

HYDROGRAPHIC SERVICES REVIEW PANEL COMMENTS

CERTIFICATION REQUIREMENTS FOR DISTRIBUTORS OF NOAA ELECTRONIC NAVIGATIONAL CHARTS/NOAA HYDROGRAPHIC PRODUCTS

Recommendation 1:

Change the title to: “PART 995—Certification Requirements for Distributors of NOAA Electronic Navigational Charts.”

Recommendation 2:

Move the definition of “Distributor” to Part 996 and clarify why a “Distributor” must redistribute a NOAA hydrographic product in its original format, yet a certified NOAA ENC Value Added Distributor (presumably a sub-category of “Distributor”) can redistribute a reformatted NOAA ENC (SENC).

Recommendation 3:

The proposed rule needs to clarify and distinguish between the (1) certification of distributors, (2) certification of processes, and (3) certification of products (i.e., official status –whether the product meets federal chart carriage requirements or not). The ultimate user must be able to readily determine whether or not a hydrographic product is suitable for navigation and meets federal chart carriage requirements.

Recommendation 4:

The proposed rule should treat the downloading and own use of official ENC the same for individuals and entities. The proposed rule mandates different outcomes for the same procedure simply because of who performed it.

Recommendation 5:

The proposed rule should require any commercially redistributed official ENC or derived product from an uncertified entity to notify the user that the product does not meet federal chart carriage requirements.

Recommendation 6:

NOAA should charge fees for all costs incurred in the certification process, based on the time and effort involved. There should be no exception for resubmissions of revised requests that were initially unacceptable and are sent in within 90 days.

Recommendation 7:

Strike redundant sentence, “NOAA reserves the right to audit certified distributors.”

Recommendation 8:

NOAA should reserve the right, to the extent practicable, to require the recall of all redistributed ENC’s and derived products that were produced during the period of non-compliance as determined by the NOAA audit.

Recommendations 9:

NOAA can and should properly require training and education materials to be provided. However, it cannot regulate that CEDs or CEVADs ensure that the user has a sufficient level of knowledge. This would require some form of testing on criteria that has not been established.

Recommendation 10:

Strike all of section 995.24 (a)(4) Additional data.

Recommendation 11:

Provide an up-to-date listing on the OCS web site of certified ENC distributors and their certified products.

Recommendation 12:

A certification statement must accompany the NOAA logo when used on hydrographic products.