



16721/10/1

D8(dp) Policy Ltr 01-2006

MAR 10 2006

MEMORANDUM

RW Branch
From: R. W. BRANCH
CCGD8 (dp)

To: Distribution

Subj: ENFORCEMENT GUIDANCE FOR EXPIRED RADAR OBSERVER
ENDORSEMENTS ON MERCHANT MARINER LICENSES

Ref: (a) 46 CFR Part 10.480(g)
(b) 46 CFR Part 10.480(k)
(c) Marine Safety Manual, Vol. V (COMDTINST M16000.10)
(d) Federal Register Vol. 62, No. 47, Tuesday March 11, 1997 [CGD 94-041] Radar-Observer Endorsement for Operators of Uninspected Towing Vessels; Final Rule

1. **BACKGROUND:** The derailment of the Amtrak Sunset Limited, a passenger train, on September 22, 1993 resulted in extensive injury and loss of life and prompted a study entitled "Review of Marine Safety Issues Related to Uninspected Towing Vessels". This study produced a number of recommendations for improving safety within the commercial towing industry. One of the primary recommendations was to require Radar Observer training and license endorsements for operators of radar-equipped towing vessels 8 meters (26ft.) or more in length. This requirement was implemented for all Operators of Uninspected Towing Vessels (OUTV) equipped with radars whose licenses were renewed or issued after June 1, 1995. Since its implementation, there have been numerous occasions when a mariner's Radar Observer Endorsements has expired prior to the renewal of their existing license. Although many of these mariners have completed the required Radar Observer recertification course, they may not have had a new endorsement placed on their license, and thus may be unduly subject to personnel action for non-compliance.
2. **DIRECTIVES AFFECTED:** None.
3. **DISCUSSION:**
 - a. The Coast Guard recognized the possibility for the misalignment of the Radar Observer endorsement date with the Merchant Mariner License expiration date as required by reference (a). Reference (b) allows for a one-time extension of the Radar Observer endorsement for no more than two years beyond the standard 5-year expiration to facilitate alignment. Although it was envisioned that this provision would only be needed once, it has become evident that there is potential for misalignment with each renewal.

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- b. There may be circumstances where the preceding guidance may not allow for a seamless resolution. When such circumstances arise and cannot be resolved at the local command, the Eighth District Inspections and Investigation (dpi) staff should be contacted for assistance. The intent of this memorandum is to remove an undue burden from marine industry personnel and serves as precursory guidance in lieu of an anticipated regulatory amendment. In all situations that arise, Sector Commanders and OCMI's should consider if the operational intent of the regulation is being complied with. If so, an administrative discrepancy, such as not having an up-to-date endorsement on the license, is insufficient grounds for interrupting vessel operations or removing properly licensed personnel from vessels. This memorandum does not prohibit any commands from enforcing any other regulations intended to promote the safety and security of the marine environment.
5. **FEEDBACK:** Questions on this policy letter should be referred to LCDR James Stewart at the Eighth Coast Guard District at 504-589-3642.

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Dist: All Eighth District Sectors, MSUs, MSDs

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