



MILITARY SEALIFT COMMAND,
NORFOLK, VA
UNITED STATES COAST GUARD,
WASHINGTON, DC

MSC
5216
Ser N00/ 648
30 May 21

USCG
5216
Ser CG5PC

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

Subj: MEMORANDUM OF AGREEMENT (MOA) BETWEEN COMSC and USCG

1. Purpose. This MOA delineates the responsibilities of the United States Coast Guard (USCG) and Commander, Military Sealift Command (COMSC) with regard to the inspection of Military Sealift Command (MSC) vessels, incident reporting and investigation, certain personnel matters as detailed herein, enrollment of MSC vessels in special regulatory programs, and the financial arrangements regarding USCG/MSC Liaison and Support Activities.

2. Authority. MSC requests the USCG to inspect and certificate designated MSC vessels. Provided that the vessels substantially comply with commercial standards, the USCG agrees to inspect these MSC vessels. The USCG will only certificate vessels that meet applicable regulations, except as otherwise allowed by this MOA. For vessels that do not comply in part with applicable regulations, COMSC may request that the USCG consider equivalent, alternative safety standards. MSC vessels may also participate in special programs established by the USCG to provide alternate methods of demonstrating compliance with applicable regulations; these special programs are described in a separate Annex of this MOA. Upon mutual consent, other special programs may be added.

a. MSC enters this agreement under the authority of SECNAVINST 5430.11G

b. USCG enters this agreement under the authority of 31 U.S.C. § 1535.

c. Nothing in this agreement is intended to conflict with current law or regulation or the directives of the United States Coast Guard or Department of Homeland Security. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

Subj: MEMORANDUM OF AGREEMENT (MOA) BETWEEN COMSC and USCG

3. Applicability.

a. The guidance contained in this MOA (unless otherwise specified) applies only to “MSC vessels,” which are defined in this MOA as MSC owned or demise-chartered vessels. These MSC vessels are comprised of three groups of ships: 1) United States Naval Ship (USNS) vessels managed directly by MSC and manned with Civil Service Mariners (CIVMARS), referred to as Government Owned - Government Operated (GOGO); 2) USNS vessels owned by MSC but maintained and crewed by contract mariners (CONMARS) for MSC through the contract services of a private sector ship management company, these vessels are known as Government Owned - Contractor Operated (GOCO); and 3) Vessels crewed with a hybrid model, such as the LEWIS B. PULLER Class vessels, which are manned with CIVMARS and military crew members, and, often, additional civilian mission-support personnel. Hybrid crewed vessels may be either USNS or USS vessels.

NOTE: CIVMARS are government-employed mariners only. CONMARS are contract mariners employed by the Operating Company (OPCO). Both CIVMARS and CONMARS hold Coast Guard issued credentials and thus, their credentials fall under Coast Guard jurisdiction.

b. This MOA also provides guidance with respect to credentialing, shipping, discharge, suspension and revocation investigations, casualty investigations, and drug and alcohol testing of US Merchant Mariners. The guidance related to these matters applies to all MSC vessels, and any other USS vessels that have MSC CIVMARS serving as crewmembers, whether or not the vessel is inspected and/or certificated by the USCG.

c. Unless otherwise noted, nothing in this agreement is meant to alter the obligations of the owners and operators of U.S. flagged vessels that are under time charter, voyage charter, or other contract to MSC, referred to as Contractor Owned – Contractor Operated (COCO). These vessels must comply with applicable United States laws, regulations, ratified treaties, and conventions for the purposes of applying US domestic law. For a discussion about National Defense Waivers, see Annex I, Paragraph 4 to this MOA.

d. Vessels of the US Maritime Administration (MARAD) and part of the Ready Reserve Force (RRF) may come under the operational control of MSC when those RRF ships are activated. Guidance regarding the inspection and certification of RRF vessels is contained in the Memorandum of Understanding between MARAD and the USCG. Title 46 United States Code (U.S.C.) 2109 and 46 U.S.C. 57100 (c) recognize MARAD vessels as public vessels but stipulate that these vessels are subject to vessel inspection laws. However, where noted in this MOA, particular sections of it are applicable to MARAD RRF vessels.

e. Additional guidance and clarification for the agreement between MSC and USCG is contained in Annexes I, II, III, IV, V, VI, VII and VIII of this MOA (attached):

4. Review of Agreement. This MOA will be reviewed annually on or around the anniversary of its effective date for financial impacts and biennially in its entirety.

Subj: MEMORANDUM OF AGREEMENT (MOA) BETWEEN COMSC and USCG

5. Modification of Agreement. This MOA may only be modified by the written agreement of the Parties, duly signed by their authorized representatives.
6. Disputes. Any disputes relating to this MOA will, subject to any applicable law, Executive Order, Directive, or Instruction, be resolved by consultation between the Parties.
7. Termination of Agreement. This MOA may be terminated by either Party by giving at least 180 days written notice to the other Party. The MOA may also be terminated at any time upon the mutual written consent of the Parties.
8. Transferability. This Agreement is not transferable except with the written consent of the Parties.
9. Entire Agreement. It is expressly understood and agreed that this MOA embodies the entire agreement between the Parties regarding the MOA's subject matter.
10. Effective Date. This MOA takes effect beginning on the day after the last Party signs.
11. Expiration Date. This Agreement expires 5 years from the date of the last signature below.
12. Agreed:



M. A. WETTLAUFER
Rear Admiral, U.S. Navy
Commander,
Military Sealift Command

30 May 2021
Date



R. V. TIMME
Rear Admiral, U.S. Coast Guard
Assistant Commandant for
Prevention Policy

30 May 2021
Date

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX I

Certificate of Inspection, Inspections, and Investigations

1. United States Coast Guard (USCG) Certificate of Inspection (COI).

USCG-certificated vessels have a Coast Guard issued COI based on inspection by the USCG or USCG authorized classification society acting under an Alternative Compliance Program (ACP) subject to USCG oversight. Military Sealift Command (MSC) policy is that all MSC vessels, built to commercial standards, will possess a valid COI before proceeding to sea. If MSC elects to remove a vessel from certificated status permanently, COMSC (Commanding Officer, Military Sea Lift Command) will provide notice in writing to the USCG Headquarters Office of Commercial Vessel Compliance, Flag State Control Division, COMDT (CG-CVC-4), with a copy to the USCG Officer in Charge Marine Inspection (OCMI) that issued the COI. The USCG discourages short-term removal of vessels from inspected status due to mission conflict with inspection regulations. MSC shall only utilize this option when both COMSC and CG-CVC-4 agree that the variation from commercial vessel regulations required for mission accomplishment is so significant that it cannot be reasonably accommodated using risk mitigation measures and/or national defense waivers of regulations as described in this MOA.

2. Inspection Agreement.

a. MSC requests the USCG inspect and certificate designated MSC vessels. The USCG agrees to inspect these MSC vessels provided the vessels substantially comply with commercial standards. The USCG will only certificate vessels that meet applicable regulations, except as otherwise allowed by this MOA. For vessels that do not comply in part with applicable regulations, COMSC may request that the USCG consider equivalent, alternative safety standards. MSC vessels may also participate in special USCG programs established to provide alternate methods of demonstrating compliance with applicable regulations as described in Annex II of this MOA. Upon mutual consent, MSC may add other special programs.

b. Prior to any annual or oversight USCG inspection, or American Bureau of Shipping (ABS) Survey of an MSC vessel, the vessel's Master and/or Commanding Officer and Chief Engineer shall make the vessel's structure, boilers, pressure vessels, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, pollution prevention, and navigation equipment ready for inspection. The inspection team should consider any deficiencies the crew identifies prior to the commencement of the inspection as Self-reported and document such findings as Self-reported on the CG-835V Form. This Self-reporting process will enable the vessel to receive consideration/credit on future risk based or targeted inspection programs. In addition, the Master and/or Commanding Officer and Chief

Engineer shall make all inspection records such as Ship Material Assessment and Readiness Test (SMART) inspection results, Onboard Condition Inspection (OCI) results, and relevant Shipboard Automated Maintenance Management System (SAMM) data available to the inspections team. SMART, OCI, and SAMM results are not intended to serve as a substitute for self-reporting but as a means to help facilitate discussion and transparency regarding self-reported and outstanding issues.

During each vessel inspection, if requested by the USCG inspector, the vessel's Master and/or Commanding Officer will assign personnel to assist in carrying out a safe and efficient inspection.

c. Reduced Operating Status (ROS) vessels.

- a) MSC vessels in a ROS status are a key component to the Department of Defense's (DoD) Strategic Sealift Program providing safe, reliable and responsive shipping in support of the deployment of U.S. military forces worldwide. MSC's intent is to maintain MSC ROS vessels in a high state of readiness and to provide for rapid availability of U.S. Government equipment, supplies, and deployable personnel via worldwide shipping in support of global military defense operations and disaster relief.
- b) Commander MSC or Deputy Commander MSC shall grant any deviations from this ROS section if those deviations are solely within the control of MSC.
- c) MSC ROS vessels will achieve sufficient manning levels to fully support the execution of annual USCG inspections, ABS surveys, and internal MSC inspections to include operating the engineering plant as well as launching and recovering lifeboats. MSC will conduct the annual International Safety Management (ISM) audit while the MSC ROS vessel is sufficiently manned as previously mentioned, and may be performed in concert with a regulatory inspection. This will eliminate the need for the vessel to perform an ISM audit upon mission activation when timing is more critical.
- d) ROS vessels shall request USCG marine inspectors attend and observe quarterly dock trials. USCG marine inspectors will attend such dock trials whenever possible. ROS vessel should organize nesting arrangements to ensure the crew can launch, exercise and recover lifeboats quarterly.
- e) ROS vessels shall provide notice to USCG for any Turbo-Activation and SORTIE event. MSC will invite the USCG to witness the events leading up to the underway portion and allow USCG personnel to ride the vessel to the pilot station.

d. Under certain circumstances and upon mutual (CG-CVC-4 and MSC N7) acceptance of inspection scope, standards, product, and reimbursement, MSC may request USCG conduct inspections on MSC vessels that currently do not hold a USCG Certificate of Inspection (COI).

e. Any MSC vessel that requests a departure from CFR or SOLAS standards for 14 or more, days in duration from any USCG OCMI must include written support from MSC Director Maritime Operations, or higher, in that request in order to be considered for approval by the USCG.

3. Applicable Regulations.

Titles 33, 46, and 49 of the U.S. Code of Federal Regulations (CFR) contain the regulations that, pursuant to this MOA, will govern the inspection and certification of certificated MSC vessels. Annex II, Special Programs, and Annex III, Modification of Standards for USCG Certificated MSC Vessels outline variations in the way that these regulations may be applied to certificated MSC vessels.

4. Notification of National Defense Waiver.

a. MSC government-owned vessels (GOGO/GOCO) are “public vessels” as defined in 46 USC § 2101 and legally exempt from the requirements of Coast Guard regulations. Although MSC voluntarily complies with specific requirements as set forth in this MOA, there may be circumstances when COMSC determines in his or her sole discretion for purposes of operational flexibility, where some or all USCG regulations must be immediately waived for MSC vessels. In his/her absence, COMSC has delegated this authority to the MSC Director Ship Management (DSM) and MSC Director Maritime Operations (DMO) level.

b. In such cases, COMSC may issue an order to MSC personnel waiving specific USCG regulations, and COMSC will subsequently transmit to USCG a simple written and signed “Notification of National Defense Waiver” of particular USCG regulations for specified MSC vessels.

c. COMSC will transmit the Notification to the USCG’s MSC Liaison Officer (by email or other means), but the National Defense Waiver will be fully effective as soon as COMSC has issued an oral or written order to MSC personnel waiving certain USCG regulations.

d. Within 33 CFR 19.06 and 46 CFR 6.06, in the interest of National Defense, COMSC (or duly-designated representative) is permitted to obtain a waiver of navigation and vessel inspection laws for vessels operated by or chartered to” MSC.

e. Commercially owned-Contractor Operated (COCO) vessels under time or voyage charter contract to MSC do not meet the definition of a public vessel under U.S. domestic law. This is true even though MSC may claim sovereign immunity under international law for certain chartered vessels to the same extent that it claims sovereign immunity for USNS vessels. COCO vessels and MARAD RRF vessels under MSC OPCON or in the process of activation, will

continue to utilize existing National Defense Waivers process outlined in 33 CFR § 19.06 and 46 CFR § 501, if deemed necessary, regarding adherence to applicable regulations.

5. Plan Approval. Per USCG rules and regulations, MSC shall obtain plan approval for the new construction, conversion, or alteration of any certificated MSC vessel prior to commencing work.

6. Repairs and Alterations. MSC shall provide the cognizant USCG OCMI sufficient advance notice of repairs or alterations to certificated MSC vessels to facilitate attendance of a USCG inspector. For vessels inspected outside of the United States, 30 days advance notice of planned non-emergency work is normally required to facilitate scheduling, travel, and necessary clearances for the inspector. The OCMI may grant exceptions on a case-by-case basis.

7. Credentialing and Manning

a. As a condition of employment, all civilian crewmembers on MSC vessels will hold a valid USCG Merchant Mariner Credential (MMC) and applicable national and international Standards of Training, Certification and Watchkeeping (STCW) endorsements. The USCG considers civilian crewmembers acting under the authority of their MMC while employed aboard an MSC vessel or USS warship. See paragraph 17 in Annex III for a discussion on Transportation Worker Identification Credential (TWIC) requirements.

b. Hybrid Vessels. MSC operates a number of warships with hybrid crews comprised of military and civilian personnel serving under the authority of a United States Navy (USN) Commanding Officer (CO) who is responsible for the vessel with Civil Service Mariner (CIVMAR) Master's support. CIVMARs possess MMCs and they support the CO to the extent permissible for civilians, in matters such as navigation, deck department services, engineering, supply, and steward service.

c. The USCG will specify the minimum manning levels for MSC certificated vessels on each vessel's COI, which also serves as the safe manning document for voluntary compliance with the requirements of the Safety of Life at Sea Convention (SOLAS).

d. Non-credentialed civilian technical support personnel or other specialized workers may be employed onboard for short periods of time as persons in addition to the crew within the limitations prescribed by law and regulation.

e. CIVMAR USCG-issued medical certificate validity and application process are discussed in paragraph 24 in Annex III to this MOA.

8. Shipment and Discharge. The shipment and discharge of crewmembers on all MSC vessels, except for embarked CIVMARs and military personnel (neither sign ship articles), will be pursuant to the laws and regulations applicable to commercial vessels of the United States and with the requirements of international conventions to which the US is signatory.

9. Marine Casualties and Investigations.

a. **Reporting.** Consistent with 46 CFR § 4.05, Masters of all MSC vessels, including FOS and ROS vessels, will immediately report marine casualties to the USCG and submit a Report of Marine Accident, Injury, or Death (Form CG-2692), and all relevant addendums, within 5 days of any reportable marine casualty. For reportable marine casualties that occur while a vessel is observing emission control (EMCON) conditions, the Master shall submit a CG-2692 when transmission conditions permit. MSC Headquarters will complete immediate reporting and CG-2692 submission requirements (via the CG/MSI Investigations Officer) for USS vessels that have a military Commanding Officer with MSC civilian crewmembers.

b. **Inherently Military Operations.** Mariners aboard MSC vessels, activated MARAD RRF vessels, MSC chartered vessels, and USS vessels are required to conduct inherently military operations that introduce risks not encountered by commercial shipping operators. Inherently military operations are any operation or training not reasonably found during commercial vessel operations. Examples include, but are not limited to: underway replenishment (UNREP), vertical replenishment (VERTREP), operationally deceptive practices, military-like operations with other US government agencies, and submarine (or other close quarter) escorts, etc. Additionally, all operations aboard USS vessels or vessels under the command of a commissioned naval officer are considered inherently military operations unless otherwise determined by COMSC through investigation under paragraph d.

c. **Operationally Deceptive Practices.** In support of naval operational flexibility, USCG understands that mariners on MSC vessels, activated MARAD RRF vessels, MSC chartered vessels, or USS vessels may utilize operationally deceptive practices to reduce the possibility of detection, tracking, or attack by an adversary, especially in contested maritime environments. These practices may involve turning off some or all shipboard devices and systems that radiate electromagnetic energy or signals, such as radars, navigation lights, depth finders, sonars, voyage data recorders, Electronic Chart Display and Information System (ECDIS), radio signals, satellite transmissions, Automatic Identification System signals (AIS), Global Maritime Distress and Safety System (GMDSS), and Long Range Identification & Tracking signals (LRIT). The term may also include other deception practices and tactics, e.g., displaying deceptive navigational lighting arrangements or emitting deceptive electromagnetic signals. This practice will commence in compliance with written or oral direction or a grant of discretion to vessels generally, or to specific vessels, from U.S. or allied military authorities with tactical control of the vessel(s) in question. Masters should still report marine casualties as defined by 46 CFR Part 4 to the local OCMI. The Coast Guard will NOT pursue Suspension and Revocation action against any Mariners directed to engage in these operationally deceptive practices should these operations result in a marine casualty as defined by 46 CFR Part 4 unless the Mariner's actions constitute negligence, misconduct, incompetence, violation of a regulation, or the use of drugs or alcohol, as certified by COMSC to be outside or unrelated to the vessel's inherently military operations.

d. **MSC Investigation Responsibilities.** MSC will conduct investigations in accordance with Navy & Marine Corps Mishap and Safety Investigation, Reporting, and Record Keeping Manual (OPNAVINST 5102.1D), and Manual of the Judge Advocate General (JAGINST

5800.7F). During the course of investigations, MSC will coordinate with the CG/MSC Senior Investigating Officer to determine if findings indicate a holder of a USCG MMC committed an act of misconduct, negligence, or violation of law described under 46 CFR § 5. Should MSC's investigation reveal a holder of a USCG MMC committed an offense described under 46 CFR § 5, COMSC will determine whether alleged acts are unrelated to inherently military operations and refer relevant findings to USCG for further investigation pursuant to 46 CFR § 5.

e. **USCG Investigation Responsibilities.** USCG investigators shall notify the USCG/MSC Investigations Officer upon receipt of marine casualty reports and when investigators attend a MSC activated MARAD RRF vessel(s), or MSC chartered vessel(s). The USCG/MSC Investigations Officer shall notify appropriate MSC personnel and coordinate MSC and USCG investigation effort. USCG will investigate reportable marine casualties onboard MSC vessels in accordance with 46 CFR Part 4 to determine the causal factors and if there is evidence of misconduct, negligence, or violations of law that contributed to the casualty. The conduct of the USCG investigation will be UNCLAS to the maximum extent possible and the casualty report will be UNCLAS. However, due consideration will be given to maintaining the security of ongoing military operations (OPSEC), e.g. vessel position. If a marine casualty occurs involving any MSC vessels covered by this agreement whereby the National Transportation Safety Board has primary, or shared, jurisdiction with the USCG, the USCG will follow the directives found in 46 CFR 4.40. For incidents involving the following circumstances, the USCG will not undertake any marine casualty investigation pursuant to 46 CFR Part 4 and USCG will be limited to a preliminary investigation activity and annotated as a data entry exception (outside of USCG investigation jurisdiction) within the USCG MISLE database:

1. Incident involving inherently military operations.
2. MSC has convened or intends to convene an investigation pursuant to JAGINST 5800.7 or OPNAVINST 5102.1D.
3. Incidents occurring aboard ROS vessels.

*As per paragraph 9.a., Masters are required to report these marine casualties to the local OCMI. This MOA authorizes Coast Guard investigators to downgrade the level of investigative activity associated with these unique circumstances.

f. Both the USCG and U.S. Navy agree to cooperate and share information as applicable in relation to an incident under investigation. Investigators should consult their agency legal representatives for guidance.

10. **Personnel Action.** The USCG has the authority to investigate matters pertaining to the conduct of any person who holds a USCG issued credential, and is, or was employed aboard an MSC vessel. As stated within the provisions of 46 CFR Part 5, the USCG has the authority to take administrative actions against a USCG-issued credential held by any CIVMAR or contract crewmember assigned to an MSC vessel. In furtherance of the provisions in Para. 9 of this MOA, the USCG will not take action against a mariner's credential serving on an MSC vessel, activated MARAD RRF vessel, MSC chartered vessel, or USS vessels for misconduct, or violations of law

occurring while the vessel is engaged in "inherently military operations" until COMSC certifies alleged acts are unrelated to the vessel's "inherently military operations."

11. Drug and Alcohol Testing.

a. Acceptance of Military Sealift Command Drug and Alcohol Testing Programs. The Coast Guard accepts the Department of the Navy and Military Sealift Command's drug and alcohol testing program as an equivalency to 46 CFR Part 4. For GOGO ships only, Civilian Human Resources Manual (CHRM) 792.3, Civilian Marine Personnel Instruction (CMPI) 790, and CMPI 792 identifies what circumstances require drug and alcohol testing. See also Safety Management System (SMS) Instruction 8.20-001-ALL Post-Accident/Incident or Unsafe Practice Drug and Alcohol Testing for GOGO vessels. For GOCO and COCO ships, 46 CFR Part 4 applies for identifying serious marine incidents and the subsequent drug and alcohol testing requirements.

b. Drug Testing Documentation for MMC Transactions. An MSC CIVMAR will be considered compliant with USCG drug testing documentation requirements if an official MSC letter is provided to the USCG as needed, attesting that the CIVMAR has been subject to random drug testing for at least 60 of the previous 185 days, or has taken and passed a drug test within the same period. The letter must also attest that the CIVMAR has neither failed nor refused to participate in any required tests. The USCG National Maritime Center shall not require separate periodic drug tests for CIVMARs seeking MMC transactions if the mariner provides this document. It is incumbent upon the CIVMAR to request this document at MSC_Drug_Letters@navy.mil.

c. Drug and Alcohol Test Reporting Requirements. Under the authority of 46 USC § 7706, Military Sealift Command shall report to the USCG any positive drug test result, or any refusal to take a drug test, for any CIVMARs employed (or offered employment) by Military Sealift Command. MSC will also report to the USCG any confirmed, on-duty, positive alcohol test result, or refusal to take an on duty alcohol test. MSC shall report any verified CIVMAR positive test results or a refusal of a drug or alcohol test within two-weeks of receiving the test results or notice of a test refusal. MSC will submit these reports to the USCG via email, with results only, to DAPI@uscg.mil, with a copy to the USCG/MSL Liaison Officer.

d. Litigation Packages. Pursuant to 5 USC 552a, all documents associated with a verified positive drug or alcohol test needed by USCG for litigation or investigation purposes, will be forwarded to the requesting CG Sector office only after a written request is received by the MSC Drug and Alcohol office. This request will include a statement of justification as to the use of the requested documents and a list of required documents.

e. When drug and alcohol testing protocols (see SMS Instruction 8.20-001-ALL Post-Accident/Incident or Unsafe Practice Drug and Alcohol Testing for GOGO, and 46 CFR 4 for GOCO, vessels) are triggered due to exceeding the applicable casualty threshold for testing while a vessel is engaged in combat restrictive conditions, including EMCON protocols, the vessel will obtain and store the required sample and transport for testing as soon as reasonably able. MSC will share the results as described in this section.

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX II

Special Programs

1. Underwater Hull Survey in Lieu of Dry-docking (UWILD) Program. USCG-certificated MSC-vessels, may participate in a program allowing underwater hull surveys to be employed in lieu of a USCG required dry-dock examination. To enroll a vessel in the UWILD program, MSC shall follow the procedures and application process outlined in USCG Navigation and Vessel Inspection Circular (NVIC) 1-89, as amended and/or other procedures as may be required by the USCG. Additional in-water surveys of the hull may be required for examination of damage, or evaluation of condition for the granting of dry-dock examination extensions. For in-water surveys that are conducted in lieu of a dry-dock examination, water shall be of sufficient clarity so as to view the full height of the propeller and rudder in a single view. USCG CVC-4 agrees to accept in-water surveys that use military divers, emerging military technologies including Autonomous Underwater Vehicles/vessels and Remotely Operated Vehicles/vessels, etc., so long as the aforementioned clarity of hull, propeller and rudder view are deemed sufficient with concurrence of the vessel's classification society. Once enrolled in the UWILD program, MSC must make a request to the USCG Headquarters Office of Commercial Vessel Compliance, Flag State Control Division, COMDT (CG-CVC-4), for continuation in the program for vessels that reach 15 years of age. The USCG will track participation in this program using the Marine Information for Safety and Law Enforcement (MISLE) System.

2. Expanded Dry-docking Intervals for Vessels in Reduced Operating Status (ROS). A five-year dry-docking interval is available for USCG-certificated MSC vessels in ROS. Participating vessels may not exceed three years' cumulative operating time within the five-year period. Once three years cumulative operating time is reached, the vessel shall be immediately dry-docked for credit. To enroll a vessel in this program, MSC shall establish the operating time accumulated since the last credited dry-docking and notify the USCG so that the USCG may update the MISLE System to reflect the vessel's ROS and new dry-dock date. MSC is responsible for recording total operating time for each participating vessel and will notify the USCG when the three-year limit is reached. Any vessel subject to the Enhanced Survey Programme of Inspections During Surveys of Bulk-Carriers and Oil Tankers (ESP) is ineligible to participate in the Expanded Dry-docking Intervals for Vessels in ROS program due to IMO Resolution A.744 (18) as amended.

3. Military Sealift Command - Alternate Compliance Program (MSC-ACP). MSC vessels that are in substantial compliance with the requirements of applicable international conventions and agreements, a recognized classification society's class rules, and the U.S. Supplement prepared by the classification society and accepted by the USCG, may participate in MSC-ACP. Note that a MSC vessel's compliance with the International Ship and Port Facility (ISPS) Code, Maritime

Labor Convention (MLC), Maritime Pollution (MARPOL) Annex I (for single hull T-AO tankers, T-AOEs and T-AKEs as notated in paragraphs 15, 16, 19 and 25 in this MOA, Annex III, Annex VI (for Bunker Delivery Notices, see this MOA Annex III paragraph 26), and/or Ballast Water Management (BWM) Convention are neither a prerequisite for enrollment into or required for continued participation in the MSC-ACP. Contract operators of USCG-certificated MSC vessels shall be responsible for obtaining and maintaining all Statements of Voluntary Compliance (SOVC) incidental to enrollment in the MSC-ACP (including the Safety Management Certificate, the Document of Compliance, and all other SOVC's for relevant international conventions). Under the MSC-ACP, the USCG will accept surveys performed by an authorized classification society, as equivalent to tests and examinations required for initial and in-service inspections for certification, periodic reexaminations, and dry-dock examinations. Under this program, the USCG will conduct oversight of the authorized classification society. To enroll a MSC vessel in ACP, MSC, or the contract operator listed in the associated vessel operating contract, will submit an Application for Inspection of U.S. Vessel (Form CG-3752) to the respective OCMI, per Title 46 CFR § 8.440 and NVIC 2-95, as amended, The Alternate Compliance Program. The request Form CG-3752 shall indicate MSC's desire to have the vessel enrolled in the MSC-ACP. A supplemental procedure will be maintained by the American Bureau of Shipping and subject to review and approval by the USCG that defines procedures specific to MSC-ACP as a modification to commercial vessel ACP.

MSC N7 will continually review vessels to determine suitability for continued participation in ACP. On a vessel-by-vessel or class-by-class basis, COMSC may remove vessels from ACP via a written notification to the USCG (CG-CVC-4). Such decision would be based on metrics-based feedback and monitoring of vessel material condition and performance in relation to expected standards/norms. The goal of such decision would be to achieve an additional full layer of safety inspections, in addition to the authorized classification society, given the imperative to achieve and maintain readiness to support military operations.

MSC vessels enrolled in the ACP are authorized to schedule annual firefighting system inspections within the normal annual survey period (+/-3 months of the anniversary date) and still be considered to be in compliance if the inspections occur in the +3 months past the anniversary date.

4. Streamlined Inspection Program (SIP). USCG certificated MSC vessels may participate in a program that allows onboard and shore side vessel operating personnel to conduct the majority of USCG required inspections. Under SIP, a USCG marine inspector will conduct periodic and follow-on inspections as necessary to ensure compliance with USCG administered regulations. The intent of this program is to develop, under USCG supervision, a plan by which the inspections of vessels are carried out by qualified vessel personnel with approved test procedures. To apply for SIP enrollment, MSC shall submit an application, in writing, to the cognizant OCMI per 46 CFR § 8.520.

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX III

Modification of Standards for USCG Certificated MSC Vessels

1. Military Standards. The USCG may accept material and equipment that meets military or other federal specifications and standards on a case-by-case basis. In addition, the USCG may accept U.S. Navy, or MSC plans and instructions that meet military or other federal specifications and standards. MSC shall submit requests for acceptance of such plans, instructions, materials and/or equipment to the USCG Headquarters Office of Commercial Vessel Compliance, Flag State Control Division, COMDT (CG-CVC-4). Once CG-CVC-4 reviews and accepts the requests, the USCG will provide MSC Headquarters with a letter acknowledging their acceptance. The scope of acceptance will not extend beyond plans, components or instructions approved by CVC. For instance, if CG-CVC-4 allows for use of a MILSPEC approve arrangement in the galley, this arrangement should not be used throughout the ship or in other unapproved areas. Each MSC vessel covered under this request should maintain a copy of this letter onboard. The USCG shall update the MISLE System to reflect the USCG's acceptance of military or other specifications and standards. MSC vessels have Navy-approved vessel security plans.

a. Global Maritime Distress and Safety System (GMDSS). In the event of a casualty to GMDSS systems, USCG will consider available installed military communications systems, where fitted, as satisfying distress communications requirements. In such cases, the USCG will not consider a GMDSS casualty as an underway restrictive (Code-17 Rectify Deficiencies prior to departure ("No-sail 835")) item, pending a written repair plan has been submitted to address intentions for expeditious repairs.

2. Vessels of Special Design and Operations. The USCG may, on a case-by-case basis, permit variations of U.S. and international regulatory requirements for MSC vessels of special design or operations, provided the vessel substantially complies with applicable regulations. MSC shall submit requests for consideration of such variations to the CG-CVC-4. Requests should clearly describe the special design or operation features underlying the request, give good reason for a variation, and outline the particulars of the proposed variation. Once CG-CVC-4 reviews the request, the office will provide MSC Headquarters with a letter either acknowledging acceptance or denying the proposed variation. A copy of acceptance letters should be maintained on board each covered MSC vessel or as noted in this MOA. The USCG shall update the MISLE System to reflect any variances of regulatory requirements.

a. Sea Based X-Band Radar (SBX-1). SBX-1 is a unique national defense asset built on a semi-submersible MODU platform and inspected as such. Recognizing that OSV's constructed under 46 CFR Subchapter "L" are purpose-built to service such vessels, OSV's (GOGO and

GOCO) are authorized to service, including the delivery of excess fuel, to the SBX-1 regardless of the fact that the SBX-1 is not engaged in the exploration, exploitation or production of offshore mineral or energy resources. Contractor Owned-Contractor Operated (COCO) vessels will require a NDW.

3. Pressure Testing of Oil Transfer Hoses and Piping.

a. Grade E oil cargo may be used as a test medium for the static liquid pressure tests of cargo pipelines on MSC oilers or other support vessels (T-AKE, T-AOE, T-AO, or replacement Class) engaged in underway replenishment operations, provided the approved testing procedures are followed. Cargo pipeline testing intervals shall coincide with vessel regular overhaul/dry-dock intervals. This means that cargo pipelines must undergo two static liquid pressure tests within any five-year period, and that no more than three years may elapse between any two tests. Vessels are authorized to test at sea, log it and have the test credited for inspection purposes.

b. All oil transfer hoses and transfer piping shall be tested in accordance with 33 CFR 156.170 except that the interval between tests can be extended from one to two years. The use of a two-year test interval for oil transfer hoses and piping shall not be construed as relieving MSC from its responsibility to conduct periodic checks of these items and to conduct maintenance and repair as required to prevent the discharge of oil into the environment. MSC must remove any defective oil transfer hose or pipe from service and repair or replace the hose or pipe immediately.

4. Lifesaving Equipment.

a. The USCG may accept alternative lifesaving appliances or arrangements if MSC can demonstrate that such alternatives are as closely as possible equivalent to the level of safety that would be achieved with the appliances and arrangements required by applicable regulations. When any USCG-certificated MSC vessel replaces lifesaving appliance or arrangement or the vessel undergoes repairs or alterations involving the replacement of, or any addition to, existing lifesaving appliances or arrangements, each new lifesaving appliance or arrangement must meet current regulations. MSC requests for USCG consideration of lifesaving alternatives shall follow the application procedures outlined in paragraph 2 of this Annex. Any vessel with equivalent equipment shall maintain a copy of acceptance letters on board each at all times. The USCG shall update the MISLE System to reflect any USCG-accepted alternative lifesaving appliances or arrangements.

b. For MSC vessels equipped with two rescue boats, the USCG shall not consider a casualty to one of the two rescue boats as an underway restrictive (Code-17 Rectify Deficiencies prior to departure ("No-sail 835")) provided that one rescue boat is available and fully operational. The vessel must also submit a written repair plan to the OCMI to outline expeditious repairs for the affected rescue boat.

Additionally, for T-AO Class vessels the Maranda (starboard side) davit is accepted as a rescue boat davit as long as the davit receives the same maintenance and testing standards required for a SOLAS approved davit.

c. All MSC vessels are allowed to comply with the lifeboat/rescue boat davits falls renewal scheme as required by SOLAS Chapter III, reg. 20. This would include the vessels that are not in ACP, thus not subject to SOLAS.

5. Damage Control/Firefighting Equivalency. The USCG may accept alternative damage control or firefighting appliance arrangements or procedures if MSC can demonstrate that such alternatives are as closely as possible equivalent to the level of safety that would be achieved as required by applicable regulations. Requests for USCG consideration of damage control or firefighting alternatives shall follow the procedures outlined in paragraph 2 of this Annex. Any vessel with alternative damage control or firefighting appliances or arrangements shall maintain a copy of acceptance letters on board each at all times. The USCG shall update the MISLE System to reflect any USCG-accepted alternative damage control or firefighting appliances or arrangements.

a. MILSPEC Fire Hoses. Approval is granted for the use of MILSPEC MIL-H-24606B 1.75 inch diameter fire hose with 1.50 inch brass couplings with NH thread in lieu of UL 19 listed fire hose, as specified in Title 46 Code of Federal Regulations. This approval is for use on all current and future USCG certificated MSC vessels owned or demise chartered by MSC.

b. Wye-Gate Valves with Non-Metallic Components. The use of wye-gate valves with 2½" inlet and two 1½" outlets for fire hose connections in which the closure is composed of resilient nonmetallic material is permissible provided the fire station can be isolated from the fire main by a Cut-Out Valve (COV) with metal-to-metal seats.

6. Pyrotechnics. The USCG will accept MILSPEC pyrotechnics in lieu of USCG approved pyrotechnics.

7. Hospital Vessels. The USCG will certificate MSC's T-AH class hospital vessels in accordance with applicable sections of Title 46, Code of Federal Regulations Subchapters (I) and (H), and consider military patients treated aboard these vessels as military personnel rather than passengers. The period of validity for the COI shall be five years IAW Title 46, CFR, Part 91.01, instead of a one-year period for passenger vessels. However, the manning, equipment and operational requirements for these vessels shall comply with the passenger vessel regulations contained in 46 CFR Subchapter H. The number of lifeboat seats required by 46 CFR § 199.201 (b)(1)(i) will not include the number of patients allowed on board by the COI.

8. Towing Vessels. MSC operates vessels that engage in towing operations, specifically the T-ATF Fleet Ocean Tugs, the T-ARS Rescue Salvage Tugs, and subsequent replacement class. MSC regularly employs these towing vessels in operations unrelated to towing. For consistency, MSC has designated the T-ATF design vessels as Public Vessels, Unclassified. The USCG will certify the Master and Officer in Charge of Navigation Watches in accordance with 46 CFR Part 15 with respect to having the appropriate Towing Endorsement on their respective mariner credentials. MSC CIVMARS involved in Towing Operations on these vessels shall receive credit for maintaining or obtaining a towing endorsement on the USCG credentials.

9. Persons in Addition to Crew.

a. MSC vessels may carry civilian or military personnel, such as ship repair teams, inspection teams, dive teams, and military or contracted security teams for the express purpose of carrying out the business of the vessel and who perform work of a specialized nature not normally considered to be within the normal skills or capability of the crew (routine maintenance such as cleaning and painting are not considered to be a special skill). Such personnel shall not be directly involved in the operation or navigation of the vessel. Tactical maneuvering in large Navy ship formations, that may involve military personnel giving recommendations to the merchant marine watch officer concerning course and maneuvering speed to a new station in the formation, is not considered operation or navigation for the purpose of this MOA. Unless stated elsewhere in this document, the vessels does not consider these civilian or military personnel members of the crew or passengers. Such personnel are not subject to the mariner credential, manning, and working hour requirements contained in 46 CFR Parts 10-15, but the vessel shall reflect these persons in the total number of persons allowed aboard the vessel, and these persons are subject to the provisions of paragraph 10 of this Annex. The vessel will provide these personnel with lifesaving appliances, accommodations, healthcare, and nutrition equivalent to a regular crewmember while employed onboard. The requirements of 46 CFR § 92.20-20, sleeping accommodations, shall not be applicable to temporarily embarked military security teams.

b. MSC vessels may also operate with partner nations requiring the embarkation of personnel for training and operations and must have the ability to accommodate additional personnel according to the objectives directed by the tactical commander in support of National Defense; the provisions of this paragraph apply to accommodate these additional personnel.

10. Embarked Security Teams (EST). All MSC vessels, activated MARAD RRF vessels, and MSC time or voyage chartered vessels are allowed to embark additional security personnel over and above what the USCG allows on each vessel's respective Certificate of Inspection. COMSC or other cognizant military Commander will determine when it is necessary to use embark security teams (military or contractor) on vessels to protect against foreign military, pirate, or terrorist attack. Specifically, this waives 46 CFR § 2.01-40. Before any additional personnel are embarked where the COI manning level would be exceeded, the Master shall ensure that sufficient life jackets, immersion suits (if operating outside of 32 degrees North and South), and liferafts meeting USCG/SOLAS requirements (including correct percent of redundancy on the port and starboard side of the vessel) are placed onboard to support all embarked on the vessel. The Master will also modify the vessel's abandon ship plan to include ensuring that all visitors are under the leadership of an experienced crewmember, and submit this modified abandon ship plan to the cognizant OCMI for approval. MSC will include these lifesaving provisions in all MSC charters where it may be necessary to use ESTs. The addition of these security teams will enhance the overall ships' safety in potentially high-threat areas and high-risk waters.

11. International Conventions

a. MSC vessels are not subject to the provisions of the International Maritime Organization (IMO) and International Labour Organization (ILO) conventions, and accordingly, will not be

issued mandatory IMO and ILO convention certificates. However, each MSC vessel that voluntarily complies with these international standards may be issued a Statement of Voluntary Compliance (SOVC) as documentary evidence of substantial compliance. A recognized class society may issue a SOVC only to MSC vessels that have an approved Safety Management System which complies with the International Safety Management Code. CG-CVC-4 will issue SOVCs in lieu of certificates for which class societies are not authorized to issue. The SOLAS SOVCs and the MARPOL SOVCs may be issued by a recognized classification society.

b. The USCG may authorize a classification society to issue a SOVC on vessels without a Certificate of Inspection, provided 1) the classification society has completed an Initial Survey, 2) the vessel fully complies with all regulations and 3) the USCG has completed a desk audit or other oversight of the classification society's survey to the satisfaction of the USCG. Otherwise, the USCG will restrict the classification society to issuance of a Statement of Fact.

c. If there are any deficiencies identified during subsequent periodic surveys (e.g. Annual, Intermediate, or Renewal) and the vessel Owner/Manager does not correct them to full compliance with the regulations, 1) the classification society may not report the survey as complete, 2) the classification society may not endorse the SOVC for completion, 3) the classification society may issue short-term SOVC for up to 90 days, conditional upon an acceptable plan to correct deficiencies. The classification society shall indicate in its records that they commenced the survey and shall enter in the vessels record a description of the deficiencies found. The vessel Owner/Manager is responsible for correction of the deficiency or proposal of any alternatives to the USCG for a determination of equivalency with the regulations.

d. In the event of the invocation of a National Defense Waiver or revocation/surrender of vessel COI, the classification society will confer with CG-CVC-4 to determine potential impact of SOVCs issued on behalf of the USCG.

12. Vessel Security. MSC vessels comply with stringent U.S. Navy standards for Force Protection rather than the International Ship & Port Facility Security (ISPS) Code. The USCG and MSC considers any vessel with a COCOM issued vessel security plan equivalent to USCG/IMO vessel security plan requirements. Therefore, MSC vessels will not maintain ISPS Code vessel security plans (VSPs) or vessel security officers (VSOs). The USCG does not require MSC CIVMARs to maintain corresponding VSO certificates or qualifications. The USCG will not monitor these vessels for compliance with the ISPS Code or issue ISSC SOVCs for these vessels. In accordance with 33 CFR § 104.110(a), MSC vessels are not subject to the USCG maritime vessel security regulations contained in 33 CFR Part 104.

13. Automated Ship Position Reporting.

a. In accordance with 46 USC § 501, the USCG has granted a waiver of the domestic and international transmission requirements for MSC's government-owned (this includes demise chartered vessels) and time chartered vessels with systems capable of automatically and non-securely transmitting ship's position information: Automated Identification System (AIS), Long Range Identification and Tracking (LRIT), Ship Security Alert System (SSAS); and the polling feature on the Global Maritime Distress and Safety System (GMDSS). This waiver is valid for

as long as the ships are exclusively engaged in non-commercial service under the operational control of DoD.

b. Voyage Data Recorder (VDR) Annual Servicing. The USCG recognizes that MSC considers mission location data for its vessels classified information. VDR servicing technicians need to review inputs and alarms in order to confirm that the VDR unit is working as designed. Subsequently, many technicians may refuse to issue the annual servicing certificate if the vessel did not allow the technician (due to mission sensitivity) to download ship position information to complete a full system test. If a vessel encounters this situation, the attending mate should select any alarm-free 12 hour period (including data from alongside the pier) that is not position-sensitive, to share with the technician. If for any mission sensitivity reason this is not possible, the USCG OCMI's will not require the production of the VDR annual servicing certificate to complete the COI.

14. Electronic Charting. The use of a National Geospatial-Intelligence Agency (NGA) Digital Nautical Chart (DNC), which is updated on a 28-day cycle rather than weekly, or its replacement, to meet chart carriage requirements and navigate aboard MSC vessels is authorized. The USCG shall allow utilization of DNC with a commercial type approved ECDIS, provided no compatibility issues exist that would induce errors, in accordance with USCG (CG-3PCV-1) letter serial 16711 dated 3 May 2007.

15. Paper Charts reproduced from Electronic Charts. Due to the scheduled sunset of Raster Navigational Charts, the Coast Guard hereby authorizes, in full satisfaction of chart carriage requirements in titles 33 and 46 of the Code of Federal Regulations, MSC vessels to use:

a. paper charts printed by the National Geospatial-Intelligence Agency (NGA) and/or;

b. when timing does not allow for pre-deployment receipt of NGA-printed paper charts, paper charts printed onboard the MSC vessel. The chart printer must be capable of printing an appropriately-sized standard nautical chart (SNC) to scale, with ink suitable for low- and red-light viewing. Additionally, the chart must be printed in accordance with an NGA-approved process using the most current, available electronic chart data provided by a government hydrographic authority.

16. Single Hull Tankers.

Double Hull Exemption. MSC's T-AO Class single-hull oilers and T-AK, T-AKE and T-AOE Class comply in all other respects with MARPOL, Annex I and are exempt from the double hull requirements under Article 3, paragraph 3, of MARPOL 73 as amended. Additionally, they are exempt from the double hull requirements of both US law and regulation. Further, they are not eligible to receive an SOVC for Oil Pollution Prevention if no double hull is installed. In lieu of an SOVC, ABS issues these vessels a Statement of Fact (SOF) annually. Notwithstanding this lack of a MARPOL Annex I SOVC, the USCG will continue to certificate these vessels using the procedures described in this agreement for an Alternate Compliance Program specific to MSC. As noted in MARPOL, Annex I, paragraph 3, this program provides a supplemental procedure that ABS must maintain and subject to USCG review and approval. For MSC vessels enrolled in

ACP, the ABS will maintain a process instruction detailing the circumstances under which these vessels will be certified.

17. T-AKE Class vessels.

a. The vessel fuel system and cargo systems (both F76 and JP5) can be cross-connected by removable spool pieces and locked, closed valves. When operationally necessary to meet military requirements, the T-AKEs may install the spool piece and transfer oil from the ship's fuel system to the cargo system. This operation is acceptable, considering the transfer will take place at sea, in order to minimize the risks of collision, grounding or fuel oil spills. Changes to US and International pollution prevention regulations require the final four vessels of the T-AKE class, delivered after 1 Aug 2010, to meet oil fuel protection regulations (regulation 12A of MARPOL Annex I). The first ten vessels of the T-AKE class, delivered prior to that date, are not required to meet those regulations. Vessels delivered after 1 August 2010 are not compliant with 12A, however the ABS may conduct periodic inspections and issue a Statement of Voluntary Compliance for MARPOL Annex I notwithstanding the lack of compliance with regulation 12A. Further, as with the T-AO vessels, the T-AKE class vessels may be enrolled in ACP.

b. Due to the T-AKE vessels having such large cargo oil & fuel capacities, the USCG National Maritime Center will give persons supervising oil transfers conducted on-board these vessels service credit as a person in charge (PIC) for tank vessels.

c. The terms of this MOA permit the installation of the non-SOLAS approved Sperry Mk 27F, Fiber Optic Gyro Compass (FOGs) on T-AKE hulls 1-14 as it meets military specifications. Further, the USCG will accept this installation for the purpose of these vessels demonstrating substantial compliance with the requirements of SOLAS. Therefore, notwithstanding this use of a MILSPEC component the vessels are eligible for issuance of Statements of Voluntary Compliance for SOLAS.

d. The USCG waives overboard discharge monitoring equipment (ODME) requirements on T-AKE class vessels. When the vessel does not have an installed ODME, must permanently blank off all overboard discharges from cargo tanks. The vessels must transfer any cargo slops generated to a reception facility or to the cargo oily waste tank for processing by the cargo oily water separator (OWS).

18. Transportation Worker Identification Credentials (TWIC). The USCG does not require CIVMARs to maintain a valid TWIC to serve onboard MSC GOGO vessels as the vessels do not carry a VSP. Expired TWICs shall neither require discharge or repatriation, nor impact assignment eligibility, of a CIVMAR from a MSC GOGO vessel. However, the USCG may require an application for a TWIC for certain USCG credentialing transactions. The USCG requires a TWIC application for the collection of biometric data. MSC Mariners serving only on MSC GOGO vessels may initiate credentialing transactions (renewal, raise of grade, new endorsements) without a valid TWIC if their biometric data is already in the system based on a prior TWIC application. If mariners wish to serve on other vessels that have ISPS Code-

mandated VSP, or are applying for an original MMC, a TWIC application will be required. See CG-543 Policy letter 11-15 for guidance.

19. Bridge Navigation Watch Alarm System (BNWAS). In accordance with Chapter I, Regulation 3(i) of SOLAS, MSC vessels are exempt from the requirements of the convention as Ships of War. MSC vessels will not be required to fit BNWAS in accordance with IMO Resolution MSC 282(86). MSC vessels will maintain at a minimum a two-person navigational watch. Notwithstanding this exemption the vessels subject to this exemption will be allowed to maintain their Statements of Voluntary Compliance for SOLAS and remain enrolled in the USCG's Alternate Compliance Program.

20. Transfer of oil cargo between oil tankers at sea. The regulations contained in Chapter 8 to MARPOL Annex I regarding the transfer of oil cargo between oil tankers at sea (STS, or 'Ship to Ship' operations) are not applicable to MSC vessels based on the following:

a. Underway Replenishment (UNREP) and Lightering Operations, one of the vessels involved is going to be a warship, naval auxiliary or other vessel owned or operated by the government and used, for the time being, only on government non-commercial service. MARPOL Annex I Chapter 8, Regulation 40 (5) provides: "The regulations contained in this chapter shall not apply to STS operations where either of the ships involved is a warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships that the STS operations are conducted in a manner consistent, so far as is reasonable and practicable, with this chapter. "

b. MSC uses Navy publication NTTP 4-01.4 (Underway Replenishment) for controlling Ship-to-Ship transfer. This is not a procedure reviewed by the USCG.

c. MSC uses the Lightering Operations Checklist (or other substantially equivalent successor checklist) found in its Safety Management guidelines to assist with proper planning and execution of lightering operations between T-AO vessels and cargo tankers. This checklist is derived from the Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases; Witherby Publishing Group Ltd, 2013.

21. Expeditionary Sea Base (ESB) / LEWIS B. PULLER Class Vessels.

a. ESB class vessels are capable of carrying between 275 - 350 military and civilian mission support personnel to support the ship's mission. Accommodations for mission/mission support personnel are provided in a dedicated forward deckhouse and of a USN ship design in accordance with a MLP AFSB Habitability Criteria Manual approved by Naval Sea Systems Command.

b. Civilian mission support personnel may reside in the forward accommodations originally designated exclusively for the use of military personnel. Military and civilian mission / mission support personnel are permitted to reside in the vessel's forward accommodation structure. The

total number of military and civilian mission / mission support personnel shall not exceed the COI for each ESB vessel. In addition to personal flotation and thermal protection, all of the civilian mission/mission support personnel must be accommodated in the capacity of the davit launched life rafts. If this results in the displacement of military personnel from this davit launched life raft, then there must be sufficient capacity in other rafts for the use of military personnel. The use of U.S. Navy qualified Liferaft Commanders as an alternative to credentialed mariners with a Lifeboat/Liferaft endorsement on their MMC is allowed only for the liferafts in the forward area that are designated for the use of civilian and military mission/mission support personnel. A minimum of 16 persons are required to have a current qualification as USN Liferaft Commander. Training and Qualification for the Liferaft Commanders shall be documented in the vessels Safety Management System and the process shall be to the satisfaction of the cognizant Officer in Charge of Marine Inspection (OCMI), as guided by current processes for the USNS hospital ships.

c. Berthing in forward house accommodations. Afloat Training Team (ATT) civilian mariners may reside in the forward house while onboard to conduct ATT mission activities with the vessel. This exception will not exceed 30 days per training visit. During crew turnover periods, CIVMARs may reside in the forward house not to exceed 10 days per crew member per turnover period.

d. Certain markings are not required for external display on ESB class vessels. In support of vessel missions, the external display of the vessel's IMO number on ESB class vessels is exempt from compliance. The external display of the vessel name will be consistent with the name of the vessel specified in USCG/SOLAS documents. This would include name markings on the hull, lifeboats, rescue boats, life rings, life jackets, etc.

22. Cable Laying/Repair Ships Acting on Behalf of the US Government. These vessels are employed by various Departments of Defense agencies and commands engaged in classified operations pertaining to military assets on the sea floor. The Naval Sea Systems Command (NAVSEA) sponsor requires elevated maintenance of security for these missions and will not allow the recorded tracking of ship's movements. The USCG has granted a permanent waiver to eliminate the requirement for the vessel to be provided with a Voyage Data Recorder. This waiver is valid for as long as the ship is exclusively engaged in non-commercial service under the operational control of MSC in support of DOD enhanced OPSEC. This waiver shall not hinder MSC efforts to voluntarily comply and obtain USCG and ABS certifications and documents for these types of vessels, including USNS Zeus. Further, cable laying vessels are not required to transmit an Automated Identification System signal IAW paragraph 13 of this Annex. The ship's Electronic Chart Display & Information System (ECDIS) is exempt from the recording of Vessel Position and Trackline in order to maintain Operational Security (OPSEC).

23. Mandatory Rest Periods for Watch-Keeping Personnel. Coast Guard regulations (46 CFR § 15.1101 and 46 CFR § 15.1111) prescribe maximum hours of work and mandatory rest periods for watch-keeping personnel. Shipboard emergencies, drills, and "other overriding operational conditions" are exempt from the requirements of these regulations and laws; however, the regulations do not exempt operations reasonably expected, such as arrival, departure, cargo operations, and underway & vertical replenishments. MSC vessels will fully comply with the

work and rest periods except as may be exempted in Annex VII. MSC vessels unable to comply with the required work and rest periods when not covered by Annex VII shall route a notification of such via the appropriate Area Command to COMSC.

24. USCG Medical Certificates. Mariners who serve aboard MSC vessels will comply with the Medical Certificate requirements of 46 CFR § 15.401(c) except that the national endorsement expiration date will be used to determine the validity of a medical certificate for a CIVMAR. See 46 CFR 10.301(b)(3). Unless a time-limited certificate is issued in accordance with 46 CFR 10.303(c), the medical certificate will be valid for five years. The USCG will only accept MSC Medical Examination forms (DD Forms 2807 and 2808) in lieu of a CG-719K or CG-719K/E Application for Merchant Mariner Medical Certificate for purposes of MMC Medical Certificate applications for CIVMARs as part of a Designated Medical Examiner Pilot Program, once activated. Mariners submitting reports of physical examinations directly to the USCG will be required to submit a CG-719K or CG-719K/E.

25. Ballast Water Management. MSC vessels comply with DoD Manual 4715.06 Volume 3, Regulations on Vessels Owned or Operated by the Department of Defense: Ballast Water, Weldeck Sediment, and Anchor Sediment Management, in lieu of 33 CFR 151 Subpart D—Ballast Water Management for Control of Nonindigenous Species in Waters of the United States.

26. T-AOE Class cargo pump room bilges. T-AOE Class vessels were constructed to military standards. These vessels are not USCG certificated and do not carry SOVCs for Oil Pollution Prevention. 33 CFR §151.10 'Control of oil discharges' prohibits any discharge of oil or oily mixtures into the sea except when certain conditions are satisfied, including, "the oil or oily mixture does not originate from cargo pump room bilges." T-AOE Class vessels are not outfitted to process oil or oily mixtures from cargo pump room bilges, except via the machinery space oil water separator. It is not practicable to alter the ships pumping and piping configuration to provide a separate system to process oil or oily mixtures from cargo pump room bilges. The vessels shall process oil or oily mixtures from cargo pump room bilges through the machinery space oil water separator prior to discharge into the sea, and the conditions of 33 CFR §151.10 (a) (1) and 33 CFR §151.10 (b) (1) are not applicable.

27. Bunker Delivery Notes and Representative Fuel Oil Sample. MARPOL Annex VI Regulation 18 Fuel Oil Availability and Quality requires a Bunker Delivery Note (BDN) for fuel oil for combustion purposes delivered to and used on board, and a representative sample of the fuel oil delivered to the ship. Defense Logistics Agency (DLA) fuel suppliers do not provide BDNs meeting MARPOL Annex VI requirements. MSC vessels shall not be required to retain BDNs or representative samples on board for purposes of MARPOL Annex VI compliance. MSC may require other fuel samples and retention on board for fuel quality verification in accordance with Navy and MSC procedures. Lack of BDNs or representative samples shall not affect the vessel' ability to maintain valid SOVC for Air Pollution Prevention or ships' eligibility to participate in USCG's Alternate Compliance Program.

28. Compliance with MARPOL ANNEX VI and EPA standards. MSC has informed the USCG that certain vessels are unable to comply fully with MARPOL Annex VI, Regulation 13 (Nitrogen Oxides), Regulation 14 (Sulphur Oxides and Particulate Matters), Regulation 22 (Ship

Energy Efficiency Management Plan (SEEMP)) and Regulation 22A (Collection and Reporting of Ship Fuel Oil Consumption Data). As such, those vessels that do not fully comply with the specified regulations are no longer eligible to receive International Air Pollution Prevention (IAPP) or International Energy Efficiency (IEE) Statements of Voluntary Compliance (SOVC). All currently valid SOVCs shall be invalidated and removed from the vessel at the next applicable survey. Finally, affected vessels will no longer be expected to maintain a SEEMP or report fuel oil consumption data. These matters do not affect a ship's eligibility to participate in the USCG's Alternate Compliance Program. However, unless exempting from the entire MARPOL ANNEX VI, ABS should issue the vessel an annual Statement of Fact (SOF) to document that the vessel is still in compliance with the elements that they have chosen to comply with.

29. USNS Maury (T-AGS 66) Water Mist Fixed Fire Fighting: USNS Maury (T-AGS 66) and other T-AGS class vessels may be equipped with Water Mist Fixed Fire Fighting systems for the Emergency Diesel Generator (EDG) space. Title 46 CFR §112.50-1(g) requires the generator set to shut down automatically upon activation of a fixed fire extinguishing system in the EDG room. In order to maintain power to vital vessel systems, the requirement for automatic shutdown of the EDG upon activation of the fixed firefighting system is waived for these vessels. The other two elements of §112.50-1(g) regarding automatic shutdown for engine over speed and loss of lube oil pressure remain in force.

30. Emergency Position Indicating Radio Beacon (EPIRB) Registration. EPIRB registration no longer requires registration, or reregistration, with NOAA. Decal stickers are no longer issued or required. MSC N046 (N6) registers EPIRBs in the Personnel Recovery Mission Software (PRMS) Joint Sarsat Electronic Tracking System (JSETS) and manages those beacons. Questions regarding EPIRB registration and decal stickers should be addressed to MSC N046 (N6). Vessels can check their EPIRB registration status on the PRMS website by clicking on the "JSETS Beacon Look Up" button: (<https://prmsglobal.af.mil>)

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX IV

Expeditionary Fast Transport (EPF) and High Speed Transit (HST) Type Rating Endorsements
(TRE) and Route Manuals

1. General Provisions. EPF and HST crews will be qualified to serve on high speed craft in accordance with USCG policy guidance. The following points clarify the qualification and credentialing process.

a. High speed craft training programs will be USCG approved. These vessels may be deployed outside of U.S. territorial waters. Approved courses may include original TRE, Revalidation of TRE, and High Speed Craft Safety. These courses may be conducted aboard vessels worldwide.

b. After construction, EPFs may deliver with non-type rated crewmembers. Likewise, as newly converted ships, HSTs may deliver from their conversion availabilities with non-type rated crewmembers. A Qualified Instructor (QI) will be embarked until the EPF and HST crew have met the requirements of a TRC in accordance with 46 CFR § 11.821 and NVIC 20-14.

c. Since EPF and HST operating routes cannot be reliably projected, MSC will assign routes for training. The numbers of required round trips will comply with USCG regulations and policy. The TRC on the mariner's MMC will annotate vessel "route" as "open waters" restricted to the vessel or class of vessels while operated by MSC. Once the initial crew has received its TREs, subsequent crews may be qualified or revalidated in accordance with an approved training or revalidation program under the authority of a QI. Likewise, SOLAS Route Manuals will provide parameters for risk mitigation plans that will accompany the voyage plan to ensure the ship is capable of completing the voyage.

d. Ship's officers who possess proof of submission for an Original TRE or a Revalidation of a TRE for High Speed Craft Type Rating shall be deemed as qualified to operate High Speed Craft without a Qualified Instructor embarked until NMC administratively processes the official endorsement.

e. Sailing Short. 46 CFR § 15.725 permits sailing short when the Master is unable to find appropriate personnel to man the vessel. Recognizing that these vessels are minimally manned and may operate in remote overseas locations where crew changes are inadvisable due to local security and safety concerns, the Master may allow a crew member whose HSC endorsement has lapsed to continue to serve in that capacity. So long as the crew member is otherwise fit to continue service and that person also holds a MMC that is otherwise valid. The Master must notify the OCMI within whose jurisdiction the vessel is operating in this circumstance. The

crewmember with the lapsed-HSC endorsement should be re-qualified or replaced by a certificated person as soon as practicable.

f. TRE Validity: Type Rating Endorsement will be valid for five years, and will correspond in validity to a CIVMARs MMC. As part of an USCG approved revalidation program, MSC will revalidate each CIVMAR between 24 and 36 months (not to exceed) from TRE issuance. MSC will continue to use the requirements found in 46 CFR 11.821(e) and NVIC 20-14 as the basis for its program. Upon completion of the interim revalidation, MSC will issue a completion certificate, but the CIVMAR will not submit to USCG for renewal. MSC will conduct the second revalidation in the five-year program within six months prior to expiration of the CIVMARs MMC. Both revalidation certificates, along with other required documents, will be submitted to the NMC for credential transactions.

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX V

USCG/MSC Liaison Duties and Reimbursement for USCG Support Activities

1. General Provisions. This Annex establishes general guidance regarding the roles and responsibilities of the USCG/MSC Liaison Officer as well as the basis for MSC reimbursement to the USCG for support efforts provided to MSC and associated USCG costs. Additionally, this agreement sets forth the circumstances under which the USCG incurs such costs and the procedures for coordination of payment.

2. USCG Support Requirements

a. The USCG administers law and promulgates and enforces regulations in order to promote the safety of life and the protection of property at sea, as well as protect the marine environment. Full-time support of MSC by USCG personnel is essential due to the USCG's law enforcement, homeland security, and vessel inspection and certification roles, and the number of MSC certificated vessels. For financial and program planning purposes, twelve (12) USCG full-time equivalent (FTE) persons per year shall be considered necessary to support this MOA as further detailed in paragraph 3 of this Annex. The primary roles of these individuals are to conduct safety inspections of MSC vessels and provide advice to MSC on marine safety and security issues.

b. The USCG/MSC Liaison Officer will serve as an advisor to Commander, Military Sealift Command and provide guidance to MSC staff pertaining to MSC fleet inspection and certification process, investigation of marine casualties, and matters related to mariner credentialing of CIVMARs employed by MSC. The USCG/MSC Liaison Officer will also support MSC in areas of vessel and mariner safety (to include MSC Safety/Quality Management Systems), port, harbor, and coastal ship security, combating terrorism, and marine environmental protection. This support will be either direct or by identifying the appropriate USCG resources.

c. The USCG/MSC Investigations Officer serves as Senior Marine Investigator (SMI) providing technical expertise and leadership to the Commander, MSC in all aspects of marine casualty investigations. The SMI serves as the MSC resident subject matter expert (SME) for investigation program policies, procedures, technical issues, and is a liaison between MSC and USCG COTPs/OCMIs for all marine investigation functions. Additionally, serves as conduit between CG-5P/INV and MSC to ensure adherence to investigation functions per CG/MSC Memorandum of Agreement. Also serves as SME and communications conduit between COMSC and USCG COTPs/OCMIs for MSC marine casualty and suspension and revocation investigations.

The SMI coordinates with MSC Force Safety and N73 Ship Inspection Branch to analyze casualty data, fleet vulnerabilities, and proposes courses of action to improve fleet safety. As an impartial SME, the SMI reviews safety management system investigation procedures and recommends appropriate courses of action to improve agency alignment with policies, procedures, and investigation best practices.

3. Funding/Billing

a. MSC GOGO and GOCO vessels are not subject to vessel inspection user fees. Instead, MSC will provide reimbursement to the USCG directly for personnel resource expenditures associated with certification (i.e. inspection and investigation activities) of MSC vessels. Not later than 1 October of each year, the USCG/MSL Liaison Officer will submit to CG-DCO-832 a list of MSC vessels that is annotated to indicate those vessels that are either subject to USCG inspection, participating in special programs, or likely to require inspections during the upcoming fiscal year. The letter will also identify which vessels are exempt from user fees. The USCG will use this information to determine whether an adjustment is needed to the annual cost estimate or the number of marine inspectors and/or other USCG personnel required to support MSC.

b. Personnel support costs will be billed to MSC on the basis of USCG annual standard personnel costs, adjusted annually. Although subject to change, the following USCG personnel are required to support MSC vessel inspections and related marine safety, security, and environmental protection programs:

- (1) One designated USCG Director, MSC Policy and Inspection Program (civilian GS 14/15), assigned to USCG Headquarters Office of Commercial Vessel Compliance, Domestic Compliance Division, COMDT (CG-CVC-4);
- (2) One designated USCG/MSL Liaison Officer (military O-5), assigned to MSC Headquarters in Norfolk, VA;
- (3) One designated USCG Investigations Officer (military O-4), assigned to MSC Headquarters in Norfolk, VA;
- (4) One designated resource manager, civilian (GS 11/12) assigned DCO (CG-DCO-832);
- (5) Eight (8) USCG Marine Inspectors FTE (military CWO to O-3 or civilian GS 12/13), for the purpose of conducting field activities including plan review, investigations, and inspections of MSC vessels. These FTEs represent the aggregate of MSC's inspection and certification work distributed across the entire USCG organization. They are not specific individuals dedicated to MSC inspection activity. Each USCG field activity will provide inspection services as requested by MSC in the same manner as if requested by a commercial vessel operator whose vessel is subject to inspection.

c. Not later than 1 July of each year, the USCG will submit a cost estimate to MSC for budgetary purposes. The cost estimate will cover the current year (CY), upcoming fiscal year (FY) and the budget year plus 1 (BY +1)

d. The number and type of USCG inspections and examinations conducted on MSC certificated vessels each year shall be per the laws and regulations applicable to commercial vessels operating on similar routes and in similar service, except as amended pursuant to Annex I and/or Annex II of this MOA.

e. USCG/MSC Liaison Officer Tour length. Unless this agreement is canceled, the person serving in the USCG/MSC Liaison Officer position will be expected to complete a minimum of a two-year assignment at MSC Headquarters, subject to the needs of the service.

f. Travel, Training and Other Costs. Foreign travel costs by USCG personnel to conduct inspections or investigations of MSC vessels outside of the United States are included under this MOA. USCG Civilian personnel overtime costs to conduct inspections or investigations of MSC vessels inside or outside of the United States are included under this MOA and will be processed IAW CG policy and managed by the operational unit and District office. MSC will reimburse travel and per diem costs for USCG personnel who travel to conduct training, or other requested attendance, for MSC inside or outside of the United States. Those costs are included under this MOA and the USCG/MSC Liaison Officer will vet the personnel accordingly. The USCG/MSC will reimburse these costs under a standard reimbursement billing process. The USCG FINANCE CENTER will initiate invoices. USCG Headquarters, Deputy Commandant for Operations, Reimbursements & Special Appropriations Division (CG-DCO-832) will oversee all coordination and program management of this process.

4. Funding/Billing Procedures. Current year funding will be passed to the USCG from MSC via a Military Interdepartmental Purchase Request (MIPR) pursuant to 31 U.S.C. § 1535 and upon agreement to this MOA, for the current year requirements and at the beginning of each subsequent fiscal year, citing appropriate Lines of Accounting (LOAs) to be charged. USCG Headquarters Office of Budget Execution (CG-DCO-832), will process billings for services after the services have been provided to MSC, utilizing the Defense Finance and Accounting Service's (DFAS) standard Intergovernmental Payment and Collection (IPAC) process, thus charging MSC's LOAs cited on the annual MIPRs. This process should be coordinated with MSC's N8 Budget Director.

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX VI

Issuance of Sea Service Letters to MSC CIVMARs

Ref: (a) 46 CFR 10.232

1. A Sea Service Letter (SSL) provides information to the USCG about a CIVMAR's experience required to process an application for a Merchant Mariner Credential in accordance with 46 CFR Subchapter B. MSC administers the SSL program, which was previously identified in an agreement between Military Sealift Fleet Support Command (MSFSC) and USCG. Although MSFSC no longer exists, the calculation of sea time that was agreed upon by those organizations continues to serve as the basis for determining sea service.

The new SSL agreement applies only to MSC's CIVMARs and does not apply to MSC vessels operated by contractors (GOCO), or chartered vessels that are operated by private shipping companies.

2. COMSC Responsibilities.

a. MSC will maintain a record keeping system to account for sea service in accordance with this agreement. SSL will have the ship's cachet in the form of the raised seal, a Command stamp, or a ship's stamp affixed to the letter.

b. The SSL will list the CIVMAR's full name and Mariner Reference Number (MRN) or last four digits of SSN, position served aboard ship, date of embarkation, ship's name, propulsion (i.e. steam, diesel, or gas turbine), horsepower, ship's gross tonnage and, date of discharge. During the tour onboard, port calls between the embarkation date and discharge date may be provided to the CIVMAR as an attachment to the SSL. Calculations of sea service shall be within the following guidelines:

(1) For all voyages, sea time will be given day-for-day credit for all periods underway and for up to 21 days in port on vessels in full operational status (FOS).

(2) For all voyages, time spent in port for more than 21 days, including shipyard periods for non-engine department personnel, is to be calculated at the rate for ships in reduced operational status (ROS), (i.e. one day credit for three in port) and in accordance with reference(a). Engineering personnel assigned to a ship in a shipyard or when the ship is not underway but with the plant operational will be given day for day-sea service credit.

(3) When the CIVMAR is assigned to a vessel, ship's leave will be deducted from the sea time accounting. Training days taken off the ship shall also be deducted from the SSL sea service calculation.

(4) For FOS vessels and when a vessel has been in port for more than 21 days, full sea time calculations will commence once the vessel is underway (last line or anchor aweigh) for the purpose of starting a voyage and will conclude when a port stay exceeds 21 days foreign or coastwise.

(5) In port time will commence at first line, or when the anchor is fetched up. Shifting of the ship does not constitute a voyage and shall not be considered underway time for the purposes of breaking port time calculations.

c. Copies of SSL may be mailed, emailed, or faxed by the CIVMAR to the following address:

U.S. Coast Guard National Maritime Center,
100 Forbes Dr., Martinsburg, West Virginia 25404
Fax: 1-304-433-3416
Email: iasknmc@uscg.mil

d. The Master shall sign original SSL. Masters serving as Port Captain, or the MSC Sea Service Letter Program Administrator may sign copies of the SSL. The person signing the letters is responsible and accountable for providing accurate arrival and departure information contained within the letters.

2. USCG responsibilities.

a. For the purposes of any MMC transaction that requires proof of sea service, the Coast Guard will accept SSL as proof of a CIVMAR's sea service.

3. Points of Contact.

The MSC point of contact for sea service letters and related questions is Sea Service Program Administrator, CIVMAR Manpower and Personnel Branch (N12), (757)443-2822.

The USCG point of contact is the Chief, Mariner Records Branch, NMC, Customer Service Phone (888) 427-5662.

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX VII

National Security Provision

1. As determined by COMSC, MSC may opt to exercise certain authorities that may wholly or partially, temporarily, or permanently require organizational removal from voluntary compliance with U.S. and/or international commercial vessel and credentialed mariner compliance standards in the interest of National Security.
2. Upon executing a command decision to withdraw from or rejoin, partial or complete voluntary compliance, COMSC will transmit a notification to CG-5P for awareness.
3. The following requirements, while not inclusive, is representative of compliance requirements that may be suspended or eliminated:
 - a. Voluntary compliance with IMO conventions which may include SOLAS, STCW, MARPOL, ICLL, etc.
 - b. Voluntary compliance with 33 CFR
 - c. Voluntary compliance with 46 CFR, including USCG COIs and Merchant Mariner Credentialing protocols. However, for those mariners with MMCs, sea service will still be credited, as per established practices.

MEMORANDUM OF AGREEMENT
BETWEEN
COMMANDER, MILITARY SEALIFT COMMAND
AND
U.S. COAST GUARD

ANNEX VIII

Designated Medical Examiner (DME) Pilot Program

PART A:

1. Authority. This DME Pilot Program is authorized under the provisions of 14 U.S.C. § 504(a)20, 14 U.S.C. § 701, 46 CFR Part 10, Subpart C, and 46 U.S.C. § 7509
2. Purpose. This DME Pilot Program sets forth, in general terms, the procedures to be followed by the NMC and the MSC Force Surgeon regarding activities related to the DME Pilot Program. Under this agreement, this program applies to MSC CIVMARS only.
3. Intent. This program will assist the USCG in meeting the directive found in 46 U.S.C. § 7509 to establish a Trusted Agent program for the issuance of Merchant Mariner Medical Certificates. It will also assist the Coast Guard in evaluating the effectiveness and ease of use of the Coast Guard's draft Merchant Mariner Medical Manual, Commandant Instruction M16721.48. (Merchant Mariner Medical Manual, COMDTINST M16721.48) This program will streamline the medical certificate process for MSC CIVMARS, increase the visibility of the MSC Force Medical staff over the medical status of MSC CIVMARS as it relates to NMC transactions, and maximize the pool of available mariners ready for assignment.
4. Responsibilities.

Military Sealift Command

- a. MSC agrees to participate in the DME pilot program by providing a medical certification recommendation to the USCG regarding their mariners as described in Part B of this section.
- b. The DME's certification recommendation must be documented and submitted to the NMC (NMC). The process for submission is described in Part B of this section.
- c. MSC agrees to compile and transmit its certification recommendation and supporting documents to NMC.

United States Coast Guard, NMC

- a. The USCG agrees to provide DME qualification training to MSC medical staff that are licensed physicians, licensed physician assistants, or licensed nurse practitioners. An Occupational Health nurse working under the supervision of one of the above licensed providers is also acceptable.
 - b. The USCG retains final administrative authority for the issuance of medical certificates with full consideration given to the MSC DME recommendation. The NMC will be responsible for the printing and mailing of all medical certificates.
5. Reporting and Documentation. There are no special reporting or documentation requirements other than are outlined in Part B of this section.
6. Points of Contact. The primary points of contact for issues that arise during the period that this DME Pilot Progra
- MSC – Force Surgeon (primary); Force Medical Officer (secondary)
 - USCG – Dr. Laura Torres-Reyes, Medical Division Chief, National Maritime Center (NMC-6), 100 Forbes Drive, Martinsburg, WV 25404. (304) 433-3552

DESIGNATED MEDICAL EXAMINER (DME) PILOT PROGRAM

PART B:

1. Definitions.

Designated Medical Examiner (DME) – a licensed physician, licensed physician assistant, or licensed nurse practitioner who has been trained and approved to conduct medical and physical examinations of merchant mariners on behalf of the USCG. The DME may be delegated limited authority to grant waivers and approve physical/medical suitability for service.

DME Mariner Report – A report listing the names of mariners that were evaluated by the DME and indicates the DME's recommendation with respect to merchant mariner medical certification. The list is used to ensure that all exams performed by the DME are accounted for at the NMC.

Trusted Agent – a medical practitioner certified by the Secretary of Homeland Security to perform physical examinations of an individual for the purposes of a license, certificate of registry, or merchant mariner's document. 46 U.S.C. § 7509. This authority has been delegated to the U.S. Coast Guard via DHS Delegation No. 0170.1.

2. References.

(a) 46 CFR Part 10, Subpart C, Medical Certification

(b) Navigation and Inspection Circular (NVIC) 04-08 Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials, COMDTPUB 16700.400

(c) 46 U.S.C. § 7509

(d) Merchant Mariner Medical Manual, COMDTINST M16721.48*

*The finalization of Reference (d) is currently in progress. Both parties agree to abide by the protocols described in the current version (June 2018) that shall be considered fixed until the next MOA update.

3. Medical Certification. The USCG issues medical certificates to mariners who meet the medical and physical standards established by reference (a). Guidance regarding the substantive medical qualification standards can be found in reference (b).

4. Trusted Agents and Designated Medical Examiners. Reference (c) requires the USCG to establish a Trusted Agent program for the issuance of Merchant Mariner Medical Certificates. The USCG identifies a Trusted Agent as a Designated Medical Examiner. As a means to

determine the most effective way to implement reference (c), the USCG is developing a pilot program for DME.

5. Military Sealift Command (MSC) has medical practitioners on staff, under the direction of the MSC Force Surgeon, who provide medical evaluations of their civil service mariners (CIVMARs) to determine fitness for duty on MSC vessels. MSC's medical fitness standards for employment may differ from the USCG's standards for merchant mariner medical certification. Because the DMEs will be authorizing issuance of a medical certificate, the DME must apply the USCG's standards and policies in making that determination. MSC's medical staff is familiar with the USCG medical certification requirements for merchant mariners. As a result, an agreement between the medical staff of the USCG and MSC provides an ideal partnership for the DME pilot program. MSC agrees to participate in the pilot program by providing a medical certification recommendation to the USCG NMC regarding their CIVMARS as described in this MOA. Nothing in this agreement is intended to restrict or alter MSC's authority for making fitness for duty determinations of their personnel under MSC medical standards.

6. Under this agreement, MSC medical staff agrees to follow the guidance and guidelines set out in reference (d) when evaluating medical examination results for U.S. Coast Guard medical certification.

7. To qualify for a medical certificate a mariner must provide evidence of meeting the required medical and physical standards on a form CG-719-K or CG-719-KE as appropriate. Pursuant to this MOA, the USCG accepts MSC Medical Examination Forms (DD Forms 2807 and 2808) in lieu of the CG-719 forms for purposes of medical certification when submitted by a DME pursuant to this DME Pilot Program.

8. MSC DMEs will evaluate the medical forms in accordance with reference (d) and will provide a recommendation regarding whether the mariner is medically qualified for issuance of the medical certificate. MSC will be responsible for the following:

- ensure DD Forms 2807 or 2808 are completed
- provide professional opinion on whether Mariner has met the standard for merchant mariner medical certification
- ensure any recommended evaluation data (outlined in the Merchant Mariner Medical Manual, COMDTINST M16721.48) is provided.
- complete and submit a DME Mariner Report (PDF) to NMC via email at an agreed upon interval
- submit DD Forms 2807 or 2808 and recommended evaluation data to the NMC DME Staff through one of the following methods: fax, batch mailing, or electronic file sharing.

9. Upon receipt of the medical forms the NMC will verify the forms are complete including supporting documentation, and will take one of the following actions:

a. If the MSC DME has recommended that the applicant is medically qualified in accordance with reference (d), the NMC will issue a medical certificate.

b. If the MSC DME has determined that the applicant is not medically qualified or has a condition that warrants deferral to the NMC, in accordance with reference (d), the DME will defer the case to the NMC who will process the application in accordance with NMC's current procedures. No mariner will be denied a medical certificate based on the guidance in reference (d). NVIC 04-08 will be used to evaluate mariners deferred by MSC and all mariners will be provided appeal rights in accordance with 46 CFR 1.03-40.

10. Conditions Requiring USCG Review: The DME will be limited to a "recommend" or "defer" decision for mariner medical certificates. Certain medical conditions will require deferral to the USCG for review and final determination on medical fitness to be made by the USCG. In addition to the guidance contained in reference (d), the USCG will advise the MSC Force Medical Officer of those medical conditions that must be deferred to USCG for review.

11. Designated Medical Examiner Qualifications. DME qualification is based upon current professional certification as a licensed Physician, licensed Physician Assistant, licensed Nurse Practitioner, or a licensed Occupational Health Nurse working under the supervision of a Physician, Physician's Assistant, or Nurse, and successful completion of USCG-provided DME training.

12. The USCG retains final authority for the issuance of medical certificates. The NMC will be responsible for the printing and mailing of all medical certificates