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46 CFR Parts 10 and 12
User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 12

[USCG–97–2799]

RIN 2115–AF49

User Fees for Licenses, Certificates of Registry, and Merchant Mariner Documents

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise user fees for Coast Guard services relating to the issuance of merchant mariner licenses, certificates of registry, and merchant mariner documents. The proposed revisions are based on the most recent recalculation of program costs associated with mariner documentation services. The two CFR sections in which the fees are published would also be reformatted from narrative text into a more user-friendly table.

DATES: Comments must reach the Coast Guard on or before September 28, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, [USCG–97–2799], U.S. Department of Transportation (DOT), Room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room Pub. L.–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also electronically access the public docket for this rulemaking on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329; for information concerning the notice of proposed rulemaking (NPRM) provisions, contact CDR Mark McEwen, Project Manager, U.S. Coast Guard Headquarters, Office of Planning and Resources (G-MRP), telephone 202–267–1409.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [USCG–97–2799] and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES.** If you want acknowledgment of receipt of your comment, enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public meeting. Persons may request a public meeting by writing to the Marine Safety Council at the address under **ADDRESSES.** The request should include the reasons why a public meeting would be helpful to this rulemaking. If an opportunity for oral presentations will help the rulemaking procedures, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Background

Regulatory History

The Coast Guard published a final rule entitled "User Fees for Marine Licensing, Certification of Registry and Merchant Mariner Documentation" in the **Federal Register** on March 19, 1993 (59 FR 15228). The rule established marine license, certificate of registry, and merchant mariner document user fees in 46 CFR parts 10 and 12. The final rule became effective on April 19, 1993.

On September 27, 1994, the Coast Guard issued a final rule (59 FR 49294) requiring certificates of registry and merchant mariner's documents to be renewed every 5 years, and user fees for renewals were added to the fee schedules in 46 CFR parts 10.109 and 12.02–18.

Litigation History

On April 15, 1993, Seafarers International Union of North America, et al., brought suit against the Coast Guard to enjoin it from collecting marine licensing and merchant mariner documentation user fees. On November 23, 1994, the U.S. District Court for the District of Columbia affirmed the Coast Guard's authority to establish these fees and it confirmed the methodology used by the Coast Guard to establish these fees. However, the Court ordered the Coast Guard to recalculate the costs associated with its merchant mariner licensing and documentation (MMLD) program, reassess its published fees, and subject the recalculation to public notice and comment. The Court also ordered the Coast Guard to stop charging the $17 fee for Federal Bureau of Investigation (FBI) criminal record checks. The Coast Guard instructed the Regional Examination Centers (REC) to stop collecting the $17 criminal record check fee, and began the process of recalculating its program costs.

The recalculation of costs and the reassessment of user fees ordered by the Court were completed on September 25, 1996. On October 31, 1996, the Coast Guard published in the **Federal Register** a notice of its recalculation of program costs and reassessment of fees (61 FR 56199). The Coast Guard encouraged interested persons to review and comment on the recalculation during the 60-day comment period which closed December 30, 1996.

On March 27, 1997, on appeal, the U.S. District Court of Appeals for the District of Columbia overturned the District Court's ruling on collecting the fee for FBI criminal record checks, but the Coast Guard has not yet reinstituted collections of the $17 criminal record check fee.

On May 22, 1997, the District Court ordered the Coast Guard to begin rulemaking proceedings and complete a final rule on MMLD user fees no later than April 30, 1998.

On September 17, 1997, the Coast Guard and the SIU settled the litigation. The final rule completion date of April 30, 1998, no longer applies to this rulemaking. However, the terms of the settlement require the Coast Guard to go forward with this rulemaking.

Comments on Notice of Recalculation

The Coast Guard received 163 comments in response to the October 31, 1996, notice of recalculation. Only three comments specifically addressed the cost elements, methodology, or data collection procedures of the recalculation. These issues were considered in developing this proposal.

The remaining 160 comments opposed user fees in general. Many comments objected to what they believed was a proposed or actual increase in fees, and some requested a copy of the notice of recalculation and

reassessment. They also objected to the notice only being published in the **Federal Register** because mariners generally do not read the **Federal Register**. A number of comments requested the comment period be extended some additional time to allow members of the merchant marine, who are often away from their home port for 30 days or more, to participate in the "rulemaking."

The Coast Guard did not extend the comment period on the notice of recalculation. The notice was not a regulatory proposal and no agency action was proposed at that time. The 90-day comment period was adequate for the purpose of reviewing and commenting on the Coast Guard's recalculation.

Discussion of Proposed Rule

Overview

The Coast Guard proposes to—

- Revise the user fees for issuing merchant mariner licenses, certificates of registry, and merchant mariners documents; and
- Reformat 46 CFR 10.109 and 12.02–18, the two sections in which the fees are published, by replacing the current narrative text with a more user-friendly table format.

Proposed Fees

The Coast Guard used the recalculation data to develop the revised MMLD user fees. In six cases, the recalculated cost figures indicated that the costs of providing the services was lower than the currently published fees. The Coast Guard took immediate action to reduce the amount collected for those six fees. This proposal would make five of those reductions permanent.

With the exception of 3 fees that remained the same, in all other cases, the cost of providing the services was higher than the currently published fees. This proposal would raise those fees based on cost figures developed during the recalculation and reassessment. The methodology for recalculation and the issues concerning the proposed fee adjustments are explained in detail in the draft regulatory assessment.

The following illustrations show §§ 10.109 and 12.02–18 in the current CFR text format, and compare the currently published fees, the recalculated program costs, and the proposed fees.

ILLUSTRATION 1.—LICENSES AND CERTIFICATES OF REGISTRY

CFR Section—46 CFR 10.109	Published fee	Recalculated program costs	Proposed fees
(a) For Licenses:			
(1) Upper Level:			
(i) For evaluation for an original license	$87	[1] $119	$115
(ii) For evaluation for a license other than an original, including a raise in grade of a license	70	102	100
(iii) For administration of an examination, including allowable retests	150	110	110
(iv) For administration of a limited examination required under subpart D of this part, including allowable retests	55	[2] 45	45
(v) For issuance of a license	35	62	45
(2) Lower level:			
(i) For evaluation for an original license	82	[3] 136	115
(ii) For evaluation for a license other than an original, including a raise in grade in a license	65	119	100
(iii) For administration of an examination, including allowable retests	80	98	95
(iv) For administration of a limited examination required under subpart D of this part, including allowable retests	55	45	45
(v) For issuance of a license	35	51	45
(3) Radio Officer:			
(i) For evaluation for an original license	62	[4] 128	65
(ii) For evaluation for a license other than an original, including a raise in grade in a license	45	111	50
(iii) For issuance of a license	35	61	45
(b) For endorsements, except the radar observer endorsement, subsequent to the issuance of the license:			
(1) For evaluation for single or multiple endorsements	45	50	50
(2) For administration of examinations, including allowable retests	55	45	45
(3) For issuance of single or multiple endorsements to an existing license	35	46	45
(c) For renewal of a license:			
(1) For evaluation for renewal of a license:			
(i) Except for a radio officer	45	50	50
(ii) For a radio officer	45	n/a	50
(2) For administration of an open-book exercise if required under § 10.209 of this part	55	45	45
(3) For issuance of a renewed license	35	46	45
(4) For issuance of a renewed license, without evaluation or examination, for continuity purposes only	35	[5] 46	45
(d) For Certificates of Registry:			
(1) For Chief Purser, Purser, and Senior Assistant Purser:			
(i) For evaluation of an unlicensed applicant for a certificate of registry	62	[6] 123	120
(ii) For evaluation of an applicant who holds a license or certificate of registry issued under this part	45	106	105
(iii) For issuance of a certificate of registry	35	179	45
(2) For Junior Assistant Purser, Medical Doctor, and Professional Nurse:			
(i) For evaluation of an unlicensed applicant for a certificate of registry	17	[7] 128	120
(ii) For evaluation of an applicant who holds a license or certificate of registry issued under this part	([11])	111	105

ILLUSTRATION 1.—LICENSES AND CERTIFICATES OF REGISTRY—Continued

CFR Section—46 CFR 10.109	Published fee	Recalculated program costs	Proposed fees
(iii) For issuance of a certificate of registry	35	61	45
(3) For renewal of a Certificate of Registry:			
(i) For evaluation for renewal of a certificate of registry	(11)	8 50	50
(ii) For issuance of a renewed certificate of registry	35	46	45
(e) For reissue of a license or certificate of registry issued under this part where a fee is required in § 10.219	35	106	45
(f) For endorsements to existing license, a raise in grade of a license, an additional license, or certificate of registry where further evaluations are not required	(9)	n/a	(11)
(g) For endorsements to an existing license, a raise in grade of a license, or an additional license where further examinations are not required	(10)	n/a	(11)

Notes:
1 Program costs are equal to cost of evaluating an upper level license applicant for a license other than an original plus the cost of an FBI criminal record check.
2 Program costs are the same as the costs associated with administering an open-book exercise for renewal of a license.
3 Program costs are equal to cost of evaluating a lower level license applicant for a license other than an original plus the cost of an FBI criminal record check.
4 Program costs are equal to cost of evaluating a Radio Officer license applicant for a license other than an original plus the cost of an FBI criminal record check.
5 Program costs are the same as the costs associated with the issuance of a renewed license.
6 Program costs are equal to the cost of evaluating a licensed Chief Purser, Purser or Senior Purser Certificate of Registry applicant plus the cost of an FBI criminal record check.
7 Program costs are equal to the cost of evaluating a licensed Junior Assistant Purser, Medical Doctor or Professional Nurse Certificate of Registry applicant plus the cost of an FBI criminal record check.
8 Program costs are the same as the costs associated with the evaluation of a license renewal applicant.
9 No evaluation fee.
10 No examination fee.
11 No fee.

ILLUSTRATION 2.—MERCHANT MARINER DOCUMENTS

CFR Section—46 CFR 12.02–18(a)	Published fee	Recalculated program costs	Proposed fees
(1) For evaluation for an original document (does not apply if applicant holds a license or certificate of registry issued under part 10 of this chapter).	$17	1 $128	$110
(2) For evaluation for a merchant mariner's document endorsed with a qualified rating:			
(i) For an original merchant mariner's document	$77	2 $115	$110
(ii) For a merchant mariner's document other than an original	$60	$98	$95
(iii) Where further evaluation is not required, such as when a merchant mariner's document is issued incident to a license transaction.	No fee	n/a	No fee
(3) For administration of examination	$40	$144	$140
(4) For issuance of a document	$35	$53	$45
(5) For duplicate of a merchant mariner's document issued in this part where a fee is required in § 12.02–23.	$35	$106	$45
(6) For a duplicate continuous discharge book, record of sea service, or copies of certificates of discharge.	3 $10	$106	3 $10
(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	$50	$50
(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	n/a	No fee
(iii) For evaluation for renewal of a merchant mariner's document without qualified rating endorsement.	No fee	n/a	$50
(iv) For administration of open-book exercises required by § 12.02–27	$40	$45	$45
(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 4.	$45 5	No fee 6
(vi) For issuance of a renewal of a merchant mariner's document including those issued for continuity purposes only.	35	46	45

Notes:
1 Program costs are equal to cost of evaluating an applicant for a merchant mariner's document without qualified rating endorsement plus the cost of an FBI criminal record check.
2 Program costs are equal to the cost of evaluating an applicant for an original merchant mariner's document with qualified rating endorsement plus the cost of an FBI criminal record check.
3 Payment of fee is not required if loss is caused by shipwreck or other casualty; other casualty includes damage to a ship caused by collision, explosion, tornado, wreck, flooding, grounding, beaching or fire (see § 12.02–23).
4 Fee published in 46 CFR 10.109(c)(2) for administration of an open-book exercise for renewal of a license is equal to $55.
5 Program costs are the same as the costs associated with the administration of an open-book exercise for renewal of a license.
6 Payment of fee is not required for open-book exercise for renewal of MMD since payment is made during concurrent open-book exercise for renewal of license.

Reformatting

The Coast Guard proposes to reformat the two CFR sections (46 CFR 10.109 and 12.02–18) in which the fees are currently published. The current text presentation is confusing and does not easily identify the fees for each phase of an MMLD transaction. The Coast Guard proposes to replace the text with a table which is more user-friendly to the mariner and to REC personnel, and would help them determine the fees that apply to a particular transaction. For each MMLD transaction, the tables would set out the fees for each of the three transaction phases—evaluation, examination, and issuance. You can read across a single line to find the fees associated with all the phases in any particular license, certificate of registry, or merchant mariner document transaction. In the table format—

- *An n/a* in the fees column would mean there is no Coast Guard activity in that phase for that transaction; and
- *A no fee* in the fees column would mean there is an activity for that phase, but there is no fee charged for that activity.

The following illustration shows § 12.02–18, Fees, as it would appear in the proposed table format.

ILLUSTRATION 3.—PROPOSED TABLE 12.02–18—Fees

If you apply for—	And you need— Evaluation Then the fee is:	Examination Then the fee is:	Issuance Then the fee is:
Merchant Mariner Document:			
Original:			
Without endorsement	$110	n/a	$45
With endorsement	110	$140	45
Endorsement for qualified rating	95	140	45
Upgrade or Raise in Grade	95	140	45
Renewal without endorsement for qualified rating	50	n/a	45
Renewal with endorsement for qualified rating	50	45	45
Renewal for continuity purposes	n/a	n/a	45
Reissue/Replacement/Duplicate	n/a	n/a	[1] 45
Other Transactions:			
Duplicate Continuous Discharge Book	n/a	n/a	10
Duplicate record of sea service	n/a	n/a	10
Copy of certificate of discharge	n/a	n/a	10

[1] Duplicate for document lost as result of marine casualty—No Fee.

Criminal Record Check Fee

The Coast Guard would re-institute collection of the $17 FBI criminal record check fee when the final rule for this project becomes effective. The $17 FBI criminal record check fee would be included in the proposed evaluation phase fee for original documents.

Regulatory Assessment

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and 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 separate Draft Regulatory Assessment document, however, has been prepared for this proposal and is available in the docket for inspection or copying where indicated under **ADDRESSES.**

The total annual revenues from direct user fees under subtitle II of 46 U.S.C. 2110 does not exceed $27 million and the merchant marine licensing and documentation (MMLD) revenues for fiscal year 1996 were only $4.6 million. The proposed revisions would increase these revenues to an estimated $9.3 million. This represents the maximum amount of revenue that could be collected based on recalculated data and transaction figures. The total revenue of direct user fees under subtitle II of 46 U.S.C. 2110 for fiscal year 1997 did not exceed $23.1 million, well below the $100 million threshold that would make a rulemaking economically significant.

The proposed rule would affect all mariners required to hold a license or certificate of registry (COR) under 46 CFR part 10 or a merchant mariner document (MMD) under 46 CFR part 12. The Draft Regulatory Assessment contains a comparison of the proposed fees with 1994 mariner salary levels. It also contains a comparison of the proposed fees with professional license fees paid by members of other professions. It illustrates proposed fees as a percentage of typical annual salary and displays them along with the same type of percentages for other professions. The U.S. Maritime Administration (MARAD) provided a listing of typical salaries for persons employed in the marine industry in 1996. The Coast Guard also used 1994 salary data from the Bureau of Labor Statistics (BLS) for this analysis. Because MARAD used mean salary data from 1996 and BLS used median salary data from 1994, it is difficult to draw conclusions using these numbers. However, the information is included in the Draft Regulatory Assessment for general comparison purposes.

The impact of the proposed fees on the individual merchant mariner would occur at the time fees are paid. At all other years during the validity of the license, document, or certificate, if there are no document transactions, no payments are made. The relative economic impact of the proposed fees on each mariner would vary depending upon the number and type of documents held by the mariner and the mariner's ability to pay.

To assess the impact of the proposed fees on the individual mariner, the Coast Guard annualized fees over the period the documents were valid. We illustrated the document transactions a hypothetical mariner may require over the first 10 years he or she holds a license or document. We assumed that the document transactions this mariner would need during that period would include renewals, raises in grade and endorsements. Our analysis of the costs borne by the mariner covers a 10-year period. As an example, an individual who obtained an original upper level deck license requiring an examination would need to renew that license after 5 years, for a second 5-year period of validity. Over this 10-year period, we assumed the officer would need at least

one endorsement, which requires a one-time payment and is valid throughout the life of the license. Over the 10 years, that officer would incur a total cost of $550 for the original license, its renewal, and the endorsement. This is a $55 per year annualized cost to the mariner over that 10-year period.

Using the previous example and using the current fees, the mariner seeking an upper level license would have paid $542, which has a 10-year annualized cost of $54.20. The $8 total difference ($550 − $542=$8) between the cost of the transactions under the current fees and under the proposed fees would annualize over 10 years to $0.80 per year.

In the Draft Regulatory Assessment, salary data is shown for informational purposes and was used to establish a benchmark for comparison with the proposed fees. Because of the wide variance in salaries and days worked, each mariner's earnings will be different and no conclusion regarding the impact of the proposed fee revisions could be drawn based solely on this information.

The Draft Regulatory Assessment contains more detailed discussion of the impact of the proposed fee revisions upon the merchant marine profession, and contains comparisons with other professional licensing fees.

Summary

The Coast Guard found that the impact of the proposed revisions would vary with the financial situation of each individual mariner. However, the data suggested the financial impact of the proposed fee revisions are not significantly different from the user and licensing fees of other professions, both in terms of actual fees and as a percent of salary. The impact of the proposed fee revisions to the individual merchant mariner occurs over the phases of the document transactions at the time each transaction phase fee is paid. Absent further transactions during the document's 5-year period of validity, no other payments would be necessary until the renewal of the document.

The Coast Guard understands that the proposed fee revisions may represent only one of several expenses incurred by the individual mariner when acquiring a Coast Guard license, COR, or MMD. Within the marine professions and trades, the fees for MMLD transactions have essentially become part of the overall cost associated with working in the industry.

The Coast Guard invites public comment or data relating to the impact of the proposed fees upon the different categories of license, COR, and MMD holders.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The fee revisions in this proposed rule will impact the individual mariner, which for the most part will not affect small entities. However, some license holders both own and operate their vessels as small businesses. For those individuals, this proposed rule has small entity implications.

The Coast Guard estimates that few sole proprietors working as towing vessel operators, offshore supply vessel operators, and mobile offshore drilling unit operators. However, we believe that there are a number of sole proprietors in the small passenger vessel industry. After contacting the National Association of Charter Boat Operators and the Passenger Vessel Association, we estimate that 90 percent of the approximately 5,600 inspected and 480 uninspected small passenger vessels may operate in this fashion.

As a business, sole proprietors can claim their licensing and documentation user fees as a business expense for tax purposes and many can, pass along the expense of the licensing fees to the consumer in the form of higher rates. Therefore, for these reasons, the Coast Guard certifies under 5 U.S.C.(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact the Coast Guard's Small Business Program Manager, Danielle Wildason, telephone 202–267–1154.

Collection of Information

This proposed rule does not contain collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2.e (34)(a) of Commandant Instruction M16475.1B, this proposed rule is categorically excluded from further environmental documentation. 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 discussed in the preamble, the Coast Guard proposes to amend 46 CFR parts 10 and 12 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

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

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110; 46 U.S.C. Chapter 71; 46 U.S.C. 7502, 7505, 7701; 49 CFR 1.45, 1.46; Sec. 10.107 also issued under the authority of 44 U.S.C. 3507.

2. Revise § 10.109 to read as follows:

§ 10.109 Fees.

Use table 10.109 to determine the fees that you must pay for license and certificate of registry activities in this part:

TABLE 10.109—FEES

If you apply for—	And you need— Evaluation Then the fee is:	Examination Then the fee is:	Issuance Then the fee is:
License:			
Original:			
Upper level	$115	$110	$5
Lower level	115	95	45
Raise of grade	100	45	45
Modification or removal of limitation or scope	50	45	45
Endorsement(s)	50	45	45
Renewal	50	45	45
Renewal for continuity purposes	n/a	n/a	45
Reissue/Replacement/Duplicate	n/a	n/a	45 [1]
Radio Officer License:			
Original	65	n/a	45
Endorsement(s)	50	45	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Reissue/Replacement/Duplicate	n/a	n/a	45 [1]
Certificate of Registry:			
Original (MMD holder)	105	n/a	45
Original (MMD applicant)	120	n/a	45
Renewal	50	n/a	45
Renewal for continuity purposes	n/a	n/a	45
Endorsement(s) (§ 10.809 for Marine physician assistant or Hospital corpsman)	n/a	n/a	45
Reissue/Replacement/Duplicate	n/a	n/a	45 [1]

[1] Duplicate for document lost as result of marine casualty—No Fee.

§ 10.209 [Amended]

3. In § 10.209(e)(4), remove the symbols "§§" and add, in its place, the word "tables'.

§§ 10.205, 10.207, 10.209, 10.217, and 10.219 [Amended]

4. In addition to the amendments set forth above, in 46 CFR part 10, remove the word "§ 10.109" and add, in its place, the words "table 10.109" in the following places:

(a) Section 10.205(a);

(b) Section 10.207(a);

(c) Section 10.209(a)(1), (e)(3)(i)(A), (e)(4), and (f);

(d) Section 10.217((a)(1) and (a)(2); and

(e) Section 10.219(c).

PART 12—CERTIFICATION OF SEAMEN

5. The authority citation for part 12 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7301, 7302, 7503, 7505, 7701; 49 CFR 1.46.

6. Revise § 12.02–18 to read as follows:

§ 12.02–18 Fees.

(a) Unless otherwise specified in this part, use table 12.02–18 to determine the fees that you must pay for merchant mariner document activities.

(b) Unless otherwise specified in this part, when two documents are processed on the same application—

(1) *Evaluation Fees.* If a merchant mariner document transaction is processed on the same application as a license or certificate of registry transaction, only the license or certificate of registry evaluation fee will be charged;

(2) *Examination Fees.* If a license examination under part 10 also fulfills the examination requirements in this part for a merchant mariner document, only the fee for the license examination is charged; and

(3) *Issuance Fees.* A separate issuance fee will be charged for each document issued.

(c) Unless otherwise directed, the prescribed fee must be paid as follows:

(1) If an evaluation fee, at the time of application.

(2) If an examination fee, prior to taking the first examination section at a Regional Examination Center. For examinations administered at locations other than a Regional Examination Center, the examination fee must be received by the Regional Examination Center at least 1 week in advance of the scheduled examination date.

(3) If an issuance fee, prior to receiving the document.

(d) Prescribed fees must be paid by one of the following options:

(1) *Mail-in.* Payment by check or money order only, made payable to—

(i) U.S. Coast Guard;

(ii) U.S. Government;

(iii) U.S. Treasury; or

(iv) U.S. Department of Transportation.

(2) Fee payment must be made by check or money order for the exact amount of the fee. Each check or money order must include the applicant's (payor's) social security number.

(3) *In-person.* Fee payment will be accepted by cash, check, or money order at Coast Guard units where Regional Examination Centers are located. Where an applicant makes payment by cash, payment must be in the exact amount.

(e) The following applies to anyone failing to pay a fee or charge established under this subpart:

(1) Anyone who fails to pay a fee or charge established under this subpart is liable to the United States Government for a civil penalty of not more than $5,000 for each violation.

(2) The Coast Guard may assess additional charges to a mariner to recover collection and enforcement costs associated with delinquent payments of, or failure to pay, a fee. Coast Guard documentation services may also be withheld from anyone pending payment of outstanding fees owed to the Coast Guard for services already provided by Regional Examination Centers.

TABLE 12.02–18—FEES

If you apply for—	And you need— Evaluation Then the fee is:	Examination Then the fee is:	Issuance Then the fee is:
Merchant Mariner Document:			
Original:			
Without endorsement	$110	n.a	$45
With endorsement	110	$140	45
Endorsement for qualified rating	95	140	45
Upgrade or Raise in Grade	95	140	45
Renewal without endorsement for qualified rating	50	n/a	45
Renewal with endorsement for qualified rating	50	45	45
Renewal for continuity purposes	n/a	n/a	45
Reissue/Replacement/Duplicate	n/a	n/a	[1] 45
Other Transactions:			
Duplicate Continuous Discharge Book	n/a	n/a	10
Duplicate record of sea service	n/a	n/a	10
Copy of certificate of discharge	n/a	n/a	10

[1] Duplicate for document lost as result of marine casualty—No Fee.

§ 12.02–27 [Amended]

7. In § 12.02–27(e)(4) and (f), remove the symbols "§§" and add, in its place, the word "tables".

§§ 12.02–23 and 12.02–27 [Amended]

8. In addition to the amendments set forth above, in 46 CFR part 12, remove the word "§ 12.02–18" and add, in its place, the words "table 12.02–18" in the following places:

(a) Section 12.02–23(b) and (c)(2);

(b) Section 12.02–27(a)(1), (e)(3)(i)(A), (e)(4), and (f).

Dated: March 24, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

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