

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—MERCHANT MARINER CREDENTIAL

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SOURCE: USCG–2006–24371, 74 FR 11216, Mar. 16, 2009, unless otherwise noted.

Subpart A—General

§ 10.101 Purpose.

The regulations in this part provide:

- (a) A means of determining and verifying the qualifications an applicant must possess to be eligible for certification to serve on merchant vessels;
- (b) A means of determining that an applicant is competent to serve under the authority of his or her merchant mariner credential (MMC);
- (c) A means of confirming that an applicant does not pose a threat to national security through the requirement to hold a Transportation Worker Identification Credential (TWIC); and
- (d) A means of determining whether the applicant for an MMC is a safe and suitable person.

[USCG–2006–24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG–2004–17914, 78 FR 77882, Dec. 24, 2013]

§ 10.103 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition

other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available for inspection at the Office of Merchant Mariner Credentialing (CG-MMC), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509, 202-372-1492 and is available from the sources indicated in this section.

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

(1) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, 2011 (the STCW Convention or the STCW), incorporation by reference approved for §§ 10.107, 10.109, 10.201, and 10.410.

(2) The Seafarers' Training, Certification and Watchkeeping Code, as amended, 2011 (the STCW Code), incorporation by reference approved for §§ 10.107, 10.109, 10.201, 10.404, 10.411, and 10.412.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2009-0702, 74 FR 49224, Sept. 25, 2009; USCG-2013-0671, 78 FR 60145, Sept. 30, 2013; USCG-2004-17914, 78 FR 77882, Dec. 24, 2013; USCG-2016-0315, 81 FR 43955, July 6, 2016]

§ 10.105 Paperwork approval. [Reserved]

§ 10.107 Definitions in subchapter B.

(a) With respect to part 16 of this subchapter only, if the definitions in paragraph (b) of this section differ from those set forth in § 16.105, the definition set forth in § 16.105 applies.

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

Able seafarer-deck means a rating qualified in accordance with the provisions of Regulation II/5 of the STCW Convention.

Able seafarer-engine means a rating qualified in accordance with the provisions of Regulation III/5 of the STCW Convention.

Apprentice mate (steersman) of towing vessels means a credentialed mariner in training to perform bridge watchkeeping duties onboard a towing vessel, who must be under the direct supervision and in the continuous presence of a master or mate (pilot) of towing vessels.

Approved means approved by the Coast Guard.

Approved training means training that is approved by the Coast Guard or meets the requirements of § 10.408 of this part.

Articulated tug barge or ATB means any tug-barge combination which, through the use of an articulated or "hinged" connection system between the tug and barge, allows independent movement in the critical area of fore and aft pitch.

Assistance towing means towing a disabled vessel for consideration.

Assistant engineer, for national endorsements, means a qualified officer in the engine department other than the chief engineer.

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

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

Barge means a non-self propelled vessel as defined in 46 U.S.C 102.

Barge supervisor or BS means an officer restricted to service on MODUs whose duties involve support to the offshore installation manager (OIM) in marine-related matters including, but not limited to, maintaining watertight integrity, inspecting and maintaining mooring and towing components, and

maintaining emergency and other marine-related equipment. A barge supervisor, when assigned to a MODU, is equivalent to a mate on a conventional vessel.

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

Boundary line marks the dividing point between internal and offshore waters for the purposes of several U.S. statutes and, with exceptions, generally follows the trend of the seaward, highwater shorelines. See 46 CFR part 7.

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

Ceremonial license means a document that reflects a mariner's existing national officer endorsement and is suitable for framing, but is not valid for use as a Merchant Mariner Credential (MMC).

Chemical tanker means a tank vessel that is certificated to carry or carries chemicals in bulk as cargo or cargo residue. For the purposes of qualifying for an STCW endorsement for advanced chemical tanker cargo operations, this includes tank barges.

Chief engineer means the senior engineer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel.

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

Coast Guard-accepted means—

(1) That the Coast Guard has officially acknowledged in writing that the material or process at issue meets the applicable requirements;

(2) That the Coast Guard has issued an official policy statement listing or describing the material or process as meeting the applicable requirements; or

(3) That an entity acting on behalf of the Coast Guard under a Memorandum of Agreement has determined that the

material or process meets the applicable requirements.

Coast Guard-accepted QSS organization means an entity that has been approved by the Coast Guard to accept and monitor training on behalf of the Coast Guard.

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.

Coastwise voyage is a domestic voyage and means a voyage in which a vessel proceeds—

(1) From one port or place in the United States to another port or place in the United States;

(2) From a port or place in a United States possession to another port or place in the same possession, and passes outside the line dividing inland waters from the high seas; or

(3) From a port or place in the United States or its possessions and passes outside the line dividing inland waters from the high seas and navigates on the high seas, and then returns to the same port or place.

Communicable disease means any disease capable of being transmitted from one person to another directly, by contact with excreta or other discharges from the body; or indirectly, via substances or inanimate objects contaminated with excreta or other discharges from an infected person. Pursuant to 42 U.S.C. 12113, the Department of Health and Human Services periodically publishes in the FEDERAL REGISTER a list of infectious and communicable diseases that are transmissible through the food supply, and that list provides examples of communicable diseases for purposes of §10.304 of this title.

Conviction means that the applicant for a merchant mariner credential has been found guilty, by judgment or plea by a court of record of the United States, the District of Columbia, any State, territory, or possession of the United States, a foreign country, or any military court, of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by

the court to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forgo appeal of a trial court's conviction, then the Coast Guard will consider the applicant to have received a conviction. A later expungement of the conviction will not negate a conviction unless the Coast Guard is satisfied that the expungement is based upon a showing that the court's earlier conviction was in error.

Credential means any or all of the following:

- (1) Merchant mariner's document.
- (2) License.
- (3) STCW endorsement.
- (4) Certificate of registry.
- (5) Merchant Mariner Credential.

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

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

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

Day means, for the purpose of complying with the service requirements of this subchapter, 8 hours of watchstanding or day-working not to include overtime. On vessels authorized by 46 U.S.C. 8104 and 46 CFR 15.705, to operate a two-watch system, a 12-hour working day may be creditable as 1½ days of service. On vessels of less than 100 GRT, a day is considered as 8 hours unless the Coast Guard determines that the vessel's operating schedule makes this criteria inappropriate; in no case will this period be less than 4 hours. When computing service on MODUs for any endorsement, a day of MODU service must be a minimum of 4

hours, and no additional credit is received for periods served over 8 hours. For cadet service on a training ship furnished by the Maritime Administration under 46 CFR 310.4, a day may be creditable as 1½ days of service.

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

Deck department means the department aboard a ship responsible for navigation, cargo, command, and control functions.

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

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

Designated examiner or DE means a person who has been trained or instructed in techniques of training or assessment on towing vessels and is otherwise qualified to evaluate whether an applicant has achieved the level of proficiency required to hold a towing vessel endorsement on a merchant mariner credential (MMC). This person must be approved by the Coast Guard.

Designated medical examiner means a licensed physician, licensed physician's assistant, or licensed nurse practitioner who has been trained and approved to conduct medical and physical examinations of merchant mariners on behalf of the U.S. Coast Guard and may be delegated limited authority to grant waivers and approve physical/medical suitability for service.

Directly supervised/direct supervision (only when referring to issues related to tankermen) means being in the direct line of sight of the person-in-charge or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a handheld radio.

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

Document of Continuity means a document issued by the Coast Guard to seafarers who are unwilling or otherwise unable to meet the requirements of §10.227, for the sole purpose of maintaining an individual's eligibility for renewal of an endorsement.

Domestic voyage means a voyage from one United States port to another United States port, without entering waters under the jurisdiction of another country unless the United States has entered into a treaty or an agreement with that country respecting mutual recognition of national mariner qualifications. This includes a voyage to nowhere that returns to the originating port.

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

Dual-mode integrated tug barge means an integrated tug barge (ITB) involving an articulated (flexible) coupling system where the towing unit rolls and heaves (articulates) about a horizontal pivot point. Dual mode units resemble a conventional tug and are capable of towing in other configurations (astern or alongside).

Electro-technical officer means an officer qualified in accordance with the provisions of Regulation III/6 of the STCW Convention.

Electro-technical rating means a rating qualified in accordance with the provisions of Regulation III/7 of the STCW Convention.

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

Endorsement is a statement of a mariner's qualifications and, for the purposes of this chapter, includes only those endorsements listed in §10.109 of this part.

Engine department means the department aboard a ship responsible for the main propulsion and auxiliary systems, and other mechanical, electrical, hydraulic, and refrigeration systems, in-

cluding deck machinery and cargo-handling equipment.

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

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

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

First assistant engineer means the engineer officer next in rank to the chief engineer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel will fall in the event of the incapacity of the chief engineer.

Great Lakes, for the purpose of calculating service requirements for an endorsement, means the Great Lakes and their connecting and tributary waters, including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between miles 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between miles 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock. For purposes of requiring MMCs with rating endorsements, the connecting and tributary waters are not part of the Great Lakes.

Gross register tons or GRT means the gross ton measurement of the vessel under 46 U.S.C. chapter 145, Regulatory Measurement.

Gross tonnage or GT means the gross tonnage measurement of the vessel under 46 U.S.C. chapter 143, Convention Measurement.

Harbor assist means the use of a towing vessel during maneuvers to dock, undock, moor, or unmoor a vessel, or

to escort a vessel with limited maneuverability.

High-speed craft type rating (HSC) means an endorsement for specific duty on a particular type and model of high-speed craft (compliant with the high-speed craft code).

Horsepower or HP means, for the purpose of this subchapter, the total maximum continuous shaft horsepower of the entire vessel's main propulsion machinery as determined by the manufacturer. This term is used when describing a vessel's propulsion power and also when placing limitations on an engineer officer license or endorsement. One horsepower equals 0.75 kW.

ILO means the International Labour Organization.

IMO means the International Maritime Organization.

Increase in scope means additional authority added to an existing credential, such as adding a new route or increasing the authorized horsepower or tonnage.

Inland waters means the navigable waters of the United States shoreward of the Boundary Lines as described in part 7 of this chapter, excluding the Great Lakes, and, for towing vessels, excluding the Western Rivers.

Integrated tug barge or ITB means any tug barge combination which, through the use of special design features or a specially designed connection system, has increased seakeeping capabilities relative to a tug and barge in the conventional pushing mode. An ITB can be divided into either a dual-mode ITB or a push-mode ITB. The definitions for those categories can be found elsewhere in this section.

Invalid credential means an MMC, MMD, license, STCW endorsement, or Certificate of Registry that has been suspended or revoked, has expired, has been tampered with, has not been signed, or has been superseded in accordance with §10.205 of this part.

ISM means the International Safety Management Code.

Kilowatt or kW means 1½ horsepower. This term is used when describing a vessel's propulsion power and also when placing limitations on an engineer officer license or endorsement.

Large passenger vessel, for the purposes of subpart H of part 12, and part

15, means a vessel of more than 70,000 gross tons, as measured under 46 U.S.C. 14302 and documented under the laws of the United States, with capacity for at least 2,000 passengers and a coastwise endorsement under 46 U.S.C. chapter 121.

Lifeboatman means a mariner who is qualified to take charge of, lower, and operate survival craft and related survival equipment on a vessel.

Lifeboatman-Limited means a mariner who is qualified to take charge of, lower, and operate liferafts, rescue boats, and other survival equipment on vessels where lifeboats are not installed.

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

Liquefied gas tanker means a tank vessel that is certificated to carry or carries liquefied gases in bulk as cargo or cargo residue. For the purposes of qualifying for an STCW endorsement for advanced liquefied gas tanker operations, this includes tank barges.

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

Management level means the level of responsibility associated with—

(1) Serving as master, chief mate, chief engineer officer or second engineer officer onboard a seagoing ship; and

(2) Ensuring that all functions within the designated area of responsibility are properly performed.

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

Master means the officer having command of a vessel.

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

Medical Certificate means a certificate issued by the Coast Guard under 46 CFR part 10, subpart C that serves as proof that the seafarer meets the medical and physical standards for merchant mariners.

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

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

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

(1) Bottom bearing units, which include—

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

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

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

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

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

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

National rating endorsement means an annotation on an MMC that allows a mariner to serve in those capacities set out in §10.109(b) and (c) of this part. The rating endorsement serves as the merchant mariner's document pursuant to 46 U.S.C. subtitle II part E.

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

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

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

Near-coastal means ocean waters not more than 200 miles offshore from the U.S. and its possessions, except for MMCs endorsed as Operator of Uninspected Passenger Vessel for which near-coastal is limited to waters not more than 100 miles offshore from the U.S. and its possessions. This would also include those near-coastal waters identified by another Administration when the U.S. has entered into a treaty or an agreement with that country respecting the recognition of the U.S. near-coastal endorsement.

Non-resident alien, for the purposes of subchapter H of part 12, and part 15, means an individual who is not a citizen or alien lawfully admitted to the United States for permanent residence, but who is employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including an alien crewman described in section 101(a)(15)(D)(i) of that Act who meets the requirements of 46 U.S.C. 8103(k)(3)(A).

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

Officer endorsement means an annotation on an MMC that allows a mariner to serve in the capacities listed in §10.109 of this part.

Officer in Charge, Marine Inspection, or OCMI means, for the purposes of this subchapter, the commanding officer of the National Maritime Center, or any person designated as such by the Commandant, in accordance with 46 CFR 1.01–5(b).

Officer in charge of an engineering watch in a manned engine room or designated duty engineer in a periodically

unmanned engine room (OICEW) means an engineering officer qualified at the operational level.

Officer in charge of a navigational watch (OICNW) means a deck officer qualified at the operational level.

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

Oil tanker means a tank vessel that is certificated to carry or carries oil in bulk as cargo or cargo residue. For the purposes of qualifying for an STCW endorsement for advanced oil tanker cargo operations, this includes tank barges.

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

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

Operational level means the level of responsibility associated with—

(1) Serving as officer in charge of a navigational or engineering watch, or as designated duty engineer for periodically unmanned machinery spaces, or as radio operator onboard a seagoing ship; and

(2) Maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility.

Orally assisted examination means an examination as described in 46 CFR, part 11, subpart I of this subchapter administered orally and documented by a Coast Guard examiner.

Overriding operational condition means circumstances in which essential shipboard work cannot be delayed due to safety or environmental reasons, or could not have reasonably been anticipated at the commencement of the voyage.

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

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

Periodically unattended engine room means a space containing main propulsion and associated machinery and all sources of main electrical supply which is not at all times manned under all operating conditions, including maneuvering.

PIC means a person in charge.

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

Pilotage waters means the navigable waters of the United States, including all inland waters and offshore waters to a distance of 3 nautical miles from the baseline from which the Territorial Sea is measured.

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

Propulsion power means the total maximum continuous-rated output power of the main propulsion machinery of a vessel determined by the manufacturer, in either kilowatts or horsepower, which appears on the ship's Certificate of Registry or other official document and excludes thrusters and other auxiliary machinery.

Public vessel means a vessel that—

(1) Is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(2) Is not engaged in commercial service.

Push-mode ITBs means those ITBs that involve a rigid coupling system and, when not coupled to the barge, are incapable of conducting towing in any

other configuration (such as astern or alongside) because, by themselves, they have very limited seakeeping capability. The propelling unit moves as one with the barge unit.

Qualified Assessor or QA means a person who is qualified to evaluate, for STCW endorsements, whether an applicant has demonstrated the necessary level of competence in the task for which the assessment is being made. This person must be individually approved by the Coast Guard.

Qualified instructor means a person who has been trained in instructional techniques and is otherwise qualified to provide required training to candidates for an MMC endorsement. A faculty member employed at a State maritime academy or the U.S. Merchant Marine Academy operated under 46 CFR part 310 and instructing a course on merchant marine officer or rating knowledge, understanding, or proficiency requirements is qualified to serve as a qualified instructor in his or her area of specialization without individual evaluation by the Coast Guard.

Qualified rating means various categories of able seaman, qualified member of the engine department, or tankerman endorsements issued on MMCs.

Quality Standard System or QSS means a set of policies, procedures, processes, and data required to establish and fulfill the organization's objectives.

Raise of grade means an increase in the level of authority and responsibility associated with an officer or rating endorsement, such as from mate to master or second assistant engineer to first assistant engineer.

Rating endorsement is an annotation on an MMC that allows a mariner to serve in those capacities set out in §10.109 of this part.

Regional examination center or REC means a field office of the National Maritime Center that receives and screens credential applications, conducts approved course oversight, and administers Coast Guard examinations as required by this subchapter.

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 correction or preparation of port-entry

documents), and is allowed to sleep without interruption.

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

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

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

Seagoing service means service onboard a ship/vessel relevant to the issue of a credential or other qualification.

Seagoing vessel means a ship that operates beyond the boundary line specified in 46 CFR part 7.

Second engineer officer means an engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer.

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

Senior company official means the president, vice president, vice president for personnel, personnel director,

or similarly titled or responsible individual, or another employee designated in writing by one of these individuals for the purpose of certifying employment.

Service (as used when computing the required service for endorsements) means the time period, in days, a person is assigned to work. On MODUs, this excludes time spent ashore as part of crew rotation.

Ship means a vessel using any mode of propulsion, including sail and auxiliary sail.

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

Staff officer means a person who holds an MMC with an officer endorsement listed in §10.109(a)(36) through (a)(43) of this part.

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

Steward's department means the department that includes entertainment personnel and all service personnel, including wait staff, housekeeping staff, and galley workers, as defined in the vessel security plan approved by the Secretary under 46 U.S.C. 70103(c). These personnel may also be referred to as members of the hotel department on a large passenger vessel.

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

STCW Code means the Seafarers' Training, Certification and Watchkeeping Code (incorporated by reference, see §10.103 of this subpart).

STCW endorsement means an annotation on an MMC that allows a mariner to serve in those capacities under §10.109(d) of this subpart. The STCW endorsement serves as evidence that a mariner has met the requirements of the STCW Convention.

Support level means the level of responsibility associated with per-

forming assigned tasks, duties, or responsibilities onboard a seagoing ship under the direction of an individual serving in the operational or management level.

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

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

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

Tankerman assistant means a person holding a valid "Tankerman-Assistant" endorsement on his or her MMC. See 46 CFR, part 13, subpart D.

Tankerman engineer means a person holding a valid "Tankerman-Engineer" endorsement on his or her MMC. See 46 CFR part 13, subpart E.

Tankerman PIC means a person holding a valid "Tankerman-PIC" endorsement on his or her MMC. See 46 CFR part 13, subpart B.

Tankerman PIC (Barge) means a person holding a valid "Tankerman-PIC (Barge)" endorsement on his or her MMC. See 46 CFR part 13, subpart C.

Tankship means any self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk as cargo or as cargo residue.

Training program means a combination of training, practical assessment, and service which provides an individual with all or part of the necessary knowledge, understanding, and proficiency required for a specific qualification.

Transfer means any movement of fuel, dangerous liquid, or liquefied gas as cargo in bulk or as cargo residue to or from a vessel by means of pumping, gravitation, or displacement.

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

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

offshore drilling unit (MODU), underway means that the MODU is not in an on-location or laid-up status and includes that period of time when the MODU is deploying or recovering its mooring system.

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

Unlimited means an annotation on an MMC authorizing service on vessels of any tonnage or any propulsion power.

Vessel personnel with designated security duties means a person, excluding the designated security officer (e.g., Company Security Officer (CSO), as defined in 33 CFR chapter I, subchapter H, and Vessel Security Officer (VSO)), having specific security duties and responsibilities in accordance with the ship security plan.

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

Western Rivers means—

- (1) The Mississippi River;
- (2) The Mississippi River's tributaries, South Pass, and Southwest Pass, to the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States;
- (3) The Port Allen-Morgan City Alternate Route;
- (4) That part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternate Route including the Old River and the Red River; and
- (5) Those waters specified in 33 CFR 89.25.

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

[USCG–2004–17914, 78 FR 77882, Dec. 24, 2013]

§ 10.109 Classification of endorsements.

(a) *National officer endorsements.* The following national officer endorsements are established in part 11 of this subchapter. The endorsements indicate

that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 11 of this subchapter:

- (1) Master.
 - (2) Chief mate.
 - (3) Second mate.
 - (4) Third mate.
 - (5) Mate.
 - (6) Master of towing vessels.
 - (7) Master of towing vessels, limited.
 - (8) Mate (pilot) of towing vessels.
 - (9) Apprentice mate (Steersman).
 - (10) Apprentice mate (Steersman), limited.
 - (11) Assistance towing.
 - (12) Offshore installation manager (OIM).
 - (13) Barge supervisor (BS).
 - (14) Ballast control operator (BCO).
 - (15) Operator of uninspected passenger vessels (OUPV).
 - (16) Master of uninspected fishing industry vessels.
 - (17) Mate of uninspected fishing industry vessels.
 - (18) Master (OSV).
 - (19) Chief mate (OSV).
 - (20) Mate (OSV).
 - (21) Chief engineer.
 - (22) Chief engineer (limited).
 - (23) First assistant engineer.
 - (24) Second assistant engineer.
 - (25) Third assistant engineer.
 - (26) Assistant engineer (limited).
 - (27) Designated duty engineer (DDE).
 - (28) Chief engineer (OSV).
 - (29) Assistant engineer (OSV).
 - (30) Chief engineer MODU.
 - (31) Assistant engineer MODU.
 - (32) Chief engineer uninspected fishing industry vessels.
 - (33) Assistant engineer uninspected fishing industry vessels.
 - (34) Radio officer.
 - (35) First-class pilot.
 - (36) Chief purser.
 - (37) Purser.
 - (38) Senior assistant purser.
 - (39) Junior assistant purser.
 - (40) Medical doctor.
 - (41) Professional nurse.
 - (42) Marine physician assistant.
 - (43) Hospital corpsman.
 - (44) High-speed craft type rating.
 - (45) Radar observer.
- (b) *National rating endorsements.* The following national rating endorsements

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

- (1) Able seaman:
 - (i) Unlimited;
 - (ii) Limited;
 - (iii) Special;
 - (iv) Special (OSV);
 - (v) Sail; and
 - (vi) Fishing industry.
- (2) Ordinary seaman.
- (3) Qualified member of the engine department (QMED), including the following specialty endorsements:
 - (i) Oiler;
 - (ii) Fireman/Watertender;
 - (iii) Junior engineer;
 - (iv) Pumpman/Machinist; and
 - (v) Electrician/Refrigerating engineer.
- (4) Lifeboatman.
- (5) Lifeboatman-Limited.
- (6) Wiper.
- (7) Steward's department.
- (8) Steward's department (F.H.).
- (9) Cadet (deck or engine).
- (10) Student observer.
- (11) Apprentice engineer.
- (12) Apprentice mate.
- (c) The following ratings are established in part 13 of this subchapter. The national endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in part 13 of this subchapter:
 - (1) Tankerman-PIC.
 - (2) Tankerman-PIC (Barge).
 - (3) Restricted Tankerman-PIC.
 - (4) Restricted Tankerman-PIC (Barge).
 - (5) Tankerman assistant.
 - (6) Tankerman engineer.
- (d) *STCW endorsements*. The following STCW endorsements are issued according to the STCW Convention, the STCW Code, and parts 11, 12, and 13 of this subchapter. The endorsements indicate that an individual holding a valid MMC with this endorsement is qualified to serve in that capacity and the endorsement has been issued under the requirements contained in parts 11,

12 or 13 of this subchapter as well as the STCW Convention and STCW Code (incorporated by reference, see §10.103 of this subpart):

- (1) Master.
- (2) Chief mate.
- (3) Officer in charge of a navigational watch (OICNW).
- (4) Chief engineer officer.
- (5) Second engineer officer.
- (6) Officer in charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room (OICEW).
- (7) Electro-technical officer (ETO).
- (8) Rating forming part of a navigational watch (RFPNW).
- (9) Able seafarer-deck.
- (10) Rating forming part of an engineering watch in a manned engine room or designated to perform duties in a periodically unmanned engine room (RFPEW).
- (11) Able seafarer-engine.
- (12) Electro-technical rating.
- (13) Basic training (BT).
- (14) Advanced firefighting.
- (15) Proficiency in survival craft and rescue boats other than fast rescue boats (PSC).
- (16) Proficiency in survival craft and rescue boats other than fast rescue boats—limited (PSC—limited).
- (17) Proficiency in fast rescue boats.
- (18) Person in charge of medical care.
- (19) Medical first-aid provider.
- (20) GMDSS at-sea maintainer.
- (21) GMDSS operator.
- (22) Advanced oil tanker cargo operation.
- (23) Advanced chemical tanker cargo operation.
- (24) Advanced liquefied gas tanker cargo operation.
- (25) Basic oil and chemical tanker cargo operation.
- (26) Basic liquefied gas tanker cargo operation.
- (27) Vessel Security Officer.
- (28) Vessel personnel with designated security duties.
- (29) Security awareness.
- (30) High-speed craft (HSC) type rating certificate.

[USCG-2004-17914, 78 FR 77887, Dec. 24, 2013]

Subpart B—General Requirements for All Merchant Mariner Credentials

§ 10.201 General characteristics of the merchant mariner credential.

(a) A merchant mariner credential (MMC) (Coast Guard Form CG-4610), is a credential combining the elements of the merchant mariner's document (MMD), merchant mariner's license (license), and certificate of registry (COR) enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement issued pursuant to the STCW Convention and STCW Code (incorporated by reference, see § 10.103 of this part). MMDs, licenses, STCW endorsements and CORs are no longer issued as separate documents and all qualifications formerly entered on those separate documents appear in the form of an endorsement(s) on an MMC.

(b) An MMC authorizes the holder to serve in any capacity endorsed thereon, or in any lower capacity in the same department, or in any capacity covered by a general endorsement.

(c) An MMC may be issued to qualified applicants by the Coast Guard.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17914, 78 FR 77888, Dec. 24, 2013]

§ 10.203 Requirement to hold a TWIC and a merchant mariner credential.

(a) Failure to obtain or hold a valid TWIC serves as a basis for the denial of an application for an original, renewal, new endorsement, duplicate, or raise of grade of a mariner's credential and may serve as a basis for suspension and revocation under 46 U.S.C. 7702 and 7703.

(b) An MMC, license, MMD, COR, or STCW endorsement must be retained by the mariner to whom it was issued and, while valid, must be produced to verify qualifications when requested by an authorized official as identified in 33 CFR 101.515(d). Posting of the officer endorsement may be necessary as required in 46 U.S.C. 7110.

(c) Although an MMD and an MMC serve as certificates of identification, a TWIC must be retained by the mariner to whom it was issued and, while valid, serves as the mariner's primary identification document. The TWIC must be

produced to verify identity when required by an authorized official as identified in 33 CFR 101.515(d).

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.205 Validity of a merchant mariner credential.

(a) An MMC is valid for a term of 5 years from the date of issuance. Except upon the written request for the immediate issuance by the applicant, the Coast Guard will post-date the issuance of an MMC renewal that includes no other transactions up to 8 months from the date that the Coast Guard accepts a complete application as required in this part. If the expiration date of the mariner's active credential is beyond 8 months of the date that the Coast Guard accepts a complete application as required in this part, the new credential issue date will be 8 months from the date of application acceptance at which time the currently active credential will become invalid in accordance with paragraph (d) of this section. Otherwise, the new credential issue validity date will coincide with the expiration date of the active credential held by the mariner. All other MMC transactions will be processed for immediate issuance.

(b) All endorsements, unless otherwise noted, are valid until the expiration date of the MMC on which they appear.

(c) A mariner may not serve under the authority of an MMC past its expiration date. An expired MMC may be renewed during an administrative grace period of up to 1 year beyond its expiration date as per § 10.227(h) of this part.

(d) When an MMC is renewed or reissued before its expiration date in accordance with § 10.227, of this part the MMC that has been replaced becomes invalid unless otherwise noted in paragraph (a) of this section.

(e) An MMC is not valid until signed by the applicant and a duly authorized Coast Guard official.

(f) A mariner's endorsements authorize the holder to serve in any capacity endorsed on the MMC, or in any lower capacity in the same department, or in

any capacity covered by a general endorsement thereon.

(g) If a mariner chooses to renew his or her license, MMD, COR, or STCW endorsement and receive their first MMC, the Coast Guard may also renew all other credentials for which the mariner is qualified.

(h) When a Document of Continuity is replaced with an MMC re-issued in accordance with §10.227 of this part, the Document of Continuity that has been replaced becomes invalid. In the event that not all endorsements on a Document of Continuity are activated, a new Document of Continuity will be issued for the remaining endorsements.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17914, 78 FR 77888, Dec. 24, 2013]

§ 10.207 Identification number.

For recordkeeping purposes only, a mariner's official MMC identification number is the individual's social security number. However, a unique serial number, called the mariner reference number, and not the social security number, will appear on the credential.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17914, 78 FR 77888, Dec. 24, 2013]

§ 10.209 General application procedures.

(a) The applicant for an MMC, whether for an original, renewal, duplicate, raise of grade, or a new endorsement on a previously issued MMC, must establish that he or she satisfies all the requirements for the MMC and endorsement(s) sought before the Coast Guard will issue the MMC. This section contains the general requirements for all applicants. Additional requirements for duplicates, renewals, new endorsements, and raises of grade appear later in this part.

(b) The Coast Guard may refuse to process an incomplete MMC application. The requirements for a complete application for an original MMC are contained in §10.225 of this part, the requirements for a renewal MMC application are contained in §10.227 of this part, the requirements for a duplicate MMC application are contained in §10.229 of this part, and the requirements for an application for a new en-

dorsement or raise of grade are contained in §10.231 of this part.

(c) Applications are valid for 12 months from the date that the Coast Guard approves the application.

(d) The application may be submitted in person, by mail, fax, or other electronic means. A complete MMC application, which is described in §§10.223, 10.225, 10.227, 10.229, and 10.231 may include—

(1) The application, consent for National Driver Register (NDR) check, and notarized oath on Coast Guard-furnished forms, and the evaluation fee required by §10.219 of this part;

(2) The applicant's continuous discharge book, certificate of identification, MMD, MMC, license, STCW endorsement, Certificate of Registry (COR), or, if it has not expired, a photocopy of the credential, including the back and all attachments;

(3) Proof, documented on CG-719K or CG-719K/E, as appropriate, that the applicant passed the applicable vision, hearing, medical, or physical exam as required by subpart C of this part, or an unexpired medical certificate issued by the Coast Guard;

(4) Copies of course completion certificates or other evidence of course completion;

(5) Evidence of sea service, or an accepted substitute for sea service, if required;

(6) For an endorsement as a medical doctor or professional nurse as required in §11.807 of this subchapter, evidence that the applicant holds a currently valid, appropriate license as physician, surgeon, or registered nurse, issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia. Any MMC issued will retain any limitation associated with the medical license;

(7) Any certificates or other supplementary materials required to show that the mariner meets the mandatory requirements for the specific endorsement sought, as established in parts 11, 12 or 13 of this subchapter; and

(8) An open-book exercise, in accordance with §10.227(e)(1) of this part.

(e) The following requirements must be satisfied before an original or renewal MMC, or new endorsement or a

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raise of grade added to a previously issued MMC, will be issued. These materials will be added to the individual's record by the Coast Guard:

(1) *Determination of safety and suitability.* No MMC will be issued as an original or reissued with a new expiration date, and no new officer endorsement will be issued if the applicant fails the criminal record review as set forth in § 10.211 of this part.

(2) *NDR review.* No MMC will be issued as an original or reissued with a new expiration date, and no new officer endorsement will be issued if the applicant fails the NDR review as set forth in § 10.213 of this part.

(3) *Information supplied by the Transportation Security Administration (TSA).* No MMC or endorsement will be issued until the Coast Guard receives the following information from the applicant's TWIC enrollment: the applicant's fingerprints, FBI number and criminal record (if applicable), photograph, proof of citizenship, or Nationality with proof of legal resident status (if applicable). If the information is not available from TSA, the mariner may be required to visit a Regional Exam Center or a TWIC enrollment center to provide this information.

(f) Upon determining that the applicant satisfactorily meets all requirements for an MMC or an endorsement thereon, the Coast Guard will issue the properly endorsed MMC to the applicant. The Coast Guard will not issue an MMC until it has received proof that the mariner holds a valid TWIC.

(g) When a new MMC is issued, the mariner must return any previously issued and unexpired MMC, license, MMD, COR, or STCW endorsement to the Coast Guard, unless the new MMC is being issued to replace a lost or stolen credential.

(h) No MMC will be issued if the applicant fails a chemical test for dangerous drugs as required in §§ 10.223, 10.225(b)(5), 10.227(d)(5), and 10.231(c)(6).

(i) *Ceremonial licenses.* A mariner may obtain a ceremonial license when applying for his or her credential or Document of Continuity.

[USCG–2004–17914, 78 FR 77888, Dec. 24, 2013, as amended by USCG–2018–0874, 84 FR 30881, June 28, 2019]

§ 10.211 Criminal record review.

(a) The Coast Guard may conduct a criminal record review to determine the safety and suitability of an applicant for an MMC and any endorsements. An applicant conducting simultaneous MMC transactions will undergo a single criminal record review. At the time of application, each applicant must provide written disclosure of all prior convictions not previously disclosed to the Coast Guard on an application.

(b) A criminal record review is not required for applicants seeking a duplicate MMC under § 10.229.

(c) *Fingerprints.* The Transportation Security Administration (TSA) will provide to the Coast Guard the applicant's fingerprints submitted by the applicant with his or her TWIC application and, if applicable, the applicant's FBI number and criminal record generated in the TWIC review process. This information, or the fingerprints taken by the Coast Guard at an REC, will be used by the Coast Guard to determine whether the applicant has a record of any criminal convictions.

(d) When a criminal record review leads the Coast Guard to determine that an applicant is not a safe and suitable person or cannot be entrusted with the duties and responsibilities of the MMC or endorsement applied for, the application may be denied.

(e) If an application is denied, the applicant will be notified in writing of that fact, the reason or reasons for denial, and advised that the appeal procedures in subpart 1.03 of part 1 of this chapter apply. No examination will be given pending decision on appeal.

(f) No person who has been convicted of a violation of the dangerous drug laws of the United States, the District of Columbia, any State, territory, or possession of the United States, or a foreign country, by any military or civilian court, is eligible for an MMC, except as provided elsewhere in this section. No person who has ever been the user of, or addicted to the use of a dangerous drug, or has ever been convicted of an offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304) because of addiction to or abuse of alcohol is eligible for an MMC, unless he or

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she furnishes satisfactory evidence of suitability for service in the merchant marine as provided in paragraph (l) of this section. A conviction for a drug offense more than 10 years before the date of application will not alone be grounds for denial.

(g) The Coast Guard will use table 1 to §10.211 of this section to evaluate applicants who have criminal convictions. The table lists major categories of criminal activity and is not to be construed as an all-inclusive list. If an

applicant is convicted of an offense that does not appear on the list, the Coast Guard will establish an appropriate assessment period using the list as a guide. The assessment period commences when an applicant is no longer incarcerated. The applicant must establish proof of the time incarcerated and periods of probation and parole to the satisfaction of the Coast Guard. The assessment period may include supervised or unsupervised probation or parole.

TABLE 1 TO 10.211—GUIDELINES FOR EVALUATING APPLICANTS FOR MMCS WHO HAVE CRIMINAL CONVICTIONS

Crime ¹	Assessment periods	
	Minimum	Maximum
Assessment Periods for Officer and Rating Endorsements		
Crimes Against Persons:		
Homicide (intentional)	7 years	20 years.
Homicide (unintentional)	5 years	10 years.
Assault (aggravated)	5 years	10 years.
Assault (simple)	1 year	5 years.
Sexual Assault (rape, child molestation)	5 years	10 years.
Robbery	5 years	10 years.
Other crimes against persons ²		
Vehicular Crimes		
Conviction involving fatality	1 year	5 years.
Reckless Driving	1 year	2 years.
Racing on the Highways	1 year	2 years.
Other vehicular crimes ²		
Crimes Against Public Safety		
Destruction of Property	5 years	10 years.
Other crimes against public safety ²		
Dangerous Drug Offenses ^{3 4 5}		
Trafficking (sale, distribution, transfer)	5 years	10 years.
Dangerous drugs (Use or possession)	1 year	10 years.
Other dangerous drug convictions ⁶		
Assessment Periods for Officer Endorsements Only		
Criminal Violations of Environmental Laws		
Criminal violations of environmental laws involving improper handling of pollutants or hazardous materials.	1 year	10 years.
Crimes Against Property		
Burglary	3 years	10 years.
Larceny (embezzlement)	3 years	5 years.
Other crimes against property ²		

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

² Other crimes will be reviewed by the Coast Guard to determine the minimum and maximum assessment periods depending on the nature of the crime.

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

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

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⁵ Applicants must demonstrate rehabilitation under paragraph (l) of this section, including applicants with dangerous drug use convictions more than 10 years old.

⁶ Other dangerous drug convictions will be reviewed by the Coast Guard on a case by case basis to determine the appropriate assessment period depending on the nature of the offense.

(h) When an applicant has convictions for more than one offense, the minimum assessment period will be the longest minimum in table 1 to §10.211 of this section and table 10.213(c) in §10.213 based upon the applicant's convictions; the maximum assessment period will be the longest shown in table 1 to §10.211 of this section and table 10.213(c) of §10.213 based upon the applicant's convictions.

(i) If a person with a criminal conviction applies before the minimum assessment period shown in table 1 to §10.211 of this section of this section or established by the Coast Guard under paragraph (g) of this section has elapsed, then the applicant must provide, as part of the application package, evidence of suitability for service in the merchant marine. Factors that are evidence of suitability for service in the merchant marine are listed in paragraph (l) of this section. The Coast Guard will consider the applicant's evidence submitted with the application and may issue the MMC and/or endorsement in less than the listed minimum assessment period if the Coast Guard is satisfied that the applicant is suitable to hold the MMC and/or endorsement for which he or she has applied. If an application filed before the minimum assessment period has elapsed does not include evidence of suitability for service in the merchant marine, then the application will be considered incomplete and will not be processed by the Coast Guard.

(j) If a person with a criminal conviction submits his or her MMC application during the time between the minimum and maximum assessment periods shown in table 1 to §10.211 or established by the Coast Guard under paragraph (g) of this section, then the Coast Guard will consider the conviction and, unless there are offsetting factors, will grant the applicant the MMC and/or endorsement for which he or she has applied. Offsetting factors include such factors as multiple convictions, failure to comply with court orders (e.g., child support orders), pre-

vious failures at rehabilitation or reform, inability to maintain steady employment, or any connection between the crime and the safe operation of a vessel. If the Coast Guard considers the applicant unsuitable for service in the merchant marine at the time of application, the Coast Guard may deny the application.

(k) If a person with a criminal conviction submits his or her MMC application after the maximum assessment period shown in table 1 to §10.211 of this section or established by the Coast Guard under paragraph (g) of this section has elapsed, then the Coast Guard will grant the applicant the MMC or endorsement for which he or she has applied unless the Coast Guard considers the applicant still unsuitable for service in the merchant marine. If the Coast Guard disapproves an applicant with a conviction older than the maximum assessment period listed in table 1 to §10.211 of this section, the Coast Guard will notify the applicant in writing of the reason(s) for the disapproval. The Coast Guard will also inform the applicant, in writing, that the reconsideration and appeal procedures contained in subpart 1.03 of this chapter apply.

(l) If an applicant has one or more alcohol or dangerous drug related criminal or NDR-listed convictions, if the applicant has ever been the user of, or addicted to the use of, a dangerous drug, or if the applicant applies before the minimum assessment period has elapsed for his or her conviction, the Coast Guard may consider the following factors, as applicable, in assessing the applicant's suitability to hold an MMC. This list is intended as a guide for the Coast Guard. The Coast Guard may consider other factors appropriate to a particular applicant, such as:

(1) Proof of completion of an accredited alcohol or drug abuse rehabilitation program;

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(2) Active membership in a rehabilitation or counseling group, such as Alcoholics Anonymous or Narcotics Anonymous;

(3) Character references from persons who can attest to the applicant's sobriety, reliability, and suitability for employment in the merchant marine including parole or probation officers;

(4) Steady employment; and

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

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2006-24371, 74 FR 39218, Aug. 6, 2009; USCG-2004-17914, 78 FR 77889, Dec. 24, 2013; USCG-2014-0688, 79 FR 58275, Sept. 29, 2014]

§ 10.213 National Driver Register.

(a) No MMC will be issued as an original or reissued with a new expiration date, and no new officer endorsement will be issued, unless the applicant consents to a check of the NDR for offenses described in section 205(a)(3)(A) or (B) of the NDR Act (i.e., operation of a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance; and any traffic violations arising in connection with a

fatal traffic accident, reckless driving, or racing on the highways).

(b) The Coast Guard will not consider NDR-listed civil convictions that are more than 3 years old from the date of request unless that information relates to a current suspension or revocation of the applicant's license to operate a motor vehicle. The Coast Guard may determine minimum and maximum assessment periods for NDR-listed criminal convictions using table 10.213(c) of this section. An applicant conducting simultaneous MMC transactions is subject to only one NDR check.

(c) The guidelines in table 1 to paragraph (c) will be used by the Coast Guard in evaluating applicants who have drug or alcohol related NDR-listed convictions. Non-drug or alcohol related NDR-listed convictions will be evaluated by the Coast Guard under table 1 to §10.211 of this part as applicable. The Coast Guard may consider non-drug or alcohol related NDR-listed convictions that are more than 3 years old from the date of the request when the information relates to a current suspension or revocation of the applicant's license to operate a motor vehicle.

TABLE 1 TO § 10.213(c)—GUIDELINES FOR EVALUATING APPLICANTS FOR MMCS WHO HAVE NDR MOTOR VEHICLE CONVICTIONS INVOLVING DANGEROUS DRUGS OR ALCOHOL ¹

Number of convictions	Date of conviction	Assessment period
1	Less than 1 year	1 year from date of conviction.
1	More than 1, less than 3 years	Application will be processed, unless suspension, or revocation ² is still in effect. Applicant will be advised that additional conviction(s) may jeopardize merchant mariner credentials.
1	More than 3 years old	Application will be processed.
2 or more ...	Any less than 3 years old	1 year since last conviction and at least 3 years from 2nd most recent conviction, unless suspension or revocation is still in effect.
2 or more ...	All more than 3 years old	Application will be processed unless suspension or revocation is still in effect.

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

² Suspension or revocation, when referred to in table 10.213, means a State suspension or revocation of a motor vehicle operator's license.

(d) Any application may be denied if information from the NDR check leads the Coast Guard to determine that the applicant cannot be entrusted with the duties and responsibilities of the endorsement for which the application is made. If an application is denied, the Coast Guard will notify the applicant in writing of the reason(s) for denial and advise the applicant that the appeal procedures in subpart 1.03 of part

1 of this chapter apply. No examination will be given pending decision on appeal.

(e) Before denying an application because of information received from the NDR, the Coast Guard will make the information available to the applicant for review and written comment. The applicant may submit records from the applicable State concerning driving record and convictions to the Coast

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Guard processing the application. The Coast Guard will hold an application with NDR-listed convictions pending the completion of the evaluation and delivery by the individual of the underlying State records.

(f) If an applicant has one or more alcohol or dangerous drug-related criminal or NDR-listed convictions, if the applicant has ever been the user of, or addicted to the use of, a dangerous drug, or if the applicant applies before the minimum assessment period for his or her conviction has elapsed, the Coast Guard may consider the following factors, as applicable, in assessing the applicant's suitability to hold an MMC. This list is intended as a guide for the Coast Guard. The Coast Guard may consider other factors which it judges appropriate to a particular applicant, such as—

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

[USCG-2004-17914, 78 FR 77889, Dec. 24, 2013]

§ 10.214 Security Check.

Until April 15, 2009, the Coast Guard may conduct a security check on an applicant for an MMC, utilizing the criminal record review discussed in § 10.211 of this part.

§ 10.217 Merchant mariner credential application and examination locations.

(a) Applicants for an MMC may apply to any of the Regional Examination Centers (RECs) or any other location designated by the Coast Guard. Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, WV 25404, by telephone 1-888-427-5662 or 304-433-3400, or by email at *IASKNMC@uscg.mil*. A list of locations approved for application submittal is available through the Coast Guard Web site at *http://www.uscg.mil/nmc*.

(b) *Exam Locations.* (1) Coast Guard units abroad may conduct exams for ratings at locations other than the RECs, but are not prepared to conduct practical examinations.

(2) The Coast Guard may designate additional exam facilities/locations to provide services to applicants for MMCs.

[USCG-2004-17914, 78 FR 77890, Dec. 24, 2013]

§ 10.219 Fees.

(a) Use table 1 to § 10.219(a) to calculate the mandatory fees for MMCs and associated endorsements.

TABLE 1 TO § 10.219(a)—FEES

If you apply for	And you need		
	Evaluation then the fee is . . .	Examination then the fee is . . .	Issuance then the fee is . . .
MMC with officer endorsement:			
Original:			
Upper level ¹	\$100	\$110	\$45
Lower level ²	100	95	45
Renewal	50	45	45
Raise of grade	100	45	45
Modification or removal of limitation or scope	50	45	45
Radio officer endorsement:			
Original	50	45	45
Renewal	50	n/a	45
Staff officer endorsements:			
Original	90	n/a	45
Renewal	50	n/a	45
MMC with rating endorsement:			
Original endorsement for ratings other than qualified ratings	95	n/a	45
Original endorsement for qualified rating	95	140	45
Upgrade or raise of Grade	95	140	45
Renewal endorsement for ratings other than qualified ratings	50	n/a	45
Renewal endorsement for qualified rating	50	45	45

TABLE 1 TO § 10.219(a)—FEES—Continued

If you apply for	And you need		
	Evaluation then the fee is . . .	Examination then the fee is . . .	Issuance then the fee is . . .
Modification or removal of limitation or scope	50	45	45
STCW endorsement:			
Original	(⁴)	(⁴)	(⁴)
Renewal	(⁴)	(⁴)	(⁴)
Reissue, replacement, and duplicate	n/a	n/a	³ 45

¹ Upper level means credentials authorizing service on vessels of any gross tons/unlimited tonnage or unlimited propulsion power.

² Lower level means credentials authorizing service on vessels of less than 1,600 GRT/3,000 GT.

³ Duplicate for MMC lost as result of marine casualty—No Fee.

⁴ No Fee.

(b) *Fee payment procedures.* Applicants may pay—

(1) All fees required by this section at the time the application is submitted; or

(2) A fee for each phase as follows:

(i) An evaluation fee when the application is submitted.

(ii) An examination fee before the first examination section is taken.

(iii) An issuance fee before issuance of the MMC.

(c) If the examination is administered at a place other than a Regional Examination Center (REC), the examination fee must be paid to the REC at least one week before the scheduled examination date.

(d) Unless the Coast Guard provides additional payment options, fees must be paid as follows:

(1) Fee payments must be for the exact amount.

(2) Fee payments may be made by electronic payment in a manner specified by the Coast Guard. For information regarding current forms of electronic payment, go to the National Maritime Center's (NMC) Web site, www.uscg.mil/nmc. To assist with the automation of mariner credential applications, applicants are encouraged to pay the fees electronically.

(3) Payments may be made by cash, check, money order, or credit card.

(4) Payments submitted by mail may not be made in cash. Mailed payments should specify the type of credential sought and the type of fee (e.g., evaluation, examination, issuance) being paid. The address for sending payment by mail can be found at the NMC Web site, www.uscg.mil/nmc.

(5) Checks or money orders must be made payable to the U.S. Coast Guard, and the full legal name and last four digits of applicant's social security number must appear on the front of each check or money order.

(e) Unless otherwise specified in this part, when two or more endorsements are processed on the same application the fees will be as follows:

(1) *Evaluation fees.* If an applicant simultaneously applies for a rating endorsement and a deck or engineer officer's endorsement, only the evaluation fee for the officer's endorsement will be charged. If an applicant simultaneously applies for a staff officer or radio officer endorsement along with the deck or engineer officer endorsement, only the evaluation fee for the deck or engineer officer's endorsement will be charged. No evaluation fee is charged for an STCW endorsement.

(2) *Examination fees.* One examination fee will be charged for each exam or series of exams for an original, raise of grade, or renewal of an endorsement on an MMC taken within 1 year from the date of the application approval. An examination fee will also be charged to process an open-book exercise used to renew an MMC. If an officer endorsement examination under part 11 of this chapter also fulfills the examination requirements in part 12 of this chapter for rating endorsements, only the fee for the officer endorsement examination is charged.

(3) *Issuance fees.* Only one issuance fee will be charged for each MMC issued, regardless of the number of endorsements placed on the credential. There is no fee for a Document of Continuity.

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(f) The Coast Guard may assess additional charges to anyone to recover collection and enforcement costs associated with delinquent payments or failure to pay a fee. The Coast Guard will not provide credentialing services to a mariner who owes money for credentialing services previously provided.

(g) Anyone who fails to pay a fee or charge established under this section is liable to the United States Government for a civil penalty of not more than \$6,500 for each violation.

(h) *No-fee MMC for certain applicants.* For the purpose of this section, a no-fee MMC applicant is a person who is a volunteer or a part- or full-time employee of an organization that is—

- (1) Charitable in nature;
- (2) Not for profit; and
- (3) Youth oriented.

(i) *Determination of eligibility.* (1) An organization may submit a written request to U.S. Coast Guard National Maritime Center, 100 Forbes Drive, Martinsburg, WV 25404, in order to be considered an eligible organization under the criteria set forth in paragraph (h) of this section. With the written request, the organization must provide evidence of its status as a youth-oriented, not-for-profit, charitable organization.

(2) The following organizations are accepted by the Coast Guard as meeting the requirements of paragraph (h) of this section and need not submit evidence of their status: Boy Scouts of America, Sea Explorer Association, Girl Scouts of the United States of America, and Young Men's Christian Association of the United States of America.

(j) A letter from an organization determined eligible under paragraph (h) of this section must also accompany the person's MMC application to the Coast Guard. The letter must state that the purpose of the person's application is solely to further the conduct of the organization's maritime activities. The applicant will then be eligible under this section to obtain a no-fee MMC if other requirements for the MMC are met.

(k) An MMC issued to a person under paragraph (h) of this section will be endorsed restricting its use to vessels

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owned or operated by the sponsoring organization.

(1) The holder of a no-fee MMC issued under paragraph (h) of this section may have the restriction removed by paying the appropriate evaluation, examination, and issuance fees that would have otherwise applied.

[USCG–2004–17914, 78 FR 77890, Dec. 24, 2013]

§ 10.221 Citizenship.

(a)(1) *MMCs with officer Endorsements.* Only individuals with valid U.S. citizenship may apply for officer endorsements, except individuals applying for endorsements as operators of uninspected passenger vessels authorizing service on undocumented vessels in accordance with § 11.201(d) of this subchapter.

(2) *All other MMCs.* All other applicants, except as noted in § 12.809 of this subchapter, must be either:

- (i) A citizen of the United States;
- (ii) An alien, as defined under section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*) (the Act), who is lawfully admitted to the United States for permanent residence, as defined by section 101(a)(20) of the Act.; or
- (iii) A foreign national who is enrolled in the United States Merchant Marine Academy (USMMA).

(b) Proof of citizenship or alien status must be submitted to the Transportation Security Administration (TSA) with the applicant's TWIC application in accordance with 49 CFR 1572.17(a)(11).

(c) TSA and the Coast Guard may reject any evidence of citizenship that is not believed to be authentic. Acceptable evidence of citizenship may be an original or a copy certified as true by the agency responsible for issuing the document of the following:

(1) If the individual is applying for an officer endorsement (with the exception of those applying for an MMC endorsed only as Operator of an Uninspected Passenger Vehicle (OUPV) of an undocumented vessel), the individual must provide an original of any one of the following documents:

- (i) Certified copy of a birth certificate, issued by a State, county, municipality or outlying possession of the U.S. bearing an official seal;

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(ii) U.S. passport (expired or unexpired);

(iii) Certificate of Citizenship issued by U.S. Citizenship and Immigration Services or the Immigration and Naturalization Service;

(iv) Certificate of Naturalization issued by U.S. Citizenship and Immigration Services or the Immigration and Naturalization Service; or

(v) Merchant mariner's document issued by the Coast Guard after February 3, 2003, that shows that the holder is a citizen of the United States.

(2) If the individual is applying for a rating endorsement and they hold one of the documents listed in paragraph (c)(1)(i) through (v) of this section, these documents are also acceptable as evidence of citizenship. If the individual does not hold any one of those documents listed in paragraph (c)(1)(i) through (v), the individual must provide an original unexpired foreign passport and an original of any one of the following documents:

(i) Permanent resident card (form I-551) issued by U.S. Citizenship and Immigration Services bearing the certification that the alien was admitted to the United States as an immigrant,

(ii) A declaration of intention to become a citizen of the United States issued by a naturalization court; or

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

(3) If the individual is the holder of or applying for a rating endorsement and the individual does not hold any of the documents listed in paragraphs (c)(1) or (2) of this section, proof of enrollment in the United States Merchant Marine Academy (USMMA) in the form of an original letter from the USMMA, signed by the Superintendent attesting to the individual's enrollment along with an unexpired foreign passport issued by the government of the country in which the alien is a citizen or subject, with a valid U.S. visa affixed to the passport, will be acceptable evidence of lawful status in the United States.

(4) If the individual is applying for an MMC endorsed only as OUPV of an undocumented vessel, the individual must provide an original of any one of the documents enumerated in paragraphs

(c)(1)(i) through (v) or (c)(2)(i) or (ii) of this section, or proof of acceptable alien status as provided in 49 CFR 1572.105.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17914, 78 FR 77892, Dec. 24, 2013; USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.223 Modification or removal of limitations or scope.

(a) If the Coast Guard is satisfied by the documentary evidence submitted that an applicant is entitled by experience, training, and knowledge to an endorsement or increase in the scope of any MMC held, any limitations that were previously placed upon the MMC by the Coast Guard may be changed or removed. Such an increase in scope may include a change in horsepower or tonnage limitations, or geographic route restrictions.

(b) Modifications or removal of limitations or scope to MMC endorsement(s) under this section will not change the expiration date of the mariner's MMC unless the applicant renews all endorsements that would appear on the MMC under § 10.227 of this part.

(c) A complete application for modification or removal of limitation of scope must contain the following:

(1) A completed signed application;

(2) Proof that the mariner either holds a valid TWIC or has applied for a TWIC.

(3) All supplementary materials required to show that the mariner meets the mandatory requirements for the transaction sought:

(i) The mandatory requirements for officer endorsements are contained in part 11 of this subchapter.

(ii) The mandatory requirements for rating endorsements are contained in part 12 of this subchapter.

(iii) The mandatory requirements for tankerman rating endorsements are contained in part 13 of this subchapter.

(iv) The mandatory requirements for STCW endorsements are contained in parts 11, 12, and 13 of this subchapter.

(4) The appropriate fee as set forth in § 10.219 of this part; and

(5) Any uncanceled MMD, MMC, license, STCW endorsement, or COR held by the applicant. If one or more of these credentials are still valid at the

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time of application, a photocopy, front and back of all pages, and all attachments, will satisfy this requirement. If the applicant submits a photocopy, upon the issuance of the new MMC, the applicant must surrender the old, original credential to the Coast Guard. If requested in writing at the time of submission, the old MMD, MMC, license, COR, or STCW endorsement may be returned to the applicant after cancellation.

(d) No limitation on any endorsement may be changed before the applicant has made up any deficiency in the experience prescribed for the endorsement or endorsement desired and passed any necessary examination.

[USCG–2006–24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG–2004–17914, 78 FR 77892, Dec. 24, 2013]

§ 10.225 Requirements for original merchant mariner credentials.

(a) An applicant must apply as an original if the MMC sought is—

(1) The first credential issued to the applicant;

(2) The first credential issued to applicants after their previous credential has expired beyond the grace period and they do not hold a Document of Continuity under § 10.227(g) of this part or an equivalent unexpired continuity endorsement on their license or MMD; or

(3) The first credential issued to applicants after their previous credential was revoked pursuant to § 10.235 of this part.

(b) A complete application for an original MMC must contain the following, except as otherwise noted in § 10.227(i) of this subpart:

(1) A completed, signed application.

(2) Proof that the mariner either holds a valid TWIC or has applied for a TWIC.

(3) All supplementary materials required to show that the mariner meets the mandatory requirements for all endorsements sought as follows:

(i) The mandatory requirements for officer endorsements are contained in part 11 of this subchapter.

(ii) The mandatory requirements for rating endorsements are contained in part 12 of this subchapter.

(iii) The mandatory requirements for tanker rating endorsements are contained in part 13 of this subchapter.

(iv) The mandatory requirements for STCW endorsements are contained in parts 11, 12, and 13 of this subchapter.

(4) The appropriate fee as set forth in § 10.219 of this part.

(5) Evidence of having passed a chemical test for dangerous drugs or of qualifying for an exemption from testing in § 16.220 of this subchapter.

(6) Where sea service is required, documentary evidence in accordance with § 10.232 of this part.

(7) Proof, documented on CG–719–K or CG–719–K/E, as appropriate, that the applicant passed all applicable vision, hearing, medical, and/or physical exams as required by subpart C of this part or a valid medical certificate issued by the Coast Guard.

(8) Consent to a Coast Guard check of the NDR for offenses described in section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982, as amended.

(9) The oath as required in paragraph (c) of this section.

(c) *Oath.* Every person who receives an original MMC must first take an oath, before an official authorized to give such an oath, that he or she will faithfully and honestly, according to his or her best skill and judgment, without concealment or reservation, perform all the duties required by law and obey all lawful orders of superior officers. An oath may be administered by any Coast Guard-designated individual or any person legally permitted to administer oaths in the jurisdiction where the person taking the oath resides. An oath administered at a location other than the Coast Guard must be verified in writing by the administering official and submitted to the same Regional Examination Center (REC) where the applicant applied for his or her MMC. This oath remains binding for any subsequently issued MMC and endorsements added to the MMC, unless specifically renounced in writing.

[USCG–2004–17914, 78 FR 77892, Dec. 24, 2013]

§ 10.227 Requirements for renewal.

(a) Except as provided in paragraph (g) of this section, an applicant for renewal of a credential must establish possession of all of the necessary qualifications before the MMC will be renewed.

(b) A credential may be renewed at any time during its validity and for 1 year after expiration.

(c) No credential will be renewed if it has been suspended without probation or revoked as a result of action under part 5 of this chapter or if facts that would render a renewal improper have come to the attention of the Coast Guard.

(d) Except as provided in paragraph (g) of this section, a complete application for renewal must contain the following:

- (1) A completed, signed application.
- (2) Proof that the mariner either holds a valid TWIC or has applied for a TWIC.
- (3) The appropriate fee as set forth in § 10.219 of this part.
- (4) Any uncanceled MMD, MMC, license, STCW endorsement, Certificate of Registry (COR), or Document of Continuity held by the applicant. If one or more of these credentials are still valid at the time of application, a photocopy—front, back, and all attachments—will satisfy this requirement.
- (5) Evidence of having passed a chemical test for dangerous drugs or of qualifying for an exemption from testing in § 16.220 of this subchapter.
- (6) Applicants seeking a national endorsement must either hold an unexpired medical certificate or submit a medical certificate application.
- (7) Consent to a Coast Guard check of the NDR for offenses described in section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982, as amended.

(e) Except as provided in paragraph (e)(8) of this section and 46 CFR 13.120, the applicant must meet the following professional requirements for renewal:

- (1) The applicant must either—
 - (i) Present evidence of at least 1 year of sea service during the past 5 years;
 - (ii) Pass a comprehensive, open-book exercise covering the general subject matter contained in appropriate sections of subpart (I) of this part;

(iii) Complete an approved refresher training course;

(iv) Provide evidence of employment as a qualified instructor or in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate) for at least 3 years during the past 5 years. An applicant for a deck license or officer endorsement with this type of employment must also demonstrate knowledge on an applicable Rules of the Road open-book exercise; or

(v) Provide evidence of being a qualified instructor who has taught a Coast Guard-approved or -accepted course relevant to the endorsement or credential being applied for, at least twice within the past 5 years, therefore meeting the standards needed to receive a course completion certificate for that course.

(2) The qualification requirements for renewal of radar observer endorsement as contained in § 11.480 of this subchapter.

(3) Additional qualification requirements for renewal of an officer endorsement as first-class pilot as contained in § 11.713 of this subchapter.

(4) An applicant for renewal of a radio officer's endorsement must, in addition to meeting the requirements of this section, present a copy of a currently valid license as first- or second-class radiotelegraph operator issued by the Federal Communications Commission.

(5) An applicant for renewal of an endorsement as medical doctor or professional nurse must, in addition to meeting the requirements of this section, present evidence that he or she holds a currently valid, appropriate license as physician, surgeon, or registered nurse issued under the authority of a State or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia. Any such renewal will retain the limitations placed upon the medical license by the issuing body. There are no professional requirements for renewal of an endorsement as marine physician assistant or hospital corpsman.

(6) An applicant for renewal of an endorsement as master or mate (pilot) of towing vessels, in addition to the other

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requirements in this paragraph, must also submit satisfactory evidence of—

(i) Having completed a practical demonstration of maneuvering and handling a towing vessel to the satisfaction of a designated examiner; or

(ii) Ongoing participation in training and drills during the validity of the license or MMC being renewed.

(7) An applicant seeking to renew a tankerman endorsement must meet the additional requirements listed in § 13.120 of this subchapter.

(8) There are no professional requirements for renewal for the following endorsements:

- (i) Staff officers (all types).
- (ii) Ordinary seaman.
- (iii) Wiper.
- (iv) Steward's department.
- (v) Steward's department (F.H.).
- (vi) Cadet.
- (vii) Student observer.
- (viii) Apprentice engineer.
- (ix) Apprentice mate (issued under part 12 of this subchapter).
- (x) Person in charge of medical care.
- (xi) Medical first-aid provider.
- (xii) GMDSS at-sea maintainer.
- (xiii) GMDSS operator.

(f) Except as otherwise provided, each candidate for a renewal of an STCW endorsement must meet the applicable requirements of part 11, subpart C, and/or part 12, subpart F.

(g) *Document of Continuity.* (1) Applicants for renewal of national endorsements, who are unwilling or otherwise unable to meet the requirements of paragraph (d) of this section, including but not limited to the medical and physical standards of subpart C of this part, suitability standards of § 10.211 of this part, drug tests, professional requirements, and TWIC, may apply for a Document of Continuity issued by the Coast Guard. Documents of Continuity do not expire and are issued solely to maintain an individual's eligibility for renewal. A Document of Continuity does not entitle an individual to serve as a merchant mariner. A holder of a Document of Continuity may obtain a properly endorsed, valid MMC at any time by satisfying the requirements for renewal as provided in paragraphs (d), (e), or (f) of this section as applicable. When a valid MMC is issued to replace a previously held Document of Con-

tinuity, the previously issued Document of Continuity becomes void.

(2) Applications for a Document of Continuity must include the following:

(i) The endorsements to be placed into continuity.

(ii) An application including a signed statement from the applicant attesting to an awareness of the limited purpose of the Document of Continuity, his or her inability to serve, and the requirements to obtain an MMC.

(3) If not all MMC endorsements are to be converted into a Document of Continuity, a new MMC will be issued with the active endorsements. Once the new MMC and/or Document of Continuity is issued the previous MMC is no longer valid and must be returned to the Coast Guard.

(4) STCW endorsements may not be placed in continuity. If an individual continues to maintain a valid MMC while placing specific national endorsements into continuity, those STCW endorsements associated with the national endorsements that were placed in continuity are no longer valid.

(5) No credential expired beyond the 12-month administrative grace period in paragraph (h) of this section can be converted into a Document of Continuity.

(6) A holder of a Document of Continuity may obtain a properly endorsed, valid MMC, including STCW endorsements, at any time by satisfying the requirements for renewal as provided in paragraphs (d) and (f) of this section.

(h) *Administrative grace period.* A credential may be renewed up to 12 months after expiration. For a credential to be re-issued by the Coast Guard more than 12 months after its expiration, an applicant must comply with the requirements of paragraph (i) of this section. When an applicant's credential expires during a time of service with the Armed Forces and there is no reasonable opportunity for renewal, including by mail, this period may be extended. The period of military service following the date of expiration which precluded renewal may be added to the 12-month grace period. The 12-month grace period and any extensions do not affect the expiration date of the credential. A license, MMD, COR, STCW

endorsement, MMC, and any endorsements thereon, are not valid for use after the expiration date.

(i) *Re-issuance of expired credentials.*

(1) If an applicant applies for re-issuance of an endorsement as deck officer, engineer officer, or qualified rating more than 12 months after its expiration, instead of the requirements of paragraph (e) of this section, the applicant must demonstrate continued professional knowledge by completing a course approved for this purpose, or by passing the complete examination for original issue of the endorsement. The examination may be oral-assisted if the expired credential was awarded based on the results of an oral exam. The fees set forth in § 10.219 of this part apply to these examinations. In the case of an expired radio officer's endorsement, the endorsement may be issued upon presentation of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(2) An endorsement for chief purser, purser, senior assistant purser, junior assistant purser, hospital corpsman, marine physician assistant, medical doctor, or professional nurse that has been expired for more than 12 months must be renewed in the same way as a current endorsement of that type. There are no additional requirements for re-issuing endorsements for chief purser, purser, senior assistant purser, junior assistant purser, hospital corpsman, marine physician assistant, medical doctor, or professional nurse that have been expired for more than 12 months.

(3) Applicants applying for re-issuance of an endorsement as master or mate (pilot) of towing vessels more than 12 months after expiration of the previous endorsement must complete the practical demonstration of maneuvering and handling a towing vessel required under (e)(6)(i) of this section.

(4) Applicants applying for re-issuance of an endorsement as any tankerman rating more than 12 months after expiration of the previous endorsement must meet the requirements in § 13.117 of this subchapter.

[USCG-2004-17914, 78 FR 77892, Dec. 24, 2013]

§ 10.229 Replacement of lost merchant mariner credentials.

(a) Upon request and without examination, a mariner may be issued a duplicate credential and medical certificate after submitting an application with an affidavit describing the circumstances of the loss. The Coast Guard will only issue the duplicate credential, MMC and/or medical certificate, after confirming the validity of the mariner's credentials and the validity of the mariner's TWIC.

(b) The duplicate credential will have the same authority, wording, and expiration date as the lost credential.

(c) If a person loses a credential by shipwreck or other casualty, a duplicate credential will be issued free of charge. The term "other casualty" includes any damage to a ship caused by collision, explosion, tornado, wreck, flooding, beaching, grounding, or fire; or personal loss associated with a federally declared natural disaster.

(d) If a person loses a credential by means other than those noted in paragraph (c) of this section and applies for a duplicate, the appropriate fee set out in § 10.219 of this part must be paid.

(e) No application from an alien for a duplicate credential will be accepted unless the alien complies with the requirements of § 10.221 of this part.

(f) Applications for duplicate credentials will not be subject to a criminal record review.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17914, 78 FR 77894, Dec. 24, 2013; USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.231 Requirements for raises of grade or new endorsements.

(a) This section applies to applicants who already hold a valid credential and want to make either of the following transactions:

(1) Add a new endorsement.

(2) Obtain a raise of grade of an existing endorsement.

(b) If an applicant for new endorsement or raise of grade meets the renewal requirements under § 10.227 of this subpart for every endorsement

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listed on the MMC and requests renewal, the applicant will receive a credential valid for 5 years. When an applicant does not meet the renewal requirements for every endorsement held, the applicant's new endorsement will be issued with the expiration date that is the same as the current MMC.

(c) A complete application for a new endorsement or raise of grade must contain the following:

- (1) A completed, signed application.
- (2) Proof that the mariner either holds a valid TWIC or has applied for a TWIC.

(3) All supplementary materials required to show that the mariner meets the mandatory requirements for the new endorsements sought as follows:

(i) The mandatory requirements for officer endorsements as contained in part 11 of this subchapter and paragraph (d) of this section.

(ii) The mandatory requirements for rating endorsements as contained in part 12 of this subchapter.

(iii) The mandatory requirements for tankerman rating endorsements are contained in part 13 of this subchapter.

(iv) The mandatory requirements for STCW endorsements as contained in parts 11, 12, and 13 of this subchapter.

(4) The appropriate fee as contained in § 10.219 of this part.

(5) Any uncanceled MMD, MMC, license, STCW endorsement, or COR held by the applicant. If one or more of these credentials are still valid at the time of application, a photocopy—front, back, and all attachments—will satisfy this requirement.

(6) Applicants for the following endorsements must produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exemption from testing in § 16.220 of this subchapter:

- (i) Any officer endorsement.
- (ii) The first endorsement as able seaman, lifeboatman, lifeboatman-limited, qualified member of the engine department, or tankerman.

(7) Where sea service is required, documentary evidence in accordance with § 10.232 of this part.

(8) Applicants seeking a new endorsement must either hold an unexpired medical certificate or submit a medical certificate application.

(9) Consent to a Coast Guard check for offenses described in section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982, as amended.

(d) Additional requirements for an applicant seeking a raise of grade of an officer endorsement are as follows:

(1) Sea service acquired before the issuance of an officer endorsement is generally not accepted as any part of the service required for a raise of grade of that endorsement. However, service acquired before issuance of an officer endorsement will be accepted for certain crossovers, endorsements, or increases in scope of an MMC, as appropriate. In the limited tonnage categories for deck officers, total accumulated service is a necessary criterion for most raises of grade; therefore, service acquired before the issuance of such officer endorsements will be accepted.

(2) An applicant remains eligible for a raise of grade while on probation as a result of action under part 5 of this chapter. A raise of grade issued to a person on probation will be subject to the same probationary conditions imposed against his or her other credentials. The offense for which he or she was placed on probation will be considered on the merits of the case in determining fitness to hold the endorsement applied for. No applicant will be examined for a raise of grade during any period when a suspension without probation or a revocation imposed under part 5 of this chapter is effective against his or her credential or while an appeal from these actions is pending.

(3) *Professional examination.* (i) When the Coast Guard finds an applicant's experience and training for raise of grade is satisfactory, and the applicant is eligible in all other respects, the Coast Guard will authorize a professional examination.

(ii) Oral-assisted examinations may be administered in accordance with § 11.201(j) of this subchapter.

(iii) The general instructions for administration of examinations and the lists of subjects for all endorsements are found in part 11, subpart I; part 12, subpart E; and part 13, subpart A of this subchapter.

[USCG–2004–17914, 78 FR 77894, Dec. 24, 2013]

§ 10.232 Sea service.

(a) *Documenting sea service.* (1) Sea service may be documented in various forms such as certificates of discharge, pilotage service and billing forms, and service letters or other official documents from marine companies signed by the owner, operator, master, or chief engineer of the vessel. The Coast Guard must be satisfied as to the authenticity and acceptability of all evidence of experience or training presented.

(2) Documentary evidence produced by the applicant, unless in the form of a Certificate of Discharge conforming to §14.307 of this subchapter, must contain all of the following information:

(i) Vessel name(s) and official numbers listed on the registration, certificate, or document issued.

(ii) Gross tonnage of the vessel.

(iii) Propulsion power and mode of propulsion of the vessel.

(iv) The amount and nature (e.g. chief mate, assistant engineer, etc.) of the applicant's experience.

(v) Applicable dates of service for each vessel, and the ports or terminals if applicable.

(vi) The routes upon which the experience was acquired.

(vii) For those seeking to renew a radar observer endorsement, whether the vessel is equipped with radar and if the mariner served in a position that routinely uses radar for navigation and collision avoidance purposes.

(viii) For those seeking service credit on towing vessels in accordance with §11.211(e) of this subchapter, the aggregate tonnage of the tug and barges during the mariner's service.

(ix) Any other information necessary to determine the applicability of STCW to the vessel.

(x) Whether the vessel is manned and equipped in accordance with SOLAS.

(xi) Where required for an officer endorsement, time served as bridge watchkeeping or engine watchkeeping duties under the supervision of a qualified officer.

(3) An MMC endorsement, in certain cases, may be considered as satisfactory evidence of any qualifying experience for obtaining other endorsements.

(4) For service on vessels of less than 200 GRT, owners of vessels may attest

to their own service and provide proof of ownership. Those who do not own a vessel must obtain letters or other evidence from licensed personnel or the owners of the vessels listed.

(5) If the required sea service is associated with watchkeeping functions and the performance of duties, as required in §§11.323, 11.329, and 11.333, the service must be documented as having been carried out under the direct supervision of the appropriate person. If the required sea service is associated with the performance of duties, as required in §§11.470, 11.472, and 11.474, the service must be documented as having been carried out under the supervision of the appropriate person.

(6) An applicant who has been acting as a pilot may submit a letter from a pilot's association attesting to the applicant's sea service. For those pilots seeking to renew a radar observer endorsement, the association's letter should indicate that the vessels piloted were equipped with radar, and that radar was used by the pilot for navigation and collision avoidance purposes. Pilots not part of an association may submit other relevant records indicating service, such as billing forms. For a raise-of-grade, pilots must comply with the requirements of paragraph (a)(2) of this section.

(b) Service toward an oceans, near-coastal, or STCW endorsement will be credited as follows:

(1) Service on the Great Lakes will be credited on a day-for-day basis up to 100 percent of the total required service.

(2) Service on inland waters, other than Great Lakes, that are navigable waters of the United States, will be credited on a day-for-day basis for up to 50 percent of the total required service.

(3) Service on vessels to which STCW applies, whether inland or coastwise, will be credited on a day-for-day basis. For establishing credit for sea service, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska will be credited for a near-coastal and STCW endorsement.

(c) Service toward a near-coastal or a Great Lakes endorsement will be credited on a day-for-day basis and in accordance with the individual requirements for the specific credential.

(d) *Sea service as a member of the Armed Forces of the United States and civilian service on vessels owned by the United States as required experience.* (1) Sea service as a member of the Armed Forces of the United States will be accepted as required experience for an original, raise of grade, renewal, or increase in scope of all endorsements. In most cases, military sea service will have been performed upon ocean waters; however, inland service, as may be the case on smaller vessels, will be credited in the same manner as conventional evaluations. The applicant must submit an official transcript of sea service or history of assignments as verification of the service claimed when the application is submitted. A DD-214 is not acceptable evidence of sea service. The applicant must also provide the Coast Guard with other necessary information as to tonnage, routes, propulsion power, percentage of time underway, and assigned duties upon the vessels on which he or she served. Such service will be evaluated by the Coast Guard for a determination of its equivalence to sea service acquired on merchant vessels and the appropriate grade, class, and limit of endorsement for which the applicant is eligible. Normally, 60 percent of the total time onboard is considered equivalent underway service; however, the periods of operation of each vessel may be evaluated separately. In order to be eligible for a master's or chief engineer's unlimited endorsement, the applicant must have acquired military service in the capacity of commanding officer or engineer officer, respectively.

(2) Applicants for management-level, operational-level or support-level STCW endorsements must demonstrate competence in accordance with part 11, subpart C; part 12, subpart F; and part 13, subpart F of this subchapter.

(3) Service in ratings on military vessels such as seaman apprentice, seaman, boatswain's mate, quartermaster, or Radarman/Operations Specialist are considered deck service for the purposes of this part. Service in

other ratings may be considered if the applicant establishes that his or her duties required a watchstanding presence on or about the bridge of a vessel. Service in engineer ratings on military vessels such as fireman apprentice, fireman, engineman, machinists mate, machinery technician, or boiler tender are considered engineer service for the purposes of this part. There are also other ratings such as electrician, hull technician, or damage controlman, which may be credited when the applicant establishes that his or her duties required watchstanding duties in an operating engine room.

(4) In addition to service on vessels that get underway regularly, members of the Armed Forces may obtain creditable service for assignment to vessels that get underway infrequently, such as tenders and repair vessels. Normally, a 25-percent factor is applied to these time periods. This experience can be equated with general shipboard familiarity, training, ship's business, and other related duties.

(5) Sea service obtained on submarines is creditable, as if it were surface vessel service, for deck and engineer officer and qualified ratings endorsements under the provision of paragraph (a) of this section. For application for deck officer and qualified ratings endorsements, submarine service may be creditable if at least 25 percent of all service submitted for the endorsement was obtained on surface vessels (e.g. if 4 years' total service were submitted for an original officer endorsement, at least 1 year must have been obtained on surface craft in order for the submarine service to be eligible for evaluation).

(6) Service gained in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in any service in which a license or officer endorsement as master, mate, engineer, or pilot was not required at the time of such service, will be evaluated by the Coast Guard for a determination of equivalence.

(e) *Sea service on vessels that do not get underway.* This requirement applies to service obtained on vessels mandated by the Certificate of Inspection (COI)

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which are in operation but do not get underway or occasionally get underway for short voyages. Service while the vessel is not underway must be credited as follows:

(1) Engineering department. Service may be credited day-for-day for up to 50 percent of the service credit for renewal, raise of grade, and original issue for each day the engineering plant is operational.

(2) Deck department. Service may be credited as follows:

(i) Original issue and raise of grade. Service is creditable on a 3-for-1 basis (12 months of experience equals 4 months of creditable service) for up to 6 months of service credit.

(ii) Renewal. Service in any capacity in the deck department is creditable as closely related service under §10.227(e)(1)(iv). When submitted in combination with underway service, service is creditable on a 3-for-1 basis (12 months of experience equals 4 months of creditable service) for up to 6 months of service credit.

(f) *Foreign sea service.* (1) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original or renewal of an officer, rating, or STCW endorsement, subject to evaluation by the Coast Guard to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States with respect to grade, tonnage, horsepower, waters, and operating conditions. This experience and service is also creditable to meet recency requirements.

(2) Experience and service acquired on foreign vessels while holding a valid U.S. endorsement is creditable for establishing eligibility for a raise of grade of an officer, rating, or STCW endorsement, subject to evaluation as specified in paragraph (d)(1) of this section. This experience and service is also creditable to meet recency requirements.

(3) An applicant who has obtained qualifying experience on foreign vessels must submit satisfactory documentary evidence of such service (including any necessary official translation to the English language) in accordance with paragraph (a)(1) and (a)(2) of this section.

(g) *Closely related service.* The Coast Guard may accept evidence of employment in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate) as meeting the sea service requirements for renewal under §10.227(e)(1)(iv). Service as port engineer, port captain, shipyard superintendent, qualified instructor, or similar related service may be creditable for service for raise of grade of an engineer or deck officer endorsement; however, it may not be used for obtaining an original management-level endorsement. The service is creditable as follows:

(1) Port engineer, port captain or shipyard superintendent experience is creditable on a 3-for-1 basis for a raise of grade (e.g., 12 months of experience equals 4 months of creditable service). For a raise-of-grade, this credit is limited to 6 months of service.

(2) Service as a qualified instructor in a Coast Guard approved course or a training program is creditable on a 2-for-1 basis for a raise of grade (e.g., 12 months of experience equals 6 months of creditable service). For a raise-of-grade, this credit is limited to 6 months of service.

(h) *Day.* (1) Except as noted otherwise, for the purpose of calculating service in this subchapter, a day is equal to 8 hours of watchstanding or day-working not to include overtime.

(2) On vessels authorized by 46 U.S.C. 8104 and 46 CFR 15.705, to operate a two-watch system, a 12-hour working day may be creditable as 1½ days of service.

(3) On vessels of less than 100 GRT, a day is considered as 8 hours unless the Coast Guard determines that the vessel's operating schedule makes this criterion inappropriate; in no case will this period be less than 4 hours.

(4) When computing service on MODUs for any endorsement, a day of MODU service must be a minimum of 4 hours, and no additional credit is received for periods served over 8 hours.

(5) For cadet service on a training ship furnished by the Maritime Administration under 46 CFR 310.4, a day may be creditable as 1½ days of service.

(i) *Tonnage equivalency.* For the purpose of parts 10, 11 and 12, 200 GRT will

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be considered equivalent to 500 GT, and 1,600 GRT will be considered equivalent to 3,000 GT.

[USCG-2004-17914, 78 FR 77894, Dec. 24, 2013, as amended by USCG-2018-0100, 84 FR 26591, June 7, 2019; USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.233 Obligations of the holder of a merchant mariner credential.

(a) The holder of a credential may not voluntarily part with it or place it beyond his or her personal control by pledging or depositing it with any other person, except as required by regulation or as necessary to safeguard the credential. If the holder violates this section, the Coast Guard may pursue suspension or revocation of the license, MMD, COR, or MMC under the provisions of part 5 of this chapter.

(b) Whenever a mariner loses a credential, he or she must immediately report the loss to the Coast Guard. The report must be made in writing, giving the facts incident to its loss.

(c) Invalid credentials must be returned to the Coast Guard. Upon written request, the Coast Guard will return the cancelled credential to the mariner.

§ 10.235 Suspension or revocation of merchant mariner credentials.

(a) Any MMC or endorsement is subject to suspension or revocation on the same grounds, in the same manner, and with like procedure as provided in 46 U.S.C. chapter 77.

(b) When any individual's credential is revoked, it is no longer valid for any purpose, and any MMC subsequently requested must be applied for as an original following the procedures of §§ 5.901-5.905 of this subchapter. When an endorsement on an individual's MMC is revoked, it is no longer valid, and any endorsement of the same type subsequently requested must be applied for as an original following the procedures of §§ 5.901-5.905 of this subchapter. When an officer's endorsement is revoked, the Coast Guard will issue an MMC containing any rating endorsement for which the holder is qualified.

(c) An applicant who has had a TWIC, credential, or endorsement revoked, and who is applying for a subsequent MMC or endorsement, must state in his

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or her application the date of revocation, the serial number of the document revoked, and the type of document or endorsement revoked.

(d) A person whose credential or endorsement has been revoked or suspended without probation may not be issued a replacement credential or endorsement without approval of the Commandant. If a mariner has multiple endorsements and one or more, but not all, of those endorsements are suspended or revoked, he or she will be issued, without payment of a fee, a replacement MMC reflecting those endorsements for which the mariner remains qualified.

(e) When a credential or endorsement that is about to expire has been suspended, without probation, the renewal of the credential or endorsement will be withheld until expiration of the suspension period.

(f) When applying for an original endorsement on an MMC, pursuant to paragraph (d) of this section, an individual's existing service and training may be considered by the Coast Guard when determining the grade of the endorsement to be issued.

(g) An applicant for renewal or return of a credential with endorsement as master or mate (pilot) of towing vessels whose most recent credential has been suspended or revoked by an administrative law judge for incompetence must complete the practical demonstration required under § 10.227(e)(6)(i) of this subpart.

(h) If the Coast Guard is advised by the Transportation Security Administration (TSA) that a mariner has either been denied a TWIC or their TWIC has been revoked, the Coast Guard may initiate suspension and revocation action against the mariner's MMC, license, MMD, and COR under 46 U.S.C. 7702 and 7703. During the subsequent suspension and revocation proceeding, the TSA decision to deny issuance of, or to revoke, a mariner's TWIC will not be subject to review, and the mariner's failure to hold a TWIC will be treated by the Coast Guard as proof that the mariner is not eligible for an MMC, license, MMD or COR.

(i) A mariner that has either been denied issuance of a TWIC or whose TWIC has been revoked for a reason, other

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than administrative reasons (e.g., being lost or stolen, not functioning, or having a misspelling) will be deemed ineligible for an MMC, license, MMD or COR.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2006-24371, 74 FR 39218, Aug. 6, 2009; USCG-2004-17914, 78 FR 77894, Dec. 24, 2013]

§ 10.237 Right of appeal.

(a) If the Coast Guard refuses to grant an applicant an MMC, medical certificate, or endorsement it will pro-

vide, a written statement listing the reason(s) for denial.

(b) Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal under the provisions of subpart 1.03 of part 1 of this chapter.

(c) The Coast Guard will not review decisions made by the Transportation Security Administration to suspend, revoke, or deny a mariner's TWIC.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2004-17914, 78 FR 77894, Dec. 24, 2013]

§ 10.239 Quick reference table for MMC requirements.

Table 1 to § 10.239 provides a guide to the requirements for officer endorsements. Provisions in the reference section are controlling.

TABLE 1 TO § 10.239: QUICK REFERENCE TABLE FOR MMC REQUIREMENTS
 [For tankerman endorsements, see table 1 to § 13.129.]

Endorsement category	Minimum age	Citizenship	Medical and physical exam	Experience	Recommendations and character check	Firefighting	Professional exam	Demonstration of professional ability	Recency of service	First aid and CPR
Master, mates	§ 11.201(e) ... Note: excep- tions.	U.S., § 10.221(a)(1) ... § 11.201(d).	§ 10.302(a) ...	46 CFR Part 11— Subpart D.	N/A; Note exceptions in § 11.201(g) for original national or STCW endorse- ments.	§ 11.201 (h) ...	§ 11.201(i); § 11.903; § 11.910. Note: § 11.903(b)	N/A	original § 11.201 (c)(2) renewal § 10.227(e)	§ 11.201(i) Note: exceptions.
Operator of Uninspected Passenger Vessels (OUPV), § 11.201(i).	§ 11.201(e) ... Note: excep- tions here and in § 11.201(i).	§ 10.221(a)(1) ... § 11.201(d).	§ 10.302(a) ...	§ 11.467(c); (d); (e); (f); (g).	N/A; Note exceptions in § 11.201(g) for original national or STCW endorse- ments.	N/A	§§ 11.201(i); 11.903; § 11.910.	N/A	original § 11.201 (c)(2) renewal § 10.227(e)	§§ 11.201(i); Note excep- tions.
STCW Deck Officer endorsement.	§ 11.201(e) ... Note: excep- tions.	U.S., § 10.221(a)(1) ... § 11.201(d).	§ 10.302(a) ...	46 CFR Part 11— Subpart C.	N/A; Note exceptions in § 11.201(g) for original national or STCW endorse- ments.	§ 11.303 Renewal: § 11.303(b) and (c)	N/A	Master § 11.305; 311, 315, 317; Chief Mate § 11.307; 313; OIC/NV § 11.309; 11.318; 11.321. § 11.1105(a)(1); (2) ...	original § 11.201 (c)(2) renewal § 10.227(e)	§ 11.201(i).
Officer on a passenger ship when on an international voyage. Engineers (original).	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	original § 11.201 (c)(2) renewal § 10.227(e)	N/A.
STCW Engineering Officer endorsements.	§ 11.201(e) ... Note: excep- tions.	U.S., § 10.221(a)(1) ... § 11.201(d).	10.302(a) ...	46 CFR Part 11— Subpart E.	N/A; Note exceptions in § 11.201(g) for original national or STCW endorse- ments.	§ 11.201 (h) ...	§ 11.201(i); 11.903; § 11.950. Note: § 11.903(b)	N/A	original § 11.201 (c)(2) renewal § 10.227(e)	§ 11.201(i).
National Designated Duty Engineer (DDE).	§ 11.201(e) ... Note: excep- tions.	U.S., § 10.221(a)(1) ... § 11.201(d).	§ 10.302(a) ...	46 CFR Part 11— Subpart C.	N/A; Note exceptions in § 11.201(g) for original national or STCW endorse- ments.	§ 11.303 Renewal: § 11.303(b) and (c)	N/A	Chief § 11.325; § 11.331; 2nd engineer officer; § 11.327; § 11.333. OICEW/DDE § 11.329.	original § 11.201 (c)(2) renewal § 10.227(e)	§ 11.201(i).
Electro-technical officer.	§ 11.201(e) ... Note: excep- tions.	U.S., § 10.221(a)(1) ... § 11.201(d).	§ 10.302(a) ...	§ 11.335(a)(1) ... note exception in § 11.335(b) & § 11.33 5(c).	N/A; Note exceptions in § 11.201(g) for original national or STCW endorse- ments.	§ 11.201 (h)(1)(v)	§ 11.903	N/A	original § 11.201 (c)(2) renewal § 10.227(e)	§ 11.201(i).

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Pilot	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e); \$ 11.709	\$ 11.703; \$ 11.705	N/A	\$ 11.707; \$ 11.903; \$ 11.910.	\$ 11.705	\$ 11.705 (e); \$ 11.713.	\$ 11.201(i).
Towing vessels	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	46 CFR Part 1—Subpart D.	\$ 11.201(h)(1)(i) \$ 11.201(h)(2)(i) Note: exceptions	\$ 11.201(i); \$ 11.903; \$ 11.910.	\$ 11.464; \$ 11.465	original \$ 11.201 (c)(2) renewal \$ 10.227(e)	\$ 11.201(i).
Offshore Supply Vessels.	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	Master \$ 11.493 Chief Mate \$ 11.495 Mate \$ 11.497 C/E \$ 11.553 Engineer \$ 11.555	\$ 11.201(i); Master \$ 11.493 Chief Mate \$ 11.495 Mate \$ 11.497 C/E \$ 11.553 Eng \$ 11.555	\$ 11.201(i); Master \$ 11.493 Chief Mate \$ 11.495 Mate \$ 11.497 C/E \$ 11.553; Eng \$ 11.555;	Master \$ 11.493 Chief Mate \$ 11.495 Mate \$ 11.497 C/E \$ 11.553 Engineer \$ 11.555	original \$ 11.201 (c)(2) renewal \$ 10.227(e)	\$ 11.201(i).
MODU licenses	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	OIM: \$ 11.470 B.S.: \$ 11.472 BCO: \$ 11.474 C/E: \$ 11.542 Asst. Eng. \$ 11.544	\$ 11.201(f); note exceptions.	\$ 11.201(i); \$ 11.903; \$ 11.920.	N/A	original \$ 11.201 (c)(2) renewal \$ 10.227(e).	\$ 11.201(i).
Uninspected fishing industry vessels.	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	Deck: \$ 11.462(c); (d); Engine: \$ 11.530(c); (d); (e).	\$ 11.201(f); Note: exceptions	\$ 11.201(i); \$ 11.903; \$ 11.910.	N/A	original \$ 11.201 (c)(2) renewal \$ 10.227(e).	\$ 11.201(i).
Radio officer	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	N/A	N/A	N/A	\$ 11.603	N/A	\$ 11.201(i).
GMDSS Operator. Officer raises of grade.	N/A	N/A	N/A	N/A	N/A	N/A	11.604	N/A	N/A.
Officer renewals.	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	\$ 10.231(c); Part 11, subparts D and E.	N/A	\$ 10.231(d); \$ 11.903; \$ 11.910; \$ 11.920; \$ 11.950.	Part 11, subparts D and E.	3 months in past 3 years, \$ 11.201 (c)(2).	N/A.
Staff officer	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	\$ 10.227(d) and (e) Note: exceptions	N/A	N/A	Towing officers, \$ 10.227(d) and (e).	1 year in past 5, \$ 10.227(e) and (f). Note: alternative.	N/A.
Staff officer renewals.	\$ 11.201(e) Note: exceptions.	U.S., \$ 10.221(a)(1) \$ 11.201(d).	\$ 10.302(e)	\$ 11.807	N/A	N/A	\$ 11.807	N/A	\$ 11.201(i).

TABLE 1 TO § 10.239: QUICK REFERENCE TABLE FOR MMC REQUIREMENTS—Continued
 [For tankerman endorsements, see table 1 to § 13.129.]

Endorsement category	Minimum age	Citizenship	Medical and physical exam	Experience	Recommendations and character check	Firefighting	Professional exam	Demonstration of professional ability	Recency of service	First aid and CPR
Able seaman	§ 12.401(c)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a), § 12.401(c)(2).	§ 12.403	N/A	N/A	§ 12.401(c)(5)	§ 12.401(c)(6), § 12.405.	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.
Able-seater deck.	§ 12.603(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.603(a)(3)	N/A	N/A	N/A	§ 12.603(a)(2), § 12.603(a)(4), § 12.603(a)(5).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).
Ratings for forming a navigational watch.	§ 12.605(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.605(a)(2)	N/A	N/A	N/A	§ 12.605(a)(3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).
Qualified members of engine department.	§ 12.501(c)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.503	N/A	N/A	§ 12.505	N/A	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	N/A.
Able-seater engine.	§ 12.607(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.607(a)(3)	N/A	N/A	N/A	§ 12.607(a)(2); (4), § 12.607(b); (c).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).
Ratings for forming an engineering watch.	§ 12.609(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.609(a)(2)	N/A	N/A	N/A	§ 12.609(a)(3)	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).
Electro-technical rating.	§ 12.811(a)(1)	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.611(a)(2)	N/A	N/A	N/A	§ 12.811(a)(3); § 12.611(b).	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative	§ 12.602(a).
Entry level ratings.	N/A	U.S. or alien admitted for permanent residence, § 12.803; § 12.809	N/A; note exception in § 12.811(a)(2). Note: Food Handler (F.H.) requirements in Table (xiii) § 10.302(a)(xiv).	N/A	N/A	N/A	N/A	N/A	N/A	N/A.
Lifeboatman	N/A	U.S. or alien admitted for permanent residence, § 10.221(a)(2).	§ 10.302(a)	§ 12.407(b)(1)	N/A	N/A	§ 12.407(b)(2); (4)	§ 12.407(b)(2); (3) ...	Renewal only, 1 year in past 5, § 10.227(e) and (f). Note: alternative.	N/A.

TABLE 1 TO § 10.239: QUICK REFERENCE TABLE FOR MMC REQUIREMENTS—Continued
 [For tankerman endorsements, see table 1 to § 13.129.]

Endorsement category	Minimum age	Citizenship	Medical and physical exam	Experience	Recommendations and character check	Firefighting	Professional exam	Demonstration of professional ability	Recency of service	First aid and CPR
Security awareness.	§ 12.627(a)(1)	U.S. or alien admitted for permanent residence. § 10.221(a)(2). § 12.803	§ 12.627(e)(2) ...	§ 12.627(e)(1)	N/A	N/A	N/A	§ 12.627(a)(1)	Renewal only, 1 year in next 5 years. § 10.227(e) and (f). Note: alternative. Renewal § 12.905(d).	N/A.
Ratings serving on passenger ships on international voyages.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	§ 12.905(a); (b)		N/A.

[USCG-2004-17914, 78 FR 77896, Dec. 24, 2013, as amended by USCG-2018-0874, 84 FR 30881, June 28, 2019]

Subpart C—Medical Certification

SOURCE: USCG-2004-17914, 78 FR 77900, Dec. 24, 2013, unless otherwise noted.

§ 10.301 General requirements.

(a) The Coast Guard will issue a medical certificate to a mariner meeting the medical and physical standards for merchant mariners. The medical certificate will be issued for various periods of time based upon the endorsements the mariner holds. The Coast Guard will review all information provided and will determine whether—

(1) The applicant is physically and medically qualified for the medical certificate without any limitations, waivers and/or other conditions;

(2) The applicant is physically and medically qualified for the medical certificate with limitations and/or other conditions as specified by the Coast Guard;

(3) For an applicant who does not possess the vision, hearing, or general physical condition necessary, a medical certificate may be issued with appropriate limitations, waivers and/or other conditions as specified by the Coast Guard;

(4) Additional information is necessary to determine if the applicant is physically and/or medically qualified for the medical certificate. The Coast Guard will request additional information from the applicant. The Coast Guard may hold the package pending receipt of that information before the package and/or application is denied; or

(5) The applicant is not physically and/or medically qualified for the medical certificate. The application for a medical certificate will be denied by the Coast Guard.

(b) Except as otherwise noted, medical certificates will be issued for the following periods of time:

(1) All persons employed or engaged onboard vessels to which STCW applies will be issued a medical certificate valid for 2 years unless the mariner is under the age of 18, in which case the

maximum period of validity will be 1 year.

(2) Medical certificates issued to a mariner who is serving as a first-class pilot, or acting as a pilot under §15.812 of this subchapter, will be issued for a maximum period of 2 years.

(3) Medical certificates issued to all other mariners will be issued for a maximum period of 5 years.

(4) Applicants seeking additional MMC endorsements holding a current medical certificate are not required to submit a new medical physical exam if their existing medical certification meets all of the requirements of this section for the endorsement sought.

(c) Applicants holding no endorsement other than a staff officer endorsement need not meet the medical and physical requirements of this section.

§ 10.302 Medical and physical requirements.

(a) To qualify for a medical certificate, a mariner must provide evidence of meeting the medical and physical standards in this section on a CG-719-K or CG-719-K/E, as appropriate. The Coast Guard retains final authority for determining whether a mariner is medically and physically qualified. Columns 2 through 5 of Table 1 to paragraph (a) of this section provide the specific exam, test, or demonstrations required to obtain the corresponding credential listed in column 1. Further clarifications of the requirements contained in the table are found throughout this subpart.

(b) Any required test, exam, or demonstration must have been performed, witnessed, or reviewed by a licensed medical doctor, licensed physician assistant, licensed nurse practitioner, or a designated medical examiner. All licensed medical practitioners must hold a valid license issued in the United States. Medical examinations for Great Lakes Pilots must be conducted by a licensed medical doctor in accordance with the physical exam requirements in 46 CFR 402.210.

TABLE 1 TO § 10.302(a)—MEDICAL AND PHYSICAL REQUIREMENTS FOR MARINER ENDORSEMENTS

1 Credential	2 Vision test	3 Hearing test	4 General medical exam	5 Demonstration of physical ability
(1) Deck officer, including pilot	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(2) Engineering officer	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(3) Radio officer	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(4) Offshore installation manager, barge supervisor, or ballast control operator	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(5) Able seaman	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(6) QMED	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(7) Able seafarer deck	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(8) RFPNW	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(9) Able seafarer engine	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(10) RFPEW	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(11) Electro-technical rating	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(12) Tankerman	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(13) Lifeboatman and Proficiency in survival craft and rescue boats other than fast rescue boats (PSC)	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(14) Lifeboatman-Limited and Proficiency in survival craft and rescue boats other than fast rescue boats—limited (PSC—limited)	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(15) Fast Rescue Boat	§ 10.305(b)	§ 10.306	§ 10.304(a)	§ 10.304(c)
(16) Food handler serving on vessels to which STCW does not apply			§ 10.304(b)	
(17) Food handler serving on vessels to which STCW applies			§ 10.304(b)	§ 10.304(c)
(18) Ratings, including entry level, serving on vessels to which STCW applies, other than those listed above				§ 10.304(c)
(19) Ratings, including entry level, serving on vessels to which STCW does not apply, other than those listed above				
(20) Vessel security officer	§ 10.305(a)	§ 10.306	§ 10.304(a)	§ 10.304(c)

§ 10.303 Medical waivers, limitations, and restrictions.

(a) The Coast Guard may grant a waiver if, after review of all relevant supporting medical documents and consultation with the examining physician, as needed, an applicant does not possess the vision, hearing, or general physical condition necessary; and extenuating circumstances warrant special consideration. An applicant may submit to the Coast Guard additional correspondence, records, and reports in support of a waiver. In this regard, recommendations from agencies of the Federal Government operating government vessels, as well as owners and operators of private vessels, made on behalf of their employees, will be given full consideration.

(b) In general, medical waivers are approved when an applicant does not meet the applicable medical standards, but objective medical evidence indicates that the condition is sufficiently controlled and the effects of medication pose no significant risk to maritime and public safety. The Coast Guard retains final authority for the issuance of medical waivers.

(c) Medical waivers may be granted with specific conditions to which the applicant must adhere, such as more frequent monitoring of the medical conditions, submission of medical exams and/or tests at varying intervals to track the ongoing status of the medical condition, or operational limitations in the manner the mariner may serve under the MMC.

(d) The Coast Guard may place an operational limitation on medical and physical conditions. Any operational limitations will be reflected in the medical certificate.

(e) The Coast Guard may place a restriction on a medical certificate based upon medical and physical conditions of an applicant. Any restriction will be reflected on the medical certificate and may include restriction of route or trade.

§ 10.304 General medical exam.

(a) The general medical exam must be documented and of such scope to ensure that there are no conditions that pose significant risk of sudden incapacitation or debilitating complication. This exam must also document any condition requiring medication

that impairs cognitive ability, judgment, or reaction time. The Coast Guard will provide guidance on the conduct of general medical exams. Examiners should be familiar with the content and recommended medical evaluation data compiled in the medical guidelines.

(b) Food handlers are not required to submit to a general medical exam, but must obtain a statement from a licensed physician, physician assistant, or nurse practitioner attesting that they are free of communicable diseases that pose a direct threat to the health or safety of other individuals in the workplace.

(c) *Demonstration of physical ability.* (1) A demonstration of physical ability is required only if—

(i) The medical practitioner conducting the general medical exam is concerned that an applicant's physical ability may impact maritime safety; or

(ii) Table 1 to §10.302(a) of this subpart shows that the mariner must pass a demonstration of physical ability.

(2) For an applicant to satisfactorily pass a demonstration of physical ability, the examiner must be satisfied that the applicant—

(i) Has no disturbance in the sense of balance;

(ii) Is able, without assistance, to climb up and down vertical ladders and inclined stairs;

(iii) Is able, without assistance, to step over a door sill or coaming;

(iv) Is able to move through a restricted opening of 24-by-24 inches (61-by-61 centimeters);

(v) Is able to grasp, lift, and manipulate various common shipboard tools, move hands and arms to open and close valve wheels in vertical and horizontal directions, and rotate wrists to turn handles;

(vi) Does not have any impairment or disease that could prevent normal movement and physical activities;

(vii) Is able to stand and walk for extended periods of time;

(viii) Does not have any impairment or disease that could prevent response to a visual or audible alarm; and

(ix) Is capable of normal conversation.

(3) Guidance on demonstration of physical ability is contained in the rel-

evant Coast Guard guidance for the conduct of general medical exams.

(d) *Reports of medical and physical exams, demonstrations, and tests.* These reports must be submitted within 12 months from the date signed by the licensed medical professional. When submitted with a complete application package, these reports remain valid for 12 months from the date the Coast Guard accepts a complete application.

§ 10.305 Vision requirements.

(a) *Deck standard.* (1) A mariner must have correctable vision to at least 20/40 in one eye and uncorrected vision of at least 20/200 in the same eye. The color sense must be determined to be satisfactory when tested by any of the following methods or an alternative test acceptable to the Coast Guard, without the use of color-sensing lenses:

(i) Pseudoisochromatic Plates (Dvorine, 2nd Edition; AOC; revised edition or AOC-HRR; Ishihara 14-, 24-, or 38-plate editions).

(ii) Farnsworth Lantern.

(iii) Titmus Vision Tester/OPTEC 2000.

(iv) Optec 900.

(v) Richmond Test, 2nd and 4th edition.

(2) Applicants for an STCW endorsement must have correctable vision to at least 20/40 in both eyes and uncorrected vision of at least 20/200 in both eyes. A mariner who previously met these requirements and who suffers loss of vision in one eye after being issued an MMC is subject to the requirements of paragraphs (c), (d), and (e) of this section, as applicable. A mariner holding an MMC prior to January 1, 2017, must continue to meet the requirements of paragraph (a)(1) of this section.

(b) *Engineering, radio officer, tankerman, and MODU standard.* A mariner must have correctable vision to at least 20/50 in one eye and uncorrected vision of at least 20/200 in the same eye and need only the ability to distinguish the colors red, green, blue, and yellow. The color sense must be determined to be satisfactory when tested by any color-vision test listed in paragraph (a) of this section, or an alternative test acceptable to the Coast Guard, without the use of color-sensing lenses. The

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Coast Guard will accept Farnsworth D-15 Hue Test as a color vision test to meet the requirements of this paragraph.

(c) *Vision waiver.* Any applicant whose uncorrected vision does not meet the 20/200 standard and is correctable to listed standards above may be granted a medical waiver in accordance with §10.303 of this subpart. If a vision waiver is granted, a limitation will be placed on his or her a medical certificate indicating the mariner may not serve under the authority of the endorsement unless corrective lenses are worn and spare lenses are carried onboard a vessel. Waivers are not normally granted to an applicant whose corrected vision in the better eye is not at least 20/40 for deck officers or 20/50 for engineer officers.

(d) *Vision operational limitation.* If corrective lenses are required in order to meet the vision standards above, a mariner may not serve under the authority of the endorsement unless corrective lenses are worn and spare lenses are carried onboard a vessel. This operational limitation will be placed on his or her medical certificate.

(e) *Loss of vision.* A mariner having lost vision in one eye must wait 6 months from the date of the vision loss before submitting any application, and must provide a statement of demonstrated ability on his or her medical examination.

[USCG-2004-17914, 78 FR 77900, Dec. 24, 2013, as amended by USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.306 Hearing requirements.

(a) If the medical practitioner conducting the general medical exam has concerns that an applicant's ability to hear may impact maritime safety, the examining medical practitioner must refer the applicant to an audiologist or other hearing specialist to conduct an audiometer test and a speech discrimination test, as appropriate.

(b) The audiometer test must include testing at the following thresholds: 500 Hz; 1,000 Hz; 2,000 Hz; and 3,000 Hz. The frequency responses for each ear must be averaged to determine the measure of an applicant's hearing ability. Applicants must demonstrate an unaided

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threshold of 30 decibels or less in at least one ear.

(c) The functional speech discrimination test must be carried out at a level of 65 decibels. For issuance of an original MMC or endorsement the applicant must demonstrate functional speech discrimination of at least 90 percent. For renewal or raise of grade, the applicant must demonstrate functional speech discrimination of at least 80 percent.

(d) *Hearing waivers.* An applicant who is unable to meet the hearing standards of the audiometer test, but who can pass the functional speech discrimination test; or who requires hearing aids to meet the hearing standards, may be eligible for a medical waiver in accordance with §10.303 of this subpart.

(e) *Hearing operational limitation.* If hearing aids are required in order to meet the hearing standards above, a mariner may not serve under the authority of the endorsement unless hearing aids are worn in the operational mode, and spare batteries are carried onboard a vessel. This operational limitation will be placed on his or her medical certificate.

Subpart D—Training Courses and Programs

SOURCE: USCG-2004-17914, 78 FR 77903, Dec. 24, 2013, unless otherwise noted.

§ 10.401 Applicability.

This subpart prescribes the general requirements applicable to offerors of all approved courses and training programs which may be accepted instead of sea service, examination required by the Coast Guard, or STCW assessments, or which satisfy course completion requirements.

§ 10.402 Approval of training courses.

(a) *Categories.* The Coast Guard may approve courses designed to substitute for or fulfill any or all of the following:

- (1) A portion of sea service requirement.
- (2) Examinations required by the Coast Guard.
- (3) Professional competency requirements.
- (4) Regulatory requirements.

(b) *Request for approval.* Organizations desiring course approval by the Coast Guard must submit a written request and a complete curriculum package to the National Maritime Center, either by mail or electronically. The curriculum package must be provided in a format specified by the Office of Merchant Mariner Credentialing and include the following:

(1) *A cover letter.* The cover letter must contain—

(i) The name of the organization providing the instruction and the course name;

(ii) The locations where the course will be held;

(iii) A general description and overview of the course;

(iv) The category of acceptance being sought, as listed in paragraph (a) of this section; and

(v) Reference to regulatory requirements met by the training.

(2) Part A: Course framework. The course framework must contain—

(i) The following specific course intentions:

(A) Course scope.

(B) Course objective;

(ii) The following conditions relative to students:

(A) Student entry standards.

(B) Class-size limitations.

(C) Student/teacher ratio;

(iii) Documentary evidence that each instructor and/or assessor—

(A) Has either experience, training, or evidence of instruction in effective instructional techniques and/or effective assessment techniques;

(B) Is qualified in the task for which the training is being conducted and have relevant experience; and

(C) Has attained a level of experience and qualification equal or superior to the relevant level of knowledge, skills, and abilities described in the performance objective;

(iv) Site information, which must include—

(A) A description of the facility, measurements of the instructional space, pictures showing multiple views of the space, and a description of the instruction or assessment being performed; and

(B) A request, if applicable, to teach at an alternative site. This requires

contact with the local Regional Exam Center and approval by the National Maritime Center; and

(v) A description of the following materials used for development, instruction, and performance measurement:

(A) Equipment.

(B) Teaching aids.

(C) Textbooks and presentations.

(D) Reference bibliography.

(3) Part B: Course outline. The course outline must contain—

(i) Course subjects/topics; and

(ii) Course schedule, including the duration and order of lessons, and an indication as to whether each lesson is—

(A) A classroom lecture;

(B) A practical demonstration;

(C) A simulator exercise;

(D) An examination; or

(E) Another method of instructional reinforcement.

(4) Part C: Detailed teaching syllabus. The detailed teaching syllabus must be written in a learning objective format in which the objectives describe what the student must do to demonstrate that the specific knowledge has been transferred. The detailed teaching syllabus must contain—

(i) The learning objectives as related to the subjects/topics;

(ii) The specific references from which the instruction was developed; and

(iii) Reference to the specific teaching aids, textbooks, or technical materials used for instruction and performance measurement.

(5) Part D-1: Lesson plans. The lesson plans must contain the following specific instructional contents of the individual course lessons:

(i) The main element learning objective.

(ii) Student assignments.

(iii) Training outcomes, which are statements that identify the specific knowledge, skill, or ability that students must gain and display as a result of the training or instructional activity. A training outcome is made up of three elements: expected student performance, condition, and criterion.

(6) Part D-2: Instructor notes. The instructor notes must contain—

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(i) The specific instructional methodologies utilized in the particular lesson; and

(ii) The instructional materials, including instructional directions containing the following:

- (A) Pre-instructional activities.
- (B) Content presentation.
- (C) Student participation.
- (D) Assessment process.

(E) Other instructional activities, such as homework and reading assignments.

(7) Part E: Evaluations. The evaluations section must contain—

(i) Any methodology that is used to measure a student's knowledge, performance, or level of achievement, including—

- (A) Homework;
- (B) Quizzes;
- (C) Exams;
- (D) Laboratory projects;
- (E) Competency assessments;
- (F) Remediation; and
- (G) Testing strategies;

(ii) Assessment instruments, which are any tools used to determine whether the student has achieved the desired level of knowledge, understanding, or proficiency; and

(iii) Any methodology that is used to measure the effectiveness of the training or instructor, including—

- (A) Instructor evaluations;
- (B) Course evaluations/surveys; and
- (C) Other feedback.

(8) *Course completion certificate.* A sample course completion certificate that allows for the following information to be entered:

- (i) Course provider number.
- (ii) Course number.
- (iii) Terms of approval.

(c) *Approval notification.* The Coast Guard will notify each applicant for course approval when an approval is granted or denied. If the Coast Guard denies a request for approval, the Coast Guard will inform the applicant of the reasons for the denial and describe the corrections required for granting an approval.

(d) *Validity of course approval.* Unless surrendered, suspended, or withdrawn, an approval for a course is valid for up to a maximum of 5 years after issuance, unless—

- (1) The school ceases operation;

(2) The school gives notice that it will no longer offer the course;

(3) The owner or operator fails to submit any required information; or

(4) Any change occurs in the ownership of the school to which the approval was issued.

(e) *Significant changes to the course approval.* (1) Any significant changes to the course approval or the content of the course will be handled as a request for renewal of an approval (as specified in paragraph (f) of this section), or as a request for an original approval (as specified in paragraph (b) of this section), depending on the nature and scope of the change.

(2) The Coast Guard may not accept course completion certificates if the course does not follow the conditions of the course approval.

(f) *Renewal of course approval.* (1) If the owner or operator of a training school desires to have a course's approval renewed, the owner or operator must submit a request to the NMC accompanied by the information from paragraph b of this section.

(2) If satisfied that the content and quality of instruction remain satisfactory, the Coast Guard will approve the request.

(3) The renewed approval is valid as detailed in paragraph (d) of this section.

(g) *Suspension of approval.* (1) The Coast Guard may suspend the approval, require the holder to surrender the certificate of approval, and may direct the holder to cease claiming the course is Coast Guard-approved, if it determines that a specific course does not comply with the—

(i) Applicable provisions of 46 CFR parts 10, 11, 12, or 13;

(ii) Requirements specified in the course's approval; or

(iii) Course's curriculum package as submitted for approval.

(2) The Coast Guard will notify the approval holder in writing of the intent to suspend course approval and the reasons for suspension. If the approval holder fails to correct the conditions leading to suspension, the course will

be suspended. The Coast Guard will notify the approval holder that the specific course fails to meet applicable requirements and explain how the deficiencies can be corrected.

(3) The Coast Guard may grant the approval holder up to 90 days to correct the deficiency.

(4) Course completion certificates will not be accepted for training provided during a period of suspension or expiration.

(h) *Withdrawal of approval.* The Coast Guard may withdraw approval for any course—

(1) When the approval holder fails to correct the deficiency of a suspended course within 90 days; or

(2) Upon determining that the approval holder has demonstrated a pattern or history of any of the following:

(i) Failing to comply with the applicable regulations or the course approval requirements.

(ii) Deviating from approved course curricula.

(iii) Presenting courses in a manner that does not achieve the learning objectives.

(iv) Falsifying any document required and integral to the conduct of the course, including, but not limited to, attendance records, written test grades, course completion grades, or assessment of practical demonstrations.

(i) *Appeals of suspension or withdrawal of approval.* Anyone directly affected by a decision to suspend or withdraw an approval may appeal the decision to the Commandant as provided in §1.03-40 of this chapter.

[USCG-2004-17914, 78 FR 77903, Dec. 24, 2013, as amended by USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.403 General standards.

(a) Each school with an approved course must—

(1) Have a well-maintained facility that accommodates the students in a safe and comfortable environment conducive to learning;

(2) Have the necessary equipment, including simulators where appropriate, sufficient for the number of students to be accommodated, and support the objectives of the course;

(3) Administer training entirely in the English language unless specifically approved to be presented in another language;

(4) Administer written examinations to each student appropriate for the course material and the knowledge requirements of the position or endorsement for which the student is being trained. For a course approved to substitute for a Coast Guard-administered examination, the courses must be of such a degree of difficulty that a student who successfully completes them would most likely pass, on the first attempt, an examination prepared by the Coast Guard;

(5) Require each student to successfully demonstrate practical skills appropriate for the course material and equal to the level of endorsement for which the course is approved;

(6) Effective March 24, 2014, keep physical or electronic copies of the following records for at least 5 years after the end of each student's completion or disenrollment from a course or program:

(i) A copy of each student's examination scores.

(ii) A copy of each examination or, in the case of a practical test, a report of such test.

(iii) A record of each student's classroom attendance.

(iv) A copy of each student's course completion certificate or program completion certificate, as appropriate.

(v) A summary of changes or modification to the last course submittal.

(vi) A list of all locations at which the training course was presented and the number of times it was presented at each location.

(vii) The name(s) of the instructor(s) who taught the course, which does not include lab assistants or other non-teaching assistants.

(viii) The number of students who began the training.

(ix) The number of students who successfully completed the training.

(x) The number of students who were required to retest.

(xi) The number of students who were required to retake the entire course.

(xii) The number of students who were required to retake a portion of the course;

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(7) Not significantly change its approved curriculum without approval from the NMC as specified in §10.402(e) of this subpart;

(8) Conduct an internal audit midway through the term of the course's approval and maintain the results of the audit for a period of not less than 5 years. The audit will evaluate whether—

(i) Records are being maintained according to these regulations;

(ii) The course is being presented in accordance with the approval letter; and

(iii) Surveys from students indicate that the course is meeting their needs; and

(9) At any time, allow the Coast Guard to—

(i) Inspect its facilities, equipment, and records, including scholastic records;

(ii) Conduct interviews and surveys of students to aid in course evaluation and improvement;

(iii) Assign personnel to observe or participate in the course of instruction; and

(iv) Supervise or administer the required examinations or practical demonstrations, including the substitution of an applicable Coast Guard examination in a course approved to substitute for a Coast Guard administered examination.

(b) [Reserved]

§ 10.404 Substitution of training for required service, use of training-record books (TRBs), and use of towing officer assessment records (TOARs).

(a) *Substitution of training for required service.* (1) Satisfactory completion of an approved training course may be substituted for a portion of the required service on deck or in the engine department for national deck or engineer endorsements. Satisfactory completion of an approved training program which includes sea service may be substituted for a portion of or all of the required service on deck or in the engine department, except as limited by law for ratings. The list of all currently approved courses and programs, including the equivalent service and applicable endorsements, is maintained by the NMC.

(2) Unless otherwise allowed, recency requirements may not be achieved by service granted as a result of successful completion of approved training or by training on a simulator; however, underway service obtained as a portion of an approved course or program may be used for this purpose.

(3) Unless otherwise allowed, training obtained before receiving an endorsement may not be used for service credit for subsequent raises of grade, increases in scope, or renewals.

(4) This provision for crediting service for training is not applicable to STCW endorsements unless provided otherwise.

(b) *Use of training-record books (TRBs).*

(1) Approved training programs for STCW endorsements for OICNW and OICEW must maintain a TRB for each student where training and/or assessments of competence are conducted on-board the ship. The TRB must contain at least the following information:

(i) The name of the applicant.

(ii) The tasks to be performed or the skills to be demonstrated, with reference to the standards of competence set forth in the tables of the appropriate sections in part A of the STCW Code (incorporated by reference, see §10.103 of this part).

(iii) The method for demonstrating competence to be used in determining that the tasks or skills have been performed properly, with reference to the standards of competence set forth in the tables of competence in the appropriate sections in part A of the STCW Code (incorporated by reference, see §10.103 of this part).

(iv) A place for a qualified instructor to indicate by his or her initials that the applicant has received training in the proper performance of the task or skill.

(v) A place for a qualified assessor (QA) to indicate by his or her initials that the applicant has successfully completed a practical demonstration and has proved competent in the task or skill under the criteria, when assessment of competence is to be documented in the record books.

(vi) The printed name of each qualified instructor, including any MMC endorsements held, and the instructor's signature.

(vii) The printed name of each qualified assessor, when any assessment of competence is recorded, including any MMC endorsement, license, or document held by the assessor, and the assessor's signature confirming that his or her initials certify that he or she has witnessed the practical demonstration of a particular task or skill by the applicant.

(2) The TRB referred to in paragraph (b) of this section may be maintained electronically, provided the electronic record meets Coast Guard-accepted standards for accuracy, integrity, and availability.

(3) The Coast Guard may accept other forms of documentation as meeting the requirements to maintain the training-record book.

(c) *Use of towing officer assessment records (TOARs).* Each applicant for an endorsement as master or mate (pilot) of towing vessels, and each master or mate of self-propelled vessels of 200 GRT or more, seeking an endorsement for towing vessels, must complete a TOAR approved by the Coast Guard that contains at least the following:

(1) Identification of the applicant, including his or her full name, and reference number.

(2) Objectives of the training and assessment.

(3) Tasks to perform or skills to demonstrate.

(4) Criteria to use in determining that the tasks or skills have been performed properly.

(5) A means for a designated examiner (DE) to attest that the applicant has successfully completed a practical demonstration and has proved proficient in the task or skill under the criteria.

(6) Identification of each DE by his or her full name and reference number, job title, ship name and official number, and serial number of the MMC, license, or document held, and printed name and signature confirming that his or her initials certify that he or she has witnessed the practical demonstration of a particular task or skill by the applicant.

§ 10.405 Qualification as qualified assessor (QA) and designated examiner (DE).

(a) To become a QA, an applicant must have documentary evidence to establish—

(1) Experience, training, or instruction in assessment techniques;

(2) Qualifications in the task for which the assessment is being conducted; and

(3) Possession of the level of endorsement, or other professional credential, which provides proof that he or she has attained a level of experience and qualification equal or superior to the relevant level of knowledge, skills, and abilities to be assessed.

(b) To become a DE for towing officer assessment records (TOARs), an applicant must have documentary evidence to establish—

(1) Experience, training, or instruction in assessment techniques on towing vessels;

(2) Qualifications on towing vessels in the task for which the assessment is being conducted; and

(3) Possession of the level of endorsement on towing vessels, or other professional credential, which provides proof that he or she has attained a level of qualification equal or superior to the relevant level of knowledge, skills, and abilities described in the training objectives.

(c) Documentary evidence may be in the form of performance evaluations, which include an evaluation of effectiveness in on-the-job organization and delivery of training, or a certificate of successful completion from an "assessor training" course.

(d) In order to renew his or her qualifications, each QA and DE must have either experience, training, or evidence of instruction in effective assessment within the past 5 years.

§ 10.406 Approved courses.

The NMC maintains the list of training organizations and the approvals given to the training they offer. This information is available online at www.uscg.mil/nmc.

§ 10.407 Approval of training programs.

(a) Training programs approved to qualify a mariner to hold an STCW or national endorsement must meet the standards in this section or the requirements in §10.402 of this subpart. All such programs must also meet the same standards as those found in §10.403 of this subpart. The Coast Guard will accept information submitted by training providers to state, regional, and/or national accrediting bodies as evidence such providers satisfy one or more of the requirements of this section.

(b) *Categories.* The Coast Guard may approve programs designed to substitute for or fulfill any or all of the following:

- (1) A portion of sea service requirements.
- (2) Examinations required by the Coast Guard.
- (3) Professional competency requirements.
- (4) Regulatory requirements.

(c) *Request for approval.* Organizations desiring program approval by the Coast Guard must submit a written request and a complete curriculum package to the National Maritime Center (NMC), either by mail or electronically. The curriculum package must include the following information:

- (1) *A cover letter.* The cover letter must contain—
 - (i) The name of the organization providing the instruction;
 - (ii) The location(s) where it will be held;
 - (iii) A general description and overview of the program, including the individual courses that are part of the program;
 - (iv) The category of acceptance being sought as listed in paragraph (b) of this section; and
 - (v) Reference to regulatory requirements met by the training.

(2) *A goal statement(s).* The goal statement should describe—

- (i) The specific performance behaviors to be measured;
- (ii) The conditions under which the performance behavior(s) will be exhibited; and
- (iii) The level of performance behavior(s) that is to be achieved.

(3) *Performance objectives.* Performance objectives are statements, which identify the specific knowledge, skill, or ability the student should gain and display as a result of the training or instructional activity. A performance objective is made up of three elements: Expected student performance, condition, and criterion.

(4) *Assessment instruments.* Assessment instruments are any tools used to determine whether the student has achieved the desired level of knowledge, understanding, or proficiency.

(5) *Instructor information.* Documentary evidence that each instructor and assessor—

- (i) Has either experience, training, or evidence of instruction in effective instructional techniques and/or in effective assessment techniques;
- (ii) Is qualified in the task for which the training is being conducted and have relevant experience; and
- (iii) Has attained a level of experience and qualification equal or superior to the relevant level of knowledge, skills, and abilities described in the performance objective.

(6) *Site information.* Site information must include a description of the facility or facilities at which the training will be held. Authority to teach at an alternative site requires approval by the NMC.

(7) *A teaching syllabus.* A detailed teaching syllabus providing the following information:

- (i) Instructional strategy. Aspects of instructional strategies should include—
 - (A) The order of presentation;
 - (B) The level of interaction, including the student-to-teacher ratio;
 - (C) Feedback;
 - (D) Remediation;
 - (E) Testing strategies; and
 - (F) Media used to present information.
- (ii) Instructional materials, including lesson plans containing—
 - (A) Pre-instructional activities;
 - (B) Content presentation;
 - (C) Student participation;
 - (D) Assessment processes; and
 - (E) Other instructional activities, such as homework and reading assignments.

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(iii) Course surveys on the relevance and effectiveness of the training completed by students.

(iv) Course schedule, including the duration and order of lessons, and an indication as to whether each lesson is—

- (A) A classroom lecture;
- (B) A practical demonstration;
- (C) A simulator exercise;
- (D) An examination; or
- (E) Another method of instructional reinforcement.

(8) *Program completion certificate.* A sample program completion certificate.

(d) *Approval notification.* The Coast Guard will notify each applicant for program approval when an approval is granted or denied. If the Coast Guard denies a request for approval, the Coast Guard will inform the applicant of the reasons for the denial and describe the corrections required for granting an approval.

(e) *Validity of program approval.* Unless surrendered, suspended, or withdrawn, an approval for a program is valid for up to a maximum of 5 years after issuance, unless—

- (1) The school ceases operation;
- (2) The school gives notice that it will no longer offer the program;
- (3) The owner or operator fails to submit any required report; or
- (4) Any change occurs in the ownership of the school to which the approval was issued.

(f) *Significant changes to the course program approval.* (1) Any significant changes to the program approval or the content of the program will be handled as a request for renewal of an approval (as specified in paragraph (f) of this section), or as a request for an original approval (as specified in paragraph (b) of this section), depending on the nature and scope of the change.

(2) The Coast Guard may not accept program completion certificates if the program does not follow the conditions of its approval.

(g) *Renewal of program approval.* (1) If the owner or operator of a training school desires to have a program's approval renewed, the owner or operator must submit a request to the NMC accompanied by the information from paragraphs (c)(1), (c)(5), (c)(6), and (c)(7) of this section.

(2) If satisfied that the content and quality of instruction remain satisfactory, the Coast Guard will approve the request.

(3) The renewed approval is valid as detailed in paragraph (d) of this section.

(h) *Suspension of approval.* (1) The Coast Guard may suspend the approval, require the holder to surrender the certificate of approval, and may direct the holder to cease claiming the program is Coast Guard-approved, if it determines that a specific program does not comply with the—

- (i) Applicable provisions of 46 CFR parts 10, 11, 12, or 13;
- (ii) Requirements specified in the program's approval; or
- (iii) Program's curriculum package as submitted for approval.

(2) The Coast Guard will notify the approval holder in writing of the intent to suspend program approval and the reasons for suspension. If the approval holder fails to correct the reasons for suspension, the program will be suspended. The Coast Guard will notify the approval holder that the specific program fails to meet applicable requirements and explain how the deficiency can be corrected.

(3) The Coast Guard may grant the approval holder up to 90 days to correct the deficiency.

(4) Program completion certificates will not be accepted for training provided during a period of suspension or expiration.

(i) *Withdrawal of approval.* The Coast Guard may withdraw approval for any program—

(1) When the approval holder fails to correct the deficiency of a suspended program within 90 days; or

(2) Upon determining that the approval holder has demonstrated a pattern or history of any of the following:

- (i) Failing to comply with the applicable regulations or the program approval requirements.
- (ii) Deviating from approved program curricula.
- (iii) Presenting instructional material in a manner that does not achieve the learning objectives.
- (iv) Falsifying any document required and integral to the conduct of the program, including, but not limited

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to, attendance records, written test grades, course completion grades, or assessment of practical demonstrations.

(j) *Appeals of suspension or withdrawal of approval.* Anyone directly affected by a decision to suspend or withdraw an approval may appeal the decision to the Commandant as provided in §1.03-40 of this chapter.

§ 10.408 Coast Guard-accepted training other than approved courses and programs.

(a) When the training and assessment of competence required by this part are not subject to Coast Guard approval under §§10.402 and 10.407 of this subpart, but are used to qualify a mariner to hold an endorsement, the offeror of the course or program must ensure that such training and assessment meets the same standards as those found in §§10.402 and 10.403 of this subpart.

(b) The Coast Guard will accept courses approved and monitored by a Coast Guard-accepted Quality Standard System (QSS) organization. The Coast Guard maintains a list of training organizations conducting accepted training that are independently monitored by a Coast Guard-accepted QSS organization. The Coast Guard-accepted QSS organization must comply with the following requirements:

(1) Submit a certificate of acceptance of training to the Coast Guard.

(2) Submit an updated certificate of acceptance to the Coast Guard if the terms of acceptance have been changed.

(3) Sign each certificate to the training organization owner or operator, or its authorized representative(s), stating that the training fully complies with the requirements of this section, and identifying the Coast Guard-accepted QSS organization being used for independent monitoring.

(c) The training must be audited periodically in accordance with the requirements of §10.409(e)(7) of this subpart. If the Coast Guard determines, on the basis of its own observations or conclusions or those of the Coast Guard-accepted QSS organization, that the particular training does not satisfy

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one or more of the conditions described in paragraph (a) of this section—

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

(2) The offeror may, within a period of time specified in the notice, either appeal the observations or conclusions to the Commandant (CG-MMC) or bring the training into compliance; and

(3) If the appeal is denied—or if the deficiency is not corrected in the allotted time, or within any additional time period judged by the Coast Guard to be appropriate, considering progress toward compliance—the Coast Guard will remove the training from the list maintained under paragraph (b) of this section until it can verify full compliance. The Coast Guard may deny applications for endorsements based, in whole or in part, on training not on the list, until additional training or assessment is documented.

[USCG-2006-24371, 74 FR 11216, Mar. 16, 2009, as amended by USCG-2016-0315, 81 FR 43955, July 6, 2016]

§ 10.409 Coast Guard-accepted Quality Standard System (QSS) organizations.

(a) Organizations wishing to serve as a Coast Guard-accepted QSS organization, to accept and monitor training on behalf of the Coast Guard, should apply to the National Maritime Center. An organization submitting an application may not act as a Coast Guard-accepted QSS organization until it has received its letter of acceptance.

(b) *Validity of acceptance.* Organizations meeting the requirements in paragraph (e) of this section will be issued a letter of acceptance valid for a maximum period of 5 years from the date of issuance.

(c) An organization wishing to become a Coast Guard-accepted QSS organization must have processes for reviewing, accepting, and monitoring training that are equal to the Coast Guard's course approval and oversight processes in §§10.402 through 10.410 of this subpart.

(d) Each person conducting evaluation and monitoring of the training

must be knowledgeable about the subjects being evaluated or monitored and about the national and international requirements that apply to the training, and must not be involved in the training and assessment of students.

(e) The documentation submitted to the Coast Guard must contain the information listed below. An organization approved as a recognized classification society in accordance with 46 CFR part 8, subpart B, need not present evidence of compliance with paragraphs (e)(1) and (e)(8) of this section.

(1) Identification of the organization: Name of the organization, address, contact information, and organizational structure (including the QSS department).

(2) Scope of approval: Training and assessment the organization wishes to accept and monitor.

(3) Background of the organization: Historical information outlining the organization's experience reviewing and accepting training and/or assessment activities.

(4) Staffing and support infrastructure, including—

(i) Names and qualifications of the individuals who will be involved in the review, acceptance, and monitoring of training and assessment;

(ii) Description of the training given to individuals who will be conducting review, acceptance, and monitoring activities; and

(iii) Technical and support resources within the organization that support the review, acceptance and monitoring activities.

(5) Submission guidelines: Information for client organizations to submit courses for review and acceptance, including criteria for course design, instructor/assessor qualifications, syllabi, equipment, and facilities.

(6) *Review and acceptance procedures.*

(i) Descriptions of the methods of evaluation of the physical, administrative, and infrastructure support aspects of client organizations;

(ii) Descriptions of the methods of evaluation of the instructors or qualified assessors of a client organization and the maintenance of their records;

(iii) Descriptions of format for accepting training material;

(iv) Descriptions of the methods by which the course acceptance process responds to the client organization modifications to the training curriculum, changes to instructors or examiners, changes to the infrastructure support; and

(v) Descriptions of the renewal procedures.

(7) Audit procedures: Description of the methods for auditing accepted courses. Client organizations must be audited once in a 5-year period.

(8) Quality commitment: Provide evidence of having a quality management system that includes the following elements:

(i) A documented statement of a quality policy and quality objectives.

(ii) A quality manual.

(iii) Documented procedures and records.

(iv) Documents, including records, determined by the organization to be necessary to ensure the effective planning, operation, and control of its processes.

(f) Coast Guard-accepted QSS organizations must notify the NMC of the training they have accepted within 14 days of the acceptance date. The notification must include the name and address of the institution, the course title and the requirement the course meets, and a one-paragraph description of the course's content.

(g) *Audits.* (1) A Coast Guard-accepted QSS organization must conduct internal audits at least once in 5 years with a minimum of 2 years between reviews. Results of the internal audits must be available upon request to the Coast Guard within 60 days of completion.

(2) Each Coast Guard-accepted QSS organization may be audited by the Coast Guard at least once every 5 years. The results of the audit will be available to the Coast Guard-accepted QSS organization within 60 days of completion of the audit.

(3) Results of Coast Guard-accepted QSS organizations' audits to client organizations must be available upon request to the Coast Guard within 60 days of completion.

(h) *Disenrollment.* (1) A Coast Guard-accepted QSS organization must give each client organization it serves a 180-day notice of its intention to cease to

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function as a Coast Guard-accepted QSS organization.

(2) If the Coast Guard determines that a Coast Guard-accepted QSS organization is not meeting its obligations to review, accept, and monitor training and assessment, the NMC will notify the organization in writing and will enclose information about the events that led to this determination. The organization will then have a specified period of time to correct the deficiency or appeal the conclusions to the Commandant (CG-5P). If the organization appeals, and the appeal is denied, or the deficiencies are not corrected within the allotted time, the NMC will withdraw the acceptance of the Coast Guard-accepted QSS organization. The NMC will notify all client organizations affected by this decision so that they may make arrangements to transfer to another Coast Guard-accepted QSS organization or seek NMC approval for their training.

(i) A Coast Guard-accepted QSS organization may not approve courses provided by subsidiary organizations.

§ 10.410 Quality Standard System (QSS) requirements.

(a) Providers of Coast Guard-approved courses, programs, training, and Coast Guard-accepted training creditable towards an STCW endorsement must establish and maintain a Quality Standard System (QSS), in accordance with Regulation I/8 of the STCW Convention (incorporated by reference, see §10.103 of this part).

(b) The QSS must be monitored by the Coast Guard or monitored through a third party that is designated as a Coast Guard-accepted QSS organization.

(c) The Coast Guard-monitored QSS must—

(1) Have a documented quality policy and quality objectives that align with the commitment by the training institution to achieve its missions and goals;

(2) Maintain a manual that documents the objectives, authorities, and responsibilities that are essential controls for the implementation of the QSS, including—

(i) The core procedures required to meet the missions and goals of the institution;

(ii) The documents necessary for effective design, planning, operation, and control for the delivery of courses meeting the regulatory requirements;

(iii) The filing and archiving of records so they are retrievable and legible;

(iv) Action taken to stop recurrence of system, process, and product non-conformity; and

(v) Auditing, reviewing, and improving the performance of the training management system.

(d) Documentation from a nationally recognized academic accreditation body may be accepted by the Coast Guard as meeting one or more of the requirements listed in paragraph (c) of this section. The documentation must be readily available for inspection upon request.

(e) The Coast Guard will accept documentation from a training institution certified under a national or international Quality Management System Standard as meeting one or more of the requirements listed in paragraph (c) of this section. The documentation must be readily available for inspection upon request.

(f) The Coast Guard will accept company ISM documentation as meeting one or more of the requirements listed in paragraph (c) of this section.

(g) Organizations are subject to audits at least twice in a 5-year period. Organizations must cooperate with Coast Guard audits.

[USCG-2004-17914, 78 FR 77903, Dec. 24, 2013, as amended by USCG-2018-0874, 84 FR 30881, June 28, 2019]

§ 10.411 Simulator performance standards.

Simulators used in assessment of competence must meet the appropriate performance standards set out in Section A-I/12 of the STCW Code (incorporated by reference, see §10.103 of this part). However, a simulator installed or brought into use before February 1, 2002, need not meet those standards if it fulfills the objectives of the assessment of competence or demonstration of proficiency.

§ 10.412 Distance and e-learning.

The Coast Guard may allow the training of mariners by means of distance learning and e-learning in accordance with the standards of training and assessment set forth in section B-I/6 (Training and assessment) of the STCW Code (incorporated by reference, see § 10.103 of this part).

PART 11—REQUIREMENTS FOR OFFICER ENDORSEMENTS

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