completed. The report must explain the cause of each deficiency and be submitted within twelve hours after arrival at the next port. The actions of the master or person in charge in such instances are subject to review and it must be shown the vacancy was not due to the consent, fault or collusion of the master or other individuals specified in 46 U.S.C. 8101(e). A civil penalty may be assessed against the master or person in charge for failure to submit the report.

§ 15.730 Language requirements.

(a) The provisions of 46 U.S.C. 8702 relating to language apply generally to vessels of at least 100 gross tons except:

(1) Vessels operating on rivers and lakes (except the Great Lakes);

(2) A manned barge (except a seagoing barge or a barge to which chapter 37 of 46 U.S.C. applies);

(3) A fishing vessel, fish tender vessel, whaling vessel, or yacht;

(4) A sailing school vessel with respect to sailing school instructors and sailing school students;

(5) An oceanographic research vessel with respect to scientific personnel;

(6) A fish processing vessel which entered into service before January 1, 1988, and is not more than 1600 gross tons or which enters into service after December 31, 1987, and has not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and,

(7) All fish processing vessels with respect to those personnel primarily em-

ployed in the preparation of fish or fish products or in a support position not related to navigation.

(b) 46 U.S.C. 8702(b) requires that on board vessels departing U.S. ports *75 percent of the crew in each department on board is able to understand any order spoken by the officers.*

(c) The words *able to understand any order spoken by the officers* relates to any order to a member of the crew when directing the performance of that person's duties and orders relating to emergency situations such as used for response to a fire or in using lifesaving equipment. It is not expected that a member of the deck department understand terminology normally used only in the engineroom or vice versa.

(d) Whenever information is presented to the Coast Guard that a vessel fails to comply with the specified language requirements the Coast Guard investigates the allegation to determine its validity. In determining if an allegation is factual, the Coast Guard may require a demonstration by the licensed individuals and crew that appropriate orders are understood. The demonstration will require that orders be spoken to the individual members of the crew by the licensed individuals in the language ordinarily and customarily used by the licensed individuals. The orders must be spoken directly by the licensed individual to the crew member and not through an interpreter. Signs, gestures, or signals may not be used in the test. The Coast Guard representative will specify the orders to be given and will include not only daily routine but orders involving emergencies, either of a departmental or of a general nature. This test will be conducted, if possible, at a time reasonably in advance of the vessel's departure, to avoid delays.

Subpart G—Computations

§ 15.801 General.

The OCMI will determine the specific manning levels for vessels required to have certificates of inspection by part B of subtitle II of title 46 U.S.C. The masters or individuals in command of all vessels, whether required to be inspected under 46 U.S.C. 3301 or not, are

§ 15.805

responsible for properly manning vessels in accordance with the applicable laws, regulations, and international conventions.

[CGD 81-059, 54 FR 149, Jan. 4, 1989]

§ 15.805 Master.

(a) There must be an individual holding an appropriate license as master in command of each of the following vessels:

(1) Every self-propelled, seagoing documented vessel of 200 gross tons and over.

(2) Every self-propelled inspected vessel.

(3) Every inspected passenger vessel.

(4) Every inspected small passenger vessel.

(5) Every towing vessel of at least 8 meters (at least 26 feet) or more in length must be under the command of a master of towing vessels, or a mariner licensed as master of inspected, self-propelled vessels greater than 200 gross register tons (GRT) holding either—

(i) A completed Towing Officer's Assessment Record (TOAR), bearing the signature of a Designated Examiner and stating that the Examiner found the candidate proficient; or

(ii) A license endorsed for towing vessels.

(6) Every uninspected passenger vessel of at least 100 gross tons.

(b) Every vessel documented under the laws of the United States, other than a vessel with only a recreational endorsement, must be under the command of a U.S. citizen.

[CGD 81-059, 52 FR 38623, Oct. 16, 1987, as amended by CGD 81-059, 54 FR 149, Jan. 4, 1989; USCG-1999-6216, 64 FR 53223, Oct. 1, 1999; USCG-1999-6224, 64 FR 63235, Nov. 19, 1999; 66 FR 20944, Apr. 26, 2001; USCG-1999-5040, 67 FR 34767, May 15, 2002]

§ 15.810 Mates.

(a) The OCMI determines the minimum number of licensed mates required for the safe operation of inspected vessels.

(b) The minimum number of licensed mates required to be carried on every inspected, self-propelled, seagoing and Great Lakes vessel, and every inspected, seagoing, passenger vessel must not be less than the following, ex-

46 CFR Ch. I (10-1-08 Edition)

cept when reductions are authorized under paragraph (e) of this section:

(1) Vessels of 1000 gross tons or more (except MODUs)—three licensed mates (except when on a voyage of less than 400 miles from port of departure to port of final destination—two licensed mates).

(2) MODUs of 1000 gross tons or more:
(i) Three licensed mates when on a voyage of more than 72 hours.

(ii) Two licensed mates when on a voyage of more than 16 but not more than 72 hours.

(iii) One licensed mate when on a voyage of not more than 16 hours.

(3) Vessels of 100 or more gross tons but less than 1000 gross tons—two licensed mates (except vessels of at least 100 but less than 200 gross tons on voyages which do not exceed 24 hours in duration—one licensed mate).

(4) All offshore supply vessels of 100 gross tons or more—two licensed mates (except when on a voyage of less than 600 miles—one licensed mate). A voyage includes the accrued distance from port of departure to port of arrival and does not include stops at offshore points.

(5) All vessels of less than 100 gross tons—one licensed mate (except vessels on voyages not exceeding 12 hours in duration may, if the OCMI determines it to be safe, be operated without licensed mates).

(c) An individual in charge of the navigation or maneuvering of a self-propelled, uninspected, documented, seagoing vessel of 200 gross tons or over must hold an appropriate license authorizing service as mate.

(d) Each person in charge of the navigation or maneuvering of a towing vessel of at least 8 meters (at least 26 feet) in length must hold a license authorizing service as either—

(1) Mate (pilot) of towing vessels; or

(2) Mate of inspected self-propelled vessels greater than 200 GRT within any other restrictions on the officer's license, holding either—

(i) A completed Towing Officer's Assessment Record (TOAR) bearing the signature from a Designated Examiner and stating that the Examiner found the candidate proficient; or

(ii) A license endorsed for towing vessels.

(e) The OCMI may increase the minimum number of mates indicated in paragraph (b) of this section where he or she determines that the vessel's characteristics, route, or other operating conditions create special circumstances warranting an increase.

(f) The Commandant will consider reductions to the number of mates required by this section when special circumstances allowing a vessel to be safely operated can be demonstrated.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by CGD 81-059, 54 FR 149, Jan. 4, 1989; CGD 81-059a, 55 FR 14805, Apr. 18, 1990; USCG-1999-6224, 64 FR 63235, Nov. 19, 1999; 66 FR 20944, Apr. 26, 2001]

§ 15.812 Pilots.

(a) Except as specified in paragraph (f) of this section, the following vessels, not sailing on register, when underway on the navigable waters of the United States, must be under the direction and control of an individual qualified to serve as pilot under paragraph (b) or (c) of this section as appropriate:

(1) Coastwise seagoing vessels propelled by machinery and subject to inspection under 46 U.S.C. Chapter 33, and coastwise seagoing tank barges subject to inspection under 46 U.S.C. Chapter 37;

(2) Vessels that are not authorized by their Certificate of Inspection to proceed beyond the Boundary Line established in part 7 of this Chapter which are in excess of 1,600 gross tons, propelled by machinery, and subject to inspection under 46 U.S.C. chapter 33; and

(3) Vessels operating on the Great Lakes that are propelled by machinery and subject to inspection under 46 U.S.C. chapter 33, or are tank barges subject to inspection under 46 U.S.C. chapter 37.

(b) The following individuals may serve as a pilot for a vessel subject to paragraph (a) of this section, when underway on the navigable waters of the United States that are designated areas.

(1) An individual holding a valid first class pilot's license issued by the Coast Guard, operating within the restrictions of his or her license, may serve as pilot on any vessel to which this section applies.

(2) An individual holding a valid license issued by the Coast Guard as master or mate, employed aboard a vessel within the restrictions of his or her license, may serve as pilot on a vessel of not more than 1,600 gross tons propelled by machinery, described in paragraphs (a)(1) and (a)(3) of this section, provided he or she:

(i) Is at least 21 years old;

(ii) Complies with the currency of knowledge provisions of §10.713 of this chapter; and

(iii) Has completed a minimum of four round trips over the route to be traversed while in the wheelhouse as watchstander or observer. At least one of the round trips must be made during the hours of darkness if the route is to be traversed during darkness.

(3) An individual holding a valid license issued by the Coast Guard as master, mate, or operator employed aboard a vessel within the restrictions of his or her license, may serve as pilot on a tank barge or tank barges totaling not more than 10,000 gross tons, described in paragraphs (a)(1) and (a)(3) of this section, provided he or she:

(i) Is at least 21 years old;

(ii) Complies with the currency of knowledge provisions of §10.713 of this chapter;

(iii) Has a current physical examination in accordance with the provisions of §10.709 of this chapter;

(iv) Has at least six months service in the deck department on towing vessels engaged in towing operations; and

(v) Has completed a minimum of twelve round trips over the route to be traversed, as an observer or under instruction in the wheelhouse. At least three of the round trips must be made during the hours of darkness if the route is to be traversed during darkness.

(c) An individual holding a valid license issued by the Coast Guard as master, mate, or operator, employed aboard a vessel within the restrictions of his or her license, may serve as a pilot for a vessel subject to paragraph (a)(1) and (a)(2) of this section, when underway on the navigable waters of the United States that are not designated areas of pilotage waters, provided he or she:

(1) Is at least 21 years old;

§ 15.812

46 CFR Ch. I (10–1–08 Edition)

(2) Complies with the currency of knowledge provisions of §10.713 of this chapter; and

(3) Has a current physical examination in accordance with the provisions of §10.709 of this chapter.

(d) In any instance when the qualifications of a person satisfying the requirements for pilotage through the provisions of this Subpart are questioned by the Coast Guard, the individual shall, within a reasonable time,

provide the Coast Guard with documentation proving compliance with the applicable portion(s) of paragraphs (b) and (c) of this section.

(e) Federal pilotage requirements contained in paragraphs (a) through (d) of this section are summarized in two quick reference tables.

(1) Table 15.812(e)(1) provides a guide to the pilotage requirements for inspected, self-propelled vessels.

TABLE 15.812(e)(1)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S. INSPECTED SELF-PROPELLED VESSELS, NOT SAILING ON REGISTER

| | Designated areas of pilotage waters (routes for which First Class Pilot's licenses are issued) | Nondesignated areas of pilotage waters (between the three mile line and the start of traditional pilotage routes) |
|---|--|---|
| Inspected self-propelled vessels greater than 1,600 GT, authorized by their Certificate of Inspection (COI) to proceed beyond the Boundary Line, or operating on the Great Lakes. | First Class Pilot | Master or Mate may serve as pilot if the individual: 1. Is at least 21 years old. 2. Has an annual physical exam. 3. Maintains current knowledge of the waters to be navigated. ¹ |
| Inspected self-propelled vessels not more than 1,600 GT, authorized by their Certificate of Inspection to proceed beyond the Boundary Line, or operating on the Great Lakes. | First Class Pilot, or Master or Mate may serve as pilot if the individual: 1. Is at least 21 years old. 2. Maintains current knowledge of the waters to be navigated. ¹ 3. Has 4 round trips over the route. ² | Master or Mate may serve as pilot if the individual: 1. Is at least 21 years old. 2. Maintains current knowledge of the waters to be navigated. ¹ |
| Inspected self-propelled vessels greater than 1,600 GT, not authorized by their COI to proceed beyond the Boundary Line (Inland route vessels); other than vessels operating on the Great Lakes. | First Class Pilot | Master or Mate may serve as pilot if the individual: 1. Is at least 21 years old. 2. Has an annual physical exam. 3. Maintains current knowledge of the waters to be navigated. ¹ |
| Inspected self-propelled vessels not more than 1,600 GT, not authorized by their COI to proceed beyond the Boundary Line (Inland route vessels); other than vessels operating on the Great Lakes. | No pilotage requirement | No pilotage requirement. |

¹ One round trip within the past 60 months.

² If the route is to be traversed during darkness, 1 of the 4 round trips must be made during darkness.

(2) Table 15.812(e)(2) provides a guide to the pilotage requirements for tank barges.

TABLE 15.812(e)(2)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S. INSPECTED TANK BARGES, NOT SAILING ON REGISTER

| | Designated areas of pilotage waters (routes for which First Class Pilot's licenses are issued) | Nondesignated areas of pilotage waters (between the three mile line and the start of traditional pilotage routes) |
|---|--|--|
| Tank Barges greater than 10,000 GT, authorized by their Certificate of Inspection to proceed beyond the Boundary Line, or operating on the Great Lakes. | First Class Pilot | Master, Mate, or Operator may serve as pilot if the individual: 1. Is at least 21 years old. 2. Has an annual physical exam. ¹ 3. Maintains current knowledge of the waters to be navigated. ² 4. Has at least 6 months' service in the deck department on towing vessels engaged in towing. |

TABLE 15.812(e)(2)—QUICK REFERENCE TABLE FOR FEDERAL PILOTAGE REQUIREMENTS FOR U.S. INSPECTED TANK BARGES, NOT SAILING ON REGISTER—Continued

| | Designated areas of pilotage waters (routes for which First Class Pilot's licenses are issued) | Nondesignated areas of pilotage waters (between the three mile line and the start of traditional pilotage routes) |
|---|--|--|
| Tank Barges 10,000 GT or less, authorized by their Certificate of Inspection to proceed beyond the Boundary Line, or operating on the Great Lakes. | First Class Pilot, or Master, Mate, or Operator may serve as pilot if the individual: <ol style="list-style-type: none"> 1. Is at least 21 years old 2. Has an annual physical exam.¹ 3. Maintains current knowledge of the waters to be navigated.² 4. Has at least 6 months' service in the deck department on towing vessels engaged in towing operations. 5. Has 12 round trips over the route.³ | Master, Mate, or Operator may serve as pilot if the individual: <ol style="list-style-type: none"> 1. Is at least 21 years old. 2. Has an annual physical exam.¹ 3. Maintains current knowledge of the waters to be navigated.² 4. Has at least 6 months' service in the deck department on towing vessels engaged in towing operations. |
| Tank Barges authorized by their Certificate of Inspection for Inland routes only (Lakes, Bays, and Sounds/Rivers); other than vessels operating on the Great Lakes. | No pilotage requirement | No pilotage requirement. |

¹ Annual physical exam does not apply to an individual who will serve as a pilot of a Tank Barge of less than 1,600 gross tons.
² One round trip within the past 60 months.
³ If the route is to be traversed during darkness, 3 of the 12 round trips must be made during darkness.

(f) In Prince William Sound, Alaska, coastwise seagoing vessels over 1,600 gross tons and propelled by machinery and subject to inspection under 46 U.S.C. Chapter 37 must:

(1) When operating from 60°49' North latitude to the Port of Valdez be under the direction and control of a federally licensed pilot who:

- (i) Is operating under the Federal license;
- (ii) Holds a license issued by the State of Alaska; and
- (iii) Is not a member of the crew of the vessel.

(2) Navigate with either two licensed deck officers on the bridge or a federally licensed pilot when operating South of 60°49' North latitude and in the approaches through Hinchinbrook Entrance and in the area bounded:

- (i) On the West by a line one mile west of the western boundary of the Traffic Separation Scheme;
- (ii) On the East by 146°00' West longitude;
- (iii) On the North by 60°49' North latitude; and
- (iv) On the South by that area of Hinchinbrook Entrance within the territorial sea bounded by 60° 07' North latitude and 146°31.5' West longitude.

[CGD 84-060, 59 FR 4842, Feb. 2, 1994, as amended by CGD 84-060, 60 FR 20652, 20653, Apr. 27, 1995; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.815 Radar observers.

(a) Each person in the required complement of licensed deck individuals, including the master, on inspected vessels of 300 gross tons or over which are radar equipped, shall hold a valid endorsement as radar observer.

(b) Each person who is employed or serves as pilot in accordance with Federal law on board vessels of 300 gross tons or over which are radar equipped, shall hold a valid endorsement as radar observer.

(c) Each person having to be licensed under 46 U.S.C. 8904(a) for employment or service as master, mate, or operator on board an uninspected towing vessel of 8 meters (approximately 26 feet) or more in length must, if the vessel is equipped with radar, hold a valid endorsement as radar observer.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by CGD 94-041, 60 FR 8309, Feb. 14, 1995; CGD 95-028, 62 FR 51196, Sept. 30, 1997; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

EFFECTIVE DATE NOTE: By USCG-2006-26202, 73 FR 52795, Sept. 11, 2008, §15.815 was amended in paragraphs (a), (b), and (c), by removing the words "a valid endorsement" and adding, in their place, the words "an endorsement"; and by adding new paragraphs (d) and (e), effective Oct. 14, 2008. For the convenience of the user, the added text is set forth as follows:

§ 15.820

46 CFR Ch. I (10–1–08 Edition)

§ 15.815 Radar observers.

* * * * *

(d) Each person who is required to hold a radar endorsement must have their certificate of training readily available to demonstrate that the endorsement is still valid.

(e) For the purposes of this section, “readily available” means that the mariner must carry the original certificate of training or a notarized copy thereof onboard. Alternatively, the mariner must provide a copy of the certificate of training to the requesting entity within 48 hours. The requested material may be delivered either physically, electronically, or by facsimile.

§ 15.820 Chief engineer.

(a) There must be an individual holding an appropriate license as chief engineer or a license authorizing service as chief engineer employed on board the following inspected mechanically propelled vessels:

(1) Seagoing or Great Lakes vessels of 200 gross tons and over.

(2) Offshore supply vessels of more than 200 gross tons.

(3) Inland (other than Great Lakes) vessels of 300 gross tons and over, if the OCMI determines that a licensed individual responsible for the vessel’s mechanical propulsion is necessary.

(b) An individual engaged or employed to perform the duties of chief engineer on a mechanically propelled, uninspected, seagoing, documented vessel of 200 gross tons or over must hold an appropriate license authorizing service as a chief engineer.

§ 15.825 Engineers.

(a) An individual in charge of an engineering watch on a mechanically propelled, seagoing, documented vessel of 200 gross tons or over, other than an individual described in §15.820, must hold an appropriate license authorizing service as an assistant engineer.

(b) The Officer in Charge, Marine Inspection determines the minimum number of licensed engineers required for the safe operation of inspected vessels.

§ 15.830 Radio officers.

Radio officers are required on certain merchant vessels of the United States. The determination of when a radio officer is required is based on the Federal

Communications Commission requirements.

§ 15.835 Staff officers.

Staff officers, when carried, must be registered as specified in part 10 of this chapter.

§ 15.840 Able seamen.

(a) With certain exceptions, 46 U.S.C. 8702 applies to all vessels of at least 100 gross tons. At least 65 percent of the deck crew of these vessels, excluding licensed individuals, must be able seamen. For vessels permitted to maintain a two watch system, the percentage of able seamen may be reduced to 50 percent.

(b) Able seamen are rated as: unlimited, limited, special, offshore supply vessel, sail, and fishing industry, under the provisions of part 12 of this chapter. 46 U.S.C. 7312 specifies the categories of able seamen (i.e., unlimited, limited, etc.) necessary to meet the requirements of 46 U.S.C. 8702.

(c) It is the responsibility of the master or person in charge to ensure that the able seamen in the service of the vessel meet the requirements of 46 U.S.C. 7312 and 8702.

§ 15.845 Lifeboatmen.

The number of lifeboatmen required for a vessel are specified in the parts of the regulations dealing with the inspection of that specific type of vessel.

§ 15.850 Lookouts.

The requirements for the maintenance of a proper lookout are specified in Rule 5 of the International Regulations for Preventing Collisions at Sea, 1972 (33 U.S.C. 1602(c)), and Rule 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2005). Lookout is a function to be performed by a member of a navigational watch.

[USCG–2007–29018, 72 FR 53964, Sept. 21, 2007]

§ 15.855 Cabin watchmen and fire patrolmen.

(a) On vessels carrying passengers at night, the master or person in charge shall ensure that a suitable number of watchmen are in the vicinity of the cabins or staterooms and on each deck,

to guard against and give alarm in case of fire or other danger.

(b) On a fish processing vessel of more than 100 gross tons, there must be a suitable number of watchmen trained in firefighting on board when hot work is being done, to guard against and give alarm in case of a fire.

(c) For the watchmen described in paragraph (a) of this section, the owner or operator of an uninspected passenger vessel not more than 300 gross tons may substitute the use of fire detectors, heat detectors, smoke detectors, and high-water alarms with audible- and visual-warning indicators, in addition to other required safety alarms, only when each of the following conditions are met:

(1) Fire detectors are located in each space containing machinery or fuel tanks per §181.400(c) of this chapter.

(2) All grills, broilers, and deep-fat fryers are fitted with a grease extraction hood per §181.425 of this chapter.

(3) Heat and/or smoke detectors are located in each galley, public accommodation space, enclosed passageway, berthing space, and all crew spaces.

(4) High-water alarms are located in each space with a through hull fitting below the deepest load waterline, a machinery space bilge, bilge well, shaft alley bilge, or other space subject to flooding from sea water piping within the space, and a space below the waterline with non-watertight closure such as a space with a non-watertight hatch on the main deck.

(5) Each alarm has an audible- and visual-alarm indicator located at the normal operating station and, if the normal operating position is not continually manned and not navigating underway, in an alternate location that must provide the crew, and may at all times provide the passengers, immediate warning of a hazardous condition.

(6) The vessel is underway for no more than 12 hours in any 24-hour period, and the master of the vessel has chosen to operate with less than a three-watch system in accordance with §15.705.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-1999-5040, 67 FR 34767, May 15, 2002]

§ 15.860 Tankerman.

(a) The Officer in Charge, Marine Inspection, enters on the Certificate of Inspection issued to each manned tank vessel subject to the regulations in this chapter the number of crewmembers required to hold valid merchant mariners' documents with the proper tankerman endorsement. Table 15.860(a)(1) provides the minimal requirements for tankermen aboard manned tank vessels; Table 15.860(a)(2) provides the tankerman endorsements required for personnel aboard tankships.

(b) For each tankship of more than 5,000 gross tons certified for voyages beyond the Boundary Line:

(1) The number of "Tankerman-PICs" or restricted "Tankerman-PICs" carried must be not fewer than two.

(2) The number of "Tankerman-Assistants" carried must be not fewer than three.

(3) The number of "Tankerman-Engineers" carried must be not fewer than two.

(c) For each tankship of 5,000 gross tons or less certified for voyages beyond the Boundary Line:

(1) The number of "Tankerman-PICs" or restricted "Tankerman-PICs" carried must be not fewer than two.

(2) The number of "Tankerman-Engineers" carried must be not fewer than two, unless only one engineer is required, in which case the number of "Tankerman-Engineers" carried may be just one.

(d) For each tankship not certified for voyages beyond the Boundary Line, if the total crew complement is:

(1) One or two, the number of "Tankerman-PICs" or restricted "Tankerman-PICs" carried may be just one.

(2) More than two, the number of "Tankerman-PICs" or restricted "Tankerman-PICs" carried must be not fewer than two.

(e) For each tank barge manned under §31.15-5 of this chapter, if the total crew complement is:

(1) One or two, the number of "Tankerman-PICs", restricted "Tankerman-PICs", "Tankerman-PICs (Barge)", or restricted "Tankerman-PICs (Barge)" carried may be just one.

§ 15.901

46 CFR Ch. I (10-1-08 Edition)

(2) More than two, the number of “Tankerman-PICs”, restricted “Tankerman-PICs”, “Tankerman-PICs (Barge)”, or restricted “Tankerman-PICs (Barge)” carried must be not fewer than two.

(f) The following personnel aboard each tankship certified for voyages beyond the Boundary Line shall hold valid merchant mariners’ documents, endorsed as follows:

(1) The master and chief mate shall each hold a “Tankerman-PIC” or restricted “Tankerman-PIC” endorsement.

(2) The chief, first assistant, and cargo engineers shall each hold a “Tankerman-Engineer” or “Tankerman (PIC)” endorsement.

(3) Each licensed person acting as the PIC of a transfer of liquid cargo in bulk

shall hold a “Tankerman-PIC” or restricted “Tankerman-PIC” endorsement.

(4) Each licensed or unlicensed person, who is assigned by the PIC duties and responsibilities related to the cargo or cargo-handling equipment during a transfer of liquid cargo in bulk but is not directly supervised by the PIC, shall hold a “Tankerman-Assistant” endorsement.

(g) The endorsements required by this section must be for the classification of the liquid cargo in bulk or of the cargo residue being carried.

(h) Because STCW does not recognize restricted Tankerman-PIC endorsements, persons may act under these only aboard vessels conducting business inside the Boundary Line.

TABLE 15.860(a)(1)—MINIMAL REQUIREMENTS FOR TANKERMEN ABOARD MANNED TANK VESSELS

| Tank vessels | Tankerman PIC | Tankerman assistant | Tankerman engineer | Tankerman PIC or tankerman PIC (barge) |
|---|---------------|---------------------|--------------------|--|
| Tankship Certified for Voyages Beyond Boundary Line: | | | | |
| Over 5000 GT | 2 | 3 | 2 | |
| 5000 GT or less | 2 | | *2 | |
| Tankship Not Certified for Voyages Beyond Boundary Line | **2 | | | |
| Tank Barge | | | | ***2 |

* If only one engineer is required, then only one Tankerman Engineer is required.
 ** If the total crew complement is one or two persons, then only one Tankerman PIC is required.
 *** If the total crew complement is one or two persons, then only one Tankerman PIC or Tankerman PIC (Barge) is required.

TABLE 15.860(a)(2)—TANKERMEN ENDORSEMENTS REQUIRED FOR PERSONNEL ABOARD TANKSHIPS
 [Endorsement for the Classification of the Bulk Liquid Cargo or Residues Carried]

| Tankship certified for voyages beyond boundary line | Tankerman PIC | Tankerman engineer | Tankerman assistant |
|---|---------------|--------------------|---------------------|
| Master | ✓ | | |
| Chief Mate | ✓ | | |
| Chief Engineer | ✓ | or | ✓ |
| First Assistant Engineer | ✓ | or | ✓ |
| Cargo Engineer | ✓ | or | ✓ |
| Licensed Person Acting as PIC of Transfer of Liquid Cargo in Bulk | ✓ | | |
| Licensed or Unlicensed Person Not Directly Supervised by PIC | | | ✓ |

[CGD 79-116, 60 FR 17154, Apr. 4, 1995, as amended by CGD 79-116, 62 FR 25135, May 8, 1997]

Subpart H—Equivalent

§ 15.901 Inspected vessels of less than 100 gross tons.

(a) An individual holding a license as mate or pilot of inspected, self-propelled vessels of over 200 gross tons is authorized to serve as master on inspected vessels of less than 100 gross

tons within any restrictions on the individual’s license.

(b) An individual holding a license authorizing service as master or mate of inspected, self-propelled vessels is authorized to serve as master or mate, respectively, of non-self-propelled vessels other than sail vessels, within any restrictions on the individual’s license.

(c) An individual holding a license authorizing service as master or mate of inspected, sail vessels is authorized to serve as master or mate, respectively, of other non-self-propelled vessels, within any restrictions on the individual's license.

(d) An individual holding a license authorizing service as master or mate of inspected, auxiliary sail vessels, is authorized to serve as master or mate, respectively, of self-propelled and non-self-propelled vessels, within any restrictions on the individual's license.

[CGD 81-059, 54 FR 150, Jan. 4, 1989]

§ 15.905 Uninspected passenger vessels.

(a) An individual holding a license as master or pilot of an inspected, self-propelled vessel is authorized to serve as operator of an uninspected passenger vessel under 100 gross tons within any restrictions, other than gross tonnage limitations, on the individual's license.

(b) An individual holding a license as master or pilot of an inspected, self-propelled vessel is authorized to serve as master, as required by 46 CFR 15.805(a)(6), of an uninspected passenger vessel of at least 100 gross tons within any restrictions, including gross tonnage and route, on the individual's license.

(c) An individual holding a license as mate of inspected, self-propelled vessels (other than Great Lakes, inland, or river vessels of not more than 200 gross tons) is authorized to serve as operator of uninspected passenger vessels of less than 100 gross tons within any restrictions, other than gross tonnage limitations, on the individual's license.

[USCG-1999-5040, 67 FR 34767, May 15, 2002]

§ 15.910 Towing vessels.

(a) No person may serve as master or mate (pilot) of any towing vessel without meeting the requirements of 46 CFR 15.805(a)(5) or 15.810(d), respectively.

(b) Through May 21, 2006, the exception granted by 46 CFR 15.610(b) of this part applies to the manning of towing vessels.

[USCG 1999-6224, 66 FR 20944, Apr. 26, 2001]

§ 15.915 Engineer licenses.

The following licenses authorize the holder to serve as noted, within any restrictions on the license:

(a) A designated duty engineer license authorizes service as chief or assistant engineer on vessels of not more than 500 gross tons in the following manner:

(1) A designated duty engineer limited to vessels of not more than 1000 horsepower or 4000 horsepower may serve only on near coastal, Great Lakes, or inland waters;

(2) A designated duty engineer with no horsepower limitations may serve on any waters.

(b) A chief engineer (limited-oceans) license authorizes service as chief or assistant engineer on vessels of any gross tons on inland waters and of not more than 1600 gross tons on ocean, near coastal, or Great Lakes waters.

(c) A chief engineer (limited-near coastal) license authorizes service as chief or assistant engineer on vessels of any gross tons on inland waters and of not more than 1600 gross tons on near coastal or Great Lakes waters.

(d) An assistant engineer (limited-oceans) license authorizes service on vessels of any gross tons on inland waters and of not more than 1600 gross tons on ocean, near coastal, or Great Lakes waters.

[CGD 81-059, 54 FR 150, Jan. 4, 1989]

Subpart I—Vessels in Foreign Trade

SOURCE: CGD 92-061, 60 FR 24796, May 10, 1995, unless otherwise noted.

§ 15.1001 General.

Self-propelled vessels engaged in foreign commerce are required to use a pilot holding an appropriately endorsed Federal first class pilot's license issued by the Coast Guard when operating in the navigable waters of the United States specified in this subpart.

§ 15.1010 California.

The following offshore marine oil terminals located within U.S. navigable waters of the State of California:

(a) *Carlsbad, CA.* The waters including the San Diego Gas and Electric,

Encina Power Plant, lying within an area bounded by a line beginning at latitude 33°10'06"N, longitude 117°21'42"W, thence southwesterly to latitude 33°08'54"N, longitude 117°24'36"W, thence southwesterly to latitude 33°04'30"N, longitude 117°21'42"W, thence northeasterly to latitude 33°05'36"N, longitude 117°18'54"W, thence northwesterly along the shoreline to latitude 33°10'06"N, longitude 117°21'42"W.

(b) *Huntington Beach, CA.* The waters including the Golden West Refining Company, Huntington Beach Marine Terminal, lying within an area bounded by a line beginning at latitude 33°39'06"N, longitude 118°00'0"W, thence westerly to latitude 33°39'18"N, longitude 118°05'12"W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 33°35'30"N, longitude 118°00'00"W, thence easterly to latitude 33°35'30"N, longitude 117°52'30"W, thence northwesterly along the shoreline to latitude 33°39'06"N, longitude 118°00'00"W.

(c) *El Segundo, CA.* The waters including the Chevron USA, El Segundo Marine Terminal, lying within an area bounded by a line beginning at latitude 33°56'18"N, longitude 118°26'18"W, thence westerly to latitude 33°56'18"N, longitude 118°30'48"W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 33°51'48"N, longitude 118°27'54"W, thence easterly to latitude 33°51'48"N, longitude 118°24'00"W, thence northwesterly along the shoreline to latitude 33°56'18"N, longitude 118°26'18"W.

(d) *Oxnard, CA.* The waters including the Southern California Edison Company, Mandalay Generating Station, lying within an area bounded by a line beginning at latitude 34°14'12"N, longitude 119°16'00"W, thence westerly to latitude 34°14'12"N, longitude 119°19'36"W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 34°09'24"N, longitude 119°17'20"W, thence easterly to latitude 34°09'24"N, longitude 119°13'24"W, thence northwesterly along the shoreline to latitude 34°14'24"N, longitude 119°16'00"W.

(e) *Goleta, CA.* The waters including the ARCO, Ellwood Marine Terminal, lying within an area bounded by a line

beginning at latitude 34°26'12"N, longitude 119°57'00"W, thence southerly to latitude 34°22'48"N, longitude 119°57'00"W, thence southeasterly along a line drawn three nautical miles from the baseline to latitude 34°21'06"N, longitude 119°50'30.5"W, thence northerly to latitude 34°24'18"N, longitude 119°50'30"W, thence northwesterly along the shoreline to latitude 34°26'12"N, longitude 119°57'00"W.

(f) *Gaviota, CA.* The waters including the Texaco Trading and Transportation, Gaviota Marine Terminal, lying within an area bounded by a line beginning at latitude 34°28'06"N, longitude 120°16'00"W, thence southerly to latitude 34°25'06"N, longitude 120°16'00"W, thence easterly along a line drawn three nautical miles from the baseline to latitude 34°25'24"N, longitude 120°08'30"W, thence northerly to latitude 34°28'24"N, longitude 120°08'30"W, thence westerly along the shoreline to latitude 34°28'06"N, longitude 120°16'00"W.

(g) *Moss Landing, CA.* The waters including the Pacific Gas and Electric Company Power Plant, lying within an area bounded by a line beginning at latitude 36°49'00"N, longitude 121°47'42"W, thence westerly to latitude 36°49'00"N, longitude 121°51'00"W, thence southerly to latitude 36°47'00"N, longitude 121°51'00"W thence easterly to latitude 36°47'00"N, longitude 121°47'54"W, thence northerly along the shoreline to latitude 36°49'00"N, longitude 121°47'42"W.

(h) *Estero Bay, CA.* The waters including various moorings, including the Pacific Gas and Electric Company mooring and the two Chevron Oil Company Terminals lying within an area bounded by a line beginning at latitude 36°25'00"N, longitude 120°52'30"W, thence westerly to latitude 36°25'00"N, longitude 120°56'00"W, thence southerly to latitude 36°22'00"N, longitude 120°56'00"W, thence easterly to latitude 36°22'00"N, longitude 120°52'12"W, thence northerly along the shoreline to latitude 36°25'00"N, longitude 120°52'30"W.

(i) *San Luis Obispo Bay, CA.* The waters including the Unocal Corporation Avila Terminal and the approaches thereto, lying in an area bounded by a line beginning at latitude 35°09'42"N, longitude 120°46'00"W, thence southerly

Coast Guard, DHS

§ 15.1050

to latitude 35°07'00"N, longitude 120°46'00"W, thence easterly to latitude 35°07'00"N, longitude 120°43'00"W, thence northerly to latitude 35°10'24"N, longitude 120°43'00"W, thence westerly along the shoreline to latitude 35°09'42"N, longitude 120°46'00"W.

[CGD 92-061, 60 FR 24796, Jan. 4, 1995, as amended by USCG-1998-4442, 63 FR 52189, Sept. 30, 1998]

§ 15.1020 Hawaii.

The following offshore marine oil terminals located within U.S. navigable waters of the State of Hawaii: *Barbers Point, Island of Oahu*. The waters including the Hawaiian Independent Refinery, Inc. and the Chevron moorings lying within an area bounded by a line bearing 180 degrees true from Barbers Point Light to latitude 21°14.8'N, longitude 158°06.4'W, thence easterly to latitude 21°14.8'N, longitude 158°03.3'W, thence northeasterly to latitude 21°15.6'N, longitude 158°01.1'W, thence northwesterly to latitude 21°18.5'N, longitude 158°02.0'W, thence westerly along the shoreline to latitude 21°17.8'N, longitude 158°06.4'W.

§ 15.1030 New York and New Jersey.

The following U.S. navigable waters located within the States of New York and New Jersey when the vessel is making an intra-port transit, to include, but not limited to, a movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within the following listed operating areas:

- (a) East River from Execution Rocks to New York Harbor, Upper Bay;
- (b) Hudson River from Yonkers, New York to New York Harbor, Upper Bay;
- (c) Raritan River from Grossman Dock/Arsenal to New York Harbor, Lower Bay;
- (d) Arthur Kill Channel;
- (e) Kill Van Kull Channel;
- (f) Newark Bay;
- (g) Passaic River from Point No Point to Newark Bay;
- (h) Hackensack River from the turning basin to Newark Bay; and
- (i) New York Harbor, Upper and Lower Bay.

NOTE TO §15.1030: "Intra-port transit" as used in this section includes the movement

of a foreign-trade vessel inbound from sea from the point where a State-licensed pilot ceases providing pilotage to another point within the identified areas (*i.e.*, a dock or anchorage). Likewise, intra-port transit also includes the movement of a foreign-trade vessel outbound to sea from a point within the identified areas (*i.e.*, a dock or anchorage) to the point where a State licensed pilot begins providing pilotage.

[CGD 92-061, 60 FR 24796, May 10, 1995, as amended by USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

§ 15.1040 Massachusetts.

The following U.S. navigable waters located within the State of Massachusetts when the vessel is in transit, but not bound to or departing from a port within the following listed operating areas:

- (a) Cape Cod Bay south of latitude 41°48'54"N;
- (b) The Cape Cod Canal; and
- (c) Buzzards Bay east of a line extending from the southernmost point of Wilbur Point (latitude 41°34'55"N longitude 70°51'15"W) to the easternmost point of Pasque Island (latitude 41°26'55"N longitude 70°50'30"W).

[CGD 92-061, 60 FR 24796, May 10, 1995, as amended by USCG-1998-4442, 63 FR 52189, Sept. 10, 1998]

§ 15.1050 North Carolina.

(a) The following navigable waters of the United States within the State of North Carolina when the vessel is maneuvering while berthing or unberthing, is approaching or passing through a bridge, or is making any intra-port transit, which transit may include but is not limited to movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an anchorage, within either of the following areas:

- (1) The waters of the Cape Fear River from the boundary line established by 46 CFR 7.60 to Latitude 34° 16.5'N.
- (2) The waters of the Northeast Cape Fear River from its confluence with the Cape Fear River at Point Peter to Latitude 34°17'N.

(b) This subpart does not apply to any vessel on the waters specified in paragraph (a) of this section if the laws

§ 15.1101

of the State of North Carolina require a State-licensed pilot on the vessel.

[CGD 97-073, 63 FR 57255, Oct. 27, 1998]

Subpart J—Vessels Subject to Requirements of STCW

SOURCE: CGD 95-062, 62 FR 34539, June 26, 1997, unless otherwise noted.

§ 15.1101 General.

(a) *Definitions.* For purposes of this subpart, the term—

(1) *STCW* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995;

(2) *STCW Code* means the Seafarer's Training, Certification and Watchkeeping Code;

(3) *Seagoing vessel* means a self-propelled vessel in commercial service that operates beyond the Boundary Line established by 46 CFR part 7. It does not include a vessel that navigates exclusively on inland waters;

(4) *Rest* means a period of time during which the person concerned is off duty, is not performing work (which includes administrative tasks such as chart corrections or preparation of port-entry documents), and is allowed to sleep without being interrupted; and

(5) *Overriding operational conditions* means circumstances in which essential shipboard work cannot be delayed for safety or environmental reasons, or could not reasonably have been anticipated at the commencement of the voyage.

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

(b) Except as otherwise provided in § 15.1103(d), the regulations in this subpart apply to seagoing vessels subject to STCW.

(c) A vessel that has on board a valid Safety Management Certificate and a copy of a Document of Compliance issued for that vessel in accordance with 46 U.S.C. 3205 is presumed in com-

46 CFR Ch. I (10-1-08 Edition)

pliance with the regulations in this subpart.

[CGD 95-062, 62 FR 34539, June 26, 1997, as amended by USCG-2008-0028, 73 FR 29071, May 20, 2008]

§ 15.1103 Employment and service within restrictions of a license, document, and STCW endorsement or of a certificate of training.

(a) On board a seagoing vessel operating beyond the Boundary Line, no person may employ or engage any person to serve, and no person may serve, in a position requiring a person to hold an STCW endorsement, including master, chief mate, chief engineer, second engineer, officer of the navigational or engineering watch, or radio operator, unless the person serving holds an appropriate, valid STCW certificate or endorsement issued in accordance with part 10 or 12 of this chapter.

(b) On board a seagoing vessel of 500 GT or more as determined under the International Tonnage Convention, no person may employ or engage any person to serve, and no person may serve, as a rating forming part of the navigational watch, except for training, unless the person serving holds an appropriate, valid STCW certificate or endorsement issued in accordance with part 12 of this chapter.

(c) After January 31, 2002, on board a seagoing vessel driven by main propulsion machinery of 750 kW [1,000 hp] propulsion power or more, no person may employ or engage any person to serve, and no person may serve, in a rating forming part of a watch in a manned engine-room, nor may any person be designated to perform duties in a periodically unmanned engine-room, except for training or for the performance of duties of an unskilled nature, unless the person serving holds an appropriate, valid STCW certificate or endorsement issued in accordance with part 12 of this chapter.

(d) You must hold documentary evidence to show you meet the requirements of § 10.1005 (if licensed) or § 12.30-5 (if unlicensed) of this chapter if you are a master or crewmember on board a Ro-Ro passenger ship to which a certificate signifying compliance with the

International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), has been issued.

(e) You must hold documentary evidence to show you meet the requirements of §10.1105 (if licensed) or §12.35-5 (if unlicensed) of this chapter if you are a master or crewmember on board a vessel that is—

- (1) Subject to the STCW;
- (2) Not a Ro-Ro passenger ship; and
- (3) Carrying more than 12 passengers when on an international voyage.

(f) After January 31, 2002, on board a seagoing vessel required to comply with provisions of the Global Maritime Distress and Safety System (GMDSS) in Chapter IV of SOLAS, no person may employ or engage any person to serve, and no person may serve, as the master, chief mate, or officer of the navigational watch, unless the person serving holds the appropriate certificate for operator of radio in GMDSS.

(g) On board a seagoing vessel required to comply with provisions of the GMDSS in Chapter IV of SOLAS, no person may employ or engage any person to serve, and no person may serve, as the person designated to maintain GMDSS equipment at sea, when the service of a person so designated is used to meet the maintenance requirements of SOLAS Regulation IV/15, which allows for capability of at-sea electronic maintenance to ensure that radio equipment is available for radio communication, unless the person so serving holds documentary evidence that he or she is competent to maintain GMDSS equipment at sea.

(h) After January 31, 2002, on board a seagoing vessel fitted with an Automatic Radar Plotting Aid (ARPA), no person may employ or engage any person to serve, and no person may serve, as the master, chief mate, or officer of the navigational watch, unless the person so serving has been trained in the use of ARPA in accordance with §10.205 or §10.209 of this chapter, whichever is appropriate.

[CGD 95-062, 62 FR 34539, June 26, 1997, as amended by USCG-1999-5610, 67 FR 55069, Oct. 30, 2002; USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

§ 15.1105 Familiarization and basic safety-training.

(a) After January 31, 1997, on board a seagoing vessel, no person may assign any person to perform shipboard duties, and no person may perform those duties, unless the person performing them has received—

(1) Training in personal survival techniques as set out in the standard of competence under STCW Regulation VI/1; or

(2) Sufficient familiarization training or instruction that he or she—

(i) Can communicate with other persons on board about elementary safety matters and understand informational symbols, signs, and alarm signals concerning safety;

(ii) Knows what to do if a person falls overboard; if fire or smoke is detected; or if the firm alarm or abandon-ship alarm sounds;

(iii) Can identify stations for muster and embarkation, and emergency-escape routes;

(iv) Can locate and don life-jackets;

(v) Can raise the alarm and knows the use of portable fire extinguishers;

(vi) Can take immediate action upon encountering an accident or other medical emergency before seeking further medical assistance on board; and

(vii) Can close and open the fire doors, weather-tight doors, and water-tight doors fitted in the vessel other than those for hull openings.

(b) After January 31, 1997, on board a seagoing vessel, no person may assign a shipboard duty or responsibility to any person who is serving in a position that must be filled as part of the required crew complement, and no person may perform any such duty or responsibility, unless he or she is familiar with it and with all vessel's arrangements, installations, equipment, procedures, and characteristics relevant to his or her routine or emergency duties or responsibilities, in accordance with STCW Regulation I/14.

(c) After January 31, 1997, on board a seagoing vessel, no person may assign a shipboard duty or responsibility to any person who is serving in a position that must be filled as part of the required crew complement or who is assigned a responsibility on the muster list, and no person may perform any such duty

§ 15.1107

or responsibility, unless the person performing it can produce evidence of having—

(1) Received appropriate approved basic safety training or instruction as set out in the standards of competence under STCW Regulation VI/1, with respect to personal survival techniques, fire prevention and fire-fighting, elementary first aid, and personal safety and social responsibilities; and

(2) Achieved or, if training has been completed, maintained competence within the last 5 years, in accordance with STCW regulation VI/1.

(d) Fish-processing vessels in compliance with the provisions of 46 CFR part 28 on instructions, drills, and safety orientation are deemed to be in compliance with the requirements of this section on familiarization and basic safety-training.

[CGD 95-062, 62 FR 34539, June 26, 1997, as amended by USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

§ 15.1107 Maintenance of merchant mariners' records by owner or operator.

Each owner or operator of a U.S.-documented seagoing vessel shall ensure that procedures are in place, in respect of each merchant mariner holding a license or merchant mariner's document and serving on any such vessel, to ensure that the following information is maintained throughout his or her service, and is readily accessible to those in management responsible for the safety of the vessel and for the prevention of marine pollution:

(a) Medical fitness (such as results of a recent evaluation by a medical professional certifying that the mariner is physically able to perform the tasks and duties normally associated with a particular shipboard position or does not have an apparent medical condition that disqualifies him or her from the requirements of a particular shipboard position).

(b) Experience and training relevant to assigned shipboard duties (i.e., record of training completed, and of relevant on-the-job experience acquired).

(c) Competency in assigned shipboard duties (evidenced by copies of current licenses, documents, or endorsements

46 CFR Ch. I (10-1-08 Edition)

that the mariner holds, as well as by a record of the most recent basic safety assessment and by instances where ship-specific familiarization has been achieved and maintained).

§ 15.1109 Watches.

Each master of a vessel that operates beyond the Boundary Line shall ensure observance of the principles concerning watchkeeping set out in STCW Regulation VIII/2 and section A-VIII/2 of the STCW Code.

§ 15.1111 Work hours and rest periods.

(a) After January 31, 1997, each person assigned duty as officer in charge of a navigational or engineering watch, or duty as a rating forming part of a navigational or engineering watch, on board any vessel that operates beyond the Boundary Line shall receive a minimum of 10 hours of rest in any 24-hour period.

(b) The hours of rest required under paragraph (a) of this section may be divided into no more than two periods, of which one must be at least 6 hours in length.

(c) The requirements of paragraphs (a) and (b) of this section need not be maintained in the case of an emergency or drill or in other overriding operational conditions.

(d) The minimum period of 10 hours of rest required under paragraph (a) of this section may be reduced to not less than 6 consecutive hours as long as—

(1) No reduction extends beyond 2 days; and

(2) Not less than 70 hours of rest are provided each 7-day period.

(e) The minimum period of rest required under paragraph (a) of this section may not be devoted to watchkeeping or other duties.

(f) Watchkeeping personnel remain subject to the work-hour limits in 46 U.S.C. 8104 and to the conditions when crew members may be required to work.

(g) The Master shall post watch schedules where they are easily accessible. They must cover each affected member of the crew and must take into account the rest requirements of this section as well as port rotations and changes in the vessel's itinerary.

§ 15.1113 Vessel Security Officer (VSO).

After July 1, 2009, on board seagoing vessel, all persons performing duties as VSO must hold a valid endorsement as Vessel Security Officer.

[USCG–2008–0028, 73 FR 29071, May 20, 2008]

PART 16—CHEMICAL TESTING**Subpart A—General**

- Sec.
 16.101 Purpose of regulations.
 16.105 Definitions of terms used in this part.
 16.107 Waivers.
 16.109 Public Interest Exclusion (PIE).
 16.113 Chemical drug testing.
 16.115 Penalties.

Subpart B—Required Chemical Testing

- 16.201 Application.
 16.203 Employer, MRO, and SAP responsibilities.
 16.205 Implementation of chemical testing programs.
 16.210 Pre-employment testing requirements.
 16.220 Periodic testing requirements.
 16.230 Random testing requirements.
 16.240 Serious marine incident testing requirements.
 16.250 Reasonable cause testing requirements.
 16.260 Records.

Subpart C [Reserved]**Subpart D—Employee Assistance Programs**

- 16.401 Employee Assistance Program (EAP).

Subpart E—Management Information System

- 16.500 Management Information System requirements.

APPENDIX A [RESERVED]

AUTHORITY: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 86-067, 53 FR 47079, Nov. 21, 1988, unless otherwise noted.

Subpart A—General**§ 16.101 Purpose of regulations.**

(a) The regulations in this part provide a means to minimize the use of intoxicants by merchant marine personnel and to promote a drug free and safe work environment.

(b) These regulations prescribe the minimum standards, procedures, and means to be used to test for the use of dangerous drugs.

(c) As part of a reasonable cause drug testing program established pursuant to this part, employers may test for drugs in addition to those specified in this part only with approval granted by the Coast Guard under 49 CFR part 40 and for substances for which the Department of Health and Human Services has established an approved testing protocol and positive threshold.

§ 16.105 Definitions of terms used in this part.

Chemical test means a scientifically recognized test which analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use.

Consortium/Third party administrator (C/TPA) means a service agent who provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members.

Crewmember means an individual who is:

(a) On board a vessel acting under the authority of a license, certificate of registry, or merchant mariner's document issued under this subchapter, whether or not the individual is a member of the vessel's crew; or

(b) Engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, certificate of registry, or merchant mariner's document issued under this subchapter, except the following:

(1) Individuals on fish processing vessels who are primarily employed in the preparation of fish or fish products, or in a support position, and who have no duties that directly affect the safe operation of the vessel;

(2) Scientific personnel on an oceanographic research vessel;