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standards of competence established by STCW.

(c) Continuous discharge books and merchant mariner documents are issued by the Coast Guard and are property of the Coast Guard.

[CGD 95-062, 62 FR 34534, June 26, 1997, as amended by USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2003-14500, 69 FR 531, Jan. 6, 2004]

§ 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 U.S. Coast Guard, Office of Operating and Environmental Standards, room 1210, 2100 Second Street SW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All material 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. The STCW—International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 and 1997 (the STCW Convention, or the STCW)—and Seafarers' Training, Certification and Watchkeeping Code (the STCW Code), approved for incorporation by reference in sections 12.01-1; 12.01-6; 12.02-7; 12.02-11; 12.03-1; 12.05-3; 12.05-7; 12.05-11; 12.10-3; 12.10-5; 12.10-7; 12.10-9; 12.15-3; 12.15-7; 12.25-45; 12.30-5; and 12.35-5 of this part.

[USCG-1999-5610, 67 FR 66068, Oct. 30, 2002]

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§ 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.

Conviction means the applicant for a merchant mariner's document has been found guilty by judgment or plea by a court of record of the United States, the District of Columbia, any State, territory, or possession of the United States, a foreign country, or any military court, of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by the court to attend classes, make contributions of time or money, receive treatment, submit to any manner of probation or supervision, or forgo appeal of a trial court's conviction, then the Coast Guard will consider the applicant to have received a conviction. A later expungement of the conviction will not negate a conviction unless the Coast Guard is satisfied that the expungement is based upon a showing that the court's earlier conviction was in error.

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.

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

Fails a chemical test for dangerous drugs means that the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "positive" for the presence of dangerous drugs or drug metabolites in an individual's system by a Medical Review Officer in accordance with that part.

National Driver Register (NDR) means the nationwide repository of information on drivers maintained by the National Highway Traffic Safety Administration as provided under 49 U.S.C. Chapter 303.

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

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

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

Officer in Charge, Marine Inspection (OCMI) for the purposes of part 12 means the officer or individual so designated at one of the Regional Examination Centers, or any person so designated by the Commandant.

Original document means the first merchant mariner's document issued to any person by the Coast Guard.

Passes a chemical test for dangerous drugs means the result of a chemical test conducted in accordance with 49 CFR part 40 is reported as "negative" by a Medical Review Officer in accordance with that part.

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.

Qualified rating means various categories of Able Seaman, Qualified Member of the Engine Department, Lifeboatman, or Tankerman endorsements on merchant mariner's documents.

Safe and suitable person is one whose character and habits of life are such as to support the belief that his or her presence on board vessels of the United States is not, or may not be, adverse to the security of the United States.

Safety and Security Check is the process or action taken by the Coast Guard to determine whether an applicant for, or holder of, a merchant mariner's document is a safe and suitable person to be issued such a document or to be employed on a vessel under the authority of such a document.

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 (incorporated by reference in §12.01-3).

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

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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).

[CGD 91-002, 58 FR 15238, Mar. 19, 1993, as amended by CGD 91-223, 60 FR 4525, Jan. 23, 1995; CGD 91-212, 60 FR 65487, Dec. 19, 1995; CGD 95-062, 62 FR 34534, June 26, 1997; CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-1999-5610, 67 FR 66068, Oct. 30, 2002; USCG-2003-14500, 69 FR 531, Jan. 6, 2004; USCG-2006-25535, 71 FR 48482, Aug. 21, 2006]

§ 12.01-7 Where to apply.

Applicants for licenses or certification may apply to the Coast Guard National Maritime Center or any of the Regional Examination Centers. Applicants may contact the National Maritime Center at 4200 Wilson Boulevard, Suite 630, Arlington, Virginia 22203-1804, or by telephone at 202-493-1002. A list of Regional Examination Locations is available through the Coast Guard Web site at <http://www.uscg.mil>.

[USCG-2006-25535, 71 FR 48482, Aug. 21, 2006]

§ 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 1625-0079—46 CFR 12.02-17 and 12.03-1.

(2) [Reserved]

[CGD 95-062, 62 FR 34535, June 26, 1997, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

Subpart 12.02—General Requirements for Certification

§ 12.02-3 Where documents are issued.

(a) Merchant mariner's documents may be issued to qualified applicants at the National Maritime Center or at

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any Regional Examination Center during usual business hours.

(b)(1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for upgrading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commanding Officer, National Maritime Center by Merchant Marine Details. Any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commanding Officer, National Maritime Center. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commanding Officer, National Maritime Center fully as to the circumstances.

[CGFR 65-50, 30 FR 16640, Dec. 30, 1965, as amended by CGD 95-072, 60 FR 50460, Sept. 29, 1995; USCG-1998-4442, 63 FR 52189, Sept. 30, 1998; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004; USCG-2004-18884, 69 FR 68089, Nov. 23, 2004; USCG-2006-25535, 71 FR 48483, Aug. 21, 2006]

§ 12.02-4 Basis for denial of a merchant mariner's document.

(a) No person who has been convicted by a court of record of a violation of the dangerous-drug laws of the United States, the District of Columbia, any State, territory, or possession of the