

§ 111.39 Water skiing prohibited (Rule 39).

No person shall operate a motorboat or other vessel in or across the navigable channels or merchant vessel anchorages while towing a person or persons on water skis, or aquaplane or similar device at any time.

§ 111.40 Operation of small craft and recreational vessels in the Canal waters (Rule 40).

(a) For the purpose of this section, a small craft is defined as any vessel for recreational purposes which is not required to have the assistance of locomotives when transiting the locks.

(b) A small craft shall not be operated by any person who is intoxicated or who is a habitual user, or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely operating the craft or vessel. The fact that one lawfully is or has been using any drug shall not constitute a defense against a charge of violating this section.

(c) No person shall operate a small craft so close to a transiting or other vessel so as to hamper the safe operation of either vessel; nor shall any person operate a small craft in a negligent manner so as to endanger life or property.

(d) No person shall operate a small craft in the navigation channels of the Canal except when such operation is incidental to movement between points on either side of the navigation channel.

§ 111.41 Lights; marking of pipeline laid in navigable waters (Rule 41).

Whenever a pipeline is laid in navigable waters, it shall be marked at night by amber lights at intervals of 200 feet. The lights marking the limits of the gate shall be a vertical display of a white and a red light, the white light to be at least 4 feet above the red light. These lights shall be so constructed as to show all around the horizon and be visible from a distance of at least 1 mile.

PART 113—DANGEROUS CARGOES

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AUTHORITY: 22 U.S.C. 3811; EO 12215, 45 FR 36043, 3 CFR 1980 Comp., p. 257.

SOURCE: 50 FR 19679, May 10, 1985, unless otherwise noted.

Subpart A—General Provisions

§ 113.1 Application.

This part does not apply to vessels of war or auxiliary vessels, as those terms are defined in the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (September 7, 1977). This part applies to all other vessels, regardless of character, tonnage, size, service, and whether self-propelled or not, and whether arriving or departing, under way, moored, anchored, aground, transiting or passing through Canal waters, that are carrying dangerous cargo as defined in § 113.2(e).

§ 113.2 Definitions.

For the purpose of this part, the following definitions will apply:

(a) *Bulk Chemical Code* means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, including amendments thereto, which is generally applicable to ships built on or after April 12, 1972, but before July 1, 1986, and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, which is generally applicable to ships built on or after July 1, 1986.

(b) *Certificate of Compliance* means a certificate issued by a national government, or a society on behalf of a government, certifying that the ship is in compliance with the requirements of the Bulk Chemical Code or Gas Carrier Codes.

(c) *Certificate of Fitness* means a certificate issued by or on behalf of a national government in accordance with the Bulk Chemical Code or the Gas Carrier Codes, certifying that the construction and equipment of the vessel are adequate to permit the safe carriage of specified dangerous substances in the vessel.

(d) *Combustible liquids* means a volatile liquid having a flashpoint at 61° C (141° F) or above.

(e) *Dangerous cargo* means (1) any substance whether packaged or in bulk, intended for carriage or storage and having properties coming within the classes listed in the IMDG Code, and (2) any substance shipped in bulk not coming within the IMDG Code classes but which is subject to the requirements of the Bulk Chemical Code, the Gas Carrier Codes, or Appendix B of the Solid Bulk Code.

(f) *Dangerous cargo in bulk* means any dangerous substance, carried without any intermediate form of containment, in a tank or cargo space which is a structural part of a vessel or in a tank permanently fixed in or on a vessel.

(g) *Gas Carrier Codes* means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships built on or after July 1, 1986, and the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships built on or after December 31, 1976, but before July 1, 1986, and the Code for Existing Ships

Carrying Liquefied Gases in Bulk, which is generally applicable to ships delivered before December 31, 1976.

(h) *IMDG* means the International Maritime Dangerous Goods Code.

(i) *IMO* means the International Maritime Organization (formerly International Maritime Consultative Organization).

(j) *IMO Class* means the classification of a dangerous substance under the International Convention for the Safety of Life at Sea, 1960, as amended. Under this system of classification, dangerous substances are divided into 9 classes and subdivisions based on their particular properties.

(k) *IOPP Certificate* means an IMO International Oil Pollution Prevention Certificate certifying that the ship has been surveyed in accordance with regulations of MARPOL 73/78.

(l) *MARPOL 73/78* means the IMO International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto. Any annex thereto applies to vessels in waters of the Panama Canal beginning the date on which the annex enters into force by its terms.

(m) *Packaged dangerous goods* means any dangerous cargo contained in a receptacle, portable tank, freight container or vehicle. The term includes an empty receptacle, portable tank or tank vehicle which has previously been used for the carriage of a dangerous substance unless such receptacle or tank has been cleaned and dried, or when the nature of the former contents permits transport with safety.

(n) *SOLAS* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(o) *Solid Bulk Code* means the International Code of Safe Practice for Solid Bulk Cargoes.

(p) Reference to codes, international agreements, or other regulations shall also be deemed to refer to any amendments or additions thereto on or after the date such amendments or additions become effective.

§ 113.3 Classifications.

(a) Dangerous cargo shall be classified in accordance with the IMO class and division. Whenever there is a doubt

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as to the explosive or dangerous nature of any commodity, or in case of conflict as to its classification, determination of the nature and classification of such cargoes shall be made by the Marine Safety Advisor or his designee. Dangerous cargoes shall be divided into the following classes:

- (1) Class 1—Explosives.
 - (i) 1.1—Substances and articles which have a mass explosion hazard.
 - (ii) 1.2—Substances and articles which have a projection hazard but not a mass explosion hazard.
 - (iii) 1.3—Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard, or both, but not a mass explosion hazard.
 - (iv) 1.4—Substances and articles which present no significant hazard.
 - (v) 1.5—Very insensitive substances which has a mass explosion hazard.
- (2) Class 2—Gases: Compressed, liquefied or dissolved under pressure.
 - (i) 2.1—Inflammable gases.
 - (ii) 2.2—Nonflammable gases.
 - (iii) 2.3—Poisonous gases.
- (3) Class 3—Inflammable liquids.
 - (i) 3.1—Low flashpoint group (flashpoint below -18°C or 0°F).
 - (ii) 3.2—Intermediate flashpoint group (flashpoint between -18°C (0°F) and 23°C (73°F)).
 - (iii) 3.3—High flashpoint group (flashpoint between 23°C (73°F) and 61°C (141°F)).
- (4) Class 4—Inflammable solids or substances.
 - (i) 4.1—Inflammable solids.
 - (ii) 4.2—Substances liable to spontaneous combustion.
 - (iii) 4.3—Substances emitting inflammable gases when wet.
- (5) Class 5—Oxidizing substances and organic peroxides.
 - (i) 5.1—Oxidizing substances.
 - (ii) 5.2—Organic peroxides.
- (6) Class 6—Poisonous and infectious substances.
 - (i) 6.1—Poisonous substances.
 - (ii) 6.2—Infectious substances.
- (7) Class 7—Radioactive substances.
- (8) Class 8—Corrosives.
- (9) Class 9—Miscellaneous dangerous substances.

This class includes any other substance which experience has shown, or may show, to be of such a dangerous char-

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acter that the application of the hazardous cargo rules are warranted. Class 9 includes a number of substances and articles which cannot be properly covered by the provisions applicable to the other classes, or which present a relatively low transportation hazard.

(b) Combustible liquids having flashpoints above 61°C (141°F) are not considered to be dangerous by virtue of their fire hazard.

[50 FR 19679, May 10, 1985, as amended at 54 FR 37326, Sept. 8, 1989]

§ 113.4 Safety and alarm systems.

(a) All dangerous cargo alarms, safety devices, and the vessel's firefighting systems shall be tested 24 hours prior to arrival in Canal waters by any vessel carrying dangerous cargoes. An entry shall be made in the ship's log stating that such tests were conducted and the systems found in proper working order or, if not in proper order, a detailed listing of discrepancies shall be included.

(b) This log entry shall be available for inspection by the boarding officer. Any deviations from the "proper working order" condition shall be brought to the attention of the boarding officer.

(Approved by the Office of Management and Budget under control number 3207-0001)

[50 FR 19679, May 10, 1985, as amended at 54 FR 37327, Sept. 8, 1989]

§ 113.5 Inspections.

The Canal Operations Captain or the Marine Safety Advisor or their designees may inspect vessels carrying dangerous cargoes to ensure that such vessels are in compliance with the requirements of this part.

[54 FR 37327, Sept. 8, 1989]

Subpart B—Vessels Carrying Dangerous Cargoes in Bulk

§ 113.21 Application.

This subpart applies to vessels carrying dangerous liquefied gases, liquids and solids in bulk, or tankers in ballast condition which are not gas free. It

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does not apply to vessels carrying combustible liquids in bulk as prescribed in § 113.3(b), subpart A, of this part.

[54 FR 37327, Sept. 8, 1989]

§ 113.22 Advance notice.

Vessels subject to this subpart shall provide not less than 48 hours advance notice to Canal authorities by radio of the information required by the "GOLF" item in the prearrival radio message prescribed in § 123.4(a) of this subchapter.

(Approved by the Office of Management and Budget under control number 3207-0001).

[54 FR 37327, Sept. 8, 1989]

§ 113.23 Anchoring requirements.

(a) Vessels subject to this subpart shall communicate with the signal stations at Flamenco Island or Christobal prior to arrival as required by § 101.1 of this title and await instructions before anchoring.

(b) Such vessels will be instructed to anchor in one of the explosive anchorage areas as described in § 101.8(a) (2) and (3) and (c) (2) of this title.

§ 113.24 Signals.

Vessels subject to this subpart shall display the flags and lights described in § 111.23(d) of this subchapter.

§ 113.25 Vessel requirements.

(a) Vessels subject to this subpart shall comply with the following standards set forth in IMO Conventions and Codes, which are hereby incorporated by reference:

(1) All vessels subject to this subpart shall comply with MARPOL 73/78.

(2) Vessels carrying dangerous chemicals in bulk shall comply with the Bulk Chemical Code.

(3) Bulk liquefied gas carriers shall comply with the Gas Carrier Codes.

(4) Solid bulk carriers shall comply with the Solid Bulk Code.

(b) The standards incorporated by reference in paragraph (a) of this section, are further described as follows:

(1) MARPOL 73/78 is the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. The Convention is contained

in IMO publication number 520 77.14.E "International Conference on Marine Pollution, 1973." The 1978 Protocol is contained in IMO publication number 088 78.09.E "International Conference on Tanker Safety and Pollution Prevention, 1978." The Bulk Chemical Code is in two parts: the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, which is generally applicable to ships built on or after April 12, 1972, and before July 1, 1986, and is contained in IMO publications 767 80.13.E and 770 83.13.E. (For a complete set of the Code and its most recent amendments, both of these publications must be consulted.) The other part is the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, which is generally applicable to ships built on or after July 1, 1986, and is contained in IMO publication number 100 83.11.E. The Gas Carrier Codes are the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships built on or after July 1, 1986, and which is contained in IMO publication number 104 83.12.E, the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships built on or after December 31, 1976, but before July 1, 1976, and which is contained in IMO publication number 782 83.16.E, and the Code for Existing Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships delivered before December 31, 1976, and which is contained in IMO publication number 788 76.11.E. The Solid Bulk Code is the International Code of Safe Practice for Solid Bulk Cargoes, contained in IMO publication number 258 83.18.E. These publications are for sale from the International Maritime Organization, Publications Section, 4 Albert Embankment, London, SE1 7SR, England.

§ 113.26 Transit requirements.

(a) To better ensure the safe passage of vessels subject to this subpart, operating restrictions beyond those applicable to other vessels may be imposed by the Canal Operations Captain or his designee.

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(b) Such vessels shall have safety towing pendants ready at hand, fore and aft, prior to entering the locks. Such pendants shall be rigged over the side when anchored or moored in Canal waters.

[50 FR 19679, May 10, 1985, as amended at 54 FR 37327, Sept. 8, 1989]

§ 113.27 Cargo requirements.

(a) The loading, handling, inspection, stowage, segregation, maintenance, and certification of dangerous bulk cargoes shall be in compliance with the IMO standards and regulations which are incorporated by reference in § 113.25.

(b) Any special requirements for carrying chemicals or liquefied gases in bulk as stated on a vessel's Certificate of Fitness or Certificate of Compliance shall be complied with.

§ 113.28 Documents.

(a) Vessels subject to this subpart shall have ready for delivery to the Canal boarding officer a loading plan, as described in § 101.10(e) of this subchapter.

(b) Such vessels shall have ready for examination, as prescribed by § 101.10(a), the following certificates:

(1) A valid MARPOL 73/78 Certificate (same as International Oil Pollution Prevention Certificate).

(2) A valid SOLAS Certificate.

(3) A valid Certificate of Fitness or Certificate of Compliance (required for bulk chemical and liquefied gas carriers only.)

(Approved by the Office of Management and Budget under control number 3207-0001)

§ 113.29 Prohibited cargoes.

(a) Unstable or explosive substances in bulk which are unduly sensitive or so reactive as to be subject to spontaneous reaction are prohibited in Canal waters.

(b) Bulk dangerous cargoes not listed in the Bulk Chemical Code, Gas Carrier Codes, or Solid Bulk Code are prohibited in Canal waters unless advance approval is given by the Marine Safety Advisor or his designee to carry such cargoes.

(c) Bulk chemical and liquefied gas carriers are prohibited from carrying

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in Canal waters dangerous cargoes that are not listed on their Certificate of Fitness or Certificate of Compliance, unless 30 days advance notice is given by the vessel and the Marine Safety Advisor or his designee approves the carriage of such cargoes in Canal waters.

(Approved by the Office of Management and Budget under control number 3207-0001)

[50 FR 19679, May 10, 1985, as amended at 54 FR 37327, Sept. 8, 1989]

Subpart C—Vessels Carrying Dangerous Packaged Goods

§ 113.41 Application.

This subpart applies to vessels carrying packaged dangerous goods.

§ 113.42 Advance notice.

Vessels subject to this subpart shall provide not less than 48 hours advance notice to Canal authorities by radio of the information required in the "HOTEL" item of the radio message prescribed in § 123.4 of this subchapter, except that vessels carrying explosives shall provide the information required in the "GOLF" item of the message.

(Approved by the Office of Management and Budget under control number 3207-0001)

[54 FR 37327, Sept. 8, 1989]

§ 113.43 Anchoring requirements.

(a) Vessels subject to this subpart shall communicate with the signal stations at Flamenco Island or Cristobal prior to arrival as required in § 101.1 of this subchapter and await instructions before anchoring.

(b) Such vessels will be instructed to anchor in one of the designated anchorage areas as described in § 101.8(a) or (c).

(c) Vessels carrying explosives or especially reactive or large amounts of dangerous materials as determined by the Canal Operations Captain, or his designee, may be instructed to anchor in one of the explosive anchorage areas described in § 101.8(a) (2), (3) and (c)(2) of this subchapter.

[50 FR 19679, May 10, 1985, as amended at 54 FR 37327, Sept. 8, 1989]

§ 113.44 Vessel requirements.

(a) Vessels subject to this subpart shall comply with the standards set forth in SOLAS and the IMDG pertaining to the construction, maintenance, inspection, certification, and classification of the vessel, its safety equipment including alarms, and its cargo stowage and handling systems, which are hereby incorporated by reference.

(b) SOLAS, which is incorporated by reference in paragraph (a) of this section, is the International Convention for the Safety of Life at Sea, 1974, together with the Protocol of 1978 relating thereto. The Convention is set forth in Treaties and Other International Acts Series number 9700 and the Protocol is set forth in number 10009 of the same series. These publications are for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Convention is also contained in IMO publication number 080 75.01.E "International Conference on Safety of Life at Sea, 1974," and the Protocol is contained in IMO publication number 088 78.09.E "International Conference on Tanker Safety and Pollution Prevention, 1978." IMDG is the International Maritime Dangerous Goods Code, which is contained in IMO publication numbers 200 81.10.E, 236 81.17.E, and 238 82.21.E. (For current version of the IMDG, all three publications must be consulted.) The IMO publications referred to in this paragraph are for sale from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, England.

§ 113.45 Transit requirements.

Normal operating restrictions will generally apply unless such vessels are carrying more than five tons of explosives or carrying especially more reactive or large amounts of dangerous goods as determined by the Marine Safety Advisor or his designee, in which case additional operating restrictions may be imposed.

[54 FR 37327, Sept. 8, 1989]

§ 113.46 Cargo requirements.

The loading, packing, labeling, marking, handling, stowage, segregation,

maintenance, inspection, and certification of packaged dangerous goods shall be in compliance with the IMDG Code, which is incorporated by reference. See § 113.44, Vessel Requirements.

§ 113.47 Documents.

Vessels subject to this subpart shall have ready for delivery to the Commission boarding officer a dangerous cargo manifest, as described in § 101.10(d) of this subchapter.

(Approved by the Office of Management and Budget under control number 3207-0001)

§ 113.48 Prohibited cargoes.

Packaged dangerous goods which are not carried in compliance with the IMDG Code are prohibited in Canal waters.

§ 113.49 Class 1, Explosives.

(a) Vessels carrying explosives shall comply with the IMDG Code, which is incorporated by reference. See § 113.44, Vessel Requirements, and § 113.46, Cargo Requirements.

(b) Explosive cargo to be used for other than official U.S. Government purposes may not be loaded or off-loaded at facilities of the Panama Canal Commission. Explosive anchorages prescribed in §§ 101.8(a)(2) and (3) and 101.8(c)(2) of this chapter may be used upon approval of the Marine Safety Advisor, or his designee, and with the concurrence of the Canal Operations Captain.

(c) The Marine Safety Advisor or his designee, upon application, may permit the discharge of explosives, whether intended for civilian or military use, at Commission docks and other locations within Canal waters in an emergency or when the character or packing of the explosives permits their safe discharge there.

[50 FR 19679, May 10, 1985, as amended at 54 FR 37327, Sept. 8, 1989; 63 FR 18837, Apr. 16, 1998]

§ 113.50 Class 7, Radioactive substances.

(a) Vessels carrying radioactive substances shall comply with the IMDG

Code, which is incorporated by reference. See §113.44, Vessel Requirements, and §113.46, Cargo Requirements.

(b) Any cask or container containing radioactive substances, together with any attachments thereto, may not weigh more than 150 tons.

(c) For the purpose of approval of shipments and prior notification of radioactive substances under the IMDG Code, Panama Canal waters will be considered a country en route. Notification shall be given to Canal authorities 30 days in advance of the arrival of the vessel in Canal waters for all fissionable materials, in order that approval may be given by the Marine Safety Advisor, or his designee, to transit such cargoes.

(d) Vessels carrying nuclear materials shall be required to provide current proof of financial responsibility and adequate provision for indemnity covering public liability and loss to the United States or any agency thereof, comparable in general scope to the protection afforded under section 170 of the United States Atomic Energy Act of 1954, as amended, 68 Stat. 919, 71 Stat. 576, or consistent with international practice and standards as set forth by the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal. Vessels shall also be required to furnish the Commission with the results of cargo radiation survey reports in accordance with the standards in IMO class 7.

(e) For the following radioactive substances, not less than 48-hour advance information required under §123.4 shall be provided, indicating the specifics required by the IMDG Code:

(1) Low Specific Activity Substances or Low Level Solid Radioactive Substances as specified in Class 7 schedules 5, 6, and 7 of the IMDG Code.

(2) Radioactive Substances carried in limited quantities as specified in Class 7 schedules 1, 2, 3, and 4 of the IMDG Code.

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[50 FR 19679, May 10, 1985, as amended at 54 FR 37327, Sept. 8, 1989]

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

Sec.

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115.5 Recorder may administer oaths.

115.6 Assistance of owners or operators and masters.

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AUTHORITY: 22 U.S.C. 3778; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.

SOURCE: 31 FR 12310, Sept. 16, 1966, unless otherwise noted.

§115.1 Board of Local Inspectors.

There is hereby continued the Board of Local Inspectors of the Panama Canal Commission, constituted as provided in §115.2, which shall perform, conduct and execute—

(a) The investigations called for by 22 U.S.C. 3778;

(b) The functions and responsibilities with which it is vested by this part and by parts 117 and 119 of this chapter; and

(c) Such other duties in matters of a marine character as it may be assigned from time to time by the Administrator.

[63 FR 2142, Jan. 14, 1998]

§115.2 Composition of the Board.

(a) The Board of Local Inspectors, referred to in this part as "the Board," shall, except as otherwise provided in paragraph (b) of this section, consist of the following officials who shall serve in the capacities stated:

(1) Chairman, Board of Local Inspectors.

(2) Canal Operations Captain, as member.

(3) Senior Canal Port Captain, as member.

(b) In the absence of the Chairman, or where the subject matter or circumstances of a particular accident warrant such action, the Maritime Operations Director may designate an alternate to replace any official regularly serving on the Board.

(c) Any accident investigation or other proceeding may, in the discretion of the Chairman, be conducted by one