

authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c)(10)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Section 1622.5(h)]. The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of July 16, 1994 Meeting.
3. Approval of Minutes of July 16, 1994 Executive Session.
4. Chairman's and Members' Reports.
5. President's Report.
6. Consider and Act on Operations and Regulations Committee Report.
 - a. Consider and Act on Committee Recommendation Regarding Proposed Changes to Part 1607 of the Corporation's Regulations.
 - b. Ratification of Notational Vote Taken September 19-20, 1994, Approving Withdrawal of Proposed Changes to Part 1602 of the Corporation's Regulations As Published in the Federal Register on October 13, 1994.

OPEN SESSION: (Continued)

7. Consider and Act on Provision for the Delivery of Legal Services Committee Report.
8. Consider and Act on Audit and Appropriations Committee Report.
 - a. Consider and Act on the Consolidated Operating Budget for Fiscal Year 1995, Including the Preliminary Allocation of Fiscal Year 1994 Fund Balances.
 - b. Consider and Act on Proposed Fiscal Year 1996 Budget Mark and Allocation of Funds to Specific Line Items, New Initiatives, and Management and Administration.
9. Inspector General's Report.
10. Public Comment.

CLOSED SESSION:

11. Briefing of Board by the Inspector General on Office of the Inspector General Activities.
12. Consult with the President and General Counsel on the Matter of *Wilkinson v. LSC*.

OPEN SESSION: (Resumed)

13. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION:

Patricia Batie (202) 336-8800.

Upon request, meeting notices will be made available in alternate formats to

Notice of this briefing is being provided solely as a courtesy to the public.

accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336-8800.

Date issued: September 22, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94-23931 Filed 9-23-94; 9:15 am]

BILLING CODE 7050-01-M

LEGAL SERVICES CORPORATION

Board of Directors; Operations and Regulations Committee Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors Operations and Regulations Committee will meet on September 30, 1994. The meeting will commence at 1:30 p.m.

PLACE: Legal Services Corporation, 750 First Street, N.E., Conference Room, 10th Floor, Washington, D.C. 20002, (202) 336-8800.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of September 16-17, 1994 Meeting.
3. Executive Vice President's Report.
4. Consider and Act on Proposed Changes to Part 1607 of the Corporation's Regulations.
5. Consider and Act on Proposed Changes to Part 1610 of the Corporation's Regulations.
6. Public Comment.
7. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION:

Patricia Batie, (202) 336-8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336-8800.

Date issued: September 22, 1994.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 94-23932 Filed 9-23-94; 9:15 am]

BILLING CODE 7050-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 26, October 3, 10, and 17, 1994.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 26

There are no meetings scheduled for the Week of September 26.

Week of October 3—Tentative

There are no meetings scheduled for the Week of October 3.

Week of October 10—Tentative

Thursday, October 13

9:00 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of October 17—Tentative

Thursday, October 20

10:00 a.m.

Briefing on Medical Use Program and Meeting with Advisory Committee on Medical Use of Isotopes (ACMUI) (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 504-1292.

CONTACT PERSON FOR MORE INFORMATION: Dr. Andrew Bates (301) 504-1963.

Dated: September 23, 1994.

Andrew L. Bates,

Chief, Operations Branch, Office of the Secretary.

[FR Doc. 94-24015 Filed 9-23-94; 2:24 pm]

BILLING CODE 7590-01-M

UNITED STATES POSTAL SERVICE

Board of Governors; Notice of Vote to Close Meeting

By telephone vote, a majority of the members contacted and voting, the Board of Governors voted to add to the agenda of its meeting closed to public observation on October 3, 1994, in Seattle, Washington, consideration of an incentive compensation plan (See 59 FR 46084, September 6, 1994).

The Board determined that pursuant to section 552b(c)(2) of title 5, United States Code, and section 7.3(b) of title 39, Code of Federal Regulations, the discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information relating to internal personnel practices.

The Board further determined that the public interest did not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal

Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation, pursuant to section 552b(c)(2) of title 5, United States Code; and section 7.3(b) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268-4800.

David F. Harris,

Secretary.

[FR Doc. 94-24029 Filed 9-23-94; 3:28 pm]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 26, 1994.

An open meeting will be held on Tuesday, September 27, 1994, at 2:30 p.m., in Room 6059. A closed meeting will be held on Tuesday, September 27, 1994, following the open meeting.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain

staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session, and determined that this was the earliest practicable time to provide notice of the open meeting.

The subject matter of the open meeting scheduled for Tuesday, September 27, 1994, at 2:30 p.m., will be:

1. The Commission will consider whether to amend Rule 10b-10 and adopt Rule 11Ac1-3 under the Securities Exchange Act of 1934 generally requiring disclosure by broker-dealers of the practice of payment for order flow. In addition, the Commission will consider whether to delegate the authority to grant exemptions from Rule 11Ac1-3 to the Director of the Division of Market Regulation. For further information, please contact Jill W. Ostergaard at (202) 942-0169.

2. The Commission will consider whether to issue a release proposing and soliciting comment on rule 15c5-1. The rule would prohibit a market maker in a NASDAQ/NMS security from trading for its own account, directly or indirectly, at a price at which the

market maker could execute a customer limit order that it is holding, without executing the customer limit order at such price or a price more favorable to the customer, under the specific terms and conditions by which the order is accepted by the market maker. There are certain itemized exceptions to the rule as well as specific provisions governing the type of orders and the class of persons eligible for protection under the rule. For further information, please contact Scott C. Kursman at (202) 942-0168.

The subject matter of the closed meeting scheduled for Tuesday, September 27, 1994, following the open meeting will be:

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942-7070.

Dated: September 23, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94-23988 Filed 9-23-94; 12:47 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 59, No. 186

Tuesday, September 27, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 940549-4149]

Computer Systems Laboratory Cooperative Agreement Program -- Availability of Funds

Correction

In notice document 94-22759 beginning on page 47304 in the issue of Thursday, September 15, 1994 make the following correction:

On page 47306, in the second column, under the paragraph heading *Evaluation Criteria*, in the fifth line from the bottom, "19%" should read "10%".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Public Meetings on National Energy Policy

Correction

In notice document 94-21776 beginning on page 45670 in the issue of Friday, September 2, 1994, make the following correction:

On page 45671, in the second column, in the fourth line, after Hotline: "(615)214-2545," should read "(615)241-2545."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 522

Animal Drugs Feeds; and Related Products; Ketamine Hydrochloride Injection, USP

Correction

In rule document 94-20066 beginning on page 41975 in the issue of Tuesday, August 16, 1994, make the following correction.

§ 522.1222a [Corrected]

On page 41976, in the third column, in amendatory instruction 2., in the second line, paragraph "(c)" should read "(c)(1)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94F-0257]

Betz Laboratories; Filing of Food Additive Petition

Correction

In notice document 94-20450 appearing on page 42837 in the issue of Friday, August 19, 1994, make the following correction:

In the 3d column, under SUPPLEMENTARY INFORMATION, in the 2d paragraph, in the 13th line remove "(insert date 30 days after date of publication in the Federal Register)" and insert "September 19, 1994".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

RIN 0960-AC22

Supplemental Security Income for the Aged, Blind, and Disabled; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work

Correction

In rule document 94-19712 beginning on page 41400 in the issue of Friday, August 12, 1994, make the following corrections:

1. On page 41401, in the first column, in the penultimate line insert "2" between "section" and "of".

§ 416.265 [Corrected]

2. On page 41404, in § 416.265, in the second column, in paragraph (d), in the third line from the bottom "§ 416.269(d)" should read "§ 416.269(d)".

§ 416.269 [Corrected]

3. On the same page, in § 416.269, in the third column, in paragraph (b)(1) in the third line from the bottom "vary" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 58 and 92

[Docket No. R-94 1735; FR 3716-1-01]

RIN 2501-AB77

HOME Investment Partnerships Program

Correction

In rule document 94-20866 appearing on page 44258 in the issue of August 26, 1994, in the first column, line 3 under DATES, the effective date reads "October 26, 1994 through June", the date should read September 26, 1994 through June".

BILLING CODE 1505-01-D

THE PRESIDENT

3 CFR

Presidential Determination No. 94-46
of September 8, 1994

Extension of the Exercise of Certain
Authorities Under the Trading With the
Enemy Act

Correction

The billing code to Presidential
Determination No. 94-46, on page
47229 in the issue of Thursday,
September 15, 1994 is incorrect. The
correct billing code should have read
4810-31-M.

BILLING CODE 1505-01-D

Federal Register

Tuesday
September 27, 1994

Part II

Department of Transportation

Coast Guard

46 CFR Parts 10 and 12
Five-Year Term of Validity for Certificates
of Registry and Merchant Mariner's
Documents; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[CGD 91-211]

RIN 2115-AD92

Five-Year Term of Validity for
Certificates of Registry and Merchant
Mariner's Documents

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rulemaking establishes Coast Guard regulations which implement the provisions of the Oil Pollution Act of 1990 (OPA 90) that require certificates of registry (CORs) and merchant mariner's documents (MMDs) to be renewed every 5 years. A 5-year renewal period allows the Coast Guard to ensure that vessel personnel continue to be qualified to safely serve aboard a vessel. This rulemaking includes requirements for renewing CORs and MMDs, a schedule for renewing existing CORs and MMDs, and the associated user fees.

EFFECTIVE DATE: This rule is effective October 27, 1994, except for 46 CFR 10.811 and 46 CFR 12.02-29 which are effective January 1, 1995.

ADDRESSES: Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mrs. Justine Bunnell, Merchant Vessel Personnel Division (G-MVP-1), Office of Marine Safety, Security, and Environmental Protection, (202) 267-0238.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. James W. Cratty, Project Manager, and Ms. Jacqueline L. Sullivan, Project Counsel, OPA 90 Staff.

Regulatory History

On September 16, 1993, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Five-Year Term of Validity for Certificates of Registry and Merchant Mariner's Documents in the *Federal Register* (58 FR 48572). The 60-day comment period

closed on November 15, 1993. The NPRM discussed the background and statutory requirements of section 4102 (b) and (c) of OPA 90 which amended 46 U.S.C. 7107 and 7302. It also discussed the requirements of the Omnibus Budget Reconciliation Act of 1990 which amended 46 U.S.C. 2110. The Coast Guard received 13 letters commenting on the proposal from mariners, unions, and marine industry representatives. A public hearing was not requested, and one was not held.

After careful review of these comments and the NPRM, the Coast Guard has finalized the requirements for renewal of Certificates of Registry and Merchant Mariner's Documents. The Coast Guard finds that the regulations provide the maximum flexibility practicable in establishing requirements for a 5-year term of validity for CORs and MMDs.

Background and Purpose

The Coast Guard issues certificates of registry (CORs) under the authority of 46 U.S.C. chapters 71 and 75. CORs are issued to provide registry of staff officers for service in positions such as purser, medical doctor, and professional nurse. The Coast Guard issues merchant mariner's documents (MMDs) under the authority of 46 U.S.C. chapters 73 and 75. MMDs authorize individuals to work in different capacities on deck, and in the engine and steward's departments, on seagoing vessels over 100 gross tons. MMDs, with an appropriate endorsement, also identify qualified tankermen.

Section 4102(b) of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380) amended 46 U.S.C. 7107 by limiting the term of a COR to 5 years. Section 4102(c) of OPA 90 amended 46 U.S.C. 7302 by establishing the same limited term for MMDs. The Conference Report on OPA 90 (H.R. Conf. Rep. No. 101-653) explains that a 5-year renewal period will allow the Coast Guard to ensure that vessel personnel continue to be qualified to operate a vessel safely.

Section 4102(d) of OPA 90 limits the term of validity of all existing CORs and MMDs and provides for staggered expirations over a 5-year span. The statutory language provides that CORs and MMDs issued before August 18, 1990 expire on the day they would have expired if they had been issued for a term of 5 years and been renewed at the end of each succeeding 5-year period. This avoids the problems that would have been encountered if all CORs and MMDs expired at the same time. If this language is interpreted so that the 5-year period began on August 18, 1990, the date OPA 90 was enacted, documents

would have expired at a time when no review and renewal procedures were in place. Mariners with such an expired document could not continue working, placing a tremendous burden on both individual mariners and the maritime industry. The Coast Guard interprets the statutory language to include an additional 5-year renewal cycle to avoid such a harsh result. The Coast Guard has modified the tables in 46 CFR 10.811 and 12.02-29 to commence the mandatory 5-year renewal period beginning on January 1, 1995. This will allow merchant mariners sufficient time to comply with the regulation's requirements.

Pending the development of these proposed procedures for renewal of CORs and MMDs, the Coast Guard has been issuing CORs and MMDs that are valid for a period of 5 years since March 1991.

The Omnibus Budget Reconciliation Act of 1990 amended 46 U.S.C. 2110 to require the Coast Guard to establish and collect user fees for services it provides under subtitle II of 46 U.S.C., including the issuance and renewal of CORs and MMDs.

Sections 4101 (a) and (b) of OPA 90 amend 46 U.S.C. 7101 and 7302, respectively, to require every person who applies for the issuance or renewal of a license, COR, or MMD to have a chemical test for dangerous drugs. On March 4, 1994, the Coast Guard published an NPRM in the *Federal Register* entitled "Chemical Testing for Dangerous Drugs of Applicants for Issuance or Renewal of Licenses, Certificates of Registry, or Merchant Mariner's Documents" (59 FR 10544) (CGD 91-223). The Coast Guard originally intended to merge the chemical testing requirements and the regulations for terms of validity into one final rule. However, the Coast Guard has decided to publish these rules separately in order to facilitate public participation.

As required by OPA 90, the Coast Guard is also developing a rulemaking which addresses how review of information in the National Driver Register and a criminal record review will become part of the license, COR, and MMD renewal process (CGD 91-212).

Discussion of Comments and Changes

Thirteen letters were received in response to the NPRM. The Coast Guard has reviewed all of the comments and, in some instances, revised the proposed regulations as appropriate. The comments have been grouped by issue, and are discussed as follows.

1. User Fees

Several comments objected to the proposed Coast Guard user fees for renewals of MMDs and CORs. As stated in the NPRM, the Omnibus Budget Reconciliation Act of 1990 amended 46 U.S.C. 2110 to require the Coast Guard to establish and collect user fees for services it provides under 46 U.S.C., subtitle II. The Coast Guard has no discretion in the decision to establish fees for these services. The fee amounts for issuance of CORs and MMDs and for issuance and renewal of licenses were set by a final rule entitled "User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation" (58 FR 15228; March 19, 1993) (CGD 91-002). These rules became effective April 19, 1993. At that time, CORs and MMDs were not being renewed so that rule did not establish fee amounts for COR and MMD renewals. Therefore, fee amounts for COR and MMD renewals are set in this final rule.

The regulatory evaluation in this final rule discusses the fee amounts. For a summary of how the fee amounts were set, see the "Regulatory Evaluation" section of this rule.

2. Concurrent Renewals

One comment suggested a reduced fee for mariners who renew more than one merchant mariner credential at the same time. This approach was outlined in the NPRM and remains unchanged in the final rule. The Coast Guard encourages concurrent renewal of merchant mariner credentials whenever possible. However, all renewal requirements for each license, COR, or MMD must be met.

Renewal Evaluation Fees. When CORs or MMDs are renewed in conjunction with the renewal of a license, the Coast Guard will charge only the license renewal evaluation fee, since the evaluation for a license encompasses all factors considered in evaluating applicants for MMDs. When CORs or MMDs are renewed in conjunction with one another, but not in conjunction with a license, the Coast Guard will charge only the MMD renewal evaluation fee, if applicable, since there is no COR renewal evaluation fee.

Renewal Exercise Fees. When an MMD is renewed concurrently with a license and the applicant must take an open-book exercise for each renewal, the applicant need only pay the license exercise fee. If a license and MMD are renewed concurrently and the only open-book exercise is for an MMD, then the applicant will pay the MMD exercise fee.

Renewal Issuance Fees. It should be noted that a separate issuance fee will always be charged for each license, COR or MMD issued, regardless of whether the credential(s) are issued concurrently or individually.

3. Physical Requirements

The Merchant Marine Personnel Advisory Committee recommended to the Coast Guard that individuals holding MMDs with qualified ratings be required to undergo physical examinations when renewing MMDs. The Coast Guard has included such a requirement in this rulemaking.

Two comments addressed the physical requirements for renewal of MMDs with endorsements. The comments stated that the physical standards for renewal of MMDs with endorsements should not be the same as the physical standards for the original issuance of MMDs with endorsements. In response to these comments, the Coast Guard revised the physical examination section for MMD renewal, making it consistent with the physical examination section for license renewal. The physical examination for renewal of a license does not require the applicant to be tested for color sensitivity; however, the physical examination for original issuance of a license does require a color sensitivity test. This is the only difference in physical requirements between original issuance and renewal of licenses. The Coast Guard has revised the physical examination section for renewal of MMDs with endorsements to no longer require a color sensitivity test.

It should be noted that while the examination requirements are slightly different, the medical standards the Coast Guard applies to determine if a mariner is qualified for a license or document are the same regardless of whether the license or document is an original or a renewal. The Coast Guard believes that these standards are the minimum necessary to ensure safe service under a license or document and are therefore appropriate for both originals and renewals.

4. Professional Requirements

One comment suggested that individuals holding MMDs with qualified ratings, who serve as officials for unions in positions closely related to the training and servicing of active seamen should be required to show only 1 year of employment to meet the professional requirements for renewing an MMD. The professional requirements are intended to ensure that mariners maintain their professional knowledge and keep abreast of current technology.

The NPRM proposed 3 years of employment in a position closely related to the operation, construction, or repair of vessels (either deck or engineer, as appropriate) as a substitute for 1 year of sea service. The Coast Guard believes that 1 year in a position of closely related maritime service, including training and servicing of active seamen, does not provide experience equivalent to 1 year of actual sea service. Therefore, the final rule retains the 3 year time requirement for all forms of closely related service.

One comment expressed concern about using an open-book "examination" as a substitute for sea service when renewing an MMD with an endorsement. The open-book renewal exercise will provide a means for those individuals who are not actively sailing or involved in the industry to maintain a working familiarity with the skills necessary to work in the industry. The renewal exercise contains general subject matter pertaining to the various endorsement(s) of the MMD and requires a 90 percent passing grade. The Coast Guard has concluded that this is an acceptable means of ensuring that endorsement holders continue to maintain their professional knowledge.

5. Continuity Endorsement

In response to several comments, the Coast Guard has included in the final rule a provision to renew MMDs "For Continuity Purposes Only." This provision follows the same procedures as the renewal policy for license holders. Individuals renewing MMDs with qualified ratings who cannot meet the professional or physical requirements will have the endorsement "Continuity only; service under document prohibited" placed on the MMD. Holders with this continuity endorsement may have the service prohibition rescinded at any time by satisfying the renewal requirements not previously met and paying the appropriate renewal fees.

6. Other Comments

Another comment addressed the renewal of Continuous Discharge Books (CDB) which the Coast Guard issues to merchant mariners for a chronological record of seagoing employment. Regulations listed in 46 CFR 12.02 cover issuing additional CDBs. Because OPA 90 does not address CDBs and because CDBs alone do not allow employment on a merchant ship, no change to the regulations is required.

Another comment stated that the NPRM did not address the grace period provision for MMD expiration dates determined by Table 12.02-29. The

grace period explained under § 12.02-27(e) applies to all MMD expiration dates specified in Table 12.02-29. For example, an MMD issued on January 1, 1966, would expire on January 1, 1996 under Table 12.02-29. The holder of that MMD will have a 12 month period of grace, running until January 1, 1997, in which he or she may renew the document.

One comment pointed out that the description of the procedures for renewal of MMDs by mail was not detailed enough. The Coast Guard has provided additional detail in § 12.02-27(e)(3) of the regulations.

Additional Changes

To correct minor errors and to reflect renewal requirements for certificates of registry, the Coast Guard is updating the table in 46 CFR 10.203. Additionally, numerous non-substantive editorial changes have been made to the final rule in order to improve its clarity, and to ensure that the public understands the requirements set forth.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

A final Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT has been prepared and is available in the docket for inspection or copying where indicated under ADDRESSES. The Evaluation is summarized as follows.

1. *Government/Coast Guard cost.* Government and Coast Guard costs attributable to implementing renewal requirements for merchant mariner credentials will be primarily incurred by the 17 Coast Guard Regional Examination Centers (RECs). Cost incurring activities will consist of evaluating renewal applications, administering examinations, and issuing renewed CORs and MMDs. Projections of costs and impacts for renewal of CORs and MMDs are based upon a calculation of the current merchant marine licensing and documentation program costs. Data used in this calculation included: information from a workload analysis study; hourly standard rates provided in the Coast Guard Standard Rate Instruction (COMDTINST 7310); and the Coast

Guard Staffing Standards Manual (COMDTINST M5312.11A).

The Coast Guard calculates the projected personnel and associated infrastructure costs for COR and MMD renewal activities to be approximately \$1.23 million annually, which will be offset by approximately \$1.16 million annually in user fees. User fee receipts will be deposited in the general fund of the U.S. Treasury as offsetting receipts of the Department of Transportation and ascribed to Coast Guard activities.

2. *Costs to the public.* The Coast Guard estimates a total pool of 1,500 active staff officers and 88,500 active MMD holders who may seek renewal of CORs or MMDs respectively. One-fifth of the total pool is expected to renew each year, resulting in 300 COR and 17,700 MMD renewals annually. Because the renewal process occurs once every 5 years, total costs can be divided by 5 to determine an annualized cost. Costs incurred by merchant mariners seeking renewal of CORs or MMDs will consist of user fees, photographs for MMDs, physical examinations, and time spent in the renewal process itself. This aggregate cost represents the highest average amount a mariner may expect to pay. However, variations in fees and renewal requirements will result in significantly lower costs for many mariners. The cost estimates are as follows:

	Total cost	Annualized
Individual Mariner	= \$278.84	\$55.77
Whole Pool Impact	= 25,095,600	5,019,120

3. *Benefits.* Direct and societal benefits resulting from periodic renewal of CORs and MMDs may be substantial. The renewal process will eventually include three additional regulatory initiatives to implement OPA 90, and to ensure continuing qualification of merchant mariners. These initiatives are: (1) criminal record reviews, (2) national driver register checks, and (3) chemical drug testing.

Licensed, certificated, or documented merchant mariners play crucial and responsible roles in the safe operation of vessels, and they have important responsibilities during vessel emergencies. It is imperative that merchant mariners know that they are going to sea with a competent crew and that other vessels are operated by equally competent mariners. This rule will protect employees, employers, the marine environment, and the general public. Some of the direct benefits will include the following:

a. Employment protections and preferences, identification, proof of citizenship, proof of physical and other competency qualifications. Merchant mariners get employment benefits and know that shipmates to whom they entrust their lives at sea are qualified; and

b. Potentially fewer personal injuries.

In addition, society may benefit indirectly through potentially fewer groundings, accidents, losses of property, and releases of oil and hazardous materials into the marine environment. There is insufficient historical data to quantify the benefits of the regulations. However, should this program manage to save even two lives per year at \$2.6 million per statistical life saved (which recent research shows is a reasonable estimate of people's willingness-to-pay for safety), its benefits would exceed its cost. If maritime accidents were reduced even by a small percentage, savings would accrue to the maritime industry through lower repair and medical costs and to the public through environmental protection.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

Individual applicants are responsible for payment of issuance and renewal fees of CORs and MMDs to the Coast Guard. However, some firms in the maritime industry now voluntarily pay their employees' fees for obtaining CORs and MMDs. Some firms may choose to pay part or all of their employees' additional fees which will result from this rulemaking. However, the regulations do not require firms to pay for document issuance or document renewal fees for any applicant in whom the final rule vests responsibility. Consequently, small entities—for example, the 355 inland barge operators with fleets of 10 or fewer barges—are not, and will not be required to incur costs for applicant renewals of CORs and MMDs. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic

impact on a substantial number of small entities.

Collection of Information

This rule contains collection-of-information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The section numbers are 10.209 and 12.02-27 and the corresponding OMB Control Number is 2115-0514.

Federalism

The Coast Guard has analyzed these regulations under the principles and criteria contained in Executive Order 12612 and has determined that the regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of these regulations and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, the regulations are categorically excluded from further environmental documentation. Section 2.B.2.1 of that instruction excludes administrative actions and procedural regulations and policies which clearly do not have any environmental impact. A Categorical Exclusion Determination is available in the docket for inspection

or copying where indicated under ADDRESSES.

List of Subjects

46 CFR Part 10

Fees, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Fees, Reporting and recordkeeping requirements, Seamen.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 10 and 12 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. The authority citation for part 10 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2103, 7101, 7106, 7107; 49 CFR 1.45, 1.46; Section 10.107 also issued under the authority of 44 U.S.C. 3507.

2. Section 10.109 is amended by adding paragraph (d)(3) to read as follows:

§ 10.109 Fees.

* * * * *

(d) * * *

(3) For renewal of a Certificate of Registry:

(i) For evaluation for renewal of a certificate of registry, no fee.

(ii) For issuance of a renewed certificate of registry, \$35.

* * * * *

3. Section 10.202 is amended by revising the section heading and paragraphs (a), (b), and (c) to read as follows:

§ 10.202 Issuance of licenses and certificates of registry.

(a) Applications for original licenses, original certificates of registry, raises of grade, extensions of route, or endorsements must be current and up-to-date with respect to service and the physical examination, as appropriate. Physical examinations and approved applications are valid for 12 months.

(b) Any person who is found qualified under the requirements set forth in this part is issued an appropriate license or certificate of registry valid for a term of 5 years from date of issuance. Any license or certificate of registry which is renewed or upgraded prior to its expiration date automatically becomes void upon issuance of the replacement license or certificate of registry.

(c) A license or certificate of registry is not valid until signed by the applicant and the OCMI (or the OCMI's designated representative).

* * * * *

4. Section 10.203 is revised to read as follows:

§ 10.203 Quick reference table for license and certificate of registry requirements.

Table 10.203 provides a guide to the requirements for various licenses and certificates of registry. Provisions in the reference section are controlling.

TABLE 10.203

License category	Minimum age	Citizenship requirement	Physical required	Experience requirements	Recommendations and character check	Firefighting certificate	Professional exam requirements	Recency of Service	First aid and CPR requirements
Masters/mates and operators or uninspected passenger vessels (original license)	21; 10.201(f); Note: exceptions.	Yes, 10.201(e); Note: exception.	Yes, 10.205(d); Note: (d)(2).	Yes, 10.205(e); subpart D.	Yes, 10.205(f)	Yes, 10.205(g); Note: exceptions.	Yes, 10.205(i), 10.910; Note: 10.903(b).	Yes, 3 months past 36 months, 10.202(e).	Yes, in 10.205(h).
Engineers (original license)	21; 10.201(f); Note: exceptions.	Yes	Yes, 10.205(d); Note: (d)(3).	10.205(e); subpart E.	Yes, 10.205(f)	Yes, 10.205(g)	Yes, 10.205(i), 10.950.	Yes, 3 months in past 36 months, 10.202(e).	Yes, 10.205(h).
All raises of grade	21; 10.201(f); Note: exceptions.	Yes	10.207(e); Note: (e)(1).	10.207(c); subparts D & E.	N/A	Yes, Note: 10.207(f).	10.207(d), 10.910, 10.920, 10.950.	Yes, 3 months in past 36 months, 10.202(e).	N/A.
License renewals	N/A	Yes	10.209(d)	10.209(c)	N/A	N/A	10.209(c)	10.209(c)	N/A.
COR renewals	N/A	Yes	No	10.209(c)(5)	N/A	N/A	N/A	N/A	N/A.
Pilot	21	Yes	Yes, 10.709	10.703, 10.706(a), 10.715.	Yes, 10.205(f)	N/A	10.707, 10.910	Yes, 10.703, 10.705(e), 10.713.	Yes, 10.205(h).
Uninspected fishing industry vessels.	21; 10.201(f); Note: exceptions.	Yes	Yes, 10.205(d); Note: (d)(2) or (d)(3).	Deck: 10.462, Eng: 10.530, 10.205(f).	Yes, 10.205(f)	Yes, 10.205(g)	Yes, 10.205(i), 10.910, 10.950(oral).	Yes, 3 months in past 36 months, 10.202(e).	Yes, 10.205(h).
Uninspected towing vessels	Operator: 21; 2/c operator: 19.	Yes	Yes, 10.205(d); Note: (d)(2).	10.464	Yes, 10.205(f)	Yes, 10.205(g) oceans.	Yes, 10.205(i), 10.910.	Yes, 3 months in past 36 months, 10.202(e).	Yes, 10.205(h).
Radio officer	19	Yes	Yes, 10.205(d); Note: (d)(3).	10.603	Yes, 10.205(f)	N/A	N/A	N/A	Yes, 10.205(h).
Staff officer	21	Yes	No	10.807	Yes, 10.205(f)	N/A	N/A	N/A	N/A.
Offshore installation manager, barge supervisor, ballast control operator.	21; 10.201(f); Note: exceptions.	Yes	Yes, 10.205(d); Note: (d)(3).	Deck: 10.468, Eng: 10.540.	Yes, 10.205(f)	Yes, 10.205(g)	Yes, 10.205(i), 10.920.	Yes, 3 months in past 36 months, 10.202(e).	Yes, 10.205(h).

5. Section 10.209 is revised to read as follows:

§ 10.209 Requirements for renewal of licenses and certificates of registry.

(a) *General.* Except as provided in paragraph (g) of this section, an applicant for renewal of a license or certificate of registry shall establish possession of all of the necessary qualifications before the license or certificate of registry is issued.

(1) Each application must be on a Coast Guard furnished form and be accompanied by the evaluation fee set out in § 10.109. An approved application is valid for 12 months.

(2) The applicant may apply in person at any Regional Examination Center listed in § 10.105 or may renew the license or certificate of registry by mail under paragraph (e)(3) of this section.

(3) The applicant shall submit the original or a photocopy of the license or certificate of registry to be renewed. A photocopy will include the back and all attachments. If requested, the old license or certificate of registry will be returned to the applicant.

(b) *Fitness.* No license or certificate of registry will be renewed if it has been suspended without probation or revoked as a result of action under part 5 of this chapter, or facts that would render a renewal improper have come to the attention of the Coast Guard.

(c) *Professional requirements.* (1) In order to renew a license as master, mate, engineer, pilot, or operator, the applicant shall:

(i) Present evidence of at least 1 year of sea service during the past 5 years;

(ii) Pass a comprehensive, open-book exercise covering the general subject matter contained in appropriate sections of subpart I of this part;

(iii) Complete an approved refresher training course; or

(iv) Present evidence of employment in a position closely related to the operation, construction or repair of vessels (either deck or engineer as appropriate) for at least 3 years during the past 5 years. An applicant for a deck license with this type of employment must also demonstrate knowledge on an applicable Rules of the Road exercise.

(2) The qualification requirements for renewal of radar observer endorsement are in § 10.480.

(3) Additional qualification requirements for renewal of a license as pilot are contained in § 10.713.

(4) An applicant for renewal of a radio officer's license shall, in addition to meeting the requirements of paragraphs (a) and (b) of this section, present a currently valid license as first- or second-class radiotelegraph operator

issued by the Federal Communications Commission. This license will be returned to the applicant.

(5) An applicant for renewal of a medical doctor or professional nurse certificate of registry shall, in addition to meeting the requirements of paragraphs (a) and (b) of this section, present evidence that he or she holds a currently valid appropriate license as physician, surgeon, or registered nurse issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) *Physical requirements.* (1) An applicant for renewal of a license shall submit a certification by a licensed physician or physician assistant that he or she is in good health and has no physical impairment or medical condition which would render him or her incompetent to perform the ordinary duties of that license. This certification must address visual acuity and hearing in addition to general physical condition and must have been completed within 12 months of the date of application.

(2) If the OCMi has reason to believe that an applicant for renewal of a license suffers from some physical impairment or medical condition which would render the applicant incompetent to perform the ordinary duties of that license, the applicant may be required to submit the results of an examination by a licensed physician or physician assistant that meets the requirements for original license.

(3) An applicant who has lost the sight of one eye may obtain a renewal of license, provided that the applicant is qualified in all other respects and that the visual acuity in the one remaining eye passes the test required under § 10.205(d).

(4) Physical examinations are not required for renewal of certificates of registry.

(e) *Special circumstances.*—(1) *Period of grace.* Except as provided herein, a license may not be renewed more than 12 months after it has expired. To obtain a reissuance of the license, an applicant must comply with the requirements of paragraph (f) of this section. When an applicant's license expires during a time of service with the Armed Forces and there is no reasonable opportunity for renewal, including by mail, this period may be extended. The period of military service following the date of license expiration which precluded renewal may be added to the 12 month period of grace. The 12 month period of grace, and any extension, do not affect the expiration date of the license. A license

is not valid for use after the expiration date.

(2) *Renewal in advance.* A license or certificate of registry may not be renewed more than 12 months before expiration unless it is being renewed in conjunction with a merchant mariner's document which is either due for renewal or being endorsed, or unless the OCMi is satisfied that special circumstances exist to justify renewal.

(3) *Renewal by mail.* (i) Applications for renewal by mail of licenses or certificates of registry may be sent to the Coast Guard office that issued the license or certificate of registry or holds the applicant's file. The following documents must be submitted:

(A) A properly completed application on a Coast Guard furnished form and the evaluation fee required by § 10.109.

(B) The expired license or certificate of registry to be renewed; or, if it has not expired, a photocopy of the license or certificate, including the back and all attachments.

(C) A certification from a licensed physician or physician assistant in accordance with paragraph (d) of this section for the renewal of a license.

(D) If the applicant desires to renew a license with a radar observer endorsement, either the radar observer certificate or a certified copy.

(E) Evidence of, or acceptable substitute for, sea service for the renewal of a license.

(F) For a certificate of registry as a medical doctor or professional nurse, evidence that he or she holds a currently valid, appropriate license as physician, surgeon, or registered nurse, issued under the authority of a state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(ii) The open-book exercise, if required, may be administered through the mail.

(iii) Upon receipt of the renewed license or certificate of registry, the applicant shall sign it in order to validate the license or certificate.

(4) *Concurrent renewal of licenses, certificates of registry, and merchant mariner's documents.* An applicant for concurrent renewal of more than one merchant mariner credential shall satisfy the individual renewal requirements and pay the applicable fees required by §§ 10.109 and 12.02-18 of this chapter for each license, certificate of registry, or merchant mariner's document being renewed.

(f) *Reissuance of expired license or certificate of registry.* (1) Whenever an applicant applies for reissuance of a license more than 12 months after expiration, in lieu of the requirements of

paragraph (c) of this section, the applicant shall demonstrate continued professional knowledge by completing a course approved for this purpose, or by passing the complete examination for that license. The examination may be oral-assisted if the expired license was awarded on an oral exam. The fees listed in § 10.109 apply to these examinations. In the case of an expired radio officer's license, the license may be issued upon presentation of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

(2) A certificate of registry that has been expired for more than 12 months shall be renewed in the same way as a current certificate of registry. There are no additional requirements for reissuing certificates of registry that have been expired for more than 12 months.

(g) *Inactive license renewal.* (1) Applicants for renewal of licenses who are unwilling or otherwise unable to meet the requirements of paragraphs (c) or (d) of this section may renew their licenses, with the following restrictive

endorsement placed on the back of the license: "License renewed for continuity purposes only; service under the authority of this license is prohibited." Holders of licenses with this *continuity endorsement* may have the prohibition rescinded at any time by satisfying the renewal requirements in paragraphs (c) and (d) of this section.

(2) Applications for renewal of a license with the continuity endorsement must include:

(i) The license to be renewed, or, if it is unexpired, a photocopy of the license including the back and all attachments; and,

(ii) A signed statement from the applicant attesting to an awareness of the restriction to be placed on the renewed license, and of the requirements for rescinding the continuity endorsement.

6. Section 10.805 is amended by adding paragraph (f) to read as follows:

§ 10.805 General requirements.

(f) A certificate of registry is valid for a term of 5 years from the date of

issuance. Procedures for renewing certificates of registry are found in § 10.209. The expiration date of a certificate of registry issued without an expiration date shall be determined in accordance with § 10.811.

7. Section 10.811 and Table 10.811 are added to read as follows:

§ 10.811 Expiration of existing certificates of registry.

The expiration year of a certificate of registry issued without an expiration date is calculated by adding 5-year increments to the issuance date of the certificate of registry, up to first applicable year falling between 1995 and 1999, inclusive. The day and month of expiration are the same as that of issuance. Table 10.811 is provided as an aid for calculating the expiration date of a certificate of registry issued without an expiration date. A certificate of registry is not valid for use after the expiration date calculated under this section, but may be renewed in accordance with the requirements of § 10.209.

TABLE 10.811.—EXPIRATION OF CERTIFICATES OF REGISTRY ISSUED WITH NO EXPIRATION DATE¹

Expiration year				
1999	1998	1997	1996	1995
Issue Year				
1994	1993	1992	1991	1990
1989	1988	1987	1986	1985
1984	1983	1982	1981	1980
1979	1978	1977	1976	1975
1974	1973	1972	1971	1970
1969	1968	1967	1966	1965
1964	1963	1962	1961	1960
1959	1958	1957	1956	1955
1954	1953	1952	1951	1950
1949	1948	1947	1946	1945
1944	1943	1942	1941	1940
1930	1938	1937		

¹ Find the year in which the certificate of registry was issued (Issue Year), then move up the column to find the Expiration Year. Month and day of expiration correspond to the month and day of issue.

PART 12—CERTIFICATION OF SEAMEN

8. The authority citation for part 12 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2103, 2110, 7301, 7302; 49 CFR 1.46.

9. Section 12.02-9 is amended by adding paragraph (e) to read as follows:

§ 12.02-9 Application for documents.

* * * * *

(e) Approved applications are valid for 12 months.

10. Section 12.02-15 is revised to read as follows:

§ 12.02-15 Oath requirement.

Applicants for a merchant mariner's document for any rating shall take an oath before an Officer in Charge, Marine Inspection, or other official authorized to give such oath, or a commissioned officer of the Coast Guard authorized to administer oaths under 10 U.S.C. 936 or 14 U.S.C. 636, that they will faithfully and honestly perform all the duties required of them by law and carry out all lawful orders of superior officers on shipboard. Such an oath remains binding for all subsequent merchant mariner's documents issued to a person until the document is surrendered to the Officer in Charge, Marine Inspection.

11. Section 12.02-17 is amended by revising paragraph (b) to read as follows:

§ 12.02-17 Rules for the preparation and issuance of documents.

* * * * *

(b) Upon determining that the applicant satisfactorily meets all requirements for the document and any endorsements requested, the Officer in Charge, Marine Inspection, shall issue the appropriate document to the applicant. A merchant mariner's document is valid for a term of 5 years from the date of issuance. Any document which is renewed or reissued prior to its expiration date automatically

becomes void upon issuance of the replacement document.

12. Section 12.02-18 is amended by adding paragraph (a)(7) to read as follows:

§ 12.02-18 Fees.

- (a) * * *
- (7) For renewal of a merchant mariner's document:
- (i) For evaluation for renewal of a merchant mariner's document endorsed with a qualified rating, \$45.
- (ii) For evaluation for renewal of a merchant mariner's document when submitted with a license where a renewal evaluation fee already applies, no fee.
- (iii) For evaluation for renewal of a merchant mariner's document without qualified rating endorsement, no fee.
- (iv) For administration of open-book exercises required by § 12.02-27, \$40.
- (v) For administration of MMD open-book exercises when required in addition to license open-book exercises for concurrent renewal of these documents, only the license exercise fee in § 10.109(c)(2) will apply.
- (vi) For issuance of a renewal of a merchant mariner's document including those issued for continuity purposes only, \$35.

13. Section 12.02-27 is added to read as follows:

§ 12.02-27 Requirements for renewal of a merchant mariner's document.

- (a) *General.* Except as provided in paragraph (g) of this section, an applicant for renewal of a merchant mariner's document shall establish possession of all of the necessary qualifications before a merchant mariner's document is issued.
- (1) Each application must be on a Coast Guard furnished form and accompanied by the evaluation fee established in § 12.02-18. An approved application is valid for 12 months.
- (2) The applicant may apply in person at any Regional Examination Center listed in § 12.01-7 or may renew the merchant mariner's document by mail under paragraph (e)(3) of this section.
- (3) The applicant shall submit the original or a photocopy of the merchant mariner's document to be renewed. A photocopy must include the front and back of the merchant mariner's document. If requested, the old document will be returned to the applicant.
- (4) The expiration date of a merchant mariner's document that was issued without an expiration date is determined in accordance with § 12.02-29.

(5) Each applicant shall comply with § 12.02-09(b)(1) of this part.

(b) *Fitness.* No merchant mariner's document will be renewed if it has been suspended without probation or revoked as a result of action under part 5 of this chapter, or facts which would render a renewal improper have come to the attention of the Coast Guard.

(c) *Professional requirements.* (1) In order to renew a merchant mariner's document endorsed with a qualified rating, the applicant shall comply with one of the following:

- (i) Present evidence of at least 1 year of sea service during the past 5 years;
- (ii) Pass a comprehensive, open-book exercise covering the general subject matter required by this part for the applicable endorsement or pass an open-book license exercise that covers the same subject matter required for the MMD endorsement;
- (iii) Complete an approved refresher training course; or,
- (iv) Present evidence of employment in a position closely related to the operation, construction, or repair of vessels (either deck or engineer as appropriate for the endorsement) for at least 3 years during the past 5 years.

(2) There are no professional requirements for renewal of a merchant mariner's document that is not endorsed with any qualified ratings.

(d) *Physical requirements.* (1) An applicant for renewal of a merchant mariner's document endorsed with a qualified rating other than lifeboatman, shall submit a certification by a licensed physician or physician assistant that he or she is in good health and has no physical impairment or medical condition which would render him or her incompetent to perform the ordinary duties of that qualified rating(s). This certification must address visual acuity and hearing in addition to general physical condition, and must have been completed within the previous 12 months.

(2) If the Officer in Charge, Marine Inspection has reason to believe that an applicant suffers from some physical impairment or medical condition which would render the applicant incompetent to perform the duties of the qualified rating(s) (other than lifeboatman), the applicant may be required to submit the results of an examination by a licensed physician or physician assistant that meets the requirements for originally obtaining the rating(s).

(3) An applicant who has lost sight in one eye may renew a merchant mariner's document with qualified ratings, provided the applicant is qualified in all other respects and that the visual acuity in the remaining eye

passes the test required in § 10.205(d) of this chapter.

(e) *Special circumstances—(1) Reissuance after expiration, Period of grace.* Except as provided in this paragraph, a merchant mariner's document may not be renewed more than 12 months after it has expired. To obtain a reissuance of a merchant mariner's document expired more than 12 months, an applicant shall comply with the requirements of paragraph (f) of this section. When an applicant's merchant mariner's document expires during a time of service with the Armed Forces and there is no reasonable opportunity for renewal, including by mail, this 12-month period of grace may be extended. The period of military service following the date of merchant mariner's document expiration which precluded renewal may be added to the 12 month period of grace. The 12 month period of grace, and any extension, do not affect the expiration date of the document. A merchant mariner's document, and any endorsements that it contains, are not valid for use after the expiration date.

(2) *Renewal in advance.* A merchant mariner's document may not be renewed more than 12 months before expiration unless it is being renewed in conjunction with a license or certificate of registry which is either due for renewal or being upgraded, or unless the Officer in Charge, Marine Inspection is satisfied that special circumstances exist to justify renewal.

(3) *Renewal by mail.* (i) Applications for renewal of merchant mariner's documents by mail may be sent to any Coast Guard Regional Examination Center. The following documents must be submitted:

(A) A properly completed application on a Coast Guard furnished form, and the evaluation fee required by § 12.02-18.

(B) The document to be renewed, or, if it has not expired, a photocopy of the document, including the back.

(C) A certification from a licensed physician or physician assistant in accordance with paragraph (d) of this section.

(D) Evidence of, or acceptable substitute for, sea service in accordance with paragraph (c) of this section.

(ii) The open-book exercise, if required, may be administered through the mail.

(4) *Concurrent renewal of merchant mariner's documents, and licenses, or certificates of registry.* An applicant for concurrent renewal of more than one merchant mariner credential shall satisfy the individual renewal requirements and pay the applicable

fees required by §§ 12.02-18 and 10.109 of this chapter for each merchant mariner's document, license, or certificate of registry being renewed.

(f) *Reissuance of expired merchant mariner's documents.* (1) Whenever an applicant applies for reissuance of a merchant mariner's document endorsed with qualified rating(s) more than 12 months after expiration, in lieu of the requirements of paragraph (c) of this section the applicant shall demonstrate continued professional knowledge for each qualified rating for which reissuance is sought by completing a course approved for this purpose or, by passing the complete examination for each rating, or by passing the examination for a related license required by § 10.209(f)(1) of this chapter. The fees listed in §§ 12.02-18 and 10.109 apply to these examinations.

(2) A merchant mariner's document without any qualified rating endorsements that has been expired more than 12 months shall be reissued in the same manner as a current merchant mariner's document. There

are no additional requirements for reissuing merchant mariner's documents without qualified ratings that have been expired more than 12 months.

(g) *Inactive document renewal.* (1) Applicants for renewal of merchant mariner's documents that are endorsed with qualified ratings, who are unwilling or otherwise unable to meet the requirements of paragraphs (c) or (d) of this section may renew the merchant mariner's document, with the following restrictive endorsement placed on the document: "Continuity only; service under document prohibited." Holders of merchant mariner's documents with this continuity endorsement may have the prohibition rescinded at any time by satisfying the renewal requirements in paragraphs (c) and (d) of this section.

(2) Applications for renewal of a document with the continuity endorsement must include:

(i) The document to be renewed, or, if it is unexpired, a photocopy of the document including the back and,

(ii) A signed statement from the applicant attesting to an awareness of the restriction to be placed on the renewed document and of the requirements for rescinding the continuity endorsement.

14. Section 12.02-29 and Table 12.02-29 are added to read as follows:

§ 12.02-29 Expiration of existing merchant mariner's documents.

The expiration year of a merchant mariner's document issued without an expiration date is calculated by adding 5-year increments to the issuance date of the document, up to the first applicable year falling between 1995 and 1999, inclusive. The day and month of expiration are the same as that of issuance. Table 12.02-29 is provided as an aid for calculating the expiration date of a document issued without an expiration date. A merchant mariner's document is not valid for use after the expiration date calculated under this section, but may be renewed in accordance with the requirements of § 12.02-27.

TABLE 12.02-29.—EXPIRATION OF MERCHANT MARINER'S DOCUMENTS ISSUED WITH NO EXPIRATION DATE¹

Expiration year				
1999	1998	1997	1996	1995
Issue Year				
1994	1993	1992	1991	1990
1989	1988	1987	1986	1985
1984	1983	1982	1981	1980
1979	1978	1977	1976	1975
1974	1973	1972	1971	1970
1969	1968	1967	1966	1965
1964	1963	1962	1961	1960
1959	1958	1957	1956	1955
1954	1953	1952	1951	1950
1949	1948	1947	1946	1945
1944	1943	1942	1941	1940
1939	1938	1937		

¹ Find the year in which the merchant mariner's document was issued (Issue Year), then move up the column to find the Expiration Year. Month and day of expiration correspond to the month and day of issue.

Dated: September 19, 1994.

J.F. McGowan,

Captain, U.S. Coast Guard, Acting Chief,
Office of Marine Safety, Security and
Environmental Protection.

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