

[CGD 91-211, 59 FR 49297, Sept. 27, 1994; CGD 91-211, 59 FR 50964, Oct. 6, 1994, as amended by USCG-1999-6224, 64 FR 63225, Nov. 19, 1999]

§ 10.204 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50379, Dec. 6, 1989]

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

(a) *General.* The applicant for an original license or certificate of registry shall present satisfactory documentary evidence of eligibility in respect to the requirements of this section. Each applicant shall make written application on a Coast Guard furnished form and, unless exempted under § 10.112, submit the evaluation fee set out in table 10.109 in § 10.109.

(b) *Minimum age.* The applicant shall present satisfactory proof of age as prescribed in § 10.201(f). This evidence may be any of the items submitted to establish citizenship.

(c) *Citizenship.* (1) The OCMI may reject any evidence of citizenship that is not believed to be authentic. Acceptable evidence of citizenship may be an original or certified copy of the following:

(i) Birth certificate or birth registration.

(ii) Certificate of naturalization (original must be presented; photocopies are unlawful).

(iii) Baptismal certificate or parish record recorded within one year after birth.

(iv) Statement of a practicing physician certifying attendance at the birth and who possesses a record showing the date and location at which it occurred.

(v) State Department passport.

(vi) A merchant mariner's document issued by the Coast Guard which shows the holder as a United States citizen.

(vii) Delayed certificate of birth issued under a state seal in the absence of any collateral facts indicating fraud in its procurement.

(viii) Certificate of Citizenship issued by the United States Immigration and Naturalization Service.

(2) If none of the requirements set forth in paragraphs (c)(1)(i) through (c)(1)(viii) of this section can be met by the applicant, the individual shall make a statement to that effect, and may submit data of the following character for consideration:

(i) Report of the Census Bureau showing the earliest available record of age or birth. Request for such information should be addressed to the Personal Census Service Branch, Bureau of the Census, Pittsburgh, KS 66762. In making such request, the use of Form BC-600, Application for Search of Census Records, furnished by the Bureau is required.

(ii) Affidavits of parents, relative, or two or more responsible citizens of the United States stating citizenship.

(iii) School records, immigration records, or insurance policies.

(d) *Physical examination.* (1) All applicants for an original license must pass an examination given by a licensed physician or a licensed physician assistant and present to the OCMI a completed Coast Guard physical examination form, or the equivalent, executed by the physician. This form must provide information on the applicant's acuity of vision, color sense, and general physical condition. This examination must have been completed prior to submission of the application and not more than 12 months prior to issuance of the license. (Physical examinations are not required for staff officers.)

(2) For an original license as master, mate, pilot, or operator, the applicant must have vision correctable to at least 20/40 in each eye and uncorrected vision of at least 20/200 in each eye. The color sense must be determined to be satisfactory when tested by any of the following methods, without the use of color sensing lenses:

(i) Pseudoisochromatic Plates (Dvorine, 2nd Edition; AOC; revised edition or AOC-HRR; Ishihara 16-, 24-, or 38-plate editions).

(ii) Eldridge—Green Color Perception Lantern.

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- (iii) Farnsworth Lantern.
- (iv) Keystone Orthoscope.
- (v) Keystone Telebinocular.
- (vi) SAMCTT (School of Aviation Medicine Color Threshold Tester).
- (vii) Titmus Optical Vision Tester.
- (viii) Williams Lantern.

(3) For an original license as engineer, radio officer, offshore installation manager, barge supervisor or ballast control operator, the applicant must have correctable vision of at least 20/50 in each eye and uncorrected vision of at least 20/200 in each eye. Applicants need only to have the ability to distinguish the colors red, green, blue and yellow.

(4) Where an applicant does not possess the vision, hearing, or general physical condition necessary, the OCMI, after consultation with the examining physician or physician's assistant, may recommend a waiver to the Commandant if extenuating circumstances warrant special consideration. Applicants may submit to the OCMI, additional correspondence, records and reports in support of this request. In this regard, recommendations from agencies of the Federal Government operating government vessels, as well as owners and operators of private vessels, made on behalf of their employees, will be given full consideration. Waivers are not normally granted to an applicant whose corrected vision in the better eye is not at least 20/40 for deck licenses or 20/50 for engineer licenses.

(e) *Experience or training.* (1) All applicants for original licenses and certificates of registry shall present to the OCMI, letters, discharges, or other documents certifying the amount and character of their experience and the names, tonnage and horsepower of the vessels on which acquired. The OCMI must be satisfied as to the authenticity and acceptability of all evidence of experience or training presented. Certificates of discharge are returned to the applicant. The OCMI shall note on the application that service represented by these documents has been verified. All other documentary evidence of service, or authentic copies thereof, are filed with the application. A license is not considered as satisfactory evidence of any qualifying experience.

(2) No original license or certificate of registry may be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(3) Experience and service acquired on foreign vessels is creditable for establishing eligibility for an original license, subject to evaluation by the OCMI to determine that it is a fair and reasonable equivalent to service acquired on merchant vessels of the United States, with respect to grade, tonnage, horsepower, waters, and operating conditions. An applicant who has obtained qualifying experience on foreign vessels shall submit satisfactory documentary evidence of such service (including any necessary translation into English) in the forms prescribed by paragraph (e)(1) of this section.

(4) No applicant for an original license who is a naturalized citizen, and who has obtained experience on foreign vessels, will be given an original license in a grade higher than that upon which he or she has actually served while acting under the authority of a foreign license.

(f) *Character check and references.* (1) Each applicant for an original license shall submit written recommendations concerning the applicant's suitability for duty from a master and two other licensed officers of vessels on which the applicant has served. For a license as engineer or as pilot, at least one of the recommendations must be from the chief engineer or licensed pilot, respectively, of a vessel on which the applicant has served. For a license as engineer where service was obtained on vessels not carrying a licensed engineer and for a license as master or mate (pilot) of towing vessels, the recommendations may be by recent marine employers with at least one recommendation from a master, operator, or person in charge of a vessel upon which the applicant has served. For a license as offshore installation manager, barge supervisor, or ballast control operator, at least one recommendation must be from an offshore installation manager of a unit on which the applicant has served. Where an applicant qualifies for a license through an approved training school,

one of the character references must be an official of that school. For a license for which no commercial experience may be required, such as: Master or mate 25-200 gross tons, operator of uninspected passenger vessels, radio officer or certificate of registry, the applicant may have the written recommendations of three persons who have knowledge of the applicant's suitability for duty.

(2) The OCMI may review the criminal record check of each applicant for an original license or certificate of registry according to the procedures set forth in § 10.201(h).

(3) A person may apply for an original license, or license of a different type, while on probation as a result of administrative action under part 5 of this chapter. The offense for which the applicant was placed on probation will be considered in determining his or her fitness to hold the license applied for. A license issued to an applicant on probation will be subject to the same probationary conditions as were imposed against the applicant's other license or merchant mariner's document. An applicant may not take an examination for a license during any period when a suspension without probation or a revocation is effective against the applicant's currently held license or merchant mariner's document, or while an appeal from these actions is pending.

(4) In the event a license or certificate of registry has already been issued when information about the applicant's habits of life and character is brought to the attention of the OCMI, if such information warrants the belief that the applicant cannot be entrusted with the duties and responsibilities of the license or certificate of registry issued, or if such information indicates that the application for the license or certificate of registry was false or incomplete, the OCMI may notify the holder in writing that the license or certificate of registry is considered null and void, direct the holder to return it to the OCMI, and advise the holder that, upon return of the license or certificate of registry, the appeal procedures of § 10.204 of this part apply.

(g) *Firefighting certificate.* Applicants for the licenses in the following categories must present a certificate of

completion from a firefighting course of instruction which has been approved by the Commandant. The course must meet both the basic and advanced sections of the International Maritime Organization's (IMO) Resolution A.437 (XI) *Training of Crews in Firefighting*. The course must have been completed within five years before the date of application for the license requested.

(1) Master's license for service on vessels of 200 gross tons or less in ocean service.

(2) All master or mate's licenses for over 200 gross tons.

(3) All licenses for master or mate (pilot) of towing vessels, except apprentice mate (steersman) of such vessels, on oceans.

(4) All licenses on mobile offshore drilling units.

(5) All engineer's licenses.

(h) *First aid and cardiopulmonary resuscitation (CPR) course certificates.* All applicants for an original license or certificate of registry, except as provided in §§ 10.429, 10.456, and 10.466 of this part, must present to the OCMI:

(1) A certificate indicating completion of a first aid course within the past 12 months from:

(i) The American National Red Cross *Standard First Aid and Emergency Care* or *Multi-media Standard First Aid* course;

(ii) A Coast Guard approved first aid training course; or,

(iii) A course the OCMI determines meets or exceeds the standards of the American Red Cross courses; and,

(2) A currently valid certificate of completion of a CPR course from:

(i) The American National Red Cross;

(ii) The American Heart Association;

(iii) A Coast Guard approved CPR training course; or,

(iv) A course the OCMI determines meets or exceeds the standards of the American Red Cross or American Heart Association courses.

(i) *Professional Examination.* (1) When the OCMI finds the applicant's experience and training to be satisfactory and the applicant is eligible in all other respects, the OCMI will authorize the examination in accordance with the following requirements:

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(i) Any applicant for a deck or engineer license limited to vessels not exceeding 500 gross tons, or a license limited to uninspected fishing-industry vessels, may request an oral-assisted examination in lieu of any written or other textual examination. If there are textual questions that the applicant has difficulty reading and understanding, the OCMI will offer the oral-assisted examination. Each license based on an oral-assisted examination is limited to the specific route and type of vessel upon which the applicant obtained the majority of service.

(ii) The general instructions for administration of examinations and the lists of subjects for all licenses appear in Subpart I of this part. The OCMI will place in the applicant's file a record indicating the subjects covered.

(2) When the license application of any person has been approved, the applicant should take the required examination as soon as practicable. If the applicant cannot be examined without delay at the office where the application is made, the applicant may request that the examination be given at another office.

(3) The qualification requirements for *radar observer* are contained in § 10.480.

(4) An examination is not required for a license as radio officer or a certificate of registry.

(j) *Chemical testing for dangerous drugs.* To obtain a license or certificate of registry each applicant shall produce evidence of having passed a chemical test for dangerous drugs or of qualifying for an exception from testing in § 16.220 of this subchapter. An applicant who fails a chemical test for dangerous drugs will not be issued a license or certificate of registry.

(k) *National Driver Register.* Each applicant for an original license or certificate of registry shall consent to an NDR check under § 10.201(i).

(l) *Basic safety training or instruction.* Except as provided in § 10.202, an STCW certificate or endorsement 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 (incorporated by reference in § 10.102).

(2) Fire prevention and fire-fighting as set out in table A-VI/1-2 of the STCW Code (also incorporated by reference in § 10.102).

(3) Elementary first aid as set out in table A-VI/1-3 of the STCW Code (also incorporated by reference in § 10.102).

(4) Personal safety and social responsibilities as set out in table A-VI/1-4 of the STCW Code (also incorporated by reference in § 10.102).

(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 as master or mate 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 as master or mate 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 or accepted 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 (n)(1) 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 as master or mate 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 can-

didate 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.

[CGD 81-059 and CGD 81-059a, 52 FR 38623 and 38666, Oct. 16, 1987, as amended by CGD 81-059, 54 FR 133, Jan. 4, 1989; CGD 81-059a, 55 FR 14799, Apr. 18, 1990; CGD 91-002, 58 FR 15238, Mar. 19, 1993; CGD 91-223, 60 FR 4524, Jan. 23, 1995; CGD 91-212, 60 FR 65486, Dec. 19, 1995; CGD 94-029, 61 FR 47063, Sept. 6, 1996; CGD 95-062, 62 FR 34530, June 26, 1997; CGD 95-062, 62 FR 40281, July 28, 1997; USCG-1997-2799, 64 FR 42815, Aug. 5, 1999; USCG-1999-6224, 64 FR 63225, Nov. 19, 1999; 66 FR 20935, Apr. 26, 2001; USCG-1999-5610, 67 FR 66067, Oct. 30, 2002; USCG-2004-18884, 69 FR 58342, Sept. 30, 2004]

§ 10.207 Requirements for raises of grades of licenses.

(a) *General.* Before any person is issued a raise of grade of license, the applicant shall present satisfactory documentary evidence of eligibility. Each applicant shall make written application on a Coast Guard furnished form and, unless exempted under § 10.112, submit the evaluation fee set out in table 10.109 in § 10.109.

(b) *Surrendering old license.* Upon the issuance of a new license for raise of grade, the applicant shall surrender the old license to the OCMI. If requested, the old license is returned to the applicant after cancellation.

(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.

(2) Applicants for raise of grade of license shall present to the OCMI at a Regional Examination Center, letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which acquired. Certificates of discharge are returned to the applicant after review by the OCMI. All other documentary evidence of service, or copies thereof, are filed with the application.