



February 16, 2010

Submitted Electronically

RE: Implementation of the 1995 Amendments to the STCW, 1978; Proposed Rule (USCG–2004–17914)

Dear Sir or Madam:

The Offshore Marine Service Association (OMSA) represents more than 250 companies that own and operate vessels, perform towing activities and provide services and supplies in support of the production, exploration and development of offshore natural resources. These companies directly employ some 12,000 mariners operating roughly 1200 vessels world-wide. We believe that the offshore workboat sector and offshore tow boats employ more mariners covered by the requirements of STCW than any other part of the U.S. maritime industry..

While the association represents the world's largest offshore vessel companies, most OMSA members are "*Small Entities*" with regard to the Administrative Procedures Act. Our association appreciates having the opportunity to comment on this significant rulemaking and to suggest changes to minimize unintended negative impacts to the maritime industry and mariners. We are directly impacted by the proposed changes to 46 CFR 301-311 as we hold multiple approved training programs. We also see a need for greater specificity in parts of the proposed regulation to reduce confusion by the industry and the Coast Guard.

Before commenting on specific provisions in the proposed changes to the mariner credential regulations, we have the following general and universal comments to this docket.

1. We understand the large challenge of melding the existing and proven US licensing system with the significantly different STCW system and commend the Coast Guard for its efforts. We urge the Coast Guard to do the right thing and apply STCW to mariners with an eye toward flexibility and appropriateness rather than trying to inappropriately force full application of the deep-sea provisions of STCW to the coastal and workboat fleets.

2. OMSA recommends that this NPRM be recalled so a Supplemental NPRM and Final Rule could be published before 2012 so the Coast Guard can include the results of the IMO STCW Comprehensive Review and the large volume of industry input to the docket. This would relieve the public from acting upon on items that will rapidly be modified by the 2010 revisions to the STCW Code. Otherwise, mariners may invest many dollars in training that will be superseded by the next iteration of the STCW. Similarly, training institutions will be forced to go through the course approval process and investment in capital projects that will be altered almost immediately after the rulemaking is approved. Additionally withdrawing the NPRM will give the Coast Guard additional time to provide the missing details on the nature of the training required, for example, by existing engineers to qualify

OFFSHORE MARINE SERVICE ASSOCIATION

990 N. Corporate Drive, Suite 210 Harahan, LA 70123 Telephone (504) 734-7622 Fax (504) 734-7134

for advancement. Then the regulated public can make informed comments on that portion of the proposed changes.

3. When the Coast Guard does finalize the NPRM, it must make provisions to accommodate mariners who are using the current system to advance in their careers. To avoid a halt in mariner advancement while the industry, Coast Guard, and mariners struggle to implement the newly required training, we strongly recommend that individuals whose service began before the effective date of this rulemaking be eligible to apply for the Master 500 GRT, Master 1600 GRT, DDE, and Chief Engineer - Limited credentials with STCW endorsements under the *existing* rules for these endorsement for a period of at least 5 years after the effective date.

4. STCW is not a manning convention. It is a training and competency convention. There is nothing in it that should require a crew increase in the U.S. fleet. Yet the proposed requirements to hold an endorsement as and sail as Chief Mate for qualification as Master and hold an endorsement as and sail as an OICEW for qualification as Chief Engineer would require adding new positions to the COIs of all vessels under 1600 GRT. Worse yet, it will result in all but killing the hawsepipe route to the officer ranks due to the high cost, in both time and dollars, to gain the newly required training certificates. As the hawsepipe is the primary and very successful method used to crew a workboat, these changes will have a disproportionate negative impact on workboat crewmembers, port economies, and boat owners. It is worth noting that the de facto change in the manning structure of a significant number of U.S. flag vessels through this rulemaking would violate the principle of manning that the United States advocated at the January STW meeting in London.

5. While the stated purpose of this rulemaking is to bring U.S. regulations into conformity with the STCW Code, in a number of key areas it exceeds or makes very different requirements from the Code. Specifically, the NPRM is requiring formal training well beyond the requirements of the STCW Code. This NPRM must not burden US mariners with more training than is required by the STCW Code, especially for workboats and coastal vessels. We recommend this NPRM be recalled and an SNPRM be published with only the STCW Code *required* training as the domestic *required* formal training.

6. The STCW Code was written to correct the well documented lack of competence and professionalism on some large, deep-sea vessels with large crew complements. The authors and users of the US credential regulations need to remember that the US workboat fleet; tugs, OSV's, crewboats, seismic boats, etc., are NOT small ships. They are just medium to large boats. These boats have simplistic and redundant propulsion systems, wheelhouse engine control, small crew size, and typically operate on near shore voyages with well documented competence and an exemplary safety record. As such, a "one size fits all" STCW system is unwarranted, unworkable, and unfair to the workboat fleet. We note and appreciate that the NPRM has show some flexibility in application to workboats. But more flexibility is needed to avoid damage to this industry.

7. We need to take advantage of this significant modification of 46 CFR Subpart B to simplify the current byzantine system so both mariners and the Coast Guard staff can correctly apply the rules to a specific application. We cannot fail to make the needed changes just because no change was proposed to a specific section by the NPRM. The interconnections of these regulations and the numerous definition changes have effectively impacted 100% of Subchapter B and we must not fail to address these stealth changes.

8. The NPRM does great harm to the ability of American companies and mariners to work in a coastal mode in other countries. In the proposal, the Coast Guard has misquoted the SOLAS definition for the term “international voyage” and by doing so, has made it impossible for mariners to work in what has been called “foreign/domestic” mode. Under this mode, a vessel is carried, towed or sailed by a qualified crew to a foreign country where it works within the waters of that country with near coastal certified crews. Similarly, it would make it impossible for a mariner to sail a vessel from the U.S. to Canada or Mexico, even though the U.S. has near coastal agreements with those countries.

9. This rulemaking must be viewed within the context of current trends within the maritime industry:

- a. There is a shortage of mariners worldwide. While the offshore sector is experiencing a slowdown, the larger trend is one of scarcity of trained mariners.
- b. Large numbers of mariners are approaching retirement. In 2007 OMSA surveyed its members on what has been called the “great crew change.” We found that roughly 40 percent of our member company mariners were older than 50, meaning that a significant number of mariners will be leaving the industry in the next 10 years, a problem perhaps exacerbated by the new medical standards being imposed by the Coast Guard.
- c. The NPRM comes at a time when traditional training institutions are less able to absorb significant changes in courses or capital equipment. Academies, community colleges and vocational-technical schools are almost universally suffering from state and federal budget cuts.

10. While it is a very good thing that the Coast Guard recognizes that policy decisions are messy and need to be replaced by regulation, the Coast Guard has an obligation to make sure these regulations correct existing mistakes made in policy letters and conform with STCW.

11. As the holder of multiple approved courses that were negotiated with and accepted by the Coast Guard after the STCW IFR was published, we are looking for an assurance that the current OMSA OSV programs will still be acceptable when this proposed rule is finalized.

12. The Coast Guard has the ability through the STCW Code to allow mariners serving on offshore supply vessels and tugs to receive an oceans endorsement that is geared toward the training and skill needed on their specific type of vessels. Most notably, A-III/1 7 of the Code says:

“Candidates for certification for service in ships in which steam boilers do not form part of their machinery may omit the relevant requirements of table A-III/1. A certificate awarded on such a basis shall not be valid for service on ships in which steam boilers form part of a ship’s machinery until the engineer officer meets the standard of competence in the items omitted from table A-III/1. Any such limitation shall be stated on the certificate and in the endorsement.”

The relevant requirements that may be omitted are not limited to steam boilers. They include other equipment that is used in conjunction with steam boilers, such as auxiliary boilers, wasteheat boilers, gas turbines, and the requirement to machine parts that are used in those operating systems. The key for the Coast Guard is to allow for modular training so that a mariner who has an oceans endorsement limited to an OSV or Tug can take clearly defined training on the areas that he or she may need to move up from a smaller vessel to a full unlimited endorsement.

13. The Coast Guard has not done an adequate job of researching the current licensing regime as it is used on the bulk of U.S. flag vessels, studying the current safety record of mariners trained under the current system, especially so-called Hawsepipers, and in realistically assessing the Benefit vs. Cost of

finalizing the current NPRM. The current baseline metric of safety indicates that offshore supply vessels and tugs operate at a high level of safety. The current training of mariners and their level of skill has resulted in a very low number of incidents. Conversely the proposals contained in the NPRM bear high costs for both individual mariners and the companies that hire them, including increased training costs, additional manning requirements and ending currently accepted approaches that allow mariners to work in foreign countries under certain circumstances. The current proposal does not meet the Office of Management and Budget's requirements for effectiveness metrics.

It is worth noting that the distributional effects of the NPRM are not clearly enunciated. Again the cost falls firmly on the shoulders of the mariners, but the benefits do not. This is especially true of the offshore workboat fleet, where mariners have a simple, achievable path and, as stated above, they work in an environment which is statistically shown to be of low safety risk.

A detailed discussion of specific parts of the NPRM follows:

Part 10 comments

.107 (Definitions)

The definition of *chief mate* describes precisely the role and responsibility of a mate on a vessel that is permitted work a two-watch system, yet the person serving in that position may not be required to hold an endorsement as chief mate. This has significant implications in the provisions related to the qualifications for endorsements on vessels under 1600 GRT because any requirement for service "as chief mate" will be impossible to meet on vessels that have no manning requirement for a chief mate. We recommend that the phrase "and who holds a valid officer endorsement as chief mate" be deleted. The requirement to hold (or not hold) such an endorsement can then be addressed as appropriate in the specific qualification requirements for each endorsement.

Coastwise seagoing vessel proposes to add to the existing definition "and is limited to coastwise voyages by its COI." We are unclear of the intent. Most vessels operating in the coastwise trade hold a COI with an Oceans route endorsement. If you wish to exclude most coastwise vessels from this definition, you succeeded. If not, we suggest retaining the current definition.

Designated examiner is proposed for definition as a person who is "qualified to evaluate whether an applicant achieved a level of competence required to hold an MMC." According to the Coast Guard's "Assessor Manual for Conducting Mariner Assessments", DE's don't determine competence; they conduct proficiency demonstrations as stated below:

As an assessor, you will be responsible for assessing the ability of candidates to perform a task, duty, or responsibility properly. You will use established criteria and your professional judgment to determine whether the candidate has demonstrated an acceptable level of proficiency. You will use assessment procedures that have been carefully developed, reviewed, and approved prior to the assessment.

Charging DE's with the responsibility to determine whether an applicant is competent to hold an MMC gives them authority that is reserved for the Coast Guard. We suggest changing the wording to express the precise extent of their role by stating, "They are qualified to conduct proficiency demonstrations and other assessments required of applicants for MMC's."

OFFSHORE MARINE SERVICE ASSOCIATION

990 N. Corporate Drive, Suite 210 Harahan, LA 70123 Telephone (504) 734-7622 Fax (504) 734-7134

Domestic Voyage as proposed is unworkable. This definition, coupled with NVIC 7-00, would banish US flag workboats from operating outside US waters since most crewmember credentials are for “near coastal” or “near coastal domestic voyages”. The US workboat fleet has operated safely for decades performing “foreign-domestic” voyages operating for long periods exclusively from a port in another country. We strongly recommend changing the definition to read: “*Domestic voyage* means a voyage from one port to another port of the same nation. This includes a voyage to nowhere that returns to the originating port.”

International voyage as proposed, coupled with NVIC 7-00, would exclude workboats from operating outside US waters since most workboat mariner credentials are for “near coastal” or “near coastal, domestic” routes. It is also inconsistent with current usage of this term. To prevent a unilateral removal of the US workboat fleet from operations outside US waters, we strongly recommend using a definition more similar to the current SOLAS definition. We recommend using: “*International Voyage* means a voyage from a port in a country to a port outside such country, or conversely. Each departure from a port begins a new voyage.” With the revised definition, each nation could decide whether or not to allow a US mariner to operate in the near coastal or domestic waters off of their shore, which is their sovereign right. We would also like to point out that this incorrect definition became a point of contention in 2008 and in a January 7, 2009 letter to Senator David Vitter, Admiral Brian Salerno wrote, “vessels, either existing or newly constructed, operating solely within the waters of a single foreign country may continue to operate as if they were in U.S. jurisdictional waters provided such country agrees and the vessel complies with SOLAS Chapter V (Safety of navigation) and Chapter XI-2 (Special measures to enhance maritime security).”

We recommend replacing the term *Lifeboatman* with “Survival Craft Operator” as a gender neutral term that captures their proficiency in all survival craft operations. The proposed term “*Survivalman*” could then be replaced by the term Survival Craft Operator–Limited, which is consistent with other restricted credentials such as AB-Limited or Tankerman-PIC (Barge). If the term *Lifeboatman* must be retained because it is in statute, the definition of Survival Craft Operator could include “Survival Craft Operator is equivalent to the term *Lifeboatman* as found in 46 U.S.C. 7316”.

The term *near coastal* is defined as waters off the U.S. not more than 200 miles offshore, but the proposed definition of “international voyage” includes the term “territories” of the U.S. It would be useful to have a better description of what the waters of the U.S. are, and whether they include Puerto Rico, Guam, Saipan, U.S. Virgin Islands, etc. for the purposes of defining routes on a credential. We suggest you provide that in the preamble or in the definitions.

The definition of *OICEW* includes DDE and defines it as “operational level,” yet 15.915(a)(2), gives DDE authority as Chief Engineer on certain seagoing vessels. Moreover, the definition of DDE says they may serve as the sole engineer, which implies authority as a Chief Engineer. It would appear this definition needs to be revised to make it consistent with 15.915. Perhaps the better solution is to convert all DDE’s with an STCW endorsement to a new title, such as “Chief Engineer, limited to vessels of less than 500 GRT/1200 GT “with the route and HP limit on the DDE carried over to the new endorsement. This would clarify their authority and ensure proper grandfathering as well as help distinguish these mariners from those that get a DDE that fits the proposed definition.

The definition of *Quality Standard System* states that it is “a required component of any entity offering STCW training....” We don’t believe a definition is the appropriate place to state a requirement. This statement belongs in 10.303, if anywhere.

We recommend replacing the definition of *Seagoing service* with “Seagoing service means, for the purpose of meeting STCW service requirements, service onboard a vessel relevant to the issue of a

certificate or qualification. This includes service inside the Boundary Line for up to 75% of the total service requirement when performing duties the same as or similar to tasks required on a vessel outside the Boundary Line. Service as Master, Mate, Engineer, AB, QMED, and deckhand on a vessel inside the Boundary Line is declared similar to the same positions on a vessel outside the Boundary Line.”

Second engineer officer is an STCW term equivalent to the U.S. endorsement as first assistant. This definition and all other MMC endorsement titles should make translations between domestic and STCW terminology.

We recommend that the term *Survivalman* be replaced with the term Survival Craft Operator–Limited.

Tankship as defined is potentially confusing and is incomplete. We recommend adding to the end of the proposed definition “, excluding an Offshore Supply Vessel as defined in 46 USC 2101.”

.109(a)(8) is incomplete and could be confused with the rating named Apprentice Mate. We recommend this endorsement be corrected to read Apprentice Mate (Steersman) *of towing vessel*.

.205(b) says “All endorsements are valid until the expiration date of the MMC...”, but the expiration of a radar endorsement is NOT always the same as the MMC. We suggest this be clarified to avoid confusion by mariners and boarding officers.

.205(i) states to “upgrade” an STCW endorsement held before the effective date, “you will only need to meet the requirements for the credential being sought.” Thank you for clarifying that no requirement to do any lower level training is intended for existing mariners. The choice of words “only need to meet” trivializes the fact that under this NPRM a mariner may have to spend tens of thousands of dollars and many months to complete the required training. We suggest changing it to “you are credited with completion of all requirements for your current and all lower endorsements and must meet just the requirements....” This will clarify existing confusion between mariners and the Coast Guard over whether a Master 1600 applying for a 3rd Mate endorsement has to do OICNW assessments because they may not have done them for Mate 200 or 500. Also, it might be more accurate to replace “is upgrading” with “applies for a raise of grade” to use the term defined in the rules.

.227 does not address the acceptance of service on foreign vessels for establishing recency for renewals, yet 11.205(b)(4) allows it for applications for original officer endorsements and 10.231 (which is unchanged) allows it for raises of grade. A provision should be added to make clear that service on foreign vessels is acceptable for all credential transactions. We also suggest adding to this section something like - “At each MMC renewal, but at no other transaction, the Coast Guard will increase the MMC issuance number by one.” The absence of an issue number on the current MMC is both a large loss of pride for long-serving mariners, but also serves as a valuable tool in assessing the experience of a newly hired mariner.

.227(8)(i) (D) the phrase “position closely related to the operation...” is being inconsistently applied to applicants for renewal. We suggest adding a reference to 11.211(b) as a way to clarify that instructors/examiners as well as port captains/port engineers are recognized as providing “closely related service”.

.227(8)(vi) The meaning of the two ways to document service for renewal of a towing credential is not easily understood. We suggest the language from the Coast Guard's internal work instruction be added to this section as an "Interpretive Ruling" to receive public comment and public notice.

.300 - .311 is a large expansion of the current standards. We feel this whole section is unclear, an undue burden on training providers, and unworkable. We recommend it be withdrawn and reworked for the reasons noted below.

.302(b)(5) – The qualification requirements for approved instructors have been one of the most troublesome and least transparent aspects of the standards for approved courses. We recommend that a document be published that sets out the minimum standards for each course so that schools can properly evaluate applicants for instructor positions before taking up the NMC's time by requesting approval for individuals that will be rejected. Additionally it should be clarified that for a reasonable period after any new training requirement is established, that the "qualification" and "professional credential" requirements will be waived, since a very limited pool of mariners can meet them.

.302(b)(7)(iii) mentions surveys of employers of the students, as does .303(a)(8)(iii). This is impractical in many, if not most, instances. Many students are self-paid, which makes the survey of their employers impossible. In those cases where the employer is known the requirement for a survey would trigger an expensive and burdensome administrative effort that would likely yield such a small response that it would be foolish to draw meaningful conclusions from the data. We recommended dropping employer surveys.

.302 d (2) We recommend striking the proposed 12 month course inactivity expiration. Certain low demand courses will go long periods between presentations, yet the curriculum and instructor ability is not negatively impacted. The 5 year expiry is sufficient.

.302(5) needs clarification as "any change in management" is a very broad phrase. Traditionally the sale of a school triggered the need for resubmission of course approvals. But the hiring or reassignment of internal staff could be considered a "change in management" We suggest this section be revised to specify what changes concern the Coast Guard as well as what response is desired by the training institution if any beyond a notification. Then a more informed comment could be made.

.303(a)(3) states that the final exam is to be of such a degree of difficulty that a student would most likely pass, on the first attempt, an exam at the REC. Students, even academy graduates, don't usually pass all exams the first time so that's an unrealistic standard that is impossible to measure effectively. We recommend that the exam "must be equivalent in depth and scope to that given at an REC." With that standard at least the content of the exam items, number of questions, minimum passing scores, etc. can be quantitatively compared to existing REC examinations. On a related note, the Coast Guard should internally assess whether its examinations are true assessments of the requirements of STCW or are overly complex and difficult. The Coast Guard has certainly seen evidence that the tests given by other flag states are not as difficult as those given by the U.S. Coast Guard

.303(a)(4) states that schools must "require each student to successfully demonstrate practical skills appropriate to the course material and equal to the endorsement for which the course is required." First, it's not within the school's authority to "require" such demonstrations; we believe any such requirement must be imposed *on* the mariner *by* the Coast Guard. The schools can then provide one means to assess them. Second, the enormously sweeping and all-inclusive statement could be

interpreted to require full mission simulation exercises to obtain an OUPV credential because the course material addresses boat handling, anchoring, etc. We recommend either deleting this section, or rewording along the lines of “Any practical demonstrations included in the course curriculum should be appropriate to the course material and the endorsement sought”.

.303(a)(5) requires that records be kept for five years rather than one. Given the four-fold increase in the administrative burden created, we wonder if any significant problems have surfaced or any significant value can be anticipated that justifies the change. If not, we recommend that the one year requirement be retained.

.303(a)(7) requires schools to provide an annual report to the NMC, adding more to the administrative burden without any stated justification or projected benefits. What is the purpose? Can the NMC actually review reports from the hundreds of schools conducting thousands of courses every year? We recommend this section be deleted.

.303(a)(8)(iii) – See comment on .302(b)(7)(iii) regarding employer surveys.

.303(a)(9) proposes to permit the Coast Guard to “administer the required examinations or practical demonstrations, including *the substitution of an applicable Coast Guard examination*”. The NMC approves the examination(s) as part of each course approval. That is the time to ensure all examinations are “adequate”. No approved course is designed to teach a student to pass the “applicable Coast Guard examination”; the course teaches the student the material *required* by the course approval. As such, we recommend deletion of the phrase “including the substitution of an applicable Coast Guard examination” from this section.

.303(a)(10), along with the definition of QSS in 10.107, requires schools to be subject to the offeror’s QSS, but only “when providing training to meet STCW requirements.” No description of the benefits for such a system is provided in the preamble, but we must assume that they are minimal because the requirement is not applicable to all schools that provide approved courses. Given the discriminatory application of this requirement it appears that a QSS is required only because the Convention requires it and not because it provides tangible value to the student or the school. Could it be that the QSS is also a way for the Coast Guard to shift course oversight audits and costs from the government to the schools?

Schools giving STCW training will be forced to devote an estimated 200 hours to the creation of their QSS. That’s a \$6,000 expense in addition to the opportunity lost to devote that time to course development or classroom instruction. If the benefits of a QSS are so significant, we recommend that the requirement be extended to all schools. If not, we recommend that the Coast Guard evaluate submissions of Quality Standard Systems in the spirit for which they are apparently intended-merely for compliance.

Unfortunately the QSS as proposed is a dangerous tool. Currently the Coast Guard might suggest a change to a course as an improvement, but if it is purely a matter of opinion, the school may choose to follow a different path. But if the Coast Guard will not approve a QSS over a “matter of opinion”, the school is forced to perform in a specific manner despite no regulatory requirement to do so and despite valid reasons for wanting to do otherwise. Further, because the QSS is a standard it must be followed 100% since any noncompliance could lead to suspension of course approvals or instructors, no matter how valid the deviation decision may have been. We strongly urge using the final version of Subpart

C, less the QSS burdens on the training providers, and the Coast Guard's course audit program as the sole STCW QSS. If this is infeasible then a large scaling back of the scope of the QSS would be appropriate.

.303(b)(vii) proposes the QSS must define the provider's responsibility for "enabling mariner completion of Coast Guard applications". A school's purpose is to provide training, not complete application paperwork. If application assistance is provided, we do not believe it is an appropriate topic to be addressed by a rulemaking or a QSS and recommend deleting it from .303(b). Further, we are strongly of the opinion that the high error rate on mariner applications is an indication that the applications are overly complex. Since the Coast Guard is required to look at alternatives in the rulemaking process, we believe that the alternative of simplifying the forms should be considered.

.304(d)(4) and (f)(5) propose that a TRB/TOAR must have a space for an instructor or officer to document that the applicant has received the training needed to perform the task or skills. The TOARs posted by the Coast Guard as part of NVIC 4-01 don't have space for documenting this training, although that requirement appears in the current rules. We hope the reason for this discrepancy is that successful completion of a proficiency demonstration must mean that the person had been properly trained in that task; therefore the verification of that training is redundant and unnecessary. We recommend all requirements for documentation of onboard training be dropped.

.305 states that DE's must have "documentary evidence to establish experience, training, or instruction in assessment techniques." Although not explicitly stated, this apparently means that they must carry or make available on request such documentation, which is a significant expansion of the obligations of DE's. Under current procedures, a DE's signature on a control sheet attests to their having read the Coast Guard assessment guide and having the appropriate credential. Not only does the proposed provision increase the standard, it adds to the ambiguity of the process because it creates a situation of "post approval." A mariner submitting control sheets in support of an application will not know until the evaluation whether the DE's experience, training, or instruction is deemed sufficient for acceptance by the NMC. Nor, in fact, will the potential DE, which means the DE will be extremely reluctant to sign a control sheet, making it difficult for an applicant to be assessed. It also puts the NMC evaluator in the impossible position of verifying a DE's right to sign a control sheet unless the evidence is provided with the assessment form. To keep this from spiraling into a host of future problems, we believe that you must either maintain the status quo or bite the bullet and require NMC approval of all DE's. We recommend the former vice the latter.

.305(3) requires a DE to have a "level of qualification equal or superior to the relevant level of knowledge, skills, abilities described in the training objectives." That's an appropriate standard, but not one which is currently applied by the Coast Guard in a number of situations, including Policy Letter 14-02, which requires that a Rating Forming Part of a Navigation Watch to be assessed by an unlimited second mate or master. That is decidedly beyond "equal" to RFPNW and has inhibited assessment for that endorsement. We hope that the standard stated in the NPRM will be followed immediately, as well as in the future.

.308 – We recommend that the wording should read that training programs "approved" or "conducted" or "attended" rather than "used to".

Part 11 comments

.205(d)(3) – This could be misread that only apprentice mates with oceans routes are exempt. It might be clearer to say, “All endorsements for master or mate of towing vessels on oceans, except for Apprentice Mate on oceans.”

.205(e)(3) states that certain seagoing officers must complete Medical Care Provider training in lieu of First Aid/CPR. Why can’t all applicants use the same substitution? We recommend deleting “, to obtain a seagoing officer endorsement,” and changing “must” to “may” in this section.

.401(a)(8) and (9) tries to say that the master and mate on towing vessels of 200 GRT or more *serving* on oceans or near coastal waters must comply with certain STCW regulations, but it actually says if you *apply for an endorsement* as master and mate of towing vessels of 200 GRT or more. In proposed 10.109, “master or mates of towing vessels of 200 GRT or more” are not listed as an officer endorsement. The application of STCW to a specific endorsement would be better done in the text of each impacted endorsement and/or in part 15.

.401(a)(10) says that 200 GRT Master/Mate NC must meet Regulation II/3, but the footnotes (as well as the first sentence) appear to exempt those vessels—unless you realize those vessels are indeed captured if they are engaged on international voyages. Does it have to be that confusing? Perhaps item 10 should simply read “Master or mate, near coastal valid for service on self-propelled, seagoing vessels engaged on international voyages.”

.401(h) – We think this incorrectly cites .426, which is domestic. We think it should be .424.

.401(i) says that certain officers “must pass a practical signaling examination.” That is a higher performance standard than required by the Code, which says only that an officer must demonstrate competence by “assessment of evidence from practical instruction.” We recommend that the evidence be in the form of questions on the navigation general module of the required examinations.

.402(c) creates a “tonnage trap” for mariners using the provisions of .405(b) to move from the limited tonnage category to the any gross tons endorsement credential. Suppose a 1600 Master with service on a 1200 GRT ton vessel makes application for Chief Mate, AGT. Using the tonnage calculation in .402(c), yields an endorsement as a 2000 GRT, 3300 GT Chief Mate. The bad news is this is a lesser grade of authority, but the good news is that the prohibition of .402(e) does not apply to a Chief Mate. Sailing for 6 months as Chief Mate results in all tonnage limitations being removed *if* there is a vessel over 1600 GRT/3000 GT but below 2000 GRT/3300 GT with a Chief Mate COI position to sail in. That's a small window of opportunity after spending a at least \$15,000 on management level courses.

Even with service on a vessel admeasured with only GT, it's not much better. Using the 1.5 factor with experience on a vessel of 2600 GT, will get a 4000 GT limit on the Chief Mate credential. This slightly enlarges the window of opportunity to raise the tonnage limit by serving on vessels of between 3000 and 4000 GT.

We believe this tonnage trap could be broken by increasing the existing multiplication factor from 150 percent to 400 percent. A mariner with service on a vessel of 1200 GRT would then be able to obtain a Chief Mate endorsement with a limit of 4800 GRT, significantly increasing the number of vessels on

which service could be attained. Since tonnage calculations are not addressed in the STCW Code the Coast Guard could increase the multiplication factor to 400 percent. The decision to allow a multiplication factor of 150 percent was arbitrary and did not represent the actual similarity in required skill sets between levels of tonnage. Raising the multiplier comes closer to acknowledging the overlap in required skills for the different levels of tonnage. Alternatively the Coast Guard may delete 402 (b)(3) and put a specific and reasonable limit in each section of the regulations. For an AGT endorsement we suggest setting the limit as 6 months of service over 1000 GRT or 2000 GT.

.407(a)(1) requires a 3rd Mate applicant to hold an STCW endorsement as RFPNW as a component of the qualification standards. We recommend deleting that provision. The qualification provisions for OICNW in STCW do not mention RFPNW, so international standards do not require it. The requirement to hold a rating as able seaman shows experience and training superior to RFPNW, so the provision adds no value to the individual's qualifications. In fact, holding RFPNW must not add value to an individual's qualifications for AB because it is not a prerequisite in 12.412, so why is it necessary for officers? It only serves to add an unnecessary complication to the qualification provisions of 11.414, which state that a person applying for 1600 GRT mate must meet the standards of 11.407. Many people applying for a 1600 GRT mate credential will have valid and valuable experience on vessels of a size that are not required to have any RFPNW ratings in the crew and therefore will not hold that credential at the time they apply. In fact, many of these applicants will already be serving as officers on vessels of less than 200 GRT. To make them qualify as RFPNW to satisfy an application checklist is like asking a high school graduate to complete some missed elementary school reading assignments to qualify for entrance to college. We believe that holding able seaman is sufficient evidence that the person has obtained the basic skills and knowledge on the way to an officer endorsement. In fact, it might even be worth asking if able seaman certification is necessary as a qualification prerequisite, or if it is just there as a matter of tradition. We note that a requirement to hold QMED is not a part of the qualifications proposed for 3rd Assistant Engineer. Logically, the requirements should match.

.410(a)(2) says that 500 GRT endorsements are issued, but then it says no original 500 GRT credentials will be issued or raised in grade after the effective date, which is confusing to most mariners. Then .410(d) says you can apply for an "upgrade," but that should be an "increase in scope or tonnage" rather than an upgrade, shouldn't it? In any event, we recommend that the language in .410(a)(2) be strengthened to clarify that endorsements "carried over" by this provision retain the full authority that the credential held prior to the effective date. Additionally, for the reasons outlined in our comments on section .412, we recommend changing this section to read "no original 500 GRT credentials will be issued or raised in grade *more than 5 years after* the effective date"

.412 is a quantum increase in the qualification requirements for a credential that has served individuals and the industry well since it was implemented 20 years ago. Under current standards it can be obtained with 4 years of sea service, of which 2 must have been in a licensed position. The proposed rules would add at least 1 year to that service requirement on a "best case" basis, and for most individuals it's likely that the process will add several years to advancement and involve an expense well beyond the tuition required for the management level courses. Here's why:

A person now can obtain a 1600 ton Mate credential with two years of sea service. The extra year required under the proposal to make the operational step means the loss of one year's pay differential between AB and Mate, a significant amount. After paying for operational level training, doing the assessments, and passing the exam (while living on AB wages for an extra

year), the person can get a credential and start obtaining the requisite time as Mate. To take advantage of the “fast track” to Master a person will have to complete all the management training in the first year after obtaining mate (sacrificing even more time from work) to log a year as Chief Mate. Each day in school means a day of service lost, and with scheduling difficulties caused by the relatively few courses available, it can easily take more than a year to complete all the courses. As a result, the road to Master will become much longer than the “best case” scenario, plus the loss of potential income adding to the financial burden of funding the training. The chances of a mariner advancing to Master in 5 years are extremely remote, and it will take good timing, understanding employers, and supportive families to complete the path with as little as 6 years of seagoing service, a 50% increase in the current service.

The change from taking a handful of readily available training courses to this new process will have a massive impact on mariners, schools, and vessel operators. Mariners who now hold lower tonnage credentials or who are nearing completion of their service requirements would be unjustly penalized for the career decisions and personal commitments they made based on the current rules. Schools will need many months to develop the multiple new courses and go through the approval process; then students will need at least another 18 months to schedule and complete the required training. It is probable that no one will be qualified for the issuance of a Master 1600 GRT/3000 GT credential for a period of 5 years after the effective date. Given the age and retirement eligibility of the vast majority of the existing pool of 1600 Masters and Mates, a prolonged period with no ability to replace retiring mariners would be a disaster for the offshore industry.

We therefore recommend that individuals whose service began before the effective date be eligible to apply for the Master 1600 GRT/3000 GT credential along with STCW endorsements under the *existing rules* governing the qualification standards and the authority of the endorsement for a period of at least five years following the effective date of this rule.

We also note that the “accelerated” route to Master in 11.412(a)(1) requires the individual to have 12 months service as Chief Mate, which highlights the recommendation made on the definition of Chief Mate. We recommend addressing the issue of “chief mate” service in either 11.410 or in this section. Because very few of the vessels under 3000 GT are required to carry an individual holding an endorsement as “chief mate,” a person’s service would be questioned or even denied if they were performing that function on a two-watch vessel that was not required by the COI to carry a person with an endorsement as Chief Mate. To keep this from being an impenetrable barrier to employment and advancement merely because a person was performing chief mate duties on a vessel not specifically required by the COI to carry a chief mate, we recommend inserting a provision stating something to the effect of, “Sea service obtained while performing the duties of a chief mate shall be accepted as chief mate service for any transaction whether or not an endorsement for that position was required by the vessel’s Certificate of Inspection.”

.413 does not have a service requirement, implying that a person could qualify for this endorsement by meeting the OICNW requirement and completing management level training. The diagram at 11.403 shows a requirement to serve 12 months as mate before advancing to Chief Mate. The STCW Code has identical language to .413. Which is correct or intended?

With regard to the list of training topics at the management level, we wonder why it so substantial in light of the fact that the individual has already acquired the skills and knowledge to qualify as mate and then has served in that capacity for at least 1 year. This service will yield substantial ship handling

experience during 12-hour watches as well as heavy involvement in harbor navigation, mooring, cargo operations, crew management and supervision. In short, the amount and quality of this experience would have been truly accelerated in comparison to an officer on a vessel working a three-watch system with infrequent cargo operations and mooring experience. Because of the nature and quality of a mate's experience on limited tonnage vessels and the redundancy of the following topics at both the operational and management levels, we recommend dropping meteorology, ship handling, stability, and cargo handling. Although all these topics are listed in STCW table A-II/2, we urge using the flexibility of Article IX and Section A-II/2 paragraph 8 to tailor the requirements for formal training to the minimum needed for operations vice the list proposed. We assume a limited tonnage version of these training courses could be approved for less time than the unlimited tonnage versions. We suggest the Coast Guard specify the minimum length of these training courses in the preamble or regulation body to aid training organizations in submission of courses.

.422 removes the tonnage trap created in existing regulations that kept many small vessel mariners at a limit of 150 GRT. We applaud this change.

.423 and .424 provide a way for an individual to receive an endorsement for near coastal international (NCI) voyages on vessels under 200 GRT, which is a worthy goal, but the proposed process is so lengthy and difficult the provision is of limited value. Given the proposed definitions of international voyage and near coastal coupled with NVIC 7-00, it is not clear that mariners holding this endorsement can make a *legal* international voyage.

As proposed, it will take an individual 3 years of service and completion of substantial and expensive training to qualify for the mate/OICNW endorsement, which must be held for an additional year before he can qualify for master. That means the first person to receive an original endorsement through that path will be able to serve as master about 6 years after the effective date of the rules. Mariners who now hold a "standard" NC endorsement and have the time required by 11.424 will be able to qualify as Mate NCI in the probably lengthy time it takes to complete the training, when it becomes available, but they will have to tread water for another year to get the time required by 11.423(b).

Additionally as proposed, it refers the applicant to the assessments in 11.401(a). Who on board a vessel of less than 200 GRT is "competent" or "acceptable" to sign the assessments? None would be if the requirements of Policy Letter 01-02 are used which require assessment by a Second Mate AGT or higher. If no one in a company operating small vessels holds an adequate STCW endorsement, how can that company ever qualify any crewmembers for an STCW? Can the full OICNW STCW assessments be performed on a vessel under 200 GRT? It is likely NOT possible as equipment such as a radar, gyro compass, flashing light and many others are not required equipment on this size vessel. Which OICNW control sheets can be marked N/A or modified? What GT would be listed on the STCW endorsement of a mariner holding a Master 50/100/150, or did you intend this section to only apply to the Master 200? Would the GT be from table 11.402(a) or would it use the actual GT of the vessels served upon or intended to serve upon, or the higher of the two options? Is training in Radar and ARPA required as listed in Table A-II-3 of the STCW Code, if the vessel does not have this equipment?

Also to provide immediate relief and opportunity to the existing pool of 200 GRT officers, we recommend revising 11.423 to allow individuals who have an endorsement as 200 GRT Master NC or Master of Towing Vessels NC or OC (without an STCW) to extend their route to NCI after completion of the training listed in 11.424(2) and 11.401(h). If such a relatively smooth and easy conversion is

deemed not possible within the terms of the Convention, a provision could be included that requires the person to document a total of 4 years of service, including one year at the operational or management level, which meets the intent of 11.423(b).

It should also be noted that the wording in .423(b) stating, "...an applicant must have 12 months of service *as an OICNW* while holding an endorsement issued in accordance with 11.424" could lead to confusion. Does a person really have to serve as OICNW for a year, or would service as Master 200 or Master towing be acceptable? The definition of OICNW is not especially helpful, saying that it means a deck officer "qualified at the operational level," which could lead someone to think that excludes an individual qualified at the management level. If it is interpreted that only service as a mate in NCI waters is acceptable, that would be another barrier to advancement because on vessels operating from a overseas port, only the master holds a U.S. endorsement. The balance of the crew are local mariners. To resolve these issues, we recommend the wording in .423(b) be changed to state, "an applicant must have 12 months of service at the operational or management level while holding an endorsement issued in accordance with 11.424."

With regard to the training requirements for this credential limited to vessels under 200 GRT, we note that they are the same 9 topics required for an endorsement as Third Mate any gross tonnage. In light of the substantial differences in the size of the vessels and complexity of operations addressed by the same training topics, we assume that the treatment of the material would also be substantially different in length and scope. A complete training program for OICNW now totals about 85 days of instruction. We believe that a program covering those topics for vessels under 200 GRT could be effectively accomplished 10-15 days. Would you please comment on this assumption in the preamble so that mariners and training providers can gain a better sense of what is expected of them to obtain the NCI route? We strongly suggest a rewrite and clarification of this entire section in the next NPRM/SNPRM.

.430(e) requires applicants for endorsements with a tonnage limit over 200 GRT to have qualification as able seaman. In light of the fact that many applicants will have qualifying service on vessels that are not required by law to carry able seaman, this provision serves as either a barrier to entry or an unnecessary step. Why should a Master 200 hold an AB to increase their tonnage? We recommend dropping it as prerequisite and replacing it with survival craft proficiency per STCW.

.463(d) says that "mariners" who serve on certain towing vessels must meet the qualification requirements for 1600 GRT deck officers. The word "mariners" should be changed to "deck officers" for clarity. Then it states that they must comply with the requirements of "§§ 11.412, 11.413, *and* 11.414", regardless of rank. Adding the words, "as appropriate to their rank" and inserting "or" between each cite should clarify the intent. Additionally this incorrectly implies that a towing endorsement is not required, just the Master/Mate 1600. Why can't the holder of a Master 500 GRT and STCW also serve on these vessels, if the tonnage and route permit? We recommend that this section make clear that any holder of a deck officer and STCW endorsement of sufficient tonnage and route meeting 11.464(f) or 11.465 (d) or (e), including using 11.423 and 11.424 are legal for service on a towing vessel.

.493, .495, .497 – These sections propose OSV deck officer endorsement applicants will "complete a Coast Guard approved program of training, assessment, and sea service that *meets the requirements*" of the STCW regulations. (The section for OSV engineer endorsements at 11.551 is similar.) If those words for OSV deck credentials are applied strictly in the future, it means you can get an OSV restricted, 500 GRT endorsement, by going through the same process and paying the same price as an

unlimited tonnage, non-trade restricted endorsement. Obviously, that was not the intent or practice when OSV endorsements were first codified in the interim rule. At that time we all recognized that the qualification provisions in STCW were excessive for vessels of limited tonnage in domestic waters and that an alternate qualifying method should be provided under the terms of Article IX. Accordingly, endorsements for OSVs were made available, with applicants required to meet standards for service, training and assessment *appropriate to the size, equipment, and operations* of those vessels. NMC-approved OSV training and assessment programs have been used safely and successfully for the past 10 years. This alternate path created thousands of mariners in the largest STCW-impacted segment of the U.S. flag fleet. To insure continued health of this industry segment we strongly recommend that the final OSV credential rules retain the more flexible language in current sections 11.493, .495, .497, .551, .553, and .555. Further, we recommend that the service requirements now in force (as listed in NMC Policy Letter 07-00) be codified into the final rules.

.501(j)(1) says that holders of engineer (limited) and DDE endorsements can “continue to serve under the authority of those credentials until first renewal...” To insure that future readers understand what “authority” is being continued, we recommend changing those words as follows: “Continue to serve under the authority of those credentials as in force under the rules in effect prior to the effective date until the...” Also, what happens after the first renewal? If the mariner for some reason cannot document the service or training to cross over to the new credentials, then what happens? The preamble says “this proposed rule does not require a mariner to meet newly proposed requirements in order to retain a credential already held.” The final rule needs to clearly state what credential and with what authority will be issued at the first renewal if the crossover process is not used.

Figure 11.505 (a) has multiple inconsistencies with the text describing the route and service from Chief Engineer Limited Oceans and Near Coastal to Chief Engineer, Chief Engineer 10000 HP and 1st Assistant 10000 HP. Please correct and republish.

.507(c) – This section states that a person endorsed as 1st Assistant Engineer 10000 HP can qualify for 1st Assistant AHP with “approved or accepted training.” Although the nature of that training is unspecified, we believe it can be derived by noting the differences in the lists in .507(a) and .511(c), which amount to 4 items. Although we have serious reservations about several of the topics and expect other individuals to offer comments about list, we recommend that the list in the final rules be organized so that those topics that are not common to both lists appear at the bottom. That will make obvious which items represent the training “gap” that must be filled by a person moving from the 10,000 HP endorsement to the AHP category. We recommend specifying the training required.

Sections 11.510 through 11.514

We believe the qualification process offered in the NPRM for endorsements on “limited horsepower” vessels presents significant barriers to entry and obstacles to advancement. We therefore offer an alternative, which is predicated on these issues:

1. A credential at the 4,000 HP level has no value and should be eliminated to reduce confusion and complications in the licensing scheme. As proposed in the NPRM, a mariner seeking a “restricted HP” credential is forced to enter the advancement path by applying for assistant engineer 4,000 HP, a position for which there is little demand and even fewer billets. The path from there to a useful credential at the 10,000 HP level requires 3 transactions and completion of as many as 3 training regimens to meet the standards of Regulations III/1, III/2, and III/3 of the Code. We

believe the existing OSV Engineer provisions and our proposed path to a 10,000 HP credential will satisfy anyone who might have found a 4,000 HP endorsement useful.

2. **At the very least, it is essential to permit mariners to enter the path to a 10,000 HP credential directly and bypassing the 4000 HP path because vessels over 4,000 HP represent the overwhelming majority of the STCW impacted fleet.** That is where the jobs are, and those are the vessels that will provide the most relevant experience. Accordingly, our proposal provides a path to an original endorsement at 10,000 HP.
3. Because very few of the vessels affected by the proposed structure are required to carry two credentialed engineers, it will be impossible for many applicants to document time “while serving as an assistant engineer.” To keep this from being an impenetrable barrier to employment and advancement merely because a person was performing OICEW duties on a vessel not required by the COI to carry an assistant engineer (or any engineer, in the case of towing vessel), we recommend inserting a statement in 11.502 stating something to the effect of: “Sea service obtained while performing the duties of an engineer officer shall be accepted for any transaction whether the person was serving in a position required by a vessel’s Certificate of Inspection or in excess of required manning.”
4. It is essential to retain the existing qualification path to OSV engineer credentials as they are now authorized by the current regulations in 46 CFR 11.553 and 11.555 and by Policy Letter 07-00. The existing paths to these credentials meet the intent of STCW through the equivalency provisions of Article IX, provide a practical way for mariners to pursue a career in the engine department of OSVs in domestic waters, and promote competence through a structured training and assessment program. Retaining a viable route to OSV credentials will accommodate mariners on OSVs operating domestically without limiting horsepower. We also see the OSV endorsement path as a “feeder” to 10,000 HP credentials. (It is important to note that the current qualification requirements for OSV credentials are the same as the DDE standards in existing 46 CFR 11.524. Some reference to those standards is needed in the final rules.)
5. It is also essential that DDE and Engineer (Limited) credentials issued before the effective date retain the authority that was in force when the original endorsement was issued. Proposed 11.501(j) appears to provide that protection for the existing pool of qualified officers, but a person reading proposed 15.915 in the future may question that authority. To avoid confusion, we recommend strengthening 11.501(j) by adding the words, “Notwithstanding the provisions of 15.915(a)(2)” or clarifying the wording of 15.915 by repeating the intent of 11.501(j). To further reduce confusion either the current DDE with STCW or the future non-STCW DDE should be given a new credential title to allow obvious distinction between these similar sounding but radically different qualifications. We recommend all holders of a DDE and STCW endorsement issued under the current requirements be issued an endorsement as “Chief Engineer, limited to vessels less than 500 GRT/1200 GT” with any HP or route limitation currently held at their next credential transaction.
6. These changes will have a massive impact on mariners, schools, and vessel operators. Mariners who now hold credentials or who are nearing completion of their service requirements could be unjustly penalized for the career decisions and personal commitments they made based on the current rules. Schools will likely need at least 18 months after the publication date to develop the multiple new courses and 6 months to go through the approval process; then students will need at

least another 18 months to schedule and complete whatever training may be required. That means it is probable that no one will be qualified for the issuance of an engineer credential for 4-5 years after the publication date. Considering the long standing engineer shortage coupled with the aging (and retirement eligible) pool of current engineers, it is essential to minimize the hardship on mariners and the disruption of the industry. We strongly recommend that individuals whose service began before the effective date be eligible to apply for DDE or Chief Engineer (Ltd) along with STCW endorsements under the existing rules governing the qualification standards and the authority of the endorsement for a period of at least five years. Other recommendations regarding conversions are listed in the qualification provisions section of this report.

7. With regard to the proposed engineer training and assessment, we assume and recommend that any topics that are appropriate for onboard training can be approved for delivery in that manner, vice formal classroom training, provided the material is presented in accordance with the standards of proposed Subpart C.

Training Requirements

We recommend the following topics for the operational level in the 10,000 HP category, which are drawn from Table A-III/1 of the Code:

Use appropriate tools, including:

- Hoisting and pulling tools
- Power tools and equipment for repairs and fabrication
- Hand tools for dismantling, inspecting, repairing and reassembling equipment
- General and special measuring equipment

Use machinery drawings and handbooks, including:

- Technical manuals and machinery drawings
- Locate and use relevant manuals and interpret drawings, diagrams, sketches and instructions.

Use electrical and electronic measuring and test equipment, including:

- Follow lock-out, tag-out procedures and policies
- Use electrical measuring and testing devices

Maintain a safe engineering watch, including:

- Take over and accept a watch
- Perform routine duties undertaken during a watch
- Maintain machinery space logbook
- Watch change over procedures
- Safety and emergency procedures

Operate main and auxiliary machinery

Operate pumping system and associated controls, including:

- Fuel transfer
- Bilge, ballast, and cargo pumping systems

Operate alternators, generators and control systems

Maintain marine engineering systems, including:

Control systems

Knowledge of machinery space and plant arrangements of components, equipment, associated piping and control systems

Lock-out, tag-out procedures

Maintenance of auxiliary machinery

Control the operation of the ship and care for persons on board

Stow and secure deck cargoes, including cargo-handling gear and lashing equipment

Understand and apply relevant domestic regulations and international conventions

For the management level, we recommend making the following changes to the topic list of the 13 items in proposed 11.511.

1. Management skills – Delete because most of the subtopics are the purview of a company’s shoreside HR department and are not germane to the engineering profession. Items related to effective management of shipboard personnel in a working environment can be addressed more appropriately in the engineroom resource management subtopic of item 2.
2. Application of principles in crisis management – Retain.
3. Organizing and preparing for shipyard repairs and inspection – Retain.
4. Preparing for regulatory and class society inspections and surveys – Retain.
5. Assessing skills through performance-based demonstration – Delete because this would be addressed if the individual were to become a designated examiner. If the individual or his company chooses not to make this a part of the individual’s skill set, it should not be mandated.
6. Implementing and updating a plan for engine-room operation and familiarization for new employees – Because this item had no subtopics in the proposed rule we assume that it was as confusing and ambiguous to the regulation writer as it is to us. We think that whatever it might be can be addressed in item 7. Delete.
7. Developing and maintaining internal documents – Retain.
8. International laws and conventions – Retain.
9. Stability and damage control – Retain.
10. Technical analysis—operational condition of systems – Retain.
11. Management/oversight of preventive and predictive maintenance – Retain.
12. Principles of troubleshooting – Retain.
13. Review of major engine-room casualties – This is an excellent subtopic for item 2. We recommend that it be deleted as a separate item but be addressed in item 2.

Qualification Standards

We recommend the following qualification standards (not including general requirements such as BST, Medical Care Provider, PSC, etc.)

For Assistant Engineer, 10,000 HP Near Coastal

36 months of engineroom service.

6 months of the service must be on vessels over 1,000 HP/750 kW.

Complete training and assessment in the operational topics outlined above.

OFFSHORE MARINE SERVICE ASSOCIATION

990 N. Corporate Drive, Suite 210 Harahan, LA 70123 Telephone (504) 734-7622 Fax (504) 734-7134

For 1st Assistant Engineer 10,000 HP Near Coastal

12 months of engineroom service while holding an endorsement as Assistant Engineer, of which 6 months must be on vessels over 1,000 HP/750 kW.

Complete training and assessment in the management level topics outlined above.

The holder of this endorsement is also qualified for an endorsement as Chief Engineer Unlimited HP (OSV).

The holder of an endorsement as Chief Engineer Unlimited HP (OSV) may obtain this endorsement upon completion of training in the management level topics.

For Chief Engineer, 10,000 HP Near Coastal

12 months of engineroom service performing the duties of an engineer at the operational or management level while holding an endorsement as 1st Assistant Engineer, of which 6 months must be on vessels over 1,000 HP/750 kW.

The holder of this endorsement is also qualified for an endorsement as Chief Engineer Unlimited HP (OSV) on vessels of 3,000 GT or more.

The holder of an endorsement as Chief Engineer Unlimited HP (OSV) may obtain this endorsement with 12 months of service in a chief engineer capacity and completion of management level training.

Conversion provisions

A person holding an endorsement as Chief Engineer Limited (Oceans) based on service obtained before the effective date may qualify for Chief Engineer 10,000 HP by providing evidence of 12 months of sea service performing the duties of an engineer at the operational or management level OR completing training in management level topics.

A person holding a endorsement as Chief Engineer Limited (Near Coastal) based on service obtained before the effective date may qualify for 1st Assistant Engineer 10,000 HP by providing evidence of 12 months of sea service as an engineer at the operational or management level OR completing training in management level topics.

Holders of an endorsement as DDE Unlimited HP based on service obtained before the effective date should retain their endorsements and authority as per proposed 11.501(j) and should also be issued Chief Engineer, 10,000 HP upon obtaining 12 months of sea service as an engineer OR completing management level training. This does not represent an increase in grade; it only increases the scope of their authority to vessels larger than 500 GRT/3000 ITC while limiting their route to near coastal waters.

All mariners with service before the effective date of the final rule may continue to apply for and upgrade an MMC and STCW endorsement for DDE and Chief Engineer Limited under the requirements in effect and with the authority in effect before the final rule, for a period of five years.

.551 contains wording that provides the Coast Guard some flexibility to accept or approve training programs appropriate to OSVs, but we reiterate the comment made previously about deck endorsements for OSVs: To insure the continuity of the important and effective programs that have been in place for the past 10 years, we recommend that the final rules retain the language in current sections 11.551-555. Further, we recommend that the service requirements now in force (as listed in Policy Letter 07-00) be codified in the final rules.

OFFSHORE MARINE SERVICE ASSOCIATION

990 N. Corporate Drive, Suite 210 Harahan, LA 70123 Telephone (504) 734-7622 Fax (504) 734-7134

Part 12 comments

.420 requires an RFPNW applicant to show 6 months of service, which can be reduced if the person has completed an approved course. In practice this means that a person seeking entry level employment cannot legally serve as a watch stander until he or she has served a minimum of 60 days in a supernumerary position—provided that they have completed a course which is difficult to find and expensive to attend. This provision is counter to the national imperative to put people to work and cannot be justified from a safety risk standpoint. The current career path has served mariners well and has resulted in an exemplary safety record.

Adding to the barriers created by the STCW standards are interpretations imposed by the Coast Guard in Policy Letter 14-02 (which would be codified in proposed 12.420) that require at least one-half the sea time to be on vessels of at least 200 GRT. Beyond that, the assessments for helm commands must now be performed on vessels of at least 100 GRT. These provisions mean that individuals who already have considerable experience on smaller vessels cannot use their service to qualify as RFPNW and apply for positions on larger vessels. Because qualifying service must be on seagoing vessels, mariners from the inland segment of the U.S. merchant marine are denied the opportunity to move offshore without having to go through the convoluted qualification process. It also creates problems for mariners serving on coastwise tug and barge which frequently travel inside the Boundary Line.

If, as the preamble to the NPRM states, the future standards are to benefit from “lessons learned” from the interim rule, section 12.420 should be revised as follows:

1. Delete proposed 12.420(c)(ii).
2. Permit assessment of helm commands on any vessel of more than 50 GRT.
3. Accept inland service as proposed in our redefinition of “seagoing service” to qualify for the endorsement.

.610 Although only 6 months of service are required, 24 abandon ship drills including 8 with the boat lowered to the water are also required. Subchapter W requires one abandon ship drill each month and that each lifeboat be launched and maneuvered in the water quarterly. Unless a vessel performs many extra drills it will take multiple years to meet these excessive requirements. Additionally they are significantly higher than a Fast Survival Craft operator or Survivalman. We recommend cutting the drills in half to match the Survivalman requirements. As noted above, we recommend renaming this rating as “Survival Craft Operator”.

.630 As noted above, we recommend renaming this rating as “Survival Craft Operator-Limited”.

.610 and .630 permit completion of an approved program in lieu of the drills. There are NO approved *programs* for these ratings. There are approved *courses* that coupled with specified sea service qualify for these ratings. Recommend changing “program” to “course” in both instances and allowing completion of a course in Proficiency in Survival Craft to also be accepted.

Part 15 comments

15.403(c), 15.404(a), 15.1103(b), and even 12.418(a)(2) all require a person serving as RFPNW to hold an STCW endorsement attesting to his or her qualifications to perform those functions when serving on a vessel of 200 GRT/500 GT or more. As pointed out in previous comments on 10.305(3), 12.420, and 11.407(a)(1), the requirements related to RFPNW have been one of the most misunderstood, misapplied, and troublesome aspects of the STCW implementation process. They have bedeviled mariners, NMC evaluators, Coast Guard policy makers, and company HR personnel. Recognizing the difficulties presented by these provisions and other aspects of the 1995 amendments, the Secretary of Transportation at the time the interim rules were implemented declared that the Coast Guard would utilize the flexibility afforded by the Convention to mitigate some of the adverse effects. To that end, the Coast Guard stated that tonnages in the Convention would be applied as gross register tonnage for vessels in U.S. domestic service. Accordingly, the “trigger tonnage” of 500 gross tonnage for applicability of Regulation II/4 was to be interpreted as 500 GRT, as confirmed in a letter signed by the Chief of Marine Personnel in 1999, which states:

...vessels of not more than 500 gross register tons on near coastal, domestic voyages will not be required to have seamen qualified as ratings forming part of a navigational watch because that STCW rating does not apply to vessels of less than 500 gross tons.

Unfortunately, that clear directive was not implemented in subsequent policy letters, qualification checklists, and other correspondence regarding RFPNW. We recommend that the Coast Guard honor the agreement declared in 1999, learn from the lessons regarding RFPNW, correct this basic misunderstanding, and make the requirements for RFPNW applicable to vessels of 500 GRT/1200 ITC or more in domestic service. Vessels in international service will be bound by the STCW standard set at 500 GT (200 GRT).

Since the STCW Code sets no minimum size to obtain experience to qualify as an RFPNW, neither should the NPRM. It is impractical to require service on a vessel *over* 200 or 500 tons to get an endorsement to be able to legally serve *on* those vessels. If you believe a minimum size is required, at least lower it well below the tonnage where the endorsement is *required*.

Additionally because qualifying service must be on seagoing vessels, qualified mariners including AB's from the inland segment of the U.S. merchant marine are currently denied the opportunity to move offshore without having to go through the convoluted qualification process. STCW states in Chapter I under definitions that “*Seagoing service* means service on board a ship *relevant* to the issue of a certificate or other qualification”. Thus it is clear that the Administration can decide what is or is not relevant. We have seen too many careers thwarted or never started due to the interpretations and language used. Many other countries provide liberal interpretations and thus promote seagoing opportunities and careers. See our proposed redefinition of seagoing service in the definitions section.

.915 should be revised to confirm the intent of 11.501(j) to allow individuals holding endorsements as DDE and Engineer (Limited) or Chief Engineer (Limited) issued based on service acquired prior to the effective date to continue to serve on those credentials with the authority that was in force under the rules in effect prior to the effective date.

.1101(a)(2) deems specified vessels on near coastal voyages “not subject to further obligation for the purposes of the STCW Convention”. Yet .1105 requires *all* seagoing vessels, as newly defined, to train all crewmembers in Basic Safety Training (BST). Given that the .1101 vessels were not required to complete BST in the past, for clarity we recommend adding to .1105 the following:

“(e) Crews of vessels in compliance with the provisions of 46 CFR 15.1101 are deemed to be in compliance with the requirements of this section on familiarization and basic safety training.”

Finally, we strongly disagree that this proposal is not a significant rulemaking. The economic impact of the proposal includes the additional training tuition required for mariners, the opportunity cost of not being able to work either while obtaining that training, the delayed pay raises due to increased service requirements, loss of employment/departure from the industry if their career paths are cut off; the cost to industry of having to add additional manning to vessels to fit within the new structure; and the devastating effect this would have on the competitiveness of the American offshore vessel industry if the foreign/domestic option is taken away.

A recent study commissioned by OMSA on the economic impact of the offshore industry indicated that the offshore support industry is responsible for about \$18 billion in annual spending and 103,000 people directly and indirectly employed. The consequences of this rulemaking may be significant and far-reaching to this segment of the economy.

Additionally, a number of mariners are trained through grants. In the case of Louisiana, a key grant allows for reimbursement of training costs *if* the training increases the mariner’s pay. Because this NPRM threatens to make it impossible for mariners to continue to advance in their careers, negating the value of their training, this change alone would trigger the “significant rulemaking” label.

It is worth focusing on the impact of adding a third engineer and second engineer requirement to vessels that have only been required to have one engineer on board. If it is not economical for these vessels to carry two additional crewmembers, it means that too many third assistant engineers will be chasing too few available positions. The result will be to drive down wages at that position hurting engineers in general and discouraging new entrants into the workplace. The glut of entry level engineers would also hurt the academies’ ability to attract students and place them after graduation.

Also, the claim that the bulk of the cost for the rulemaking will fall on individual mariners and therefore will not constitute a burden on boat owners and other small entities is somewhat callous but is also incorrect. Many mariners are trained by the vessel owning companies, especially in those cases where on-board training is offered. A number of companies also pay for training for their mariners.

If you have any questions about these comments or need any further information on operation of offshore vessels, please contact OMSA at Richard@offshoremarine.org or (504) 734-7622.

Sincerely,



Richard Wells
Vice President