



MILITARY SEALIFT COMMAND
NORFOLK VA 23511-2419
UNITED STATES COAST GUARD
WASHINGTON DC 20593-7000

U.S. Department of
Homeland Security
United States
Coast Guard



MSC
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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 (MSC) with regard to the inspection of 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 SECNAVINST5430.11F.

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

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

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MSC but maintained and crewed 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 Civil Service Mariners (CIVMARS) and military crew members, and, often, additional civilian mission-support personnel. Hybrid crewed vessels may be either USNS or USS vessels.

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. flag vessels which are under time charter, voyage charter, or other contract to MSC. These vessels must comply with applicable United States laws, regulations, ratified treaties, and conventions for the purposes of applying US domestic law.

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.

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.

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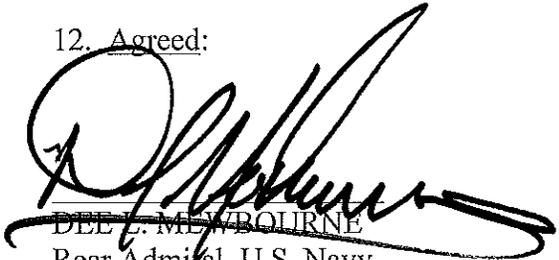
8. Transferability. This agreement is not transferable except with the written consent of the Parties.

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 five years from the date of the last signature below.

12. Agreed:



DEE L. MEYBOURNE
Rear Admiral, U.S. Navy
Commander, Military Sealift Command

02 July 2018
Date



J. P. NADEAU
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Prevention Policy

02 July 2018
Date

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ANNEX I

Certificate of Inspection, Inspections and Investigations

1. USCG Certificate of Inspection (COI).

USCG-certificated vessels have a COI issued by the Coast Guard based on inspection by the USCG or USCG authorized classification society acting under an alternative compliance program (ACP) subject to USCG oversight. MSC policy is that each MSC vessel which is built to commercial standards will have a valid COI before it proceeds to sea. If MSC elects to remove a vessel from certificated status permanently, notice will be provided in writing by COMSC to the USCG Office of Commercial Vessel Compliance, Commandant (CG-CVC), with a copy to the USCG Officer in Charge Marine Inspection (OCMI) that issued the COI. Removal from inspected status on a short term basis due to mission conflict with inspection regulations is normally discouraged. This option will normally be utilized when both COMSC and CG-CVC 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 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.

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. 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 that provide safe, reliable and responsive shipping to support the deployment of U.S. military forces worldwide. ROS MSC vessels are intended to be maintained in a high state of readiness and provide for rapid availability of U.S. Government equipment, supplies, and deployment of personnel via worldwide shipping in support of global military defense operations and disaster relief.
 - b) Any deviations from this ROS section that are solely within the control of MSC shall be granted by Commander MSC or Deputy Commander MSC.
 - c) ROS MSC vessels will achieve sufficient manning, as determined by MSC management, 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. An International Safety Management (ISM) audit will be performed annually while the ROS MSC vessel is manned sufficiently as previously mentioned, and may be performed in concert with a regulatory inspection; this will eliminate the need for an ISM audit to be performed upon mission activation when timing is more critical.
 - d) USCG marine inspectors shall be requested by the vessel to attend and observe quarterly dock trials. USCG marine inspectors will attend such dock trials whenever possible. Vessel nesting arrangements will be organized to facilitate lifeboats to be launched, exercised and recovered quarterly.
 - e) MSC and USCG will, to the maximum extent possible, harmonize inspections and surveys with periods of activation and maintenance.
- d. Under certain circumstances and upon mutual (CG-CVC-1 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. Variations in the way that these regulations may be applied to certificated MSC vessels are outlined in Annex II, Special Programs, and Annex III, Modification of Standards for USCG Certificated MSC Vessels.

4. Notification of National Defense Waiver.

a. MSC vessels are legally exempt from the requirements of Coast Guard regulations, but MSC voluntarily complies with some of these requirements as set out in this MOA. There may be circumstances when Commander, MSC determines in his or her sole discretion for purposes of operational flexibility that some or all of these USCG regulations must be immediately waived for MSC vessels. This authority will not be delegated below the Deputy Commander, MSC level.

b. In such cases, the Commander may issue an order to MSC personnel that certain USCG regulations are to be waived, and the Commander will subsequently transmit to USCG a simple written and signed “Notification of National Defense Waiver” of particular USCG regulations for specified MSC vessels.

c. The Commander (or designee) 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 the Commander 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, there is a mechanism for COMSC (or duly-designated representative) to obtain a waiver from USCG, in the interest of national defense, of navigation and vessel inspection laws for vessels “operated by or chartered to” MSC.

e. Commercially owned, Commercially Operated (COCO) vessels under time or voyage charter contract to MSC, and MARAD RRF vessels under MSC OPGON or in the process of activation, will continue to utilize existing National Defense Waivers per 33 and 46 CFR, 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 give the cognizant USCG OCMI sufficient advance notice of repairs or alterations to certificated MSC vessels to facilitate the attendance of a USCG inspector. For vessels to be 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. Exceptions may be granted by the OCMI 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 (STCW) endorsements. While employed aboard an MSC vessel or USS warship, civilian crew members are considered to be acting under the authority of their MMC. See paragraph 17 in Annex III for a discussion on TWIC requirements.

b. Hybrid Vessels. MSC also operates a number of warships with hybrid crews comprised of military and civilian personnel, serving under the authority of a 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 23 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 will immediately report marine casualties to the USCG and will 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 CG-2692 will be submitted when transmission conditions permit. MSC Headquarters will send the casualty report to the USCG (via the CG/MSC Investigations Officer) for USS vessels that have a military Commanding Officer with MSC civilian crewmembers. For any reportable marine casualties that occur during combat restrictive conditions, including EMCON protocols, MSC will follow the direction in paragraph 9.d.

b. USCG Investigative Responsibilities. The USCG will investigate all reportable marine casualties (subject to the exception noted in paragraph 9.d) onboard MSC vessels to determine the causal factors and if there is evidence of any act of misconduct, inattention to duty, negligence, or willful violations of law that may have contributed to the casualty. The conduct of the USCG marine casualty 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 information. The USCG, as soon as practical, shall notify the USCG/MSC Investigations Officer of any visit to an MSC vessel by a USCG investigating officer for the purpose of conducting a casualty investigation. The USCG/MSC Investigations Officer shall ensure that appropriate MSC program personnel are aware of the investigation. If there is a separate investigation being conducted by the U.S. Navy (including MSC), the USCG shall not interfere with any concurrent

Navy investigation. Both the USCG and U.S. Navy agree to cooperate and share information as applicable in relation to the incident, both investigators should consult their agency legal representatives for guidance. 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. However, in furtherance of the provisions in Para. 9 sections c & d below, the USCG will not take action against a mariner's credential (who is serving on a MSC vessel) for misconduct or negligence that occurs while the vessel is engaging in "inherently military operations" unless and until Commander, MSC certifies that the alleged acts of misconduct or negligence are unrelated to the vessel's "inherently military operations."

c. Operationally Deceptive Practices on Vessels. In support of naval operational flexibility, it is understood by USCG that mariners on MSC vessels, activated MARAD RRF vessels, MSC chartered vessels, or USS vessels may utilize operationally deceptive practices, such as EMCON, on the vessel to reduce the possibility of detection, tracking, or attack by an adversary. These practices may involve turning off some or all shipboard devices and systems that radiate electromagnetic energy or signals, such as navigation lights, radars, 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 (e.g. Combatant Commander, Navy Component Commander, Navy Fleet Commander, Navy CTF or CTG Commander, MSC Commander, Commodore of MSC Area Command or Prepositioning Squadron, etc.).

d. USCG Investigative Responsibilities for Incidents that Occur During Inherently Military Operations. For reportable marine casualties that occur during inherently military operations (including operationally deceptive practices such as EMCON), the USCG will not undertake any marine casualty investigation pursuant to 46 CFR § 4 (Marine Casualties and Investigations). Inherently military operations include any operation, or training, not reasonably found during typical commercial vessel operations. Some examples include: underway replenishment (UNREP), vertical replenishment (VERTREP), military-like operations with other US government agencies, and submarine (or other close-quarter) escorts, etc. MSC/Navy shall conduct their own investigations into marine casualties occurring during the aforementioned types of operations. However, should it be determined through MSC's investigation that a holder of a USCG MMC was determined to have a conviction for a violation of a dangerous drug law, be a user of or addicted to the use of a dangerous drug, or fails to submit to an ordered alcohol or drug test, then COMSC shall refer the findings to the USCG (via the USCG/MSC Investigations Officer) for a Suspension and Revocation investigation pursuant to 46 CFR § 5 (Marine Investigation Regulations – Personnel Action). Further, should MSC's investigation find a holder of a USCG MMC committed an act of misconduct or negligence unrelated to inherently military operations, such as sleeping on watch during EMCON, then COMSC may refer the

findings to the USCG (via the USCG/MSC Investigations Officer) for an investigation pursuant to 46 CFR § 5.

10. Personnel Action. The USCG has the authority to investigate matters pertaining to the conduct of any person who is issued a credential by the USCG, and who is or was employed aboard a ship operated by MSC (except as noted in the inherently military operations exception noted above). Moreover, the USCG may take administrative action as described under the authority of 46 CFR § 5 against a USCG issued credential held by any CIVMAR or contract crewmember assigned to a ship operated by MSC.

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 this document is provided. 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. Reporting of any verified positive test results, or a refusal of a drug or alcohol test, by Military Sealift Command shall be made within two-weeks of receiving the test results or notice of a test refusal. All reporting from Military Sealift Command to the U.S. Coast Guard required by this section shall be made by email, with results only, to DAPI@uscg.mil, with a copy to the USCG/MSC Liaison Officer.

d. Litigation Packages. Pursuant to 5 USC 552a, all documents associated with a verified positive drug or alcohol test that are 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. Results will be shared as described in this section.

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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-1 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, Domestic Compliance Division, COMDT (CG-CVC-1), 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 46CFR § 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.

Vessels will be reviewed continually by MSC N7 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-1). Such decision would be based on metrics-based feedback and monitoring of vessel materiel 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.

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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, COMDT (CG-CVC). Once requests are reviewed and accepted, the USCG will provide MSC Headquarters with a letter acknowledging their acceptance. A copy of this letter should be maintained onboard each covered MSC vessel. 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. 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, a GMDSS casualty shall not be considered to be an underway restrictive (no-sail 835) item, provided that 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 that the vessel substantially complies with applicable regulations. MSC shall submit requests for consideration of such variations to the USCG Headquarters Office of Commercial Vessel Compliance, COMDT (CG-CVC). 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 requests are reviewed at USCG Headquarters, the USCG 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. SBX-1 Sea Based X-Band Radar. 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 &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. Any oil transfer hose or pipe which is defective shall be removed from service immediately and/or repaired or replaced.

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 lifesaving appliance or arrangement on a USCG-certificated MSC vessel is replaced 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. A copy of acceptance letters should be maintained on board each USCG-certificated MSC vessel with equivalent equipment. 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, a casualty to one of the two rescue boats shall not be considered to be an underway restrictive (no-sail 835) provided that one rescue boat is available and fully operational and that a written repair plan has been submitted to the OCMI to outline expeditious repairs for the affected rescue boat.

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. A copy of acceptance letters should be maintained on board each affected USCG-certificated MSC vessel. The USCG shall update the CG MISLE database 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 1.50inch 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. MILSPEC pyrotechnics shall be accepted in lieu of USCG approved pyrotechnics.

7. Hospital Vessels. MSC's T-AH class hospital vessels shall be certificated in accordance with applicable sections of Title 46, Code of Federal Regulations Subchapters (I) and (H), and the military patients treated aboard these vessels shall be considered 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. These vessels are regularly employed in operations unrelated to towing. For consistency, T-ATF design vessels shall be noted as Public Vessels, Unclassified. The Master and officer in Charge of Navigation Watches will be certified 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 these civilian or military personnel will not be considered members of the crew, nor will they be considered passengers. Such personnel are not subject to the mariner credential, manning, and working hour requirements contained in 46 CFR Parts 10-15, but should be reflected in the total

number of persons allowed aboard the vessel, and subject to the provisions of paragraph 10 of this Annex). These personnel will be provided 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 that which is allowed by each vessel's respective Certificate of Inspection. This will only be used to embark security teams (military or contractor) on vessels when such measures are deemed necessary by COMSC or other cognizant military Commander 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) will be 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 crew member, and submit this modified abandon ship plan to the cognizant OCMI for approval. These lifesaving provisions will be included in all MSC charters where ESTs may be required. 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. The USCG will issue SOVCs in lieu of certificates for which class societies are not authorized. 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 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 classification society is restricted 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 society may not report the survey as complete, 2) the society may not endorse the SOVC for completion, 3) the society may issue short-term SOVC for up to 90 days, conditional upon an acceptable plan to correct deficiencies. The society shall indicate in its records that the survey was commenced 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 society will confer with CG-CVC-1 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. Any vessel that has been issued a vessel security plan by a COCOM shall be considered 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). MSC CIVMARs will not be required 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. VDR Annual Servicing. USCG recognizes that mission location data for MSC vessels is classified. VDR servicing technicians need to review inputs and alarms in order to confirm that the VDR unit is working as designed. Many may refuse to issue the annual servicing certificate if they have not been allowed (due to mission sensitivity) to download ship position information to complete a full system test. If this situation is encountered, 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, 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 utilization of DNC with a commercial type approved ECDIS shall be allowed, provided no compatibility issues exist that would induce errors, in accordance with USCG (CG-3PCV-1) letter serial 16711 dated 3 May 2007.

15. Single Hull Tankers.

a. 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, these vessels are annually issued a Statement of Fact (SOF) by ABS. Notwithstanding this lack of a MARPOL Annex I SOVC, they may continue to be certificated by the USCG 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 to be maintained by the American Bureau of Shipping and subject to review and approval by the USCG. Additionally, single hull oilers that were voluntarily enrolled in the International Maritime Organization (IMO) Condition Assessment Scheme (CAS) by MSC will continue in that program indefinitely until/unless a double hull is installed. For MSC vessels enrolled in ACP, the ABS will maintain a process instruction detailing the circumstances under which these vessels will be certified including CAS.

16. 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, where the risks of collision, grounding or fuel oil spills are minimized. 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 that were delivered after 1 August 2010 are not compliant with 12A, however the American Bureau of Shipping 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, persons supervising oil transfers conducted on-board these vessels will be given service credit as a person in charge (PIC) for tank vessels by the USCG National Maritime Center.

c. The installation of the non-SOLAS approved Sperry Mk 27F, Fiber Optic Gyro Compass (FOGs) on T-AKE hulls 1-14 is permitted under the terms of this MOA as it meets military specifications. Further, this installation will be accepted 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. On T-AKE class vessels the requirement for overboard discharge monitoring equipment (ODME) shall be waived. Where no ODME is installed all overboard discharges from cargo tanks shall be permanently blanked off. Any cargo slops that are generated shall be transferred to a reception facility or to the cargo oily waste tank for processing by the cargo oily water separator (OWS).

17. Transportation Worker Identification Credentials (TWIC). CIVMARs are not required 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, an application for a TWIC may be required for certain USCG credentialing transactions. The TWIC application is required for the USCG to collect 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.

18. 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.

19. 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), 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.

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

a. ESB class vessels are capable of carrying up to 250 military and civilian 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 250 persons. 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 is now 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.

21. 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).

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. Emergency Position Indicating Radio Beacon (EPIRB) Registration. EPIRB registration no longer requires registration, or reregistration, with NOAA. Decal stickers are no longer issued nor required. MSC N046 (N6) registers EPIRBs in the Personnel Recovery Mission Software (PRMS) Joint SARTSAT 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>)

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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 will be deployed outside of US territorial waters, approved courses may include original TRE, Revalidation of TRE and High Speed Craft Safety for ratings may be conducted worldwide aboard vessels that are Site Approved for that course.

b. After construction, EPFs may deliver with non-type rated crew members. Likewise, as newly converted ships, HSTs may deliver from their conversion availabilities with non-type rated crew members. 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 such time as the official endorsement is administratively processed by the NMC.

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 crew

member 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. The second revalidation in the five-year program will be conducted 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.

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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 and describes the basis for reimbursement by MSC to the USCG for support efforts provided to MSC and associated costs incurred by the USCG. Additionally, this agreement sets forth the circumstances under which such costs will be incurred and the procedures for coordination of payment.

2. USCG Support Requirements

a. The USCG is authorized to administer laws and promulgate and enforce 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, MSC 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.

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/MSC 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 or not 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/MSC Liaison Officer (military O-5), assigned to MSC Headquarters in Norfolk, VA;

(2) One designated USCG Investigations Officer (military O-4), assigned to MSC Headquarters in Norfolk, VA;

(3) One designated USCG Advanced Journeyman Marine Inspector (GS-14) assigned to MSC Headquarters in Norfolk, VA;

(4) 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-1);

(5) One designated resource manager, civilian (GS 11/12) assigned DCO (CG-DCO-832);

(6) Seven (7) 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. Civilian overtime costs by USCG personnel 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. Travel and per diem costs by USCG personnel who travel to conduct training, or other requested attendance, for MSC inside or outside of the United States are included under this MOA and will be vetted by the USCG/MSL Liaison Officer. These costs shall be reimbursed under a standard reimbursement billing process. Invoices will be initiated by the USCG FINANCE CENTER. All coordination and program management of this process is maintained by USCG Headquarters, Deputy Commandant for Operations, Reimbursements & Special Appropriations Division (CG-DCO-832).

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), Mr. Andrew Jepson (202) 372-1323 andrew.m.jepson@uscg.mil, 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, Ms. Danielle Leche at (757) 443-2786 or Danielle.leche@navy.mil.

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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 shall be responsible and be held 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
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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. § 93(a)20, 14 U.S.C. § 141, 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 Program is in effect are:
 - 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
 7. Effective date. The terms of this DME Pilot Program will become effective upon signing of this MOA.
 8. Modification. This agreement may be modified upon written agreement of both parties.
 9. Termination. This DME Pilot Program, including modifications made with the consent of both parties, is an annual agreement that will renew automatically unless otherwise terminated upon 60 days written notice to the other party. Either party may terminate this agreement for any reason.

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