U.S. Department of Homeland Security

United States Coast Guard

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16721/10/1
D8(dp) Policy Ltr 01-2006

MAR 10 2006

MEMORANDUM

From: R. W. BRANCH
CCGD8 (dp)

To: Distribution

Subj: ENFORCEMENT GUIDANCE FOR EXPIRED RADAR OBSERVER ENDORSEMENTS ON MERCHANT MARINER LICENSES

Ref: (a) 46 CFR Part 10.480(g)
(b) 46 CFR Part 10.480(k)
(c) Marine Safety Manual, Vol. V (COMDTINST M16000.10)
(d) Federal Register Vol. 62, No. 47, Tuesday March 11, 1997 [CGD 94-041] Radar-Observer Endorsement for Operators of Uninspected Towing Vessels; Final Rule

1. **BACKGROUND:** The derailment of the Amtrak Sunset Limited, a passenger train, on September 22, 1993 resulted in extensive injury and loss of life and prompted a study entitled "Review of Marine Safety Issues Related to Uninspected Towing Vessels". This study produced a number of recommendations for improving safety within the commercial towing industry. One of the primary recommendations was to require Radar Observer training and license endorsements for operators of radar-equipped towing vessels 8 meters (26ft.) or more in length. This requirement was implemented for all Operators of Uninspected Towing Vessels (OUTV) equipped with radars whose licenses were renewed or issued after June 1, 1995. Since its implementation, there have been numerous occasions when a mariner's Radar Observer Endorsements has expired prior to the renewal of their existing license. Although many of these mariners have completed the required Radar Observer recertification course, they may not have had a new endorsement placed on their license, and thus may be unduly subject to personnel action for non-compliance.

2. **DIRECTIVES AFFECTED:** None.

3. **DISCUSSION:**

   a. The Coast Guard recognized the possibility for the misalignment of the Radar Observer endorsement date with the Merchant Mariner License expiration date as required by reference (a). Reference (b) allows for a one-time extension of the Radar Observer endorsement for no more than two years beyond the standard 5-year expiration to facilitate alignment. Although it was envisioned that this provision would only be needed once, it has become evident that there is potential for misalignment with each renewal.

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b. Recently, the Coast Guard received a petition to eliminate the requirement to place a Radar Observer endorsement on the back of a mariner's license. In response, the Coast Guard assigned this petition to Docket Number USCG 2005-20824. The docket, which can be reviewed at http://dms.dot.gov, is slated for future consideration as a final rule. Until such time that this petition results in a rulemaking, the following guidance should be used in determining the appropriate enforcement action for mariners whose Radar Observer endorsement expires, while in possession of a valid merchant mariner's license.

4. **ACTION:**

a. Eighth District Regional Examination Centers are directed extend the renewal date of the Radar Observer endorsement by up to 2 years beyond the normal 5-year duration at each license original issuance or subsequent renewal. By maintaining proper alignment of the Radar endorsement and license expiration dates, we eliminate the cost and effort necessary to endorse an existing license thus benefiting both the mariner and REC.

b. Eighth District Sector Commanders and OCMIs are directed to apply the following guidelines when considering enforcement action against mariners found to have expired Radar Observer endorsements on their licenses.

1. Valid license and expired Radar Observer endorsement with no documentation that the mariner has completed a CG approved Radar Observer recertification course - Follow existing personnel action guidance in Ref (c).

2. Valid license and expired endorsement where mariner has completed a CG approved Radar recertification course and has submitted the documentation to a REC seeking a new endorsement - No action necessary. Proof of submission and a valid Radar Observer Certificate shall be considered sufficient to satisfy the operational requirement for qualification as a Radar Observer.

3. Valid license and expired endorsement where mariner can provide documentation that they have completed a CG approved Radar recertification course but have not requested a new endorsement - The valid Radar Observer Certificate shall be considered sufficient to satisfy the operational requirement for qualification as a radar observer. However, the mariner should be strongly encouraged to submit an application as soon as possible to the nearest REC to have the Radar Observer endorsement updated. No enforcement action should be taken.

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c. There may be circumstances where the preceding guidance may not allow for a seamless resolution. When such circumstances arise and cannot be resolved at the local command, the Eighth District Inspections and Investigation (dpi) staff should be contacted for assistance. The intent of this memorandum is to remove an undue burden from marine industry personnel and serves as precursory guidance in lieu of an anticipated regulatory amendment. In all situations that arise, Sector Commanders and OCMIs should consider if the operational intent of the regulation is being complied with. If so, an administrative discrepancy, such as not having an up-to-date endorsement on the license, is insufficient grounds for interrupting vessel operations or removing properly licensed personnel from vessels. This memorandum does not prohibit any commands from enforcing any other regulations intended to promote the safety and security of the marine environment.

5. **FEEDBACK:** Questions on this policy letter should be referred to LCDR James Stewart at the Eighth Coast Guard District at 504-589-3642.

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Dist: All Eighth District Sectors, MSUs, MSDs

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