

USCG Mariner Licensing & Documentation Program



Current Initiatives of Interest to Merchant Mariners

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The maritime personnel qualifications division in the office of operating and environmental standards at Coast Guard headquarters develops standards, statutes, regulations, and guidance for the maritime industry regarding personnel qualifications, licensing, and certification. We work closely with the National Maritime Center (NMC) and the office of vessel activities in this regard.

Internationally, the office also represents the U.S. on the standards of training & watchkeeping (STW) subcommittee of the maritime safety committee at IMO. The STW subcommittee is responsible for the International Convention on Standards of Training, Certification & Watchkeeping for Seafarers, 1978, as amended (STCW).

Given this scope of responsibilities, we are currently involved in a number of new or ongoing rulemaking projects that may be of interest to merchant mariners and the maritime industry. As a caveat, please note that the rulemaking process is dynamic, and timeframes depend on many factors, so some of these projects may be at different stages in the process when this article is published.

Consolidation of Merchant Mariner Qualification Credentials (MMC) Rulemaking

The MMC final rule may be published. This would finalize the MMC supplemental notice of proposed rulemaking (SNPRM), published on January 25, 2007 (72 FR 3605), which supplemented the initial MMC notice of proposed rulemaking (NPRM), published on May 22, 2006 (71 FR 29462). The rulemaking combines the individual merchant mariner's document, license, certificate of registry, and STCW certificate into a single

credential, with officer, ratings and STCW endorsements placed on the credential to reflect the mariner's qualifications. This reduces the total number of credentials a mariner is required to hold. It is contemplated that the new MMC will be phased in over a period of five years upon publication of the final rule.

STCW Supplemental Notice of Proposed Rulemaking

A supplemental notice of proposed rulemaking more fully implementing the 1995 amendments to STCW may be published. The rulemaking would propose extensive changes to 46 CFR Subchapter B to continue to give full and complete effect to the 1995 amendments. It incorporates lessons learned since the publication of the interim STCW rule on June 26, 1997 (62 FR 34505), and it attempts to clarify regulations that have generated confusion within the industry.

Some of the most important changes proposed may involve:

- the requirements for attaining competence as a person in charge of medical care and as a medical first aid provider,
- training school and approved course requirements,
- acceptance of military sea service and training to qualify for an STCW endorsement,
- basic safety training requirements,
- application of STCW to mariners serving on vessels of less than 200 gross register tons (GRT) / 500 gross tonnage (GT) on international voyages,
- deck and engineer officer requirements,

- equivalencies between GRT and GT for use only with issuance of mariner credentials,
- ratings requirements.

Vessel Security Officers

An interim rule with request for comments implementing amendments to STCW that entered into force on January 1, 2008, for ship security officers has been published (73 FR 29060). A correction to this interim rule was subsequently published on June 17, 2008 (73 FR 34190). This rule requires those serving as vessel security officers on vessels subject to STCW to have an appropriate endorsement on their merchant mariner credentials. To get the endorsement, the individual must complete training and demonstrate competence as specified in STCW Regulation VI/5 and Section A-VI/5. This rule does not apply to vessel security officers on vessels not subject to STCW.

Vessel security officers on vessels not subject to STCW and all other vessel and facility personnel will be subject to new maritime security training and certification requirements contained in an upcoming 33 CFR Subchapter H update, which will be published as an NPRM. New maritime security training and certification requirements are a component of this rulemaking, which will cover many other areas such as security plans, screening requirements at vessels and facilities, and implementation of various aspects of the Security and Accountability for Every Port Act of 2006.

Training and Service Requirements for Merchant Marine Officers

The final rule for "Training and Service Requirements for Merchant Marine Officers" may be published in the future. This will finalize the notice of proposed rulemaking, which proposed a series of amendments to remove the expiration date of the radar-observer endorsement from the merchant mariner's license, allow for an apprentice mate of towing vessels to reduce sea service time for mate (pilot) of towing vessels by completing additional approved training, and provide an alternate path to mate (pilot) of towing vessels for master of steam or motor vessels not more than 200 GRT (see 72 FR 52841).

Large Passenger Vessel Crew Requirements

The final rule for Large Passenger Vessel Crew Requirements, currently applicable to only one U.S.-flag cruise ship operating in Hawaii, will be published. This rule finalizes the interim rule with request for comments allowing certain non-resident aliens to be issued

MMDs for service in the steward's department of applicable vessels. It implements section 3509 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (see 72 FR 20278).

Crewmember Identification Documents

A notice of proposed rulemaking, "Crewmember Identification Documents," was published on May 14, 2008 (73 FR 27778). The proposed rule implements a Maritime Transportation Security Act of 2002 requirement, as amended by the SAFE Port Act of 2006, directing the Coast Guard to require crewmembers on vessels calling at U.S. ports to carry and present on demand ap-

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NVICs

<http://www.uscg.mil/hq/cg5/nvic/>

Merchant Marine Personnel Advisory Committee (MERPAC)

<http://homeport.uscg.mil/merpac>

Towing Safety Advisory Committee (TSAC)

<http://homeport.uscg.mil/tsac>

propriate identification. The proposed rule applies to crewmembers on foreign commercial vessels calling at a port or place of destination in the navigable waters of the United States, and to U.S.-flag commercial vessels coming from a foreign port or place of departure. A passport is included among the proposed acceptable forms of identification.

NVICs

The office of operating and environmental standards is also working on updating various navigation and vessel inspection circulars (NVICs) providing guidance related to maritime personnel qualifications. The most significant is an update to NVIC 2-98, "Medical and





Physical Evaluation Guidelines for Merchant Mariner Credentials.” A draft of the new proposed medical NVIC was published in the Federal Register for public comment on September 26, 2006 (71 FR 56998).

It contains updated, revised guidelines for evaluating the physical and medical conditions of applicants for mariner credentials issued by the Coast Guard. Since it was published for public comment, this draft NVIC has been substantially revised in response to the comments received, and in response to additional recommendations and input from MERPAC and TSAC. As of the date this article was written, the new medical NVIC was in clearance for finalization and signature.*

Legislative Change Proposals

On the statutory front, there are a number of legislative change proposals that were submitted as part of the president’s proposed FY08 Coast Guard Authorization Act. However, as of the date this article was written, Congress had yet to pass these legislative changes, and it is not known when—or if—Congress will. Two of the more important FY08 legislative change proposals are the creation of the Merchant Mariner Medical Advisory Committee (MMMAC), and deletion of the 46 USC 8905(b) exemption allowing certain towing vessels engaged in the offshore mineral and oil industry to be operated by unlicensed individuals. MERPAC and TSAC supported these proposals.

In the alternative, the Coast Guard is planning to proceed with the creation of MMMAC under discretionary DHS authority if the statute is not enacted into law. As proposed, MMMAC will be composed of maritime medical practitioners and professional mariners to provide guidance and recommendations to the Coast Guard related to medical and physical evaluation standards for merchant mariners.

About the author:

CDR Derek A. D’Orazio was the chief of the maritime personnel qualifications division in the office of operating and environmental standards at Coast Guard headquarters in Washington, D.C. He is a licensed attorney. CDR D’Orazio is now stationed at Coast Guard Sector North Carolina, where he serves as the logistics department head. CDR D’Orazio’s previous units include Marine Safety Office Houston-Galveston, where he served as the senior investigating officer for five years.

***Update:**

NVIC 04-08 was signed on September 15th and became effective on October 29, 2008. NVIC 04-08 is available on the internet at <http://www.regulations.gov>, under this docket number [USCG 2006-25080]. It is also permanently available on the HOMEPORT internet Web site at: <http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-25023>.