

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Parts 10, 12, and 15****[CGD 95-062]****RIN 2115-AF26****Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW)****AGENCY:** Coast Guard, DOT.**ACTION:** Interim rule with request for comments.

SUMMARY: The Coast Guard is revising the current domestic rules on licensing and documentation of personnel serving on U.S. seagoing vessels. This interim rule implements the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended in 1995. Issuing a rule at this time is necessary because the 1995 Amendments to STCW came into force on February 1, 1997. The Coast Guard is inviting public comments on this rule because the ones it got on its proposed rule earlier this year were so useful that this rule differs appreciably from that rule.

DATES: This interim rule is effective on July 28, 1997. Comments must be received on or before December 23, 1997. The Director of the Federal Register approves the incorporation by reference of certain publications listed in this rule as of July 28, 1997.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) [CGD 95-062], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in Incorporation by Reference of this

preamble is available for inspection at room 3406, U.S. Coast Guard Headquarters.

A copy of the 1995 Amendments to STCW may be obtained by writing Commandant (G-MSO), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, or by calling (202) 267-0229, between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays. Requests may also be submitted by facsimile at (202) 267-4570. The 1995 STCW amendments are published by the International Maritime Organization (IMO) in "STCW Convention 1995" (IMO publication No. IMO-938E. This publication is available from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, England, telephone 011-44-171-735-7611.

Navigation and Vessel Inspection Circulars (NVICs) are available by subscription from the Government Printing Office, Washington, DC 20402, telephone (202) 512-1800. Previously issued NVICs available in paper or CDROM may be purchased from National Technical Information Services, 5285 Port Royal Road, Springfield, VA 22161, telephone (703) 487-4650. NVICs are located on the World Wide Web at: <http://www.dot.gov/dotinfo/uscg/hq/g-m/gmhome.htm> (Go to "Publications, Reports, and Forms").

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Project Manager, Operating and Environmental Standards (G-MSO), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone (202) 267-0216.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 95-062] and the specific section of this interim rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no additional public hearings. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid in this rulemaking, the Coast Guard will hold another public hearing at a time and place announced by a later notice in the **Federal Register**.

Regulatory History

On July 7, 1995, a Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), meeting at the Headquarters of the International Maritime Organization (IMO) in London, adopted a package of amendments to STCW. The amendments enter into force on February 1, 1997. In the notice of proposed rulemaking (NPRM) published on March 26, 1996 (61 FR 13284), the Coast Guard proposed a number of changes it considered necessary to implement the revised requirements to ensure that U.S. documents and licenses are issued in compliance with the 1995 Amendments to STCW (1995 Amendments).

STCW sets qualifications for masters, officers, and watchkeeping personnel on seagoing merchant ships. It was originally adopted in 1978 by a conference at IMO Headquarters and it entered into force in 1984. Currently, there are 119 Parties to STCW representing almost 95 percent of the world's merchant-ship tons. The United States became a Party in 1991.

Over 90 percent of ships visiting U.S. waters are foreign-flag. Approximately 350 large U.S. merchant ships that routinely visit foreign ports, as well as thousands of smaller U.S.-documented commercial vessels that operate on ocean or near-coastal voyages, are subject to the provisions of STCW.

In 1993, IMO embarked on a comprehensive revision of STCW to establish the highest practicable standards of competence and to address human error as a major cause of maritime casualties. By 1993, significant limitations to STCW had become apparent. They included requirements that were too vague and left too much to the discretion of the Parties; the absence of clear, uniform standards of competence; ineffective international oversight to verify that the Parties were in fact complying with the requirements of STCW; limited provisions for port-state control; and outdated technical references that failed to address modern shipboard systems, job descriptions, and

approaches to maritime training, such as the use of simulation technology.

The amendments adopted in July 1995 are comprehensive and detailed. They concern port-state control, communication of information to IMO to allow for mutual oversight, and responsibilities of all Parties to ensure that seafarers meet objective standards of competence. They also require candidates for certificates (licenses and document endorsements) to establish competence through both subject-area examinations and practical demonstrations of skills. Training, assessment, and certification of competence are all to be managed within a quality standards system (QSS) to ensure that stated objectives are being achieved.

The Coast Guard held seven public meetings in the months leading up to the conference on STCW to determine what positions U.S. delegations should advocate at preparatory meetings held by IMO, and to exchange views about amendments to STCW that were under discussion.

The Coast Guard also took advantage of advisory panels' meetings, particularly those of the Merchant Marine Personnel Advisory Committee (MERPAC), the Towing Safety Advisory Committee (TSAC), and the Navigational Safety Advisory Council (NAVSAC), to discuss developments relating to the amendments to STCW and the domestic implementation of these amendments.

Again, the Coast Guard published an NPRM in the **Federal Register** on March 26, 1996 (61 FR 13284). That NPRM described the 1995 Amendments, and proposed changes to implement them in existing domestic rules on licensing (46 CFR part 10), documentation (46 CFR part 12), and manning (46 CFR part 15). It also invited comments on the proposed rule. Over 500 letters were submitted to the public docket. Additionally, a number of comments, received by voice mail or in telephone conversations, were summarized for the docket. These letters and comments are addressed in the "Discussion of Comments and Changes" section of this preamble.

Three public meetings were held to receive comments on the proposed rule. These meetings were announced in the **Federal Register** notice on April 8, 1996 (61 FR 15438). Fifty-seven persons attended the meeting in New Orleans on May 8, 1996; thirteen persons presented oral comments during the meeting. Sixty-four persons attended the meeting in Seattle on May 14, 1996; twenty-two persons presented oral comments during that meeting. Thirty-four persons

attended the meeting in Washington, DC, on May 23, 1996; twelve persons presented oral comments during that meeting. Comments received during the three meetings are discussed in the "Discussion of Comments and Changes" section of this preamble.

Before publication of the NPRM, the Coast Guard held a public meeting on August 31, 1995, to discuss the amendments that had been adopted by an international conference in July 1995. It invited public comments at that time on how the 1995 Amendments should be implemented by the United States. Subsequently, it published a Notice of Inquiry (NOI) in the **Federal Register** (60 FR 56970; November 13, 1995) to solicit information on the costs that may be associated with implementing the 1995 Amendments.

The comments submitted at the August 1995, public meeting, and in response to the Notice of Inquiry, were taken into account in preparing the NPRM and the preliminary regulatory analysis.

The Coast Guard is now seeking comments on this Interim Rule, because it has made a number of important changes, particularly as they relate to small vessels on domestic voyages, as a result of comments received in the docket or at the public meetings. It will take into account any comments received in response to this Rule before it publishes a final rule.

Discussion of Comments and Changes

The Coast Guard received over 500 comments responding to the NPRM published on March 29, 1996. These comments consisted of both letters to the docket and remarks at the public meetings in New Orleans, Seattle, and Washington, DC. The following paragraphs contain an analysis of comments received and an explanation of any changes made in the rule as proposed.

Several comments noted editorial errors in the NPRM. The Coast Guard has incorporated these comments where appropriate, without further discussion. In addition, a few comments addressed subjects beyond the scope of the revisions proposed in the NPRM. The Coast Guard does not discuss these comments in detail.

General Comments

Many of the comments found parts of the NPRM too vague to determine the precise requirements that they would have to meet, or for them to estimate the cost of compliance. The Coast Guard has tried to clarify the requirements, either by providing examples in the preamble when a requirement is under discussion

or by adding specificity to the Interim Rule. However, in some instances, a degree of generality is needed to allow the rules to apply to a wide variety of conditions, and to prevent the rules for U.S. merchant mariners and U.S. vessels from being unfairly more restrictive than those applying to non-U.S. seafarers and non-U.S. ships under the international rules.

Several comments requested an extension of the comment period announced in the NPRM. One comment recommended use of an Interim Rule. The 1995 Amendments come into force on February 1, 1997. Therefore, the Coast Guard should publish and implement a rule without delay. To accommodate requests for an additional comment opportunity, the Coast Guard has decided to issue an Interim Rule with a 180-day comment period.

A few comments asserted that domestic operations should not be regulated through an international treaty. The application of STCW to ships on domestic voyages is not a result of the 1995 Amendments. STCW, as adopted in 1978 and as ratified by the United States in 1991, applied to personnel serving on "seagoing ships," not only ships on international voyages. This scope of application was not modified under the 1995 Amendments. Consequently, the Coast Guard is not able to provide a general exemption for seagoing vessels on domestic-only voyages. Where flexibility is available under STCW for modifying rules to be more suitable for smaller vessels on near-coastal voyages, this Interim Rule introduces appropriate adjustments.

Several comments suggested that the new requirements not be imposed for at least 2 to 5 years to allow for compliance. There is a 5-year transitional period provided under the 1995 Amendments that is intended to avoid disruption in the industry by allowing current license holders to have their licenses renewed under the prior rules until 2002. The Coast Guard has redrafted the rule as proposed to allow for the phasing in of new requirements in accordance with the guidance developed by the Subcommittee of IMO on Standards of Training and Watchkeeping (STW) at its 28th session in September 1996. This guidance was issued in the form of an STCW circular (STWC-7/Circ.1; September 24, 1996), which is available on request from the Commandant (G-MSO) at the address given under ADDRESSES. Where appropriate, the circular is quoted in the following discussion.

Many comments offered observations on the potential impacts of the proposed rule. The Coast Guard has taken these

observations into account in preparing a final regulatory-impact assessment. This assessment is discussed under the section entitled "Cost-Benefit Evaluation."

One comment said the Coast Guard should avoid incorporation by reference and should publish all applicable STCW requirements in the actual rule. While in specific instances wording from STCW and the STCW Code are employed in this Interim Rule, the voluminous nature of the materials make this request impracticable. However, STCW and its Code are available from the Coast Guard on request, and are readily available for purchase from IMO and distributors of maritime publications in the U.S.

Comments concerning specific new requirements or other aspects of the NPRM are discussed in the following paragraphs:

Scope of Application

1. General

The majority of comments expressed a view on the scope of application of the proposed rule. A few recommended that the scope be expanded to include vessels navigating on inland waters. Most, however, sought to restrict the scope by exempting vessels at certain tonnage limits engaged in domestic-only voyages, or by exempting vessels engaged in a specific type of activity. These comments are summarized and discussed in the following paragraphs:

2. International Voyages

The Coast Guard received twenty-five comments suggesting that STCW apply only to ships on international voyages. The Coast Guard does not agree. With certain narrow exceptions, STCW applies to all seagoing vessels, and the United States, as a Party to STCW, is not able to exempt seagoing vessels on the grounds that they operate only to and from U.S. ports.

3. Inland Waters and Great Lakes

Five comments suggested that the rule be expanded to include vessels operating on inland waters and on the Great Lakes. The Coast Guard does not agree. The rule was and is intended only to implement the 1995 Amendments. The 1995 Amendments do not apply to vessels operating solely on inland waters, which includes the Great Lakes. To apply STCW to such vessels would exceed the scope of this rulemaking.

In discussions with the Coast Guard, Canadian officials have agreed that vessels navigating exclusively within the Great Lakes are outside the scope of STCW. However, in issuing certificates

to its own mariners, Canada does not plan to distinguish the Great lakes from other waters.

One comment expressed concern about the application of STCW to vessels navigating between Seattle, Washington, and Vancouver, British Columbia, which is an international voyage on waters that require only an inland license. Canada has indicated that it expects mariners on these vessels to hold the appropriate STCW endorsement. The Coast Guard, however, considers vessels operating on the "inside passage," between Seattle and Vancouver, to be on inland waters, and therefore, outside the scope of STCW.

The Coast Guard will issue STCW endorsements on request to licensed merchant mariners who may be required to display such documents when operating within Canadian jurisdiction. The endorsements will be limited to service on the "Inside Passage."

4. Short Voyages

Five comments suggested that the Coast Guard exempt vessels that operate beyond the Boundary Line but within a short distance of a U.S. port (i.e., 20 miles), or on short international voyages. The Coast Guard cannot agree with this suggestion because the Convention does not provide authority for granting such a broad exemption. STCW, however, provides administrative flexibility to allow for exemptions from unreasonable or impracticable requirements when personnel are serving on vessels engaged in near-coastal voyages. This Interim Rule is drafted in a way that allows for the full use of this flexibility, and a broad exemption based on length of voyage or distance offshore would not be appropriate.

5. Lower-Level Licenses

One comment stated that the Coast Guard was not taking into account the impacts of the STCW requirements on lower-level licenses, and on small companies that operate small commercial vessels, such as in the charter-boat industry. As explained in this preamble, the Coast Guard is taking steps to mitigate any unreasonable or adverse impact the new requirements might otherwise have on small vessels and on their operations and personnel.

6. Fish-Tender Vessels

The Coast Guard received 443 comments suggesting that fish-tender vessels be classed as fishing vessels, and, so be covered by the exemption applying to fishing vessels. These comments explained that fish-tender

vessels in the Pacific Northwest and in Alaska work hand in hand with fishing vessels and even are occasionally used for catching fish. After publication of the NPRM, the fishing tenders received this exemption under the Coast Guard Authorization Act of 1996 (the Act). Section 1146 of the Act states that STCW will not apply to "a fishing vessel, including a fishing vessel used as a fish tender vessel." The Coast Guard understands the terms "fishing vessels" and "fish tender vessels" according to their definition in 46 U.S.C. 2101. Because of this exemption, the Coast Guard will not discuss in detail the range of impacts identified by those in the fish-tender industry who commented to the docket expressing concern about the costs of complying with the NPRM.

7. Fish-Processing Vessels

While many comments called for a broad exemption for all fishing-industry vessels, four comments specifically recommend that the exemption for fishing vessels also apply to fish-processing vessels. STCW does not provide authority for granting the suggested exemption. However, for fish-processing vessels of 200 gross register tons (GRT) and over, the Coast Guard can accept compliance with the requirements in 46 CFR part 28 (Requirements for Commercial Fishing Industry Vessels) as an equivalency for the requirements of basic safety-training under STCW. Watchkeeping personnel on fish-processing vessels will still be subject to the rest-hour rules; but these should not be a problem, because most operate on a two-watch system. Licensed and unlicensed personnel would be subject to the new requirements for receiving and renewing licenses and documents (e.g., medical fitness standards; training on automatic radar-plotting aids (ARPA), if the ship is fitted with ARPA; and an understanding of bridge teamwork procedures).

For fish-processing vessels less than 200 GRT, the Coast Guard will accept compliance with existing laws (statutes and rules), policies, and industry standards as an equivalency for the purposes of meeting the requirements of STCW.

8. Small Passenger Vessels

The Coast Guard received twenty-six comments suggesting that STCW and the implementing rules not apply to small passenger vessels on domestic voyages. STCW does not provide authority for a general exemption for these vessels. As previously noted, STCW applies to seagoing commercial vessels (except fishing vessels).

However, special provisions allow for exempting smaller vessels on near-coastal voyages from unreasonable or impracticable requirements.

Two comments suggested that the Coast Guard use equivalences to relieve small passenger vessels of unreasonable impacts that are perceived to exist if the requirements of the 1995 Amendments are imposed. One comment noted that training currently being provided is tailored to equipment the carriage of which is required on these vessels. A second provided a copy of the deckhand training manual currently being used in the small passenger vessel industry to indicate how seriously safety is taken. The Passenger Vessel Association (PVA) submitted to the docket a video tape as an example of materials being used as training aids.

The Coast Guard has determined that an equivalency between STCW requirements and current U.S. laws and industry practice is justified. The revisions to the rules on inspection and certification of small passenger vessels (subchapters T and K) of Title 46 CFR in CGD 85-080, as well as the fact that the Coast Guard has opportunity to perform direct oversight over the operational aspects of these vessels, supports such an equivalency. Therefore, this Interim Rule imposes no new requirements either on personnel serving on these vessels or on their owners or operators.

9. Uninspected Passenger Vessels

While the docket contains only a few comments from the uninspected-passenger-vessel industry, a couple of charter-boat operations commented on the negative impact the proposed rule could have on their industry. Although STCW technically encompasses such vessels, domestic law generally excludes them. The Coast Guard is exempting personnel serving on these vessels from the application of STCW and this Interim Rule on the grounds that application of STCW would constitute excessive and inappropriate regulation of an activity that has traditionally undergone a minimum of Federal scrutiny. The Coast Guard sees no need to alter that long-standing condition.

10. Towing Vessels

While one comment supported application of "some of the new terms and concepts of the 1995 Amendments to the towing industry," another stated that the rule implementing STCW should be fully consistent with the proposals in CGD 94-055, "Licensing and Manning for Officers of Towing Vessels." To avoid confusion and

possible inconsistencies, rules on licenses and documents for towing-vessel personnel will be promulgated primarily under CGD 94-055. Only matters directly related to implementation of the 1995 Amendments and requirements for holding an STCW certificate or endorsement are covered under this Interim Rule.

In general, the principle of equivalency applies broadly to vessels of less than 200 GRT that are not subject to 46 U.S.C. 8304 (i.e., are outside the scope of the Officers' Competency Certificates Convention). The equivalency will be based, at least in part, on voluntary activities taking place within the towing-vessel industry to improve safety programs, such as the Responsible Carrier Program of the American Waterway Operators (AWO).

Those interested in issues of towing vessel licensing, however, should be aware that STCW endorsements are required for those serving on towing vessels operating beyond the Boundary Line.

11. Mobile Offshore-Drilling Units (MODUs)

Although one comment recommended that the new STCW requirements be applied to all MODU personnel, two comments stated that MODUs should not be subject to the rules that implement the 1995 Amendments. According to the comment, when a MODU is on location off the coast of a foreign country, the coastal state can impose its own personnel requirements, and neither the U.S., nor the company, has control over the training and assessment taking place in that country.

In domestic law, MODU is the term most commonly used, but IMO terminology employs the broader term "mobile offshore unit." This term can include a construction barge used in constructing an offshore platform. Since the NPRM was published, the Subcommittee of IMO on STW has begun discussing the appropriate means of ensuring that maritime safety training is provided to personnel on mobile offshore units. STW has tentatively determined that only the traditional 'maritime crew' on a MOU should be subject to the requirements of STCW but that industrial personnel (who are neither seafarers nor passengers) should have separate and unique competency standards. These special standards for industrial personnel cannot definitely be established until IMO has completed work on consolidating existing resolutions concerning training for personnel on mobile offshore units. Currently, this subject is addressed in

46 CFR 10.468 through 10.474 and 10.920. These sections are not affected by the Interim Rule.

For the purposes of implementing STCW under this interim rule, the Coast Guard identifies the maritime crew on a self-propelled MODU as the crew required by the Certificate of Inspection (COI) and does not address other personnel. It will determine whether other implementing rules are necessary once the outcome of the IMO deliberations is known.

12. Offshore Supply Vessels (OSVs)

One comment stated that it was necessary to use equivalences when applying STCW to small-vessel operators in the OSV industry, given the special characteristics, methods of operation, and nature of service of these vessels. The Coast Guard agrees that OSVs require separate consideration when determining the most effective way to introduce the new STCW requirements. This interim rule takes account of, the special characteristics, methods of operation, and nature of service of OSVs, particularly in license structure and tonnage thresholds. This matter is discussed in more detail under "Licensing Structure."

For OSVs of less than 200 GRT, the Coast Guard considered the size and operating conditions of these vessels, in conjunction with the existing laws, policies, and industry practices, and has determined that such laws and practices serve as an equivalency for the purpose of meeting the full requirements of STCW.

Licensing Structure

Six comments discussed possible revisions to align the U.S. licensing structure more closely with the licensing structure in STCW.

One comment favored a "dual system," under which current licensing rules would apply to personnel on domestic service, while the new STCW requirements could apply to personnel in international service. As indicated under "Scope of Application", the Coast Guard has determined that such a distinction is not necessary or appropriate.

One comment suggested that the Coast Guard move from the four-tier, four-examination structure to the three-tier, two-examination system of STCW. Another comment, however, said that the four-tier structure should be retained but that simulator training should be used to reduce the total sea-service requirements to upgrade a license.

Two comments recommended substantial changes in the engineering

department. Four expressed support for the introduction of some form of alternative certification under the U.S. licensing system. One of these four recommended consideration of an alternative for smaller ships. Another said, "We support the alternative certification system envisioned in STCW and encourage the Coast Guard to work towards implementation of this approach. The concept of allowing skills to be mixed and matched will help broaden the experience and expertise of all onboard." This comment, however, gave no details or examples of how an alternative certification scheme should be introduced in the U.S. licensing and documentation system under current statutory constraints (such as the "cross-over" prohibition in 46 U.S.C. 8104(e)).

Two comments stated that the Coast Guard should not introduce alternative certification. One of these said it had the potential to cause unintended reductions in shipboard manning. The other said that the provisions of Chapter VII in STCW were too vague and that alternative certification should not be introduced in the U.S. until impacts on the crew could be evaluated.

Because adoption of the Alternative Certification System under Chapter VII of the 1995 Amendments involves consideration of how the seven functional areas and three levels of responsibility in STCW are to be integrated in a new licensing structure, the Coast Guard believes that the implications of making changes should first be considered in depth by MERPAC.

One comment expressed concern about meeting the Chief Mate's requirements on a two-watch ship with one master and one mate. This comment suggested that the mate meet the Chief Mate's requirements. Another noted a similar situation in the engine department. When a Designated Duty Engineer (DDE) is serving as the only licensed engineer, the DDE is in effect the Chief Engineer. This comment stated that using the same terminology for the license, the STCW endorsement, and the manning section on the COI is of great importance.

While the above ideas and comments are relevant to a review of the U.S. licensing structure (as well as of the review of the system of ratings used for unlicensed personnel), the Coast Guard views the specific proposals as outside the scope of this rulemaking or as not necessary at this time to implement the requirements of the 1995 Amendments.

One comment stated that a more suitable license structure is needed for the OSV industry. It recommended the following new categories of license: (1)

Master—OSV; (2) Chief Mate—OSV; (3) Chief Engineer—OSV. It stated that introduction of these new license categories would "necessitate an in-depth analysis of the functional skills required for OSV operation." It also said the requirements for training and sea-service associated with the new classes of 'Chief Engineer—OSV' licenses should be based on the current requirements for the corresponding classes of DDE licenses: DDE 1000 HP (750 kW), DDE 4000 HP (3000 kW), and DDE—unlimited.

The Coast Guard agrees that creating new categories of licenses for the OSV industry would be appropriate, particularly in light of the development of larger OSVs, and the publication of an interpretive rule on alternative tonnage in the **Federal Register** on December 18, 1996 (61 FR 66613). Therefore, this Interim Rule provides for the proposed categories in part 10. These new categories will have to meet new STCW standards, except where the Coast Guard determines that certain STCW requirements are inappropriate or unnecessary for service on an OSV, or where equivalencies are established under Article IX of STCW. Comments submitted to the docket on this approach will be taken into account when the Final Rule is prepared.

License Issuance and Renewal

One comment stated that the new requirements for approved training and practical demonstration of competency should apply only to seafarers who commence training or sea service on or after August 1, 1998. The Coast Guard agrees that those new requirements (other than basic safety-training and training for Ro-Ro passenger ships) should apply only to those seafarers and only on or after that date. But it notes that seafarers renewing their licenses for any service that will take place on or after February 1, 2002, will have to meet requirements for approved training and demonstration of skills to qualify for an STCW endorsement which will be valid for such service.

After publication of the NPRM, the IMO Subcommittee on STW developed guidance on the revalidation of certificates after February 1, 1997, for service on seagoing ships after February 1, 2002. Essentially, the STW guidance (as contained in STCW.-7/circ.1; September 24, 1996) provides that certificates (i.e., licenses) should not be revalidated (or endorsed) for service after February 1, 2002, and so makes the certificate holder meet the standards of competence required by the 1995 Amendments. However, where the holder does not meet specific standards

(such as ARPA), the shortfall can be expressed as a limitation on the endorsement, which, otherwise is valid for service beyond February 1, 2002.

When renewing U.S. licenses and documents after February 1, 1997, the Coast Guard will issue the renewal for 5 years; but the associated STCW endorsement will be valid only through January 31, 2002, unless the candidate can provide sufficient evidence of having met the appropriate new requirements imposed by STCW (i.e., medical fitness; thorough understanding of bridge teamwork procedures; assessment of continued competency in basic safety within the previous 5 years; training with an ARPA simulator, if the ship is fitted with ARPA; approved training or assessment of competency as a GMDSS radio operator for service on ships with GMDSS; and assessment of continue proficiency in Survival Craft within the previous 5 years); and can otherwise meet the continued proficiency and recency requirements as set out under the current rules on renewal (46 CFR 10.209 and 46 CFR subpart 12.02). Where the candidate does not meet the ARPA or GMDSS requirements, an appropriate limitation will be placed on the STCW endorsement.

One comment stated that ARPA and GMDSS certification should be required for renewal of all unlimited-tonnage ocean deck licenses, regardless of the employment status of the deck officer. Another comment recommended that all mates be required to have ARPA training. This Interim Rule implements the requirements of the 1995 Amendments that require ARPA training only for masters and mates serving on ships fitted with ARPA, though it retains the option for limiting a license to service on ships not fitted with ARPA or ships outside GMDSS.

Two comments expressed concern about the impact of the 1995 Amendments on the pool of mariners available when needed on ships of the Ready Reserve Fleet (RRF). One of these comments recommended that those seeking renewals of licenses for continuity purposes only have to meet the new requirements. The Coast Guard does not agree with this suggestion. The "continuity only" endorsement is issued when the candidate is unwilling or unable to meet the professional or physical requirements set out in § 10.209. To make a candidate meet either kind of requirement would be inconsistent with the purposes stated in § 10.209(g).

In addition, the Coast Guard will work with the Maritime Administration (MARAD) and the Military Sealift

Command (MSC) to identify whether any new STCW requirement creates a problem for manning of ships of the RRF and will use existing authority to make any necessary adjustments on the COI if the need arises.

One comment said State pilots applying for renewal of Federal licenses should have to be trained in ARPA, bridge teamwork procedures, and personal survival. This comment recommended a special endorsement for pilots: "Non-sailing license valid for pilotage only." The Coast Guard does not agree there is a need for the recommended endorsement. Anyone who applies for a license or renewal under 46 CFR part 10, even a State pilot, must meet the requirements for that license. Where limitations are available (as they are for ARPA and GMDSS) the applicant can receive a license with the appropriate restricted endorsement. The section on GMDSS contains further discussion of pilot requirements.

Documentation

Two comments recommended that the Coast Guard take steps to combine the U.S. license and the STCW endorsement into a single, internationally acceptable document, as permitted under the 1995 Amendments. For now, the Coast Guard will issue two separate documents in most cases; the STCW endorsement will be valid only when accompanied by the valid license of a holder. In the near future, the Coast Guard will begin issuing a combined document to licensed personnel serving on some classes of small vessels on domestic voyages. The possible combination of the STCW endorsement with all licenses and documents for seagoing service will be reviewed at a later date, since this combination does not appear feasible during the transitional period (1997 to 2002) when the 1978 STCW endorsements are phased out and the 1995 STCW endorsements are phased in.

Tonnage

Tonnage is a parameter used in the shipping laws to regulate a vessel according to its size. The traditional system used in the United States for measuring a vessel to determine its tonnage (called the "regulatory measurement system or Gross Register Tonnage (GRT)") consists of the standard, dual, and simplified measurement systems promulgated under 46 CFR part 69, subparts C, D, and E, respectively. The regulatory measurement system (with the exception of the simplified system used primarily for smaller vessels) is authorized under 46 U.S.C. chapter 145

and provides for a complex series of internal measurements and exemptions to arrive at gross tonnage. Over time, this system has become increasingly susceptible to manipulation because the system allows vessel designers to use features, such as excessive framing and tonnage openings, solely to reduce the gross tonnage of the vessel artificially. In this manner, increasingly larger vessels can be designed to fall within the tonnage bounds of their class.

In response to this development, the United States ratified the International Convention on the Tonnage Measurement of Ships, 1969, which establishes a worldwide system of measurement that provides a genuine representation of a vessel's size. Convention measurement is authorized under 46 U.S.C. chapter 143 and is implemented in 46 CFR part 69, subpart B. Under the convention measurement system, gross tonnage (GT) is based on a logarithmic function of the total enclosed volume of the vessel and is not subject to manipulation by the use of tonnage reduction techniques. Because convention measurement does not allow for artificial tonnage reduction techniques, vessels measured using this system often are greater in tonnage than vessels measured using regulatory measurement.

Six comments discussed the introduction of the tonnage thresholds in the 1995 Amendments (i.e., 500 and 3,000 gross tons (GT)) into the U.S. licensing regulations (46 CFR part 10). MERPAC recommended that a threshold of 3,000 GT be added as a new category of license without deleting any existing category. MERPAC also suggested that the requirements for the 3,000-GT license be identical to the requirements for a 1,600-GRT license. Therefore, anyone holding a 1,600-GRT license for a service on a ship on near-coastal or ocean service should be entitled to hold an STCW endorsement for service on seagoing ships of 3,000 GT.

Furthermore, MERPAC recommended that a merchant mariner holding a 200-GRT license for service on a ship on near-coastal or ocean service be entitled to hold an STCW endorsement for service on seagoing ships of 500 GT. This is explicitly permitted by STCW Regulation I/15.

One comment suggested that the Coast Guard make use of equivalents to align domestic and international tonnage on U.S. licenses and STCW endorsements. Another comment stated that it had no preference on how tonnage thresholds were introduced, as long as license holders were not penalized or precluded from serving on vessels for which they are presently

qualified. A third comment said that the 1600-ton Master license should be retained, because its removal could have many implications.

Two comments recommended that the threshold for an unlimited U.S. deck license be raised to 3000 GT, but one comment stated that retaining parallel tonnage (i.e., both GRT and GT) would be confusing. One comment supported the idea of adjusting 1600 GRT to 3000 GT, but said there needed to be a clear path for advancement from unlicensed rating to licensed officer when service has been on a vessel with a low GRT (e.g., 97) but a high GT (e.g., 1671).

After publication of the NPRM, the Coast Guard Authorization Act of 1996 (the Act) opened up a new possibility for addressing the difference between tonnage thresholds employed in U.S. licensing rules (GRT) and those employed in international conventions, such as STCW, and based on the international tonnage-measurement system (GT). A special mechanism (interpretive rule) will enable the Coast Guard to align the tonnage thresholds used in domestic statutes and rules with the appropriate ones used in international conventions. Additionally, the Act allows for the issuance of licenses and documents on the basis of the international tonnage. In light of these new statutory provisions, the Coast Guard will defer deciding whether it is necessary to include a new STCW tonnage threshold in the licensing rules.

In preparing a final rule and any policy guidance on issuance of STCW endorsements, the Coast Guard will take into account developments relating to the interpretation of tonnage equivalencies as authorized by the Act. It also notes that STCW Regulation I/15, paragraphs (3), explicitly allows an Administration to change 200 GRT (under the national tonnage system) to 500 GT (under the international tonnage system), and 1600 GRT to 3000 GT.

Meanwhile, the Coast Guard considers it appropriate to reconfirm an understanding that was expressed at the time the Senate gave its consent to ratification of STCW in 1991. The Coast Guard will apply the domestic tonnage-measurement system in determining the application of STCW to vessels of less than 1600 GRT that operate exclusively to and from U.S. ports. (See letter from Secretary Skinner to Chairman Pell of the Senate Foreign Relations Committee dated January 29, 1991, and printed in S. Hrg. 102-106).

Seagoing Service

One comment noted that the sea-service requirements in the existing rules for licenses for service on small

ships were not fully consistent with those in STCW. This comment, however, did not recommend any specific changes to the existing rules. The sea-service requirements in 46 CFR part 10 are linked to size of vessel, area of operation (ocean or near-coastal), and category of license. Since no changes were proposed in the NPRM, and none have been proposed to the docket, the Coast Guard is retaining the current sea service requirements under the Interim Rule.

Medical Fitness

Four comments made recommendations for addressing standards of medical fitness for U.S. merchant mariners in this interim rule. One comment said the industry would benefit from Coast Guard guidance on "performance requirements," (such as lift and carry so many pounds, and flexibility) in a revision of NVIC 6-89, Physical Evaluation Guidelines for Merchant Mariner's Documents and Licenses. Another comment suggested a revision of this NVIC to address several factors in determining fitness, including diagnosis, specific physical or mental impairment, job description, likelihood of recurrence, and feasibility of obtaining effective medical treatment offshore.

MERPAC suggested that the standards used by the Coast Guard for issuance of an original license (as set out in NVIC 6-89) be applied to all applicants for merchant mariners' documents (MMDs). Two comments suggested that the Coast Guard regard the Seafarers Health Improvement Program (SHIP) as the guidelines to be used by medical practitioners conducting physical examinations of merchant mariners. (SHIP is a MARAD-sponsored program that has developed guidance on physical standards for "Original Entry of Seafarers into the U.S. Merchant Marine" and for "Retention of Seafarers in the U.S. Merchant Marine." The guidance was adopted by a joint committee of government and industry in 1985, and is currently being revised). One comment stated that this would assist in compliance with the Americans with Disabilities Act (ADA). Another comment said medical standards should apply equally to all crew members on board; they all must be equally fit.

Taking into account the above suggestions, as well as ongoing efforts by the International Labor Organization (ILO) and the World Health Organization (WHO) to define international standards of medical fitness for seafarers, the Coast Guard, in consultation with MERPAC, plans to revise NVIC 6-89 to reflect the

appropriate material in SHIP. Under this Interim Rule, the NVIC in its current or revised form will apply as of August 1, 1998, to candidates for NMDs), licenses, and renewals for service on seagoing ships (except those ships explicitly exempted from this rule and those for which current rules are used as an equivalency for meeting STCW requirements).

One comment said that this rule should require mariners to report any taking of prescribed medicine. The Coast Guard agrees that this is important information, particularly in the case of watchkeeping personnel; however, no such requirement was proposed in the NPRM and none is mandatory for implementing the 1995 Amendments. Therefore, this interim rule is not calling for it. The Coast Guard will taken into consideration any comments submitted to the docket in this matter in determining whether to make a change in the final rule.

With respect to the qualifications of any person professionally competent to serve as a "medical practitioner" when evaluating the medical fitness of a merchant mariner, three comments said a certified physician should perform this function. One comment suggested that a licensed nurse practitioner be allowed to certify medical fitness; otherwise, some mariners would have difficulty locating a qualified medical practitioner.

The Coast Guard is not convinced that a licensed or certified physician is necessary in all cases to determine whether a seafarer is medically fit for duty. Certainly, in circumstances where a medical condition suggests unfitness, a physician should be consulted. However, current policy is to permit licensed medical doctors, licensed nurse practitioners, and licensed physicians' assistants to certify medical fitness. Appeals in all cases reach a licensed physician with special knowledge of maritime work. The Coast Guard will continue this policy for the time being. Comments identifying special concern with this approach must be submitted to the docket during the comment period. According to comments received, the Coast Guard will dispose of this matter in preparing the Final Rule.

Approved Training

One comment said allowing training programs to be "self-certified" as meeting Coast Guard standards could unfairly place mariners at risk. This comment suggested that training be certified ahead of time by an independent third party. The Coast Guard agrees that either the Coast Guard or the entity performing monitoring

under a QSS must certify that the training meets certain standards before it is offered to students. This Interim Rule requires provisional certification, based on an initial evaluation under a Coast Guard-accepted QSS, that the training is capable of meeting its stated objectives. Comments on this approach will be taken into account in the Final Rule.

One comment suggested that the proposed process for removing training from the Coast Guard's list of approved training be applied to all Coast Guard-approved courses. The Coast Guard is not convinced that this would be appropriate at this time. The higher degree of direct Coast Guard oversight involved in Coast Guard-approved courses allows for immediate action if the conditions for approval are not being met.

One comment stated that the Coast Guard should accept responsibility for approving and monitoring training provided on board ships. The Coast Guard agrees that the standards for approval fall within its responsibility, but insists that its ongoing oversight would be impracticable unless third parties were available to help administer the QSSs.

One comment stated that the Coast Guard places too much emphasis on classroom hours in its course approvals. This can inhibit innovative approaches to training based on performance criteria and the use of remote technology. The Coast Guard understands the number of classroom hours to be one indication of how much time a course assigns to theoretical material as opposed to practical instruction. This remains an important, though not an exclusive, consideration in evaluating the suitability of a particular course for approval. However, the Coast Guard agrees that references in § 10.309(a)(2)(ii) as proposed might have been unduly restrictive. Therefore, it is replacing the phrase "classroom hours in the presence of a qualified instructor" with the phrase "number of hours devoted to instruction in relevant areas of knowledge."

Quality Standards System

One comment suggested that the requirements for QSSs be effective by August 1, 1997, to ensure that the QSSs themselves are fully in place by August 1, 1998. This Interim Rule puts a QSS in place for any training that implements a requirement of the 1995 Amendments to STCW. For most training, this will begin with candidates entering the system as of August 1, 1998. In the interim, when training is being modified to satisfy STCW, the

Coast Guard course-approval process will be available to serve as equivalent to or substitute for the QSS required by STCW.

Ten comments responded to possible methods for meeting the requirement that elements of training and assessment be monitored by a QSS. Two comments stressed the need for flexibility by the Coast Guard in determining what qualifies as an acceptable QSS. Another comment stated that effective QSSs require both a standard of quality and a process for overseeing those who apply the standards.

One comment preferred the concept of the "regional accrediting body," under option (a) in the NPRM (61 FR 13288; March 26, 1996), for overseeing maritime training institutions. This comment suggested that "teams of visitors" be coordinated by the Coast Guard, and that rankings range from "fully accredited" through "conditionally accredited," to "probationary status." While not opposed in principle to degrees of accreditation, the Coast Guard has determined that it would not need to be directly involved in assembling and managing "teams of visitors" for there to be an effective accreditation system.

One comment specifically suggested that the QSS option (d), under the preamble to the NPRM, remain available to the industry for meeting the QSS requirements. This option would let an organization or company that has developed a QSS for maritime training be accepted or authorized by the Coast Guard to perform the monitoring. Another comment suggested this should be the only approach to meeting the QSS requirements. The Coast Guard, however, has determined flexibility for meeting QSS requirements should be retained in this Interim Rule.

Two comments expressed a preference for option (e), under the preamble to the NPRM. This option requires a periodic evaluation by "a panel or team of maritime-education specialists, made up of professional staff from the State or Federal maritime academies, or from other recognized maritime-training institutions." One comment, however, expressed concern that this option might not provide for objective oversight since conflicts of interest could arise if competitors were monitoring each other.

Another comment stated that the Coast Guard should consider forming panels to evaluate training programs on a regional basis, because it would be difficult to ensure national uniformity. This comment stated that the current Coast Guard approval process is the best standard and that the STCW

requirements for QSS should be deemed met by this process.

One comment stated that the Coast Guard needed to be concerned about uniformity in the QSS. This comment suggested that the Coast Guard periodically perform QSS evaluations before submitting its report to IMO under STCW Regulation I/8. The Coast Guard agrees that uniformity (common standards) must be maintained. As drafted, the Interim Rule allows the Coast Guard to conduct its own evaluations before submitting its report to IMO.

MERPAC supported the approach employing a panel of maritime-education specialists, but suggested expanding the phrase "maritime training institutions" to include maritime associations, maritime trade organizations, and maritime training institutions, corporations, or other organizations, providing these entities meet the requirements of § 10.309(a) (that section sets out three minimum requirements for those conducting independent evaluation of training or assessment). The Coast Guard agrees with this suggestion and will include it in the policy guidance that it will issue by NVIC to provide a procedure for application and acceptance for Coast Guard-accepted QSSs.

One comment stated that a combination of options (a) and (e) (regional accreditation and a panel of experts) is needed to keep QSS requirements from making procedures more important than results. This combination is permitted under the Interim Rule.

Five comments suggested allowing an additional option for meeting the QSS requirements. According to these comments, in-house training and assessment conducted by a company should be recognized as approved training, especially if that company holds a valid International Safety Management (ISM) certificate. While the Coast Guard accepts that the ISM certificate meets the overall intent of a QSS for training and assessment, the holding of the certificate would not in itself satisfy all of the reporting requirements associated with STCW Regulation I/8.

The Coast Guard concurs with one comment, which stated, "Operators who either voluntarily comply with the ISM Code or are required to be ISM-certified by June 1, 1998, and who incorporate the training requirements outlined in the 1995 Amendments to the STCW into their training plan, should be recognized as meeting the intent of STCW Regulation I/8[,] which requires Parties to ensure that all training and

assessments are 'continuously monitored through a quality-standards system' including the qualifications and experience of instructors and assessors." [Emphasis added]

Taking the preceding into account, the Coast Guard plans to accept the ISM Certificate of a company as sufficient evidence of a QSS for in-house training and assessment, provided that the company incorporates, in its ISM program, a commitment to comply with 46 CFR 10.309. This includes the obligation, when appropriate, to allow the conducting of assessment only by qualified assessors and to notify the National Maritime Center (NMC) of the Coast Guard advance of training or assessment it will be conducting, as well as of the results of independent monitoring (also in accordance with § 10.309). The stated aim must be to meet the relevant training objectives set out in the 1995 Amendments to STCW.

In this regard, one comment suggested that the monitoring interval be governed by ISM standards. The ISM Certificate is valid for 5 years, a period consistent with the STCW requirement that independent monitoring take place at intervals of not more than 5 years. However, at least at the initial stages, Coast Guard course approvals are renewed at shorter intervals. The interval will depend on the complexity of the training and assessment, or on the frequency with which important changes in them are likely to be introduced. This Interim Rule does not fix a specific interval. The interval will be one relevant factor when the Coast Guard determines that it will identify a particular QSS as Coast Guard-accepted for purposes of § 10.309. Comments submitted to the docket on this matter will be taken into account in preparing the Final Rule.

One comment stated that the Coast Guard should continue to offer course approvals until August 1, 1998, but that, after that date, all approved training should be conducted only under a QSS acceptable to the Coast Guard. The Coast Guard partly agrees. However, at the present time there is no guarantee that third-party options for QSS will be available to allow the Coast Guard to withdraw from the course approval process.

One comment expressed concern that small maritime training schools would incur a new cost if they had to meet QSS requirements as well as Coast Guard course-approval requirements. This interim rule will not impose two sets of requirements. Schools that receive Coast Guard course-approval will be deemed to be in compliance

with the QSS requirement under this rule.

One comment suggested a trial period to ensure that effective oversight can be maintained over any third party playing a critical role in QSS and in approved training. The Coast Guard agrees; it plans to entertain proposals for QSSs on a provisional or trial basis but to accept only those that can demonstrate the ability to maintain an independent monitoring based on, or adapted from, the guidance QSS in Section B-1/8 of the STCW Code.

Qualified Instructors and Assessors

One comment stated that the qualifications for instructors needed to be clarified; it identified professional knowledge as a more important factor than whether the merchant mariner held certain endorsements. On the other hand, another comment suggested that every instructor hold a license at least one level higher than that sought by the student. The Coast Guard considers both professional knowledge and professional qualifications to be important elements for instructors and assessors.

MERPAC has recommended that the Coast Guard certify individual Maritime Instructors, Maritime Practical Examiners, and Maritime Simulator Examiners to ensure that instructors and assessors, as well as the institutions who employ them, are accountable for training and assessing the competency of mariners. Under this recommendation, the Coast Guard would accept applications from individual applicants, independent of course approvals, and issue certificates to qualified applicants valid for 5 years.

A "Certified Maritime Instructor", according to MERPAC is someone giving instruction as part of an approved course or approved training program. This instructor would be competent in developing and administering written or oral examinations as part of an approved training program. To qualify for this designation, an applicant would have to (a) possess a valid U.S. merchant mariner's license, or provide documentation representing equivalent experience (i.e., merchant marine, military, or other, comparable job experience); (b) have at least one year of operational experience in a capacity corresponding to the level of qualification for which he or she would instruct; and (c) present any of four forms of evidence: of completion of a course of instruction in education that conforms with the intent of IMO guidance on training for instructors (IMO Model Course 6.09; of a current teacher's certificate issued by a State,

county, or city that authorizes the holder to teach in a junior or senior high school or in adult education; of employment as an instructor in an accredited college, university, or post-secondary vocational-technical school; or of service as a classroom instructor in a maritime-related course (even if not Coast Guard-approved) for 2 years in the preceding 5 years. MERPAC recognized that waivers from these minimum requirements may be appropriate when they are consistent with guidelines established by the Coast Guard.

A "Certified Maritime Practical Examiner," according to MERPAC, is someone observing and evaluating practical demonstrations for the issuance of certificates of completion of approved courses or other approved training that will be presented to the Coast Guard for licenses, certificates, or documents. MERPAC recommended that this examiner (a) have attained at least the level of qualification for which the assessment is being conducted; (b) have accumulated at least 2 years of operational experience in a capacity corresponding to the level of qualification concerned; and (c) understand and implement assessment techniques and evaluation processes. Again, MERPAC recognized that waivers may be appropriate when they are consistent with guidelines established by the Coast Guard.

A "Certified Maritime Simulator Examiner," according to MERPAC, is someone conducting simulator-based assessments and corresponding written examinations for the issuance of certificates of completion of approved courses or other approved training that will be presented to the Coast Guard for licenses, certificates, or documents. MERPAC recommended that this examiner (a) have an appropriate level of knowledge and understanding of the competence to be assessed; (b) be qualified for the task being assessed; (c) be qualified as a "Certified Maritime Instructor"; and (d) have practical experience of assessment on the particular type of simulator while under the supervision, and to the satisfaction, of an experienced assessor. Once again, MERPAC recognized that waivers may be appropriate when they are consistent with guidelines established by the Coast Guard.

One comment supported the proposal in § 10.309(a)(4) in the NPRM exempting certain instructors from holding Coast Guard licenses or MMDs. This comment recommended that marine instructors currently employed at maritime-training facilities be exempt from current certification requirements and that only those hired after a certain

date be subject to new certification requirements.

One comment stated that faculty members at State and Federal maritime academies should be presumed qualified as a consequence of the thoroughness of the selection process. Fair enough, but the process must accord with the provisions of 46 CFR part 310.

The Coast Guard agrees that policy guidance along the lines developed by MERPAC is needed for those monitoring training and assessment. This can best be provided through a NVIC. The Coast Guard will issue a NVIC on QSSs that will take into account the recommendations of MERPAC on the qualifications of qualified instructors and designated assessors.

However, the Coast Guard does not agree that it is necessary to issue an individual certificate to every person serving as a maritime instructor, or conducting assessments and examinations. The guidelines for qualifications as instructor and assessor should be sufficiently clear to allow for qualifications to be established and verified in the context of Coast Guard course approvals, or in the context of other approved training subject to a QSS. Therefore, the options presented in the NPRM will persist in this Interim Rule: the instructor or assessor may be personally designated by Coast Guard letter or endorsement on his or her license or document or may be designated in the context of an approved program of training or assessment.

The Coast Guard agrees that faculty members at maritime academies are presumptively qualified to be instructors and assessors while they are so employed. Sections §§ 10.103 and 12.01-6 of this interim rule take this into account. Comments on this presumption, or equivalent presumptions for other categories of instructors, should be submitted to the docket; they will be taken into consideration when the Coast Guard prepares the final rule.

Use of IMO Model Courses

One comment stated that, although a training provider might be able to cover required material effectively in a certain number of days, the Coast Guard might inadvertently cause the provider to "pad" the material so it would occupy the number of days recommended in the relevant IMO model course. The Coast Guard views IMO model courses as good guidance, but does not enforce specific time periods if it is clear that an equivalent level of training can be achieved in a shorter period using a

different approach for effectively covering the same material.

The Subcommittee of IMO on STW in September 1996, validated the GMDSS radio operator course as an IMB model course. It included a footnote to emphasize achievement of learning objectives rather than devotion to specified time periods to individual subjects. It expressed this principle as follows: "Providing that the learning objectives contained in this course are fully achieved, the course timetable may be adjusted to suit course entry requirements based on different standards of prior knowledge in radiocommunications or seagoing experience. In addition, any adjustment should take into account the need to maintain an effective instructor to student ratio and adequate access to equipment for practical training during the course."

The Coast Guard views this principle as applicable to all IMO model course used as guidance for course approval. In addition, the course length must provide students with an adequate opportunity to achieve the training objectives.

Simulators

Seven comments discussed the use of simulators and Personal Computer-based (PC-based) training to comply with the requirements of the 1995 Amendments. One comment submitted resolutions from the Fourth U.S. Conference on Radar Simulation held in June 1996, at the Maritime Institute of Technology and Graduated studies, Linthicum Heights, Maryland. The resolutions recommended (1) use of IMO model-course format for submission of all Radar and ARPA training-course approvals; (2) use of IMO learning objectives from the relevant IMO model course; (3) minimum number of hours of training; (4) maximum number of students on each radar display for training evaluation; (5) recertification of ARPA competency every 5 years; and (6) use of STCW performance standards for radar and ARPA simulators used for testing, and allowance for grandfathering of existing radar and ARPA simulators as proposed in the NPRM.

One comment expressed concern that simulator-based training may be too expensive to use as a standard for meeting STCW requirements. Three comments suggested that technical-performance standards be determined before considering simulators for use in training. One comment recommended that technical definitions be established for "simulator" and "simulation."

Another comment recommended that MERPAC develop definitions or performance standards that let PC-based training be classified within the scope of simulator training.

One comment suggested that the Coast Guard allow for a wide range of computer-based training to meet STCW requirements.

Two comments noted that simulators should be realistic for practical training but that simulation should not be accepted as a substitute for sea time. The Coast Guard disagrees that this interim rule should prohibit simulation as a substitute for sea time, but agrees that the degree of realism provided by the simulator is an important factor when judging whether a particular simulator-based training is suitable as a substitute for sea time.

One comment contended that the Coast Guard should focus on the desired outcomes (i.e., skills to be acquired and assessed) rather than on the technical performance standards, which may become obsolete.

One comment noted that flexibility is necessary, but held some level of realism beyond that of a personal computer monitor is a reasonable requirement. Two comments recommended that PC-based training be limited to use as a diagnostic tool for instructors.

The Coast Guard's Research and Development (R&D) Center has suggested that, "at a time of rapid technological development, desk-top simulators should be a part of the allowable variety," provided that the minimum standards of performance can be identified.

This interim rule is placing no restrictions on the use of computer-based training or assessment provided it serves the objectives and meets the standards required for Coast Guard approval or under the applicable QSS. Sections A-I/12 and B-I/12 of the STCW Code provide technical specifications and operative guidance on the use of simulation for training and assessment.

GMDSS

Five comments addressed the proposed requirement for masters and mates serving on ships in the GMDSS to be qualified as GMDSS radio operators under Regulation IV/2 of the 1995 Amendments.

MERPAC recommended that proposed 46 CFR 10.205(l) require candidates for masters' and mates' licenses, for service on ships participating in GMDSS, to obtain Federal Communications Commission (FCC) licenses as GMDSS operators, and

either to complete a course approved by the Coast Guard or FCC on GMDSS, or otherwise to demonstrate proficiency in training approved by either of those agencies. Two comments suggested that the rule allow credit for courses and company-sponsored training completed before the approval process was put in place.

One comment noted that the FCC licensing program does not now require either a course completion or a practical demonstration of competency. Another comment suggested that the Coast Guard, rather than the FCC, approve courses and training for GMDSS radio operators, and that the FCC continue to act as the agency responsible for licensing mariners as GMDSS radio operators and maintainers.

One comment urged that the course approval not require the use of a simulator and not be linked too rigidly to a length criterion. Discussion of time periods is discussed above in the section on "Use of IMO Model Courses."

The National GMDSS Implementation Task Force (a panel comprising government and industry under the sponsorship of the Coast Guard) recommended that the Coast Guard issue a certificate for operators of radios in the GMDSS upon presentation of a certificate of completion from a Coast Guard-approved course. The Task Force further recommended that the syllabus for an approved GMDSS course (a) be based on the IMO model training course for GMDSS General Operator Certificates and (b) require demonstration of practical ability to operate GMDSS equipment in accordance with STCW requirements. And, for those persons who already hold FCC certificates for GMDSS radio operator, the Task Force recommended that all candidates for renewal of licenses after February 1, 1997, meet the requirements of STCW Regulation IV/2 (Mandatory minimum requirements for certification of GMDSS radio personnel).

In general, the Coast Guard agrees with these recommendations and here has revised § 10.205 in substance as well as in form (proposed § 10.205(l) has become actual § 10.205(m)). The FCC, however, has indicated to the Coast Guard that it does not plan to get involved in course approvals. The Coast Guard is including in this Interim Rule a requirement that candidates for masters' and mates' licenses, for service on ships participating in GMDSS, present both FCC licenses as GMDSS operators and certificates of completion from either (a) Coast Guard-approved courses for GMDSS radio operators

(based on the IMO model course) or (b) approved training that includes assessment of competence by qualified assessors. The Task Force is developing a table of criteria and methods for assessment that should serve as a convenient checklist for the assessment of competence. This checklist will be useful for those who hold FCC certificates, and for those who have experience with GMDSS equipment but need proof of competence as required in Section A-IV/2 of STCW when applying for endorsements as masters or mates for service on ships participating in the GMDSS.

MERPAC recommended that, when renewing a Federal license, no independent pilot have to hold GMDSS certification. A pilot seeking renewal of a Federal license will receive a limitation on his or her STCW endorsement if he or she cannot establish competence in GMDSS. However, this limitation will not bar the pilot from performing piloting duties, as long as he or she is not also performing radiocommunication duties associated with GMDSS. Section 10.205(m) now indicates that a person seeking a license to serve only as a pilot need not meet requirements for GMDSS certification at the time the license is issued or renewed.

Four comments, including one from MERPAC, suggested that the Coast Guard state on the face of the STCW endorsement that a holder is qualified as a GMDSS radio operator, rather than that another holder is not qualified to serve on ships operating in GMDSS. The Coast Guard obliged both and will indicate either the qualification, or the limitation, on the face of the STCW endorsement as appropriate. However, when the renewal cycle for the radio-operator certificate is different from that for the deck license, the STCW endorsement will be valid without restriction only for the period when both the certificate and the license are valid.

One comment supported the proposed requirement of endorsement as a GMDSS radio operator for masters and mates, but recommended that the endorsement also be available to licensed engineers. The Coast Guard does not consider a change necessary to enable an engineer to acquire the endorsement.

Two comments suggested that the effective date of requiring GMDSS for license renewals be changed from August 1, 1998, to February 1, 1999, when GMDSS becomes mandatory under SOLAS. The Coast Guard agrees the compliance date can be deferred, and this Interim Rule will impose the

requirements for service on or after February 1, 2002. A sufficient number of masters and mates must hold endorsements as GMDSS radio operators to meet FCC requirements for primary and secondary radio operators after February 1, 1999. However, under the 1995 Amendments, the requirement for deck officers to hold GMDSS Certification will not apply to current license holders until they receive STCW endorsements for service beyond February 1, 2002.

Electronics Technician

Fourteen comments supported the concept of an electronics technician, but five of these did not support it as proposed in the NPRM. One argued that the concept should be expanded to cover electronics equipment on the bridge, and should not be limited to GMDSS installations.

One comment expressed the view that "a modern ship, regardless of GMDSS, will operate with an array of electronic equipment that will call for much of the same knowledge required of those on vessels that are GMDSS-equipped."

Two comments argued that there should not be a separate rating for electronics technician but that the necessary skills should be required for a rating as a member of the engineering watch. Another comment suggested that such skills be built into requirements for specific ratings or licenses, to ensure that a wide range of expertise is available and on board ship at all times.

One comment noted that the NPRM addressed endorsements only at the support level of responsibility for electrical, electronic, and control engineering. The comment recommended a new endorsement, at the operator level, for the same engineering.

While a number of comments interpreted the proposal for a new rating as an electronics technician (non-GMDSS) to be a proposal for new manning (i.e., a dedicated position for maintaining and repairing electronics equipment), new manning was not a necessary consequence of the proposal. Other comments acknowledged the need for the Coast Guard to address problems associated with the increasing use of shipboard electronics and computers, but contended that this rulemaking is not the forum to address these problems. They suggested that the matter be addressed in a future revision of part 12. MERPAC, too, recommended that the proposal for a new rating as electronics technician be eliminated, but suggested that an endorsement as a GMDSS maintainer be available to licensed and unlicensed personnel.

The Coast Guard agrees that on-board responsibility for maintenance of electronic installations can most effectively be addressed in a future revision of part 12, and it withdraws the proposal for a new rating as electronics technician (non-GMDSS). It still provides, however, for a "GMDSS at-sea maintainer," which will be available to licensed and unlicensed individuals.

Watchkeeping Ratings and Unlicensed Personnel

One comment noted that some unlicensed ratings on smaller ships (i.e., 500 to 3,000 gross tons) are ordinary seamen, each expected to serve as a member of the navigational watch from his or her first day on the vessel. The comment also noted that, to meet service requirements for a rating in the navigational watch, the ordinary seaman must be in a training capacity, which affects the ship's complement. The Coast Guard agrees with this interpretation. An untrained, inexperienced ordinary seaman cannot be the only rating serving as a member of the navigational watch.

One comment expressed concern about allowing an ordinary seaman or wiper (i.e., an entry-level rating) to serve in a watchkeeping capacity. The comment stated that the current practice of permitting a specially trained ordinary seaman to hold an STCW endorsement as a "rating forming part of a navigational watch" should not be extended to wiper in the engine department. The Coast Guard has no plans for extending this practice.

Training-Record Books

One comment questioned why the NPRM referred to a training-record book, when at that time the Coast Guard had not adopted a standard model to be used in meeting the requirement. The Coast Guard is aware that, at the time the NPRM was published, there was no model for the book. However, after the NPRM was published, the Subcommittee of IMO on STW did develop a model. The Coast Guard has chosen to adopt this model as a benchmark for meeting the requirements of § 10.304 of this Interim Rule. The National Maritime Center (NMC) will soon issue a NVIC containing this model, along with guidance for its use. Any training-record book that closely follows this model will meet these requirements. Additionally, training-record books using other formats may be approved by the Coast Guard, if a specimen is submitted to the NMC and is found to meet the requirements of § 10.304.

One comment recommended that only licensed officers be permitted to sign off on the assessment entries in the training-record book. This practice may become commonplace, but the Coast Guard contends that there are some skills that can be assessed by a designated examiner who is not licensed (for further discussion see the section on "Qualified Instructors and Assessors").

Another comment recommended that training-record books be required for all mariners whose sea service commences on or after August 1, 1998, and that qualified instructors and assessors be required to conduct on-board training and assessment subject to QSSs. The Coast Guard agrees with this recommendation and has introduced it where appropriate.

One comment requested clarification of where the training-record book is to be submitted. The book is to be submitted to the Coast Guard when a candidate applies for certificates and licenses. The Coast Guard plans to use the book as evidence that the indicated training has been completed and that the necessary assessments have been conducted. There is no plan for the Coast Guard to retain or maintain the book or supporting documents once the candidate's evaluation has been completed.

Three comments suggested that the rule allow electronic maintenance of training-record books, to mitigate the consequences of losing originals. As drafted, the Interim Rule does not prohibit electronic maintenance of the books. However, documentary versions of them, with original entries by qualified instructors and assessors, as appropriate, must be submitted to the Coast Guard as parts of applications for original engineers' licenses, and for mates' licenses when the candidates do not have 3 years of sea service. Electronic submission of the books will be considered when issues of integrity, reliability, protection, and accessibility can be resolved.

One comment argued that the training-record book should not be required as a separate and distinct document when assessments of competence are conducted as part of maintaining a QSS. The Coast Guard recognizes there is an overlap in these procedures, but the 1995 Amendments explicitly require use of the book in some instances.

One comment suggested that the Coast Guard require use of an approved training-record book for all unlicensed personnel, to ensure that on-board training is documented. Since such use is not necessary for the implementation

of the 1995 Amendments, the Coast Guard has not required it in this Interim Rule; neither, however, has the Coast Guard forbidden it here. Most persons pursuing their first certification as deck officers or engineer officers will be unlicensed while they are completing their first training-record books.

One comment recommended that the training-record book contain specific tasks and measurable criteria. The Coast Guard agrees that these would make the book more precise; but, for the time being, under this Interim Rule, the Coast Guard will rely on the IMO model as the benchmark for meeting the requirements. Use of this model does not preclude the introduction of additional elements to make the record more suitable for various segments of the industry.

Rest Periods for Watchkeeping Personnel

Seven comments expressed views on the requirement for watchkeeping personnel to receive a minimum rest period that would prevent fatigue.

One comment observed that the rest period governs "each person assigned as Officer in Charge of a navigational or engineering watch, or duty as a rating forming part of a navigational or engineering watch." The comment said that the phrase "in Charge of" should be deleted so the rest period would govern all officers on a navigational or engineering watch. The Coast Guard agrees in principle with this recommendation; however, the change could result in a broader and perhaps vaguer rule, and could extend beyond the precise requirements of Section A-VIII/1, paragraph 1, of the STCW Code, and even beyond the scope of the NPRM. The Coast Guard will, nevertheless, entertain further discussion on this matter when preparing a final rule.

Similarly, the comment recommended that performing drills be removed as a circumstance for deviation from, or interruption of, the rest period. An exception based on drills is explicitly provided in Section A-VIII/1, paragraph 3, of the STCW Code; the Coast Guard did not propose removing this exception for U.S. ships in the NPRM, but invites further comments on this issue.

The comment further recommended that "any vessel, foreign or domestic[,] that operates beyond the Boundary Line shall, while operating in U.S. territorial waters", comply with the rest-period requirements in proposed 46 CFR 15.710, and the enforcement of this standard using port-state inspections if necessary. The Coast Guard expects all ships subject to STCW, including

foreign ships, to comply with these requirements. It will impose appropriate measures of port-state control to verify compliance on foreign ships.

The comment also discussed allowing interruption of, and deviation from, rest periods in "overriding operational conditions", including ones "not foreseeable at the commencement of the voyage" (proposed 46 CFR 15.710(d)(2)). The comment noted that any such exemption should be "interpreted very strictly" and that guidance should be provided to define conditions "not foreseeable at the commencement of the voyage." The Coast Guard agrees that guidance on this matter would be helpful and could prevent problems from arising in the future. In the NPRM, the Coast Guard specifically invited comments on the extent to which the terms relative to rest hours should be clarified or interpreted, either in the rule itself or in associated policy on its enforcement (61 FR 13298, column 1). The comment has confirmed the need for clarification, and the Coast Guard invites comments on this matter that can be taken into account by the Coast Guard in preparing the Final Rule.

One comment contended that rules governing deviation from rest periods should not be for just "any" overriding operational condition, but should be limited to "such activities as unforeseen shifting [of] berths that would require calling out the crew who would normally be in a rest period." Another comment argued that those rules should be flexible enough to let a vessel complete emergency operations, critical cargo movements, "over-the-side" operations with NOAA, and address weather changes. The Coast Guard agrees that the exception in STCW does not apply to just "any" overriding operational condition, and has accordingly modified this Interim Rule. However, the Coast Guard contends that neither the shifting of berths nor cargo movements are necessarily appropriate examples of conditions outside the control of the owner or operator under which operational necessity and urgency overrides the need to let watchkeeping personnel complete their rest periods. Furthermore, the Coast Guard agrees that, while a sudden change in the weather can impose an overriding operational condition, proper voyage planning can avoid operating in extended periods of severe weather. It expects companies to consider this issue when striving to meet their responsibilities whether under a safety-management system or under STCW Regulation I/14.

In the NPRM, proposed § 15.710(d)(1) defined "rest period" as a period during

which "no tasks are assigned to the person concerned" and "the person is not scheduled to perform any duty." One comment recommended that guidance be provided to make sure that owners and operators understand that assigned duties include collateral duties, generally accepted as part of the job, that must be accomplished outside of navigation or engineering watches. The comment offered examples, such as correcting charts, publications, payrolls, accident reports, and crew lists; preparing port-entry documents; checking hazardous-cargo manifests and cargo inspections; and conducting tests and drills. Subject to remarks made earlier on "drills" as a special situation, the Coast Guard agrees that guidance along these lines is needed.

Accordingly, it has incorporated this suggestion into this Interim Rule, and comments submitted on this matter will be considered in preparing a Final Rule.

Two comments contended that the reference to "sleep" in the proposed definition of "rest period" may be misconstrued to mean "a period of sleep", instead of rest. The comment recommended that the definition of "rest period" be changed to refer to "sleep or other personal pursuits." One of these comments stated that a seafarer should be entitled to choose whether or not to work during normal rest periods. In other words, according to this comment, "the company may not assign work; however, the seafarer may choose to work." The Coast Guard does not agree with this interpretation or with the proposed change to the definition of "rest period." The definition as drafted simply states that "the person is allowed to sleep" during this period. This explanation does not prohibit the person from engaging in "personal pursuits." However, if "personal pursuits" were interpreted to include either voluntary work associated with the ship or on-board training, then, the Coast Guard is concerned, outside influences (such as overtime pay, performance evaluations, or other incentives and pressures) might undermine the purpose of the rest period, which is to promote rest and recuperation between periods of watchkeeping. As one comment stated, training conducted on board (including computer-based training) must be administered in a way that maintains compliance with both the work-hour limitations established under 46 U.S.C. 8104 and the 10-hour rest period prescribed by STCW.

Another comment expressed concern that companies may expect watchkeeping officers to use, for performance of overtime

responsibilities, the periods not designed for continuous rest. The comment also suggested that this rule restrict off-watch overtime to 4 hours in a 24-hour day. The Coast Guard is concerned about the potential misuse of the intervals between periods of watchkeeping duty. However, it does not agree that it should restrict overtime work under this rule, unless difficulties arise in interpreting either the definition of "rest period" or the conditions under which rest periods apply. It is difficult to define the nature of all activities that fall within prohibited overtime. Note that this Interim Rule already modifies the proposed rule so as to include examples of work that may not be performed during rest periods. Note further that the Coast Guard has incorporated the principle expressed in Section B-VIII/1 of the STCW Code, to the effect that the minimum specified rest periods shall not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties.

This comment also expressed concern that the phrase "overriding operational conditions" is open to abuse, particularly if a company schedules port calls that leaves the master with insufficient opportunities for rest. It also suggested that the rule require shore-side support to relieve the master and chief mate of duties so they can obtain rest. The Coast Guard recognizes the potential problem associated with this issue, but the suggested solution does not appear to be an appropriate matter for this interim rule. The Coast Guard interprets the requirement of rest periods to apply to watchkeeping personnel over any period of 24 hours, including time in port. If the master is serving as the Officer in Charge of the navigational watch, he or she must be provided the opportunity for rest in accordance with STCW and this Interim Rule. This may require the company to arrange for shore-side support, adjust the ship's schedule, or assign an additional officer to take charge of the watch so the master can obtain rest.

This comment also stated that "any posting of watch schedules must take into consideration the port rotation, not only as planned at the beginning of the voyage, but also when the itinerary is altered." The Coast Guard agrees and has modified this interim rule where appropriate (46 CFR 15.710(c) in the NPRM; § 15.1111(g) in this Interim Rule).

One comment expressed support for the rule on rest periods, and noted that requiring minimum and continuous rest periods may reduce fatigue, and may lead to a decrease in the risk of marine

accidents caused by this significant problem. However, this comment posed a number of questions.

First, it sought clarification on when the 24-hour cycle would begin for determining compliance. Section A-VIII/1, paragraph 1, of the STCW Code, and 46 CFR part 15, state that 10 hours of rest must be provided "in any 24-hour period." The Coast Guard understands this phrase to indicate that 10 hours of rest must be included within any given 24-hour period, whether the period is the 24 hours up to the start of work or rest or those up to the start or from the end of the watch. Determining compliance entails using a rolling 24-hour clock.

Second, this comment sought clarification of the relationship between U.S. law and STCW, and asked which takes precedence where they appear to be incompatible. Another comment raised a similar concern, stating that the minimum rest period of 10 hours a day under STCW may be viewed as promoting 14-hour workdays for lower-level mariners in violation of domestic law. The Coast Guard contends that the treatment of work hours in 46 U.S.C. 8104, and that of rest hours in STCW, enjoy equal legal status: that neither takes precedence over the other as a matter of law. As it noted in the preamble to the NPRM (61 FR 13297, column 3, and 13298, column 1), the Coast Guard considers the two provisions compatible. Both may be implemented without causing conflict to the other. In any specific set of circumstances, the stricter rule applies.

Two comments supported strict record-keeping to promote strict compliance with minimum rest periods for watchkeeping personnel. One of these comments recommended, along with strict record-keeping, a measure of flexibility for the company or organization to incorporate guidelines from the Coast Guard into their own systems. The Coast Guard will further address comments from the public in response to this Interim Rule, when preparing the final rule.

Bridge-Teamwork Procedures and Bridge-Resource Management

One comment suggested that training in bridge-teamwork procedures include unlicensed personnel, and that competence in bridge-teamwork procedures be reassessed every 5 years for all watchkeeping personnel. Another comment stated that the requirement for bridge-teamwork procedures should be met only if the candidate produces evidence of completing an approved course within 5 years of the date on which he or she applies for a new

license. The Coast Guard does not view these suggestions as necessary for implementation of the 1995 Amendments to STCW and has therefore not included them in this interim rule. Note, however, that the standards of competence both for the officer of the navigational watch and for the rating forming part of the navigational watch (Section A-II/1 and A-II/4, respectively) contain elements that imply a necessity for including unlicensed personnel in the exercises used for demonstrating "a through knowledge of effective bridge teamwork procedures". Consequently, training in bridge teamwork procedures should routinely take into account the role of unlicensed personnel; and such personnel, forming part of the navigational watch, particularly as new crew members should be familiarized with the bridge-teamwork procedures used on the ship.

In Table A-II/1 of the STCW Code, the assessment of competence confirming that a candidate has a thorough knowledge of bridge teamwork procedures may rest on approved in-service experience. The Coast Guard agrees that the factor of regency of training is important, even if gained through courses; but consistent long term in-service experience is also a suitable means of establishing competence in this area. Therefore, the Coast Guard will not require completion of courses for candidates who have evidence, based on such experience, that they meet the applicable standard of competence.

The Coast Guard holds that an on-board assessment of a working mate's competence in bridge-teamwork procedures should include confirmation that the mate has a thorough knowledge of effective procedures based on observation of exercises, or on circumstance in which the mate has applied this knowledge. The assessment should cover—

- (1) Voyage planning, and evaluation of alternative routes, schedules, and arrangements;
- (2) Bridge procedures, checklists, and logs;
- (3) Watch conditions, watch augmentation, watch change, and management of work hours and rest periods for watchkeeping personnel;
- (4) Effective communication, confirmation, and application of information among bridge-teamwork members, and between the bridge and the master;
- (5) Situational awareness and error-trapping, based on a continuous reassessment of priorities and resource

allocation; and effective use of bridge systems and equipment;

(6) Leadership in maintaining bridge discipline and vigilance; in promoting teamwork and information exchange, taking into account the skills and experience available; and in positioning and re-positioning of watchkeeping personnel;

(7) Response to bridge emergencies, such as failure of a critical component in an integrated navigational system, or sudden incapacity of a bridge-teamwork member; and

These topics of assessment will be included in a NVIC on company responsibilities.

(8) Integration of pilot into bridge team.

Two comments requested clarification of how the requirement on bridge teamwork procedures would apply to persons serving on the bridge of a small ship. One stated that special guidance should be developed on how to apply principles of bridge-resource management to towing vessels.

As stated earlier in this preamble, uninspected towing vessels and smaller cargo vessels (such as under 200 GRT) are not being subjected to this new requirement directly under this Interim Rule. Note also that, on smaller vessels, bridge arrangements and access to personnel, equipment, and essential information are not so cumbersome or complex that special training is required beyond routine familiarization with ship-specific conditions.

Company Responsibilities and ISM Code

Two comments sought clarification of the relationship between company responsibilities under the 1995 Amendments and the ISM Code. They also sought clarification about the requirement that new crew members receive a reasonable opportunity to become familiar with ship-specific procedures, equipment, and arrangements. Another comment argued that 46 CFR 15.405 ("Familiarity with vessel characteristics"), already covers the basic requirements of STCW Regulation I/14 ("familiarization") and that therefore, this interim rule need not impose them.

The comment also suggested that the Coast Guard define "company" in 46 CFR part 15, as STCW Regulation I/1 defines it. The Coast Guard disagrees that a definition for "company" is necessary or appropriate, since, part 15 already bases references to owners and operators on the relevant statutory provisions.

Another comment held the presumption that a company holding a

valid ISM certificate was fulfilling its obligations under STCW was "flawed." But note that Regulation I/14 of the 1995 Amendments to STCW was drafted to be fully consistent with the principles contained in the ISM Code, particularly with the section of IMO Resolution A.741(18) that discusses "resources and personnel." Therefore, if a company holds an ISM Certificate, it incurs no additional obligations under that Regulation. (Even if it does not hold the Certificate, the company should incur few, if any, new obligations under that Regulation.) Most of what this Interim Rule calls for is already common practice for U.S. companies, whether because vessels must be operated in accordance with their COIs or because companies maintain certain records on employees through routine business practice or because the domestic law of tort imposes on the employer the risk of liability for actions by an employee.

One comment argued that vessel operators have no means of maintaining comprehensive, meaningful files on mariners who serve on board ships. It suggested that the records be centralized, whether with several mariners, with the appropriate unions, or with the Coast Guard.

Another comment stated that it is "routine practice for U.S. companies that employ seamen to maintain a personnel record for each employee or to ensure that one is maintained by an agency acting on behalf of the company." The comment also requested that this alternative practice be allowed to continue. This Interim Rule allows records to be maintained by an agency acting on behalf of the company.

Taking previously mentioned factors and comments into account, the interim rule restructures and clarifies company responsibilities, and includes a direct reference to meeting the requirements by virtue of holding a valid ISM Certificate.

One comment requested clarification of the requirement of ship-specific familiarization and proposed a particular list of equipment, systems, procedures, and arrangements with which a newly hired deck officer should be familiar in safety, navigation, communications, and cargo. By way of guidance, the Coast Guard recommends that a checklist comprise the following items, to ensure that newly employed, or newly arrived, crew members get a reasonable opportunity to become familiar with ship-specific equipment, systems, procedures, and arrangements;

- (1) Visit spaces where primary duties will be performed.
- (2) Locate muster stations, alarms, life-saving appliances, and emergency

escape routes, as well as any fire-fighting equipment and pollution-response equipment of which the crewmember concerned should be aware.

(3) Meet supervisor or other person who will be assigning duties.

(4) Locate equipment and systems necessary to perform duties and learn the controls, displays, and alarms for that equipment and those systems (and their critical components).

(5) Observe the equipment and systems in use by someone whose duties already require their use, when the opportunity can be arranged.

(6) Activate the equipment, and perform functions using the controls on the equipment, when conditions permit; locate operational manuals or other documents that may be needed for performing duties.

(7) Locate any personal-protection gear that may be necessary when performing duties, as well as first-aid and medical kits available at the work site.

(8) Read and understand relevant standing orders, safety and environmental-protection procedures, and company policies clarifying any unclear or confusing material.

(9) If serving in a watchkeeping capacity, get acquainted with the watch schedule and identify a personal work schedule that will comply with work-hour limits and rest-period requirements.

The above guidance will appear in a NVIC on company responsibilities. Companies holding ISM certificates are presumed to be in compliance with this Interim Rule.

One comment requested clarification of information to be maintained in the "assessment of competency in performance of assigned shipboard duties" in § 15.411(c) in the NPRM (§ 15.1107(c)) in this interim rule. The comment expressed concern that the assessment appears to be subjective. This information should correspond to the "documents and data" whose maintenance by companies STCW Regulation I/14 requires.

The Coast Guard envisions no specific assessment under § 15.411(c) (re-numbered as § 15.1107 in this interim rule). The company's records must contain evidence that the seafarer holds the proper documents and training for the assigned duties. To clarify this requirement, the Coast Guard has removed the reference to "assessment".

Basic Safety Training

Five comments requested that the Coast Guard clarify the requirements for basic safety training.

One comment contended that STCW does not impose basic safety training as a prerequisite for certification. The Coast Guard agrees with this observation to some extent, but there are specific cross-references in the standards of competence in Chapters II (Master and Deck Department) and III (Engine Department) and in the tables on basic safety training in Section A-VI/1 of the STCW Code, as they relate to fire-fighting and medical first aid. The elements of basic safety are retained in this interim rule as requirements for the issuance of licenses after August 1, 1998, and for the issuance of STCW endorsements for service beyond February 1, 2002.

All masters, mates, watchkeeping ratings, and others with safety and pollution-prevention duties (i.e., those listed on the COI or on the muster list) are required by Section A-VI/1 of the STCW Code to produce evidence of having achieved or maintained at 5-year intervals the specified standard of competence in the four elements of basic safety. This recurring requirement appears in this Interim Rule at 46 CFR part 15. Mariners who occupy positions listed on the COI, or on the muster list, will be prohibited from being assigned or performing duties unless they hold such evidence.

As a matter of convenience, a suitable endorsement will be placed on the mariner's STCW certificate upon request, or at the time of renewal, if the OCM is satisfied that the evidence submitted is sufficient. One comment noted that securing this endorsement may facilitate mobility from one company to another, and should promote compliance with the requirements by making enforcement easier.

Two comments recommended that under this Interim Rule the level of basic safety training be adjusted to reflect the scope of equipment, type of vessel, and geographic area of operation, and that in-house training be acceptable. This Interim Rule lets in-house training or instruction be limited to a specific vessel and route.

One comment suggested that the four elements of basic safety training be consolidated into a single course. This Interim Rule allows for such a consolidation.

One comment contended that hands-on training is essential in personal survival, as reflected in IMO model course 1.19 (Personal Survival). The Coast Guard agrees with this contention and recommends course 1.19 as guidance for developing a program to meet the personal-survival element of basic safety training.

One comment requested clarification on how often basic safety training will have to occur under this Interim Rule. The Coast Guard notes that STCW requires initial approved training or instruction, and evidence of having achieved (or maintained) competency in basic safety every 5 years. Formal shore-side basic safety training is not necessary, if the mariner concerned holds evidence that he or she has maintained competence in the four elements of basic safety while serving on board ships. This evidence may reflect participation in a well-organized program of drills and other structured training exercises when the mariner's performance is evaluated against the appropriate criteria.

Five comments requested clarification of the social-responsibility elements of basic safety training. One comment recommended that training not be required since it might become "an irritant" to the marine community. Another contended that training should be tailored to the mariner's level of organizational responsibility. A third contended that some aspects of social responsibility, such as the dangers of drug and alcohol abuse, were already addressed by other domestic rules.

Note that the full title of this element of basic safety training is "Personal Safety and Social Responsibility." This element comprises five aspects: (1) Compliance with emergency procedures; (2) precautions to prevent pollution of the marine environment; (3) observance of safe working practices; (4) ability to understand orders and to be understood; and (5) the need to contribute to effective human relationships on board ship. The Coast Guard maintains that the emphasis in training belongs on personal safety and safe working practices.

Social responsibility and effective human relationships will adequately be addressed if the training encompasses, and if the student appreciates the following:

(1) The dangers posed to himself or herself, and to the safety of a vessel and its crew, by drug and alcohol abuse.

(2) The importance of sanitation and personal hygiene for one living on board a vessel.

(3) The risk posed to the safety of a vessel and its crew unless good working relationships are maintained at all times, and disputes are resolved promptly, respectfully, and amicably.

(4) The impossibility of maintaining good working relationships on board a vessel when any crewmember behaves in a way that amounts to harassment, abuse, discrimination, or other offense against the personal dignity or

professional standing of another person on board the vessel.

(5) The adverse effects of fatigue, the need for rest to prevent fatigue, and the importance of notifying a supervisor when symptoms of fatigue are present.

(6) The procedures in place for calling attention (a) to unsafe or unhealthy conditions on board a vessel; or (b) to offensive behavior by another person on board the vessel.

The Coast Guard will include this guidance in a NVIC on company responsibilities.

One comment stated that an ISM Certificate should satisfy the requirements for approved on-the-job training in personal safety and social responsibility. As it has indicated elsewhere throughout this preamble (for instance, in the discussion on QSS), the Coast Guard will accept an ISM Certificate (with certain augmentations) as evidence of a satisfactory monitoring system. In any case, mariners provided training should receive evidence of having achieved or maintained a level of competence in basic safety, which evidence they can furnish to the Coast Guard when necessary (as when seeking a license or document or desiring an endorsement for basic safety training).

One comment argued that requirements for basic safety training should not apply to new employees for 3 to 6 months, to allow an evaluation before an investment is made in training them and that, even then, only half of the crew should be subject to those requirements. The Coast Guard does not consider these options to be available under the 1995 STCW Amendments. Unless a person is required by the manning section of the COI to be on board or is assigned duties on the muster list, he or she need not receive basic safety training. The individual must, however, receive familiarization instruction so he or she will know what to do in an emergency.

Two comments requested clarification of when a seafarer is "designated" as having duties in safety or pollution-prevention. A seafarer is so designated only if on board is part of the required complement (i.e., that stated in the manning section of the COI) or assigned to emergency duties on the muster list or station bill.

One comment expressed concern that the implementation date for basic safety training, of February 1, 1997, might not be attained by all mariners, and suggested that mariners already in service should be given credit for their experience.

Since publication of the NPRM, the IMO has recognized there may be practical difficulties in providing basic

safety training to all seafarers who commenced sea service before February 1, 1997. Therefore, the Subcommittee recommended that administrations "treat each case on its merits." The Coast Guard understands this to mean that those commencing sea service on or after February 1, 1997, must indeed receive formal training or instruction based on the tables in Section A-VI/1 of the STCW Code. But it also understands this to mean that those already in service by that date can meet the requirement (until more formal training or instruction can be arranged) with sufficient evidence that they have participated in well-organized drills and other structured exercises or in on-board programs of basic safety training, during which their performance was evaluated, and areas of weakness were brought to their attention.

Two comments suggested that both familiarization and basic safety training be conducted on board by using videos, structured drills, and interactive computer training. The Coast Guard agrees that these methods are suitable for familiarization and for confirming that seafarers are maintaining competence in basic safety after initial training or instruction. However, some aspects of basic safety training (e.g., extinguishing actual fire, and jumping from an actual height into actual water) work better at actual facilities than on virtual ones.

As also stated in the guidance developed by the STCW Subcommittee and circulated in STCW.7/circ. 1 dated September 24, 1996, masters, mates, and watchkeeping ratings need not be reassessed in basic safety to renew 1978 STCW endorsements, except for service after February 1, 2002. This guidance enters this interim rule at the rule on license renewal (§ 10.209).

To meet the requirements of the 1995 STCW Amendments, formal basic safety training or instruction must be "approved" or accepted by the Coast Guard and monitored by a OSS. But formal approval might reach few if any of the following: basic safety training conducted before February 1, 1997; seafarers commencing sea service after that date; and seafarers not otherwise required to complete approved training (such as fire-fighting and first aid) for licensing or documentation. The Coast Guard is preparing a two-state approach. Between January 31, 1997, and August 1, 1998, all basic safety training or instruction that meets the following criteria will count as Coast Guard-Accepted without further action by the Coast Guard, or by those offering the training, if—

(1) The training or instruction uses as checklists tables A-VI/1-1, A-VI/1-2, A-VI/1-3, and A-VI/1-4 in Section A-VI/1 of the STCW Code;

(2) The table adapted from STCW contains a statement that the seafarer under scrutiny has achieved the required standard of competence to undertake the tasks, duties, and responsibilities listed in column 1 of the relevant table or tables;

(3) The statement is dated and signed by an officer holding an ocean or near-coastal license issued under 46 CFR part 10, and an STCW endorsement, for service on seagoing vessels of 200 GRT and more; and

(4) The same person that signed the original of this statement signs a copy and provides the copy to the seafarer to serve as evidence required under Section A-VI/1, paragraph 2.2.

Any basic safety training or instruction conducted on or after August 1, 1998, must be approved either in accordance with Coast Guard course-approval procedures or under alternative procedures, governing approved training other than approved courses, set out in § 10.309 or subpart 12.03 of this interim rule.

Basic safety training established under the former procedures for the period starting February 1, 1997, and ending July 31, 1998, can continue beyond the later date, if it has been independently monitored in accordance with § 10.309 or § 12.03 of this interim rule.

Section-by-Section Analysis

Part 10—Licensing of Maritime Personnel

1. Section 10.101, which states the purposes of part 10, is retained as it was proposed in the NPRM.

2. Section 10.102 indicates that STCW (the Convention proper) and the associated STCW Code have been incorporated by reference into the regulations in part 10. Except for adjusting the list of regulations that refer to STCW or the Code, the wording remains as proposed in the NPRM.

3. Section 10.103 includes definitions for new terms used in part 10.

One comment recommended that the definitions for Qualified instructor and Designated examiner require that the person be certificated as an active mariner. As discussed in this preamble under the section on "qualified Instructors and Assessors," the Coast Guard has determined that holding a license is not necessary in every case for performing these functions.

Another comment suggested that a definition be added for "approved

course." The Coast Guard finds no need for a special definition of this term, since "Approved" training encompasses Coast Guard approval of courses under § 10.302.

One comment recommended that the STCW definition of "seagoing ship" be modified to "self-propelled vessel" and be included in this section. The Coast Guard understands the term "seagoing ship" to mean, for the purposes of applying STCW, a self-propelled vessel. Therefore, it does not consider it necessary to modify the STCW definition and include it in part 10; however, it does include a definition in part 15 to clarify the application of new STCW requirements to certain categories of vessels.

The wording of § 10.103 remains as proposed in the NPRM with two exceptions. First, the terms "Qualified instructor" and "Designated examiner" now indicate that a faculty member currently employed or instructing in a navigation or engineering course at a State maritime academy or the U.S. Merchant Marine Academy operated in accordance with 46 CFR part 310 is qualified to serve as a qualified instructor or designated examiner in his or her area(s) of specialization without individual designation by the Coast Guard. Comments on the extent to which this principle should be retained or broadened to include faculty employed at other reputable marine-training facilities can be made to the docket. They will be taken into account in preparing the final rule. Second, the term "STCW endorsement" now allows the Coast Guard to place the reference to STCW directly on the license or document. At present, this amounts only to an administrative convenience for facilitating issuance of licenses to personnel serving on small vessels on domestic-only voyages.

4. Section 10.107 indicates that certain substantive sections contain record-keeping requirements. The section remains as proposed in the NPRM.

5. Section 10.201 is a general regulation requiring applicants for licenses and certificates to establish their qualifications to the satisfaction of the Officer in Charge, Marine Inspection (OCMI), before this Officer will issue a license or certificate.

One comment suggested this section allow the use of third parties to evaluate the qualifications of a candidate and confirm that he or she is entitled to hold a Coast Guard license. The Coast Guard considers the use of a third party not restricted under this section. Therefore, no revision is necessary, and the section remains worded as it was in the NPRM.

6. Section 10.202(j) now states that the OCMI will issue an STCW endorsement to a person qualified to hold one.

Under § 10.202(k), holders of the following classes of licenses will be issued STCW endorsements on request, on the grounds that the laws (statutes and regulations), policies, and standard industry practices governing them provide for a degree of safety at sea and pollution prevention equivalent to that of the STCW requirements. Candidates for the following classes of license will not have to meet any new requirements under §§ 10.205 (k), (l), (m), (n), or (o), 10.304, or 10.901:

(1) Master's, mate's, operator's, or engineer's license for service on small passenger vessels that are subject to subchapter T or K of title 46, Code of Federal Regulations (CFR) and that operate beyond the Boundary Line.

(2) Master's, mate's, operator's, or engineer's license for service on seagoing vessels of less than 200 GRT (other than passenger vessels subject to subchapter H of title 46, CFR).

Section 10.202 also provides that personnel serving on the following vessels need not hold STCW certificates:

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

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

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

(4) Barges as defined in 46 U.S.C. 2101(2), including non-self-propelled mobile offshore-drilling units (MODUs) and also on international waters of the U.S. in the straits of Juna de Luca.

(5) Vessels operating exclusively on the Great Lakes.

7. Section 10.205 identifies requirements for original licenses and certificates. This section contains a number of substantive as well as editorial changes to its predecessor as that appeared in the NPRM. First, a new paragraph (k) consolidates the STCW requirements for basic safety training into one rule, and uses wording more closely aligned to STCW. Second, the requirements for ARPA appear as a new paragraph (l). Third, the requirements for GMDSS radio operator appear in paragraph (m) with a change that requires the candidate to hold both an FCC certificate and a certificate of completion from an approved course or approved program of training and assessment; wording in paragraph (m) indicates that a suitable statement of qualification will be added onto either the license of a candidate or onto his or her endorsement. Fourth, the requirements for bridge teamwork

procedures occupy a new paragraph (n). Each new requirement must be met to allow the issuance of an unqualified STCW certificate or endorsement valid for any period on or after February 1, 2002. And, fifth, practical demonstration of skills is treated as it was in the NPRM, but occupies paragraph (o).

8. Section 10.207 concerns requirements for raises of grades of licenses. It is worded as it was proposed in the NPRM.

9. Section 10.209 identifies requirements for renewal of licenses, certificates of registry, and STCW certificates and endorsements. Under its revised paragraph (k), renewals after February 1, 1997, of certificates that will be valid for service after February 1, 2002, must rest on new STCW requirements. Also under the paragraph, requirements cross-refer to ones in § 10.205, including evidence of basic safety competence within the previous 5 years, and indicate that persons serving only on smaller vessels do not have to meet them. With respect to the references to ARPA, GMDSS, bridge teamwork procedures, basic safety training, and proficiency in survival craft, only basic safety training and proficiency in survival craft are subject to the requirement for maintaining evidence that competency have been reassessed within the 5 years prior to the renewal.

10. Section 10.304 mandates the use of approved training-record books only by candidates for certification as officers in charge of the navigational watch, officers in charge of the engineering watch, or designated duty engineers, commencing approved training or sea service on or after August 1, 1998. It also frees candidates for certain licenses for service on smaller vessels from having to use training-record books.

It also allows training-record books to be maintained electronically, provided the records meet Coast-Guard-accepted standards for accuracy, integrity, and availability.

11. Section 10.309, on Coast Guard-accepted training other than approved courses, now takes into account comments submitted to the docket and makes editorial changes. Substantive changes include the following: (1) Specific linkage to training and assessment necessary for holding an STCW certificate or endorsement; (2) a reference to designated examiners; (3) a shift from "classroom hours" to "hours * * * devoted to instruction;" (4) recognition that maritime academies are already subject to extensive monitoring under 46 CFR part 310; (5) the address for sending reports on the results of

independent monitoring; (6) letting the Coast Guard observe training and review documents without advance notice; and (7) provisional certification of offerors of approved training or assessment, under a Coast Guard-accepted QSS, as capable of providing the advertised training and of meeting the stated training objectives not less than 45 days before the training is offered to students. Comments on this approach should be submitted to the docket and will be taken into account in preparing the final rule.

Courses which remain subject to Coast Guard approval are: Fire-fighting under § 10.205(g); Radar under § 10.480; Tankerman under part 13; and courses being used to substitute for seagoing service under § 10.304, as well as Lifeboatman under § 12.10-3(a)(6).

12. As discussed earlier in this preamble, §§ 10.491 through 10.497 establish three new classes of deck officers' licenses: "Master (OSV)," "Chief Mate (OSV)," and "Mate (OSV)." Sections 10.551 through 10.555 establish two new classes of engineer officers' licenses: "Chief Engineer (OSV)" and "Engineer (OSV)." Both subparts compel applicants to meet the applicable requirements of the 1995 Amendments. Both also let the Coast Guard exempt candidates from certain requirements that are irrelevant or inappropriate for service on an OSV, or that are met by equivalencies under Article IX of STCW. The Coast Guard will work with the offshore industry to determine the specific requirements for sea service, training, and competence for these new licenses. Any determinations made will be reflected in the final rule.

13. Sections 10.601 and 10.603, on certification of radio officers and radio operators, are now consistent with § 10.202(m) and take into account the Certificate for GMDSS radio operator. Section 10.603 entitles a person holding an FCC certificate as GMDSS radio operator and a certificate of completion from a Coast Guard-approved GMDSS radio-operator course, or from an approved program of training and assessment, to hold an STCW certificate suitably endorsed for performing duties associated with GMDSS.

14. Section 10.901, on general provisions, stays as proposed in the NPRM, but incorporates one comment that suggested clarifying that all the methods for demonstration of competence, allowed by the tables in part A of the STCW Code, be available to applicants seeking STCW certificates or endorsements valid for service on or after February 1, 2002.

15. Existing tables §§ 10.910 and 10.950 identify the subjects of license

examinations and the practical demonstrations of competence required for each class of license. One comment recommended replacing the tables in the NPRM (ones based on the subject tables currently in §§ 10.910 and 10.950) with the tables from the STCW Code. Another said the Coast Guard should be receptive to lists of training and tasks that may not look like the tables in §§ 10.910 and 10.950 but that are more in line with actual training and tasks on a modern ship.

The Coast Guard is retaining the existing tables under this interim rule, partly because no change to the subjects affecting licenses for inland service is within the scope of this rulemaking and partly because personnel serving on smaller vessels will not have to meet new requirements under this interim rule.

However, §§ 10.901 and 10.903 does let the tables in part A of the STCW Code replace the current tables for candidates for certain licenses commencing approved training or approved sea service on or after August 1, 1998.

16. Sections 10.1001, 10.1003, and 10.1005, on Roll-on/Roll-off (Ro-Ro) passenger ships, stay as proposed in the NPRM, but correct the date from January 30, 1997, to January 31, 1997. In keeping with guidance issued by the Subcommittee of IMO on STW, training in crisis management under STCW Regulation V/2 is not required until August 1, 1998.

Part 12—Certification of Seamen

17. Section 12.01-1 addresses the purpose of the rule. Part 12 remains substantially as proposed in the NPRM.

18. Section 12.01-3 indicates that STCW (the Convention proper) and its associated STCW Code have been incorporated by reference into the regulations in part 12. Except for adjusting the list of regulations that refer to STCW or its Code, the wording remains as proposed in the NPRM.

19. Section 12.01-6 includes definitions for new terms used in part 12. Those now harmonize with those used in part 10 (from § 10.103). That of "STCW endorsement" allows the OCM to enter an STCW endorsement directly on the MMD rather than issue a separate document.

20. Section 12.01-9 indicates that certain substantive sections contain record-keeping requirements. The section remains as proposed in the NPRM.

21. Section 12.02-7 addresses compliance dates and stays as proposed in the NPRM except for three substantive changes:

(1) It now reflects that the requirement to have an STCW endorsement for service as a rating forming part of a navigational watch is effective as of February 1, 1997 (as, in fact, it has long been under the original, 1978 STCW).

(2) It now provides that each person serving as a rating forming part of the engineering watch or, designated to perform duties in a periodically unmanned engine-room, shall as of February 1, 2002, in accordance with guidance issued by the Subcommittee of IMO on STW (STCW Circ. 7) hold an appropriate STCW endorsement certifying his or her qualification.

(3) It now provides that unlicensed mariners serving on certain classes of smaller vessels are exempt from any requirement to hold an STCW certificate or endorsement.

22. Section 12.02-11 sets forth the general provisions respecting merchant mariners' documents. This section remains as proposed in the NPRM except for minor editorial corrections.

23. Section 12.02-17 contains rules for issuance of documents. It now requires medical certificates of fitness only for those applicants who will be serving on seagoing ships of 200 gross register tons or more. The requirement is effective for entry-level personnel as of August 1, 1998.

24. Section 12.03-1 addresses Coast Guard-accepted training other than approved courses and has changed to harmonize with § 10.309 as changed. Training courses for lifeboatman endorsement under § 12.10-3(a)(6) remain subject to Coast Guard approval under § 10.302.

25. Section 12.05-3 imposes general requirements for endorsements as Able Seaman and particular ones for approved basic safety training for STCW endorsements that will be valid for service on or after February 1, 2002. By application of § 12.02-7, this section does not affect unlicensed personnel serving on certain classes of small vessels.

26. Section 12.05-7 requires service and training for endorsements as Able Seaman and stays basically as proposed in the NPRM. It is effective as of August 1, 1998.

27. Section 12.05-11 addresses general provisions for MMD endorsements as an Able Seaman, and stays as proposed in the NPRM.

28. Section 12.10-3 addresses general requirements for lifeboatman and is clarified by restoring the original wording of paragraph (a); by increasing the period of sea time from 3 to 6 months in paragraph (a)(6), as it was proposed in the NPRM; and by

increasing a minimum age in the new paragraph.

29. Section 12.10-5 is revised to incorporate by reference the requirements for proficiency in survival craft and rescue boats set forth by Section A-VI/2 and Table A-VI/2-1 of the STCW Code, effective as of August 1, 1998. The candidate must have evidence that his or her competency has been achieved or assessed within the previous 5 years.

30. Section 12.10-7 is revised by introducing a reference to the STCW requirements for proficiency in survival craft and rescue boats, or fast rescue boats.

31. New § 12.10-9, on evidence of proficiency in fast rescue boats, is added as proposed in the NPRM, effective as of August 1, 1998.

32. Proposed § 12.10-11 addresses persons designated to provide medical care, or take charge of medical care on board ship. It stays as proposed in the NPRM, but becomes new subpart 12.13. Its requirements will be effective as of August 1, 1998.

33. Section 12.15-3 addresses the qualified member of the engine department (QMED) and now requires approved basic safety training for an STCW endorsement, which will be valid for service on or after February 1, 2002. (Read with § 12.02-7 it does not require this of unlicensed personnel serving on certain classes of smaller vessels.)

34. Section 12.15-7 addresses service or training requirements for the engine-room rating. It stays as proposed in the NPRM, though it corrects the reference to the STCW Code.

35. Section 12.25-45, entitled "Electronics Technician" in the NPRM, is modified by (1) deleting references to a new rating for an "Electronics technician—Non-GMDSS"; (2) replacing "Electronics Technician" with the term "GMDSS At-sea Maintainer"; and (3) providing for the adding of a suitable endorsement to an MMD if the holder can furnish sufficient evidence of having received training in the maintenance of GMDSS installations on board ships. This section does not preclude anyone from serving as an GMDSS At-sea Maintainer if he or she meets FCC requirements. The section also allows a licensed person, as well as an unlicensed one, to receive a "GMDSS At-sea Maintainer" endorsement if he or she qualifies.

36. Subpart 12.30 addresses Ro-Ro passenger ships and stays essentially as proposed in the NPRM; the effective date, however, has changed to February 1, 1997, which is consistent with guidance issued by the Subcommittee of IMO on STW (STCW-7/Circ. 1).

Part 15—Manning

37. Section 15.103 contains general provisions that clarify the scope of part 15. New paragraph (d) states, subpart J applies to seagoing vessels which are subject to STCW. New paragraph (e) and (f) state that the regulations implementing STCW (i.e., those constituting new subpart J) do not directly apply to certain classes of smaller vessels or to the personnel serving on them. These vessels are already subject to a complex of laws that collectively secure a degree of safety at sea, and of pollution prevention, both at least equivalent to the applicable requirements of STCW itself. New paragraph (g) provides for the issuance of the appropriate STCW certificate or endorsement if the vessel engages in international voyages.

38. Section 15.105 indicates that STCW and its Code have been incorporated by reference into the regulations in part 10. Except for adjusting the list of regulations that refer to STCW or its Codes, the wording remains as proposed in the NPRM.

39. Section 15.301 contains definitions. It replaces the term "Electronics technician" with "GMDSS At-sea Maintainer", and withdraws the proposed term "Electronics technician—Non-GMDSS".

40. New subpart J consolidates the new requirements emanating from the 1995 STCW Amendments. Essentially, those proposed as §§ 15.401(b), 15.403, 15.411, and 15.705 all appear as elements of this new subpart.

Section 15.1101 is general and comprises (a) definitions; (b) a statement of applicability that exempts certain classes of smaller vessels by reference to paragraph 15.103(d); and (c) acceptance of a Safety Management Certificate that meets the requirements of the subpart. This recognition of the Certificate, which is international, and of its domestic counterpart reflects enactment of Pub. L. 104-324 (Coast Guard Authorization Act of 1996), and particularly of § 602, which provides the legal basis for earning the Certificate.

41. Section 15.1103 sets out restrictions, employment, service, and the effective dates of certain new requirements.

Paragraph (a) requires masters, mates, engineers, and radio operators, among others, to hold the appropriate STCW certificates or endorsements issued in accordance with part 10. (However, paragraph (e) allows for the continued use, through January 31, 2002, of STCW certificates and endorsements issued on the basis of 1978 STCW and of NVIC 8-95.)

Paragraph (b) requires unlicensed personnel in the navigational watch on seagoing vessels of 500 gross tons or more to hold the appropriate STCW certificates or endorsements issued in accordance with part 12. It becomes effective as of February 1, 1997. (A similar requirement has already been in effect under the 1978 STCW Convention).

Paragraph (c) requires unlicensed personnel in the engineering watch, on seagoing vessels with propulsion power of 750 kW (1000hp) or more, to hold the appropriate STCW certificates or endorsements in accordance with part 12. This paragraph, however, does not require the certificates or endorsements until February 1, 2002; it is in keeping with the guidance issued by the Subcommittee of IMO on STW.

Paragraph (d) applies to Ro-Ro passenger ships and is consistent with the terminology used in Chapter V of the STCW. It is effective as of February 1, 1997.

Paragraph (e) requires masters and mates to hold Certificates for Operators of Radio in GMDSS if they are serving on seagoing vessels on or after February 1, 2002. This does not affect the requirements of SOLAS and FCC that there be primary and secondary operators on board GMDSS ships as of February 1, 1999.

Paragraph (f) addresses the GMDSS At-sea Maintainer. Since it is fully consistent with Chapter IV of SOLAS, the Coast Guard considers it appropriate to align the effective date respecting the GMDSS At-sea Maintainer with that respecting the maintenance option in Chapter IV of SOLAS February 1, 1999.

42. Section 15.1105 addresses familiarization and basic safety-training. Section 15.403 in the NPRM, it clarifies its own scope by exempting personnel serving on certain classes of smaller vessels (see § 15.103(d)). Paragraph (a) provides that no person may be assigned duties on board a vessel unless he or she first receives familiarization training or instruction, to prepare him or her to take proper action in emergencies. Paragraph (b) provides that persons required to be on board as part of the crew complement must become familiar with ship-specific systems and arrangements, before being assigned to duties. Paragraph (c) provides that persons who are part of the crew complement or are assigned duties on the muster list must produce evidence of having (1) received approved basic safety training or instruction and (2) achieved or maintained competence in base safety within the last 5 years.

Paragraph 15.1105(d) reflects the guidance issued by the Subcommittee of

IMO on STW, to the effect that, in applying STCW Regulation V/1 on basic safety-training or instruction to seafarers who have commenced sea service before February 1, 1997, administrations should "treat each case on its merits." It exempts those mariners (except where basic safety-training may be a requirement for holding a license or document under part 10 or 12) from undergoing formal training or instruction in basic safety until August 1, 2002, if they hold evidence of achieving or maintaining competence within the last 5 years. The required evidence can be based on records that a mariner has participated in well-organized drills and other structured exercises, or participated in on-board safety training programs, during which his or her performance was evaluated, and weaknesses brought to his or her attention.

43. Section 15.1107 covers maintenance of records. It now indicates that a certificate by a qualified medical practitioner, to the effect that a seaman is medically fit to perform tasks and duties likely to be involved in the performance of the job for which he or she is employed, is sufficient to meet the record-keeping requirement of this rule respecting medical fitness. Records must be maintained only for those seamen on seagoing vessels who hold licenses or merchant mariners' documents.

44. Section 15.1109 (which was § 15.705 in the NPRM) addressed watchkeeping. It stays basically as proposed, though with editorial improvements.

45. Section 15.1111 (which was § 15.710 in the NPRM) concerns work hours and rest periods. It is re-drafted (1) to square with STCW on rest periods; (2) to clarify that no rest period may be used for work even on a voluntary basis; (3) to provide examples of duties that should not be assigned during rest periods; (4) to require watchkeeping personnel to comply with domestic limits on work-hours in U.S.C. 8104; and (5) to make necessary editorial corrections.

Incorporation by Reference

The following material would be incorporated by reference in § 10.102, 12.01-3, and 15.105: Amendments to the Annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and the associated Seafarers' Training, Certification and Watchkeeping (STCW) Code, as adopted under resolutions 1 and 2, respectively, by the Conference of Parties to the International Convention on Standards

of Training, Certification and Watchkeeping for Seafarers, 1978, held at IMO from June 26 to July 7, 1995.

Copies of the material are available for inspection where indicated under ADDRESSES. Copies of the material are also available from IMO, 4 Albert Embankment, London SE1 7SR, England, telephone in London 0171-735-7611.

The Coast Guard submitted this material to the Director of the Federal Register for approval of the incorporation by reference.

Assessment

This Interim Rule is a significant regulatory action under section 3(f) of Executive Order 12866 and has been reviewed by the Office of Management and Budget under that Order. It is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). A regulatory assessment has been prepared for this interim rule based on comments on the NPRM and preliminary regulatory assessment. The regulatory assessment is available for inspection where indicated under ADDRESSES.

In response to the NPRM comments, recent legislation, and an overarching effort to reduce the regulatory burden we impose, the Coast Guard has made four notable decisions that will sharply reduce the breadth of this rulemaking and its concomitant costs. The long term benefits of the resultant rule far exceed its costs.

1. A number of comments indicated that requiring uninspected passenger vessels to comply with STCW would have a negative impact on the uninspected passenger vessel industry. Subsequent analysis by the Coast Guard supports this conclusion. Because domestic law has generally excluded uninspected passenger vessels from regulations applicable to ocean-going vessels and STCW is not likely to be cost-effective for that segment of the industry, the Coast Guard is exempting personnel serving on uninspected passenger vessels from the application of STCW.

2. Existing domestic regulations for small passenger vessels are equivalent to STCW standards. The Coast Guard therefore estimates that the interim rule will impose no costs on the small passenger vessel industry or on seafarers employed within this industry.

3. The Congress exempted the fish-tenders from application of SRCW under Section 1146 of the Coast Guard Authorization Act of 1996 (Pub. L. 104-324). The Coast Guard therefore estimates that the interim rule will

impose no new costs on the fish-tender vessel industry or on seafarers employed within this industry.

4. The Coast Guard believes existing domestic regulations for seagoing vessels (other than passenger vessels) that are less than 200 GRTs are equivalent to STCW standards. Therefore, this interim rule imposes no additional burden or concomitant costs on the "less than 200 GRT seagoing vessel" industry or on seafarers employed within this industry.

The Coast Guard estimates that after these equivalences and exemptions are taken into account, approximately 1,356 vessels operating outside the Boundary Line will be affected by this interim rule. Vessels affected include: 114 fish processing vessels; 516 freight ships; 10 mobile offshore-drilling units (MODUs); 18 oil recovery vessels; 385 offshore supply vessels; 13 passenger vessels; 41 research vessels; 13 school ships; 201 tank ships; and 45 towboats, tugboats, and integrated tug-barge units.

In addition, the Coast Guard estimates that the interim rule will affect approximately 50,000 seafarers. This group includes: 16,000 deck and other officers; 7,500 engineering officers; 13,000 entry-level seafarers; 6,000 able seamen; 2,000 lifeboatmen; and 5,500 qualified members of the engineering department.

The following outlines the costs and benefits of STCW implementation; it presents all costs and benefits in 1996 dollars.

Costs

The costs of this interim rule fall into the following categories: training course and practical skills demonstration costs; ship company costs; maritime trainers' costs; and government costs.

Training Course and Practical Skills Demonstration Costs

Training course and practical skills demonstration costs vary with the number of seafarers applying for STCW certification. Because all seafarers employed on STCW certification. Because all seafarers employed on STCW-affected vessels will be required to have STCW certification by February 1, 2002, and because original certification is more expensive than recertification, training course and practical skills demonstration costs will be higher in the first five years following STCW implementation (1997-2001) than they will be in subsequent years.

A seafarer possessing a license or document may satisfy some STCW requirements by a demonstration of competence in lieu of training. If a seafarer is unable to demonstrate the

required competence in skills needed to perform their duties, however, it may be necessary for a seafarer to take certain STCW training required for an original license or document before receiving STCW certification. Consequently, training course and practical skill demonstration costs potentially affect both new and current seafarers.

Deck officers, engineers, and unlicensed personnel may be required to take new courses to receive STCW certificates or endorsements. Course costs for individuals are expected to be \$8,384,739 annually between 1997 and 2001, and \$1,619,969 annually after 2001.

When formal training is not required, deck officers, engineers, and unlicensed personnel will be required to demonstrate competency in skills relevant to their assigned duties before receiving or renewing STCW certification. The Coast Guard estimates the total cost of demonstrating competency and documenting experience will be \$2,148,940 annually between 1997 and 2001, and \$1,921,766 annually after 2001.

Ship Company Costs

The Coast Guard estimates that the burden of keeping company records, as required by STCW, will cost ship companies a total of \$11,270 annually.

Maritime Training Costs

The STCW will impose negligible new costs on marine training institutions. The Interim Rule does not require that seafarers take all STCW training at any one institution, or that any one institution offer all training required for STCW certification. Therefore, marine training institutions need not offer any new courses. Any marine training institutions offering new courses will do so to meet increased demand in response to market forces.

Government Costs

There will be a one-time cost to the government of approximately \$350,000 incurred between 1997 and 2001 for approving mariner courses, in-house training, policy development, and recordkeeping required by STCW-based rules.

Summary of Costs

The present value of the costs of this Interim Rule through 2006, discounted at 7% to 1996, will total \$53,922,941.

Benefits

Human error is the cause of over 80% of all marine accidents. By ensuring that seafarers have the skills needed to perform their duties, STCW will prevent accidents that result from insufficient knowledge or inadequate skills. The benefits of STCW are the costs avoided by preventing accidents caused by human error.

To determine the economic value of accidents prevented, the Coast Guard analyzed casualty records of and investigation reports into the causes and costs of marine accidents that have occurred on U.S.-flagged vessels of the types to be affected by STCW. The benefits are a function of the type and magnitude of marine accidents that will be avoided. A lower and an upper range of benefits are estimated to bound the anticipated range of effectiveness STCW will have in preventing accidents. Casualty records analyzed and the methodology used to determine STCW's effectiveness in preventing accidents are presented in the regulatory assessment that is available for inspection as indicated under **ADDRESSES**. The Coast Guard's analysis of casualty records determined that STCW is likely to prevent damages and injuries valued between \$13,820,709 and \$24,511,455 annually.

The benefits of STCW flow from the accidents avoided. The benefits

associated with preventing marine accidents are phased in according to the percentage of mariners who will complete the requirements needed to receive STCW certification each year. As the full effect of these STCW requirements will be gained by seafarers that enter the workforce or upgrade an existing license/document, the full benefit of STCW is assumed to accrue to the U.S. economy within 10 years.

Summary of Benefits

The Coast Guard estimates that the present value of the benefits discussed above, discounted at 7% through 2006, will total between \$56,464,784 and \$100,142,042.

Non-Quantifiable Benefits

The Coast Guard also identified non-quantifiable benefits due to STCW. As a result of implementing this international convention, the United States, acting in its capacity as a port state, will have the authority to detain foreign vessels that are not in compliance with STCW. The Coast Guard believes that these vessels are more likely to have marine accidents than those that are in compliance with STCW. As a result of its ability to restrain the movements of these unsafe foreign-flag vessels in U.S. waters, the Coast Guard expects to see fewer accidents in U.S. waters caused by foreign-flag vessels. Although these benefits are not quantified, it is worth noting that over 90% of the vessels subject to STCW and calling on U.S. ports fly the flag of a foreign nation.

Benefit/Cost Comparison

Tables 1 and 2 outline the present value of the costs and benefits of STCW, calculated from 1997 to the year noted in the tables. Each value has been discounted at 7% to 1996 and is presented in 1996 dollars.

TABLE 1.—PRESENT VALUE OF BENEFITS AND COSTS, BENEFITS CALCULATED AT LOWER END OF RANGE, 1996 DOLLARS

Year	PV benefits	PV costs	Benefit/cost ratio NPV
2006	56,464,784	53,922,941	1.05
2016	105,810,695	66,608,706	1.59
2026	130,895,655	73,057,506	1.79

NOTE.—PV: Present Value. NPV; Net Present Value.

TABLE 2.—PRESENT VALUE OF BENEFITS AND COSTS, BENEFITS CALCULATED AT UPPER END OF RANGE, 1996 DOLLARS

Year	PV benefits	PV costs	Benefit/cost ratio NPV
2006	100,142,042	53,922,941	1.86
2016	187,658,544	66,608,706	2.82
2026	232,147,496	73,057,506	3.18

NOTE.—PV: Present Value. NPV: Net Present Value.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the Coast Guard must consider whether this interim rule, if adopted, would have a significant economic impact on a substantial number of small entities. "Small entities" may include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632). "Small entities" also include small not-for-profit organizations and small governmental jurisdictions.

The Coast Guard did consider the impact on businesses, organizations, and jurisdictions defined as small entities and potentially affected by STCW. Small entities include: owners and operators of some STCW-affected vessels; training institutions; and businesses offering marine training courses or supplying assessors or examiners.

Because STCW does not require that any single business offer or assess all courses required under STCW, no training institution or business offering training course assessors will have to offer new services. This rulemaking allows for small entities to remain in and actively compete in the maritime training sector with options to teach and assess as many courses or functions as the entity chooses.

The NPRM generated over 400 comments from owners and operators of small passenger vessels, seagoing vessels (other than passenger vessels) that are less than 200 Gross Registered Tons (GRT), as well as uninspected passenger vessels and fish-tenders. Many of these owners and operators were small businesses. Their comments indicated that STCW might have a significant impact on their business. The Interim Rule addresses these concerns. Specifically, the system of equivalencies under existing domestic regulations established for small passenger vessels and for seagoing vessels (other than passenger vessels) that are less than 200 GRTs, as well as the system of exemptions for uninspected passenger vessels and fish-tenders, means that STCW will not

impose any new requirements on these businesses.

These accommodations for owners and operators of small passenger vessels, seagoing vessels (other than passenger vessels) that are less than 200 GRTs, as well as for those of uninspected passenger vessels and fish-tenders, and the flexibility maintained in this Interim Rule for marine educators and assessors, convince the Coast Guard that it has eliminated impacts on small entities that would otherwise have been affected by the Interim Rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this Interim Rule will not have a significant economic impact on a substantial number of small entities. The regulatory flexibility analysis is included in the regulatory assessment, which is in the docket.

Unfunded Mandates

Under the Unfunded Mandates Reform Act (Pub. L. 104-4) (the Act), the Coast Guard must consider whether this Interim Rule will result in an annual expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million (adjusted annually for inflation). The Act also requires (in section 205) that the Coast Guard identify and consider a reasonable number of regulatory alternatives, and from those alternatives, select the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the Interim Rule.

The cost analysis completed for this Interim Rule estimates that compliance costs through the year 2006 will total \$53.9 million and through the year 2016 will total \$66.6 million. This Interim Rule will not result in estimated annual costs of \$100 million or more either to State, local, or tribal governments in the aggregate, or to the private sector.

Representatives of training institutions were interviewed to assess the impact of STCW. STCW does not require that any single business, including any State-training institution, offer or assess all courses required under STCW. In addition, no business, including any training institution offering training course assessors, will

have to offer new services. At the same time, State and private training institutions will have the opportunity to remain in, and actively compete in, the maritime training sector.

Collection of Information

Under the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*], the Office of Management and Budget (OMB) reviews each rule that contains collection-of-information requirements to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements. The Coast Guard is currently requesting a revision of a current collection of information, under OMB control number 2115-0624, approved at the stage of the NPRM.

This Interim Rule contains collection-of-information requirements in the following sections: 10.205 (documentation of practical-skills demonstration); 10.304 (training-record books); 10.309 and 12.03-1 (documentation of training and assessment); 12.02-17 (documentation of medical fitness); 15.1107 (maintenance of merchant mariners' records by owner or operator); and 15.1111 (work hours and rest periods). The following particulars apply:

Where courses are not required, candidates for original licenses and license renewals must demonstrate competency in skills necessary to perform assigned duties. Evidence of demonstrated competency must be documented and submitted to the OCMI in order for candidates to receive STCW certification or documentation.

Candidates for an STCW certificate or endorsement as an officer in charge of a navigational watch or engineering watch may use a combination of training and sea service to meet STCW requirements. When seagoing service is combined with training in order to qualify for STCW certification, training must be documented in a Coast Guard-accepted training-record book.

Objectives and criteria used for training and assessment not subject to Coast Guard approval, but used to

qualify for STCW certification or endorsement, must also be documented and available for evaluation.

Applicants for merchant mariners' documents must submit written reports from medical practitioners stating that they are medically fit to perform assigned duties.

Ship companies must ensure that information regarding the medical fitness, experience, and competency of seafarers serving on any vessel is maintained and accessible to management. Recordkeeping requirements respecting any particular seafarer would be in effect only during the period of service of the seafarer concerned.

The rules in STCW were drafted to apply to companies and training programs worldwide. And in due course, under STCW as amended, the United States must show the IMO that it has in place domestic rules that implement those rules. But even the record-keeping requirements incidental to the NPRM generally reflected routine practices for U.S. ship companies and training institutions. The record-keeping requirements that the Coast Guard will institute with this interim rule reflect a basic reconsideration of the domestic rules themselves and of the requirements incidental to them: The rules and the requirements will not impose any new record-keeping burdens on companies operating smaller vessels on domestic voyages, or on institutions that train personnel for service on such vessels. This accounts for the reduction in cost impact.

DOT No.: 2115.

OMB Control No.: 2115-0624.

Administration: U.S. Coast Guard.

Title: Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW).

Need for Information: To ensure compliance with international training standards, and to maintain an acceptable level of quality in the training, assessment, skills, and fitness of merchant mariners.

Proposed use of Information: The Coast Guard would have access to information so it could monitor compliance with regulations and see where corrective action may be needed. Coast Guard officials issuing licenses, documents, and STCW certificates would then have a reliable source for determining whether training and assessment had been completed in accordance with domestic rules designed to ensure that merchant mariners have the skills and fitness necessary to perform assigned duties.

Frequency of Response: Under this interim rule, documentation of merchant mariners' training, assessment, skills, and fitness would have to be completed and submitted to the Coast Guard once every five years or when upgrading an existing license or endorsement. A ship company would have to maintain a record on a seafarer in its service as long as that seafarer remained employed in its service. Records of training and assessment would have to be kept on file by the institutions conducting training or assessment for one year.

Burden Estimate: 22,362 (down from 40,215 in the NPRM) hours annually.

Respondents: 22,930 (down from 28,645) annually.

Average Burden-Hour per Respondent: 0.975 (down from 1.4) hour.

The Coast Guard has submitted the less-burdensome requirements to OMB for final approval under sub-section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and the Coast Guard where indicated under

ADDRESSES.

Federalism

The Coast Guard has analyzed this interim rule under the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

This interim rule should not have a direct impact on State, local, or tribal governments. States that operate or charter maritime training institutions will have to bring the relevant training programs into line with the new requirements. For the most part, however, the existing State-sponsored maritime training institutions already have programs that will need few adjustments to meet the new requirements. The accreditation process for these institutions will, under this interim rule, satisfy quality assurance provisions.

Environment

The Coast Guard considered the environmental impact of this interim rule and concluded that, under paragraph 2.B.2.e(34)(c) of Commandant Instruction M16475.1B, this interim rule is categorically excluded from further environmental documentation. This interim rule would have no direct environmental impact. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 10

Fees, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 12

Fees, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Schools, Seamen, Vessels.

46 CFR Part 15

Incorporation by reference, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Schools, Seamen, Vessel manning, Vessels.

For the reasons set out in the preamble, the Coast Guard is amending 46 CFR parts 10, 12, and 15 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. The authority citation for part 10 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45, 1.46; Sec. 10.107 also issued under the authority of 44 U.S.C. 3507.

2. In § 10.101, paragraphs (a) and (c) are revised to read as follows:

§ 10.101 Purposes of regulations.

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

(1) A comprehensive means of determining the qualifications an applicant must possess to be eligible for a license as a deck officer, engineer, pilot, radio officer, or radio operator on merchant vessels, or for a license to operate uninspected towing vessels or uninspected passenger vessels, or for a certificate of registry as a staff officer; and

(2) A means of determining that an applicant is competent to serve as a master, chief mate, officer in charge of a navigational watch, chief engineer officer, second engineer officer (first assistant engineer), officer in charge of an engineering watch, designated duty engineer, or radio operator, in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW), and other laws, and to receive the appropriate certificate or endorsement as required by STCW.

* * * * *

(c) The regulations in subpart C of this part prescribe the requirements applicable to—

(1) Each approved training course, if the training course is to be acceptable as a partial substitute for service or for a required examination, or as training required for a particular license or license endorsement; and

(2) All training and assessment associated with meeting the standards of competence established by STCW.

3. Section 10.102 is added to read as follows:

§ 10.102 Incorporation by reference.

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

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

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England.

STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW Convention), and Seafarer's Training, Certification and Watchkeeping Code (STCW Code)—10.103; 10.205; 10.304; 10.603; 10.901; 10.903; 10.1005.

4. In § 10.103, the following new definitions are added in alphabetical order to read as follows:

§ 10.103 Definitions of terms used in this part.

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

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

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

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

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

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

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

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

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

STCW endorsement means a certificate or endorsement issued in accordance with STCW. An STCW endorsement issued by the Officer in

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

5. In § 10.107, paragraph (b)(3) is added to read as follows:

§ 10.107 Paperwork approval.

(b) * * *
(3) OMB 2115-0624—46 CFR 10.304 and 10.309.

6. In § 10.201, paragraph (a) is revised to read as follows:

§ 10.201 Eligibility for licenses and certificates of registry, general.

(a) Each applicant shall establish to the satisfaction of the OCMI that he or she possesses all of the qualifications necessary (such as age, experience, character references and recommendations, physical health or competence and test for dangerous drugs, citizenship, approved training, passage of a professional examination, as appropriate, and, when required by this part, a practical demonstration of skills) before the OCMI will issue a license or certificate of registry.

7. In § 10.202, the heading is revised and paragraphs (j), (k), and (l) are added to read as follows:

§ 10.202 Issuance of licenses, certificates of registry, and STCW certificates or endorsements.

(j) When an original license is issued, renewed, upgraded, or otherwise modified, the OCMI will determine whether the holder of the license needs to hold an STCW certificate or endorsement for service on a seagoing vessel and then, if the holder is qualified, will issue the appropriate certificate or endorsement. The OCMI will also issue an STCW certificate or endorsement at other times, if circumstances so require and if the holder of the license is qualified to hold the certificate or endorsement.

(k) Notwithstanding §§ 10.205 (k), (l), (m), (n), and (o), 10.304, and 10.901, each mariner found qualified to hold any of the following licenses will also be entitled to hold an STCW certificate

or endorsement corresponding to the service or other limitations on the license, because the vessels concerned are not subject to further obligation under STCW, on account of their special operating conditions as small vessels engaged in domestic voyages:

(1) Master's, mate's, or engineer's license for service on small passenger vessels that are subject to subchapter T or K of title 46, Code of Federal Regulations (CFR), and that operate beyond the boundary line.

(2) Master's, mate's, or engineer's license for service on seagoing vessels of less than 200 gross register tons (GRT), other than passenger vessels subject to subchapter H of title 36, CFR.

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

(1) Uninspected passenger vessels as defined in 46 U.S.C. 201(42).

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

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

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

(5) Vessels operating exclusively on the Great Lakes or the inland waters of the U.S. in the straits of Juan de Fuca inside passage.

8. In § 10.205, the heading is revised, and paragraphs (l), (m), (n), (o), and (p) are added to read as follows:

§ 10.205 Requirements for original licenses, certificates of registry, and STCW certificates and endorsements.

* * * * *

(l) *Basic safety training or instruction.*

(1) After January 31, 1997, except as provided in § 10.202, an STCW certificate or endorsement valid for any period on or after February 1, 2002, will be issued only when the candidate provides evidence of having achieved or, if training has been completed, having maintained the minimum standards of competence for the following 4 areas of basic safety within the previous 5 years upon assessment of a practical demonstration of skills and abilities:

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

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

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

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

(m) *Competence in the use of Automatic Radar-Plotting Aids (ARPA).*

(1) Subject to paragraph (m)(2) of this section, and except as otherwise provided in § 10.202, each candidate for an STCW certificate or endorsement as master or mate, to be valid on or after February 1, 2002, for service on vessels in ocean or near-coastal service, shall present a certificate of completion from an approved course or from accepted training on an ARPA simulator. The course or training must be sufficient to establish that the applicant is competent to maintain safe navigation through the proper use of ARPA, by correctly interpreting and analyzing the information obtained from that device and taking into account both the limitations of the equipment and the prevailing circumstances and conditions. The simulator used in the course or training must meet or exceed the performance standards established under STCW Regulation I/12 of the 1995 Amendments.

(2) Training and assessment in the use of ARPA are not required for mariners serving exclusively on vessels not fitted with ARPA. However, when any mariner so serving has not completed it, his or her STCW certificate or endorsement will be endorsed to indicate this limitation.

(n) *Certificate for operator of radio in the Global Maritime Distress and Safety System (GMDSS).*

(1) Subject to paragraph (n)(2) of this section, and except as otherwise provided by § 10.202, each candidate for an STCW certificate or endorsement as master or mate, to be valid on or after February 1, 2002, for service in vessels in ocean or near-coastal service, shall present—

(i) A certificate for operator of radio in the GMDSS issued by the Federal Communication Commission (FCC); and

(ii) A certificate of completion from a Coast Guard-approved or accepted course for operator of radio in the GMDSS or from another approved program of training and assessment covering the same areas of competence. The course or program must be sufficient to establish that the applicant is competent to perform radio duties on a vessel participating in the GMDSS and meets the standard of competence under STCW Regulation IV/2.

(2) Paragraph (m) of this section does not apply to a candidate intending to serve only as a pilot, or intending to serve only on vessels not required to comply with the provisions of the GMDSS in Chapter IV of the Convention

for the Safety of Life at Sea, 1974, as amended (SOLAS).

(3) Each candidate presenting a certificate described in paragraph (n)(1) of this section may have his or her STCW certificate suitably endorsed with his or her GMDSS qualification.

(o) *Procedures for bridge team work.*

Except as otherwise provided by § 10.202, each candidate for an STCW certificate or endorsement as master or mate, to be valid on or after February 1, 2002, for service on vessels in ocean or near-coastal service, shall present sufficient documentary proof that he or she understands and can effectively apply procedures for bridge team work as an essential aspect of maintaining a safe navigational watch, taking into account the principles of bridge-resource management enumerated in Section B-VIII/2 of the STCW Code.

(p) *Practical demonstration of skills.*

Each candidate for an original license shall successfully complete any practical demonstrations required under this part and appropriate to the particular license concerned, to prove that he or she is sufficiently proficient in skills required under subpart I of this part. The OCMI must be satisfied as to the authenticity and acceptability of all evidence that each candidate has successfully completed the demonstrations required under this part in the presence of a designated examiner. The OCMI will place in the file of each candidate a written or electronic record of the skills required, the results of the practical demonstrations, and the identification of the designated examiner in whose presence the requirements were fulfilled.

9. In § 10.207, the heading of the section, the heading for paragraph (c), and paragraph (c)(1) are revised to read as follows:

§ 10.207 Requirements for raises of grades of licenses.

* * * * *

(c) *Age, experience, training, and assessment.* (1) Each applicant for a raise of grade of license shall establish that he or she possesses the age, experience, and training necessary, and has been examined and otherwise assessed as may be required by this part to establish competence to hold the particular license requested, before he or she is entitled to a raise in grade of license.

* * * * *

10. In § 10.209, the heading is revised, and paragraph (k) is added to read as follows:

§ 10.209 Requirements for renewal of licenses, certificates of registry, and STCW certificates and endorsements.

* * * * *

(k) Except as otherwise provided by § 10.202, each candidate for a renewal of an STCW certificate or endorsement as master, mate, operator, or engineer, to be valid on or after February 1, 2002, for service on any vessel in ocean or near-coastal service, shall meet the applicable requirements of paragraphs (k), (l), (m), and (n) in § 10.205 and shall meet the requirements of Section A-VI/2, paragraph 1 to 4 of the STCW Code.

11. In § 10.304, the heading is revised and paragraphs (e), (f), (g), and (h) are added to read as follows:

§ 10.304 Substitution of training for required service, and use of training-record books.

* * * * *

(e) Except as provided in § 10.202, when a candidate both applies for an STCW certificate or endorsement as an officer in charge of a navigational watch, on the basis of training or sea service commencing on or after August 1, 1998, and uses completion of approved training to substitute for required service, then not less than 1 year of the remaining service must be part of approved training that meets the appropriate requirements of Chapter II of STCW and the requirements of subpart C of this part. The training of a candidate must be documented in a Coast Guard-accepted training-record book.

(f) Except as provided in § 10.202, each candidate who applies for an STCW certificate or endorsement as an officer in charge of an engineering watch or as a designated duty engineer on the basis of training or sea service commencing on or after August 1, 1998, for service on seagoing vessels, shall complete onboard training as part of approved training that meets the appropriate requirements of Chapter III of STCW and the requirements of subpart C of this part. The training must be documented in a Coast Guard-accepted training-record book.

(g) The training-record book referred to in paragraphs (e) and (f) of this section must contain at least the following:

- (1) The identity of the candidate.
- (2) 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.
- (3) The criteria to be used in determining that the tasks or skills have been performed properly, again with reference to the standards of

competence set forth in the tables of the appropriate sections in part A of the STCW Code.

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

(5) A place for a designated examiner to indicate by his or her initials that the candidate 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.

(6) The identity of each qualified instructor, including any Coast Guard license or document held, and the instructor's signature.

(7) The identity of each designated examiner, when any assessment of competence is recorded, including any Coast Guard license or document held, and the examiner'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 candidate.

(h) The training-record book referred to in paragraphs (e) and (f) of this section may be maintained electronically, if the electronic record meets Coast Guard-accepted standards for accuracy, integrity, and availability.

12. Section 10.309 is added to subpart C to read as follows:

§ 10.309 Coast Guard-accepted training other than approved courses.

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

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

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

- (i) The sequence of subjects to be covered;
- (ii) The number of hours to be devoted to instruction in relevant areas of knowledge;
- (iii) The identity and professional qualifications of the instructor(s) to be conducting the training or providing instruction;

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

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

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

- (i) Have experience, training, or instruction in effective instructional techniques;
- (ii) Are qualified in the task for which the training is being conducted; and
- (iii) Hold the level of license, endorsement, or other professional credential required of those who would apply on board a vessel the relevant level of knowledge, skills, and abilities described in the training objectives.

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

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

- (i) The simulator meets applicable performance standards;
- (ii) The instructor has gained practical operational experience on the particular type of simulator being used; and
- (iii) The instructor has received appropriate guidance in instructional techniques involving the use of simulators.

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

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

(8) Documentary evidence is readily available to establish that any evaluation of whether a student is competent in accordance with standards, methods, and criteria set out in part A of the STCW Code is conducted by a designated examiner who has experience, training, or instruction in assessment techniques.

(9) Records of the student's performance are maintained for at least 1 year by the offeror of the training and assessment.

(10) To ensure that the training is meeting its objectives, and the requirements of paragraphs (a)(1)

through (9) of this section, the offeror must either—

(i) Be regulated as a maritime academy or marine academy pursuant to 46 CFR part 310; or

(ii) Monitor the training in accordance with a Coast Guard-accepted QSS, which must include the following features:

(A) The training must be provisionally certified, on the basis of an initial independent evaluation conducted under a Coast Guard-accepted QSS, as being capable of meeting its objective.

(B) The training must be periodically monitored in accordance with the schedule stipulated under the Coast Guard-accepted QSS.

(C) Each person conducting the initial evaluation or the subsequent periodic monitoring of the training shall be knowledgeable about the subjects being evaluated or monitored and about the national and international requirements that apply to the training, and shall not himself or herself be involved in the training and assessment of students.

(D) Each person evaluating or monitoring the training shall have access to all appropriate documents and facilities, and shall have opportunities both to observe all appropriate activities and to conduct confidential interviews when necessary.

(E) Arrangements must be such as to ensure that no person evaluating or monitoring the training is penalized or rewarded, directly or indirectly, by the sponsor of the training for making any particular observations or for reaching any particular conclusions.

(11) Each person conducting the initial evaluation under paragraph (a)(10)(ii)(A) of this section or the periodic monitoring of the training under paragraph (a)(10)(ii)(B) of this section shall communicate his or her conclusions to the Director, National Maritime Center, NMC-4B, 4200 Wilson Boulevard, suite 510, Arlington, VA 22203-1804, within 1 month of the completion of the evaluation or the monitoring.

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

(b) The Coast Guard will maintain a list of training each of whose offerors submits a certificate, initially not less than 45 calendar days before offering training under this section, and annually thereafter, signed by the offeror or its authorized representatives, stating that the training fully complies with requirements of this section, and

identifying the Coast Guard-accepted QSS being used for independent monitoring. Training programs on this list will offer the training necessary for licenses and STCW endorsements under this part. The Coast Guard will update this list periodically and make it available to members of the public on request.

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

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

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

(3) If the appeal is denied—or the deficiency is not corrected in the allotted time, or within any additional period judged by the Coast Guard to be appropriate, considering progress 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; and it may deny applications for licenses for STCW endorsement based in whole or in part on training not on the list, until additional training or assessment is documented.

13. In subpart D, the heading is revised to read as follows:

Subpart D—Professional Requirements for Deck Officers' Licenses

14. Section 10.491 is added to subpart D to read as follows:

§ 10.491 Licenses for service on offshore supply vessels.

Each license for service on offshore supply vessels (OSVs) authorizes service on OSVs as defined in 46 U.S.C. 2101(19) and as interpreted under 46 U.S.C. 14104(b), subject to any restrictions placed on the license.

15. Section 10.493 is added to subpart D to read as follows:

§ 10.493 Master (OSV).

(a) Except as provided by paragraph (b) of this section, to qualify for a license as Master (OSV), an applicant shall present evidence that he or she meets the appropriate requirements of STCW Regulation II/2.

(b) The OCMI may exempt an applicant from meeting any requirement under STCW Regulation II/2 that the OCMI determines to be inappropriate or

unnecessary for service on an OSV, or that the applicant meets under the equivalency provisions of Article IX of STCW.

16. Section 10.495 is added to subpart D to read as follows:

§ 10.495 Chief Mate (OSV)

(a) Except as provided by paragraph (b) of this section, to qualify for a license as Chief Mate (OSV), an applicant shall present evidence that he or she meets the appropriate requirements of STCW Regulation II/2.

(b) The OCMI may exempt an applicant from meeting any requirement under STCW Regulation II/2 that the OCMI determines to be inappropriate or unnecessary for service on an OSV, or that the applicant meets under the equivalency provisions of Article IX of STCW.

17. Section 10.497 is added to subpart D to read as follows:

§ 10.497 Mate (OSV)

(a) Except as provided by paragraph (b) of this section, to qualify for a license as Mate (OSV), an applicant shall present evidence that he or she meets the appropriate requirements of STCW Regulation II/1.

(b) The OCMI may exempt an applicant from meeting any requirement under STCW Regulation II/1 that the OCMI determines to be inappropriate or unnecessary for service on an OSV, or that the applicant meets under the equivalency provisions of Article IX of STCW.

18. Section 10.551 is added to subpart E to read as follows:

§ 10.551 Licenses for service on offshore supply vessels.

Each license for service on OSVs as Chief Engineer (OSV) or Engineer authorizes service on OSVs as defined in 46 U.S.C. 2101(19) and as interpreted under 46 U.S.C. 14104(b), subject to any restrictions placed on the license.

19. Section 10.553 is added to subpart E to read as follows:

§ 10.553 Chief Engineer (OSV).

(a) Except as provided by paragraph (b) of this section, to qualify for a license as Chief engineer (OSV), an applicant shall present evidence that he or she meets the appropriate requirements of STCW Regulation III/2.

(b) The OCMI may exempt an applicant from meeting any requirement under STCW Regulation III/2 that the OCMI determines to be inappropriate or unnecessary for service on an OSV, or that the applicant meets under the equivalency provisions of Article IX of STCW.

20. Section 10.555 is added to subpart E to read as follows:

§ 10.555 Engineer (OSV).

(a) Except as provided by paragraph (b) of this section, to qualify for a license as Engineer (OSV), an applicant shall present evidence that he or she meets the appropriate requirements of STCW Regulation III/1.

(b) The OCMI may exempt an applicant from meeting any requirement under STCW Regulation III/1 that the OCMI determines to be inappropriate or unnecessary for service on an OSV, or that the applicant meets under the equivalency provisions of Article IX of STCW.

21. Section 10.601 is revised to read as follows:

§ 10.601 Applicability.

This subpart provides for the licensing of radio officers for employment on vessels, and for the issue of STCW certificates or endorsements for those qualified to serve as radio operators on vessels subject to the provisions on the Global Maritime Distress and Safety System (GMDSS) of Chapter IV of SOLAS.

22. Section 10.603, the heading is revised, and paragraphs (d) and (e) are added to read as follows:

§ 10.603 Requirements for radio officers' licenses, and STCW certificates or endorsements for GMDSS radio operators.

* * * * *

(d) Each applicant who furnishes evidence that he or she meets the standard of competence set out in STCW Regulation IV/2, including the competence to transmit and receive information using subsystems of GMDSS, to fulfill the functional requirements of GMDSS, and to provide radio services in emergencies is entitled to hold an STCW certificate suitably endorsed for performing duties associated with GMDSS.

(e) Evidence required by paragraph (d) of this section must include a certificate—

(1) For operator of radio in the GMDSS issued by the Federal Communications Commission (FCC); and

(2) Of completion from a Coast Guard-approved course for operator of radio in the GMDSS, or other approved programs of training and assessment covering the same areas of competence.

23. The heading of subpart I is revised to read as follows:

Subpart I—Subjects of License Examinations and Practical Demonstrations of Competence

24. In § 10.901, paragraphs (c) and (d) are added to read as follows:

§ 10.901 General provisions.

* * * * *

(c) Except as provided in §§ 10.202 and 10.209, each applicant for an STCW certificate or endorsement, to be valid for service on or after February 1, 2002, in the following capacities on vessels that operate beyond the Boundary Line shall also furnish sufficient documentary evidence that he or she has made a practical demonstration(s) of competence as set out under the appropriate STCW Regulations:

(1) *Deck Department.* (i) Officer in charge of the navigational watch on a seagoing vessel of 500 gross tons (GT) or more.

(ii) Officer in charge of the navigational watch on a seagoing vessel of less than 500 GT not engaged on a near-coastal voyage.

(iii) Officer in charge of the navigational watch on a seagoing vessel of less than 500 GT engaged on a near-coastal voyage.

(iv) Master and chief mate on a seagoing vessel of 3,000 GT or more.

(v) Master and chief mate on a seagoing vessel of between 500 and 3,000 GT.

(vi) Master on a seagoing vessel of less than 500 GT not engaged on a near-coastal voyage.

(vii) Master on a seagoing vessel of less than 500 gross tons engaged on a near-coastal voyage.

(2) *Engine Department.* (i) Officer in charge of the engineering watch in a manned engine-room on a seagoing vessel.

(ii) Designated duty engineer in a periodically unmanned engine-room on a seagoing vessel.

(iii) Chief engineer officer of a seagoing vessel driven by main propulsion machinery of 3,000 kW [4,000 hp] of propulsion power or more.

(iv) Second engineer officer of a seagoing vessel driven by main propulsion machinery of 3,000 kW [4,000 hp] of propulsion power or more.

(v) Chief engineer officer of a seagoing vessel driven by main propulsion machinery of between 750 kW [1,000 hp] and 3,000 kW [4,000 hp] of propulsion power or more.

(vi) Second engineer officer of a seagoing vessel driven by main

propulsion machinery of between 750 kW [1,000 hp] and 3,000 kW [4,000 hp] of propulsion power or more.

(d) Simulators used in assessment of competence under paragraph (c) of this section must meet the appropriate performance standards set out in Section A-I/12 of the STCW Code. However, simulators installed or brought into use before February 1, 2002, need not meet them so far as they fulfill the objectives of the assessment of competence or demonstration of proficiency.

25. Section 10.903 is amended by adding new paragraphs (c) and (d) to read as follows:

§ 10.903 Licenses requiring examinations and practical demonstrations.

* * * * *

(c) Each candidate for any of the following licenses, who commences Coast Guard approved or accepted training or approved seagoing service on or after August 1, 1998, or who applies for the license on or after February 1, 2002, shall meet the requirements of the appropriate regulations and standards of competence in STCW and in part A of the STCW Code, as indicated in table 903-1:

(1) Master, oceans and near coastal, any gross tons.

(2) Chief mate, oceans and near coastal, any gross tons.

(3) Master, oceans and near coastal, 500 to 1600 gross tons.

(4) Second mate, oceans and near coastal, any gross tons.

(5) Third mate, oceans and near coastal, any gross tons.

(6) Mate, oceans and near coastal, 500 to 1600 gross tons.

(7) Operator, uninspected towing vessel of over 200 gross tons, oceans (domestic trade) and near coastal.

(8) Master (OSV).

(9) Chief mate (OSV).

(10) Mate (OSV).

(11) Chief engineer, unlimited.

(12) 1st Assistant engineer, unlimited.

(13) 2nd Assistant engineer, unlimited.

(14) 3rd Assistant engineer, unlimited.

(15) Chief engineer, limited—oceans.

(16) Chief engineer, limited—near coastal.

(17) Chief engineer (OSV).

(18) Engineer (OSV).

TABLE 10.903-1

STCW Reg.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
II/1	X	X	X	...	...	...	X	...	...	...	...	...	...	...	...
II/2, p. 1 & 2	X	X	...	...	...	...	...	X	X	...	...	...	...	...	...	...	...	...
II/2, p. 3 & 4	X	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
II/3	X	...	...	...	...	...	...	...	...	...	...	...
III/1	X	X	...	...	...	X
III/2	X	X	...	...	...	...	X	...
III/3	X	X	...	...

(d) After July 31, 1998, any candidate for a license listed in paragraph (c) of this section, who meets the requirements of the appropriate regulations and standards of competence in STCW and part A of the STCW code as indicated in table 10.903-1, need not comply with § 10.910, or, 10.950, of this part.

26. Subpart J, consisting of §§ 10.1001 through 10.1005, is added to read as follows:

Subpart J—Ro-Ro Passenger Ships

Sec.

10.1001 Purpose of regulations.

10.1003 Definition.

10.1005 General requirements for license-holders.

Subpart J—Ro-Ro Passenger Ships

§ 10.1001 Purpose of regulations.

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

§ 10.1003 Definition.

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

§ 10.1005 General requirement for license-holders.

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

PART 12—CERTIFICATION OF SEAMEN

1. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

2. Section 12.01-1 is revised to read as follows:

§ 12.01-1 Purposes of regulations.

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

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

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

(b) The regulations in subpart 12.03 of this part prescribe the requirements applicable to all training and assessment associated with meeting the standards of competence established by STCW.

3. Section 12.01-3 is added to read as follows:

§ 12.01-3 Incorporation by reference.

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

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

International Maritime Organization (IMD)

Albert Embankment, London, SE1 7SR, England

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

4. Section 12.01-6 is amended by adding in alphabetical order the following new definitions to read as follows:

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

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

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

* * * * *

Designated examiner means a person who has been trained or instructed in techniques of training or assessment and is otherwise qualified to evaluate whether a candidate for a license, document, or endorsement has achieved the level of competence required to hold the license, document, or endorsement. This person may be designated by the Coast Guard, or by a Coast Guard-approved or accepted program of training or assessment. A faculty member employed at a State maritime

academy or the U.S. Merchant Marine Academy operated in accordance with regulations in 46 CFR part 310 and instructing in a navigation or engineering course is qualified to serve as a designated examiner in his or her area(s) of specialization without individual evaluation by the Coast Guard.

* * * *

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

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

* * * *

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

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

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

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

5. Section 12.01-9 is added to read as follows:

§ 12.01-9 Paperwork approval.

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

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

(1) OMB 2115-0624—46 CFR 12.02-17 and 12.03-1.

6. In § 12.02-7, paragraphs (d), (e), and (f) are added to read as follows:

§ 12.02-7 When documents are required.

* * * *

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

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

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

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

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

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

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

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

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

(7) Vessels operating exclusively on the Great Lakes.

7. In § 12.02-11, the heading is revised, and paragraphs (h) and (i) are added to read as follows:

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

* * * *

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

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

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

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

8. In § 12.02-17, paragraph (e) is added to read as follows:

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

* * * *

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

* * * *

9. Subpart 12.03, consisting of § 12.03-1, is added to read as follows:

Subpart 12.03—Approved and Accepted Training

Sec.

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

Subpart 12.03—Approved and Accepted Training**§ 12.03-1 Coast Guard-accepted training other than approved courses.**

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

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

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

(i) The sequence of subjects to be covered;

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

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

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

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

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

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

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

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

(4) Neither a specialist in a particular field of non-maritime education, such as mathematics or first aid, nor a person with at least 3 years of service as a member of the Armed Forces of the

United States, specializing in a particular field, need hold a maritime license or document to conduct training in that field.

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

(i) The simulator meets applicable performance standards;

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

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

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

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

(8) Documentary evidence is readily available to establish that any evaluation of whether a student is competent in accordance with standards, methods, and criteria set out in part A of the STCW Code is conducted by a designated examiner who has experience, training, or instruction in assessment techniques.

(9) Records of the student's performance are maintained for at least 1 year by the offeror of the training and assessment.

(10) To ensure that the training is meeting its objectives, and the requirements of paragraphs (a) (1) through (9) of this section, its offeror must either—

(i) Be regulated as a maritime academy or marine academy pursuant to 46 CFR part 310; or

(ii) Monitor it in accordance with a Coast Guard-accepted QSS, which must include the following features:

(A) The training must be provisionally certified, on the basis of an initial independent evaluation conducted under a Coast Guard-accepted QSS, as being capable of meeting its stated objective.

(B) The training must be periodically monitored in accordance with the schedule stipulated under the Coast Guard-accepted quality-standards system.

(C) Each person conducting the initial evaluation or the subsequent periodic monitoring of the training shall be knowledgeable about the subjects being evaluated or monitored and about the national and international requirements that apply to the training, and shall not himself or herself be involved in the training and assessment of students.

(D) Each person evaluating or monitoring the training shall enjoy convenient access to all appropriate documents and facilities, and opportunities both to observe all appropriate activities and to conduct confidential interviews when necessary.

(E) Arrangements must be such as to ensure that no person evaluating or monitoring the training is penalized or rewarded, directly or indirectly, by the sponsor of the training for making any particular observations or for reaching any particular conclusions.

(11) Each person conducting the initial evaluation under paragraph (a)(10)(ii)(A) of this section or the periodic monitoring of the training under paragraph (a)(10)(ii)(B) of this section shall communicate his or her conclusions to the Director, National Maritime Center, NMC-4B, 4200 Wilson Boulevard, suite 510, Arlington, VA 22203-1804, within 1 month of the completion or the evaluation of the monitoring.

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

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

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

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

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

(3) If the appeal is denied—or the deficiency is not corrected in the allotted time, or within any additional

period judged by the Coast Guard to be appropriate, considering progress towards compliance—the Coast Guard will remove the training from the list maintained under paragraph (b) of this section until it can verify full compliance; and it may deny applications for licenses for STCW endorsement based in whole or in part on training not on the list, until additional training or assessment is documented.

10. In § 12.05–3, the introductory text is redesignated as new paragraph (a); old paragraph (a), (b), (c), (d), and (e) are redesignated as paragraphs (a) (1) through (5), respectively; and new paragraphs (b) and (c) are added to read as follows:

§ 12.05–3 General requirements.

* * * * *

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

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

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

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

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

(c) An STCW endorsement valid for any period on or after February 1, 2002, will be issued or renewed only when the candidate for certification as able seamen meets the requirements of STCW Regulation II/4 and of Section A–II/44 of the STCW Code, if the candidate will be serving as a rating forming part of the navigational watch on a seagoing ship of 500 GT or more.

11. In § 12.05–7, paragraph (a)(5) is added before the note to read as follows:

§ 12.05–7 Service or training requirements.

(a) * * *

(5) After July 31, 1998, to receive an STCW endorsement for service as a “rating forming part of a navigational watch” on a seagoing ship of 500 GT or more, the applicant’s seagoing service must include training and experience associated with navigational watchkeeping and involve the performance of duties carried out under the direct supervision of the master, the

officer in charge of the navigational watch, or a qualified rating forming part of a navigational watch. The training and experience must be sufficient to establish that the candidate has achieved the standard of competence prescribed in Table A–II/44 of the STCW Code, in accordance with the methods of demonstrating competence and the criteria for evaluating competence specified in that table.

* * * * *

12. In § 12.05–11, the heading and paragraph (a) are revised to read as follows:

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

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

* * * * *

13. In § 12.10–3, the heading and paragraph (a)(6) are revised, and paragraph (c) is added, to read as follows:

§ 12.10–3 General requirements.

(a) * * *

(6) Successful completion of a training course, approved by the Director, National Maritime Center, such course to include a minimum of 30 hours’ actual lifeboat training; *provided*, however, that the applicant produces satisfactory evidence of having served a minimum of 6 months at sea board ocean or coastwise vessels.

* * * * *

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

14. Section 12.10–5 is amended by adding new paragraph (d) to read as follows:

§ 12.10–5 Examination and demonstration of ability.

* * * * *

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

15. Section 12.10–7 is revised to read as follows:

§ 12.10–7 General provisions respecting merchant mariner’s document enforced as lifeboatman.

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

16. Section 12.10–9 is added to read as follows:

Subpart 12.10–9 Certificates of proficiency in fast rescue boats

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

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

(1) Be qualified as a lifeboatman with proficiency in survival craft and fast rescue boats under this subpart; and

(2) Furnish satisfactory proof that he or she has met the requirements for training and competence of STCW Regulation, VI/2, paragraph 2, and the appropriate requirements of Section A–VI/2 of the STCW Code.

17. Subpart 12.13, consisting of 12.13–1 through 12.13–3, is added to read as follows:

Subpart 12.13—Persons Designated to Provide Medical Care on Board Ship

Sec.

12.13–1 Documentary evidence required.

12.13–3 Basis of documentary evidence.

Subpart 12.13—Persons Designated to Provide Medical Care on Board Ship

§ 12.13–1 Documentary evidence required.

After July 31, 1998, each person designated to provide medical first aid on board ship, or to take charge of medical care on board ship, shall hold documentary evidence attesting that the person has attended a course of training in medical first aid or medical care, as appropriate.

§ 12.13–3 Basis of documentary evidence.

The Officer in Charge, Marine Inspection will issue such documentary

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

18. In § 12.15-3, paragraphs (d) and (e) are added to read as follows:

§ 12.15-3 General requirements.

* * * * *

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

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

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

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

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

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

19. In § 12.15-7, paragraph (c) is added to read as follows:

§ 12.15-7 Service or training requirements.

* * * * *

(c) To qualify to receive an STCW endorsement for service as a "rating forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room" on a seagoing vessel drive by main propulsion machinery 750 kW [1,000 hp] propulsion power or more, an applicant shall provide seagoing service that includes training and experience associated with engine-room

watchkeeping and involves the performance of duties carried out under the direct supervision of a qualified engineer officer or a member of a qualified rating. The training must establish that the applicant has achieved the standard of competence prescribed in Table A-III/4 of the STCW Code, in accordance with the methods of demonstrating competence and the criteria for evaluating competence specified in that table.

20. Section 12.25-45 is added to read as follows:

§ 12.25-45 GMDSS At-sea Maintainer.

An applicant is eligible to have his or her STCW certificate or endorsement include a statement of qualification as GMDSS At-sea Maintainer if he or she holds sufficient evidence of having completed a training program that covers at least the scope and content of training outlined in Section B-IV/2 of the STCW Code for training in maintenance of GMDSS installations on board vessels.

21. Subpart 12.30, consisting of §§ 12.30-1 through 12.30-5, is added to read as follows:

Subpart 12.30—Ro-Ro Passenger Ships

Sec.

12.30-1 Purpose of regulations.

12.30-3 Definitions.

12.30-5 General requirements.

Subpart 12.30—Ro-Ro Passenger Ships

§ 12.30-1 Purpose of regulations.

§ 12.30-3 Definitions.

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

§ 12.30-3 Definitions.

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

MMD means merchant mariner's document.

§ 12.30-5 General requirements.

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

PART 15—MANNING REQUIREMENTS

1. The authority citation for part 15 is revised to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 9102; 49 CFR 1.45 and 1.46.

2. Section 15.102 is added to read as follows:

§ 15.102 Paperwork approval.

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

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

(1) OMB 2115-0624—46 CFR 15.1107, and 15.111.

3. Section 15.103 is amended by adding new paragraphs (d) through (g) to read as follows:

§ 15.103 General.

* * * * *

(d) The regulations in subpart J of this part apply to seagoing vessels subject to the International Convention on Standards of Training, Certification and watchkeeping for Seafarers as amended in 1995 (STCW).

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

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

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

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

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

(5) Vessels operating exclusively on the Great Lakes.

(f) Personnel serving on the following vessels, and the owners and operators of these vessels, are in compliance with subpart J and are not subject to further obligation for the purposes of STCW, on account of the vessels' special operating conditions as small vessels engaged in domestic voyages:

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

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

(g) Licensed personnel serving on vessels identified in paragraphs (e)(5), (f)(1), and (f)(2) of this section will be

issued, without additional proof of qualification, an appropriate STCW certificate or endorsement when the Officer in Charge, Marine Inspection determines that such an endorsement is necessary to enable the vessel to engage in an international voyage. The STCW certificate or endorsement will be expressly limited to service on the vessel or the class of vessels and will not establish qualification for any other purpose.

4. Section 15.105 is added to subpart A to read as follows:

§ 15.105 Incorporation by reference.

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

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

International Maritime Organization (IMO)

4 Albert Embankment, London, SE1 7SR, England

STCW—The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995, (STCW Convention), and Seafarer's Training, Certification and Watchkeeping Code (STCW Code)—15.103; 15.1101; 15.1103; 15.1105; 15.1109.

5. In § 15.301, the periods at the ends of paragraphs (b) (7) and (10) are removed, a semicolon is added in each place, the word "and" is added after the semicolon after paragraph (b)(10), and paragraph (b)(11) is added; and paragraph (c)(7) is added to read as follows:

§ 15.301 Definitions of terms used in this part.

* * * * *

(b) * * *

(11) GMDSS radio operator.

(c) * * *

(7) GMDSS At-sea Maintainer.

6. Subpart J, consisting of §§ 15.1101 through 15.1111, is added to read as follows:

Subpart J—Vessels Subject to Requirements of STCW

Sec.

15.1101 General.

15.1103 Employment and service within restrictions of license, document, and STCW endorsement.

15.1105 Familiarization and basic safety-training.

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

15.1109 Watches.

15.1111 Work hours and rest periods.

Subpart J—Vessels Subject to Requirements of STCW

§ 15.1101 General.

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

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

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

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

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

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

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

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

§ 15.1103 Employment and service within restrictions of license, document, and STCW endorsement.

(a) On board a seagoing vessel operating beyond the Boundary Line, no person may employ or engage any person to serve, and no person may serve, in a position requiring a person

to hold an STCW endorsement, including master, chief mate, chief engineer, second engineer, officer of the navigational or engineering watch, or radio operator, unless the person serving holds an appropriate, valid STCW certificate or endorsement issued in accordance with part 10 or 12 of this chapter.

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

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

(d) After January 31, 1997, no person may either be engaged or employed to serve on board a roll-on/roll-off (Ro-Ro) passenger ship to which a certificate signifying compliance with the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), has been issued, or perform duties on board such a ship, unless he or she holds documentary evidence to show he or she meets the requirements of § 10.1005 or § 12.30-5 of this chapter, whichever is appropriate to the service or the duties.

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

(f) After January 31, 1999, on board a seagoing vessel required to comply with provisions of the GMDSS in Chapter IV of SOLAS, no person may employ or engage any person to serve, and no person may serve, as the person designated to perform at-sea maintenance of GMDSS installations, when such designation is used to meet the maintenance requirements of

SOLAS Regulation IV/15, which allows for capability of at-sea electronic maintenance to ensure that radio equipment is available for radio communication, unless the person serving holds documentary evidence that he or she is competent to maintain GMDSS equipment.

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

§ 15.1105 Familiarization and basic safety-training.

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

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

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

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

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

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

(iv) Can locate and don life-jackets;

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

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

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

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

to his or her routine or emergency duties or responsibilities, in accordance with STCW Regulation I/14.

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

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

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

(d) Subject to training requirements that may apply for issue or renewal of a license or document under part 10 or 12 of this chapter, a person who is serving on a seagoing vessel immediately before February 1, 1997, and has not received training or instruction in basic safety training, may continue to serve until February 1, 2002, without receiving such training or instruction, if he or she can produce evidence of having participated in well-organized drills and other structured exercises or in on-board safety-training programs during which his or her performance was evaluated and weaknesses were brought to his or her attention.

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

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

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

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

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

(c) Competency in assigned shipboard duties (evidenced by copies of current licenses, documents, or endorsements that the mariner holds, as well as by a record of the most recent basic safety assessment and by instances where ship-specific familiarization has been achieved and maintained).

§ 15.1109 Watches.

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

§ 15.1111 Work hours and rest periods.

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

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

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

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

(1) No reduction extends beyond 2 days; and

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

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

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

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

Dated: June 12, 1997.

Robert E. Kramek,

Admiral, U.S. Coast Guard, Commandant.

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