

## PART 401—SEAWAY REGULATIONS AND RULES

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### Subpart A—Regulations

AUTHORITY: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52(a), unless otherwise noted.

SOURCE: 39 FR 10900, Mar. 22, 1974, unless otherwise noted.

#### § 401.1 Short title.

These regulations may be cited as the “Seaway Regulations (the “Practices and Procedures” in Canada).”

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52913, Aug. 31, 2000]

#### § 401.2 Interpretation.

In the regulations in this part:

(a) *Corporation* means the Saint Lawrence Seaway Development Corporation;

(b) *Flashpoint* means the lowest temperature of a flammable liquid at which its vapor forms an ignitable mix-

ture with air as determined by the closed-cup method.

(c) *Manager* means the St. Lawrence Seaway Management Corporation;

(d) *Navigation season* means the annual period designated by the Corporation and the Manager, that is appropriate to weather and ice conditions or vessel traffic demands, during which the Seaway is open for navigation;

(e) *Officer* means a person employed by the Corporation or the Manager to direct some phase of the operation or use of the Seaway;

(f) *Passing through* means in transit through a lock or through the waters enclosed by the approach walls at either end of a lock chamber;

(g) *Pleasure craft* means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(h) *Preclearance* means the authorization given by the Corporation or the Manager for a vessel to transit;

(i) *Representative* means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for preclearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(j) *Seaway* means the deep waterway between the Port of Montreal and Lake Erie and includes all locks, canals and connecting and contiguous waters that are part of the deep waterway, and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Corporation or the Manager;

(k) *Seaway station* means a radio station operated by the Corporation or the Manager;

(l) *Tanker* means any vessel specifically constructed for carrying bulk cargoes of liquid petroleum products, liquid chemicals, liquid edible oils and liquified gases in tanks which form both an integral part and the total cargo carrying portion of that vessel.

(m) *Tariff of Tolls* means the same as *Schedule of Tolls* in Canada.

(n) *Tolls(s)* or *tolls and charges* is included in the definition of *fees* in Canada.

(o) *Towed* means pushed or pulled through the water;

(p) *Transit* means to use the Seaway, or a part of it, either upbound or downbound;

(q) *Vessel* (*ship* in Canada) means any type of craft used as a means of transportation on water; and

(r) *Vessel traffic controller* (*ship traffic controller* in Canada) means the officer who controls vessel traffic from a Seaway station.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52377, Aug. 7, 1980; 65 FR 52913, 52915, Aug. 31, 2000; 66 FR 15329, Mar. 16, 2001]

#### CONDITION OF VESSELS

##### § 401.3 Maximum vessel dimensions.

(a) Subject to paragraph (e) of this section, no vessel of more than 222.5 m in overall length or 23.8 m in extreme breadth shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than 35.5 m above water level.

(c) No vessel shall transit if any part of its bridges or anything on the vessel protrudes beyond the hull.

(d) No vessel's hull or superstructure when alongside a lock wall shall extend beyond the limits of the lock wall, as illustrated in Appendix I of this Part.

(e) A vessel having a beam width in excess of 23.2 m, but not more than 23.8 m, and having dimensions that do not exceed the limits set out in the block diagram in Appendix I of this Part or overall length in excess of 222.5 m, but not more than 225.5 m, shall, on application to the Manager or Corporation, be considered for transit in accordance with directions issued by the Manager and Corporation.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52377, Aug. 7, 1980; 47 FR 51121, Nov. 12, 1982; 48 FR 20690, May 9, 1983; 61 FR 19550, May 2, 1996; 65 FR 52913, Aug. 31, 2000]

##### § 401.4 Maximum length and weight.

No vessel of less than 6 m in overall length or 900 kg in weight shall transit.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51121, Nov. 12, 1982]

##### § 401.5 Required equipment.

(a) No vessel shall transit unless it is (1) Propelled by motor power that is adequate in the opinion of an officer; and (2) Marked and equipped in accordance with the requirements of § 401.6 to 401.21.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[43 FR 25817, June 15, 1978, as amended at 45 FR 52378, Aug. 7, 1980]

##### § 401.6 Markings.

(a) Vessels of more than 20.0 m in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than 110 m in overall length shall be marked on both sides with midship draft markings.

(c) Where a vessel's bulbous bow extends forward beyond her stem head, a symbol of a bulbous bow shall be marked above the 79.2 dm mark in addition to a "+" symbol followed by a number indicating the total length in meters by which the bulbous bow projects beyond the stem.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51121, Nov. 12, 1982, as amended at 61 FR 19551, May 2, 1996]

##### § 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with fenders—

(1) That are made of steel, hardwood, or teflon or a combination of two or all of these materials, are of a thickness not exceeding 15 centimeters, with well tapered ends, and are located along the hull, close to the main deck level; and

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(2) That by no later than the beginning of the 1997 navigation season are permanently attached to the vessel, except that portable fenders, other than rope hawsers, are allowed for a single transit basis if the portable fenders are—

- (i) Made of a material that will float; and
- (ii) Securely fastened and suspended from the vessel in a horizontal position by a steel cable or a fiber rope in such a way that they can be raised or lowered in a manner that does not damage Seaway installations.

[61 FR 19551, May 2, 1996]

**§ 401.8 Landing booms.**

Vessels of more than 50 m in overall length shall be equipped with at least one adequate landing boom on each side.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51121, Nov. 12, 1982]

**§ 401.9 Radiotelephone equipment.**

(a) Self-propelled vessels, other than pleasure craft of less than 20.0 m in overall length, shall be equipped with VHF (very high frequency) radiotelephone equipment.

(b) The radio transmitters on a vessel shall:

- (1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of 48 km; and
- (2) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.55, 156.6, 156.65, 156.7, and 156.8 MHz.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 40 FR 11721, Mar. 13, 1975; 47 FR 51121, Nov. 12, 1982; 48 FR 20690, May 9, 1983; 61 FR 19551, May 2, 1996]

**§ 401.10 Mooring lines.**

(a) Mooring lines shall:

- (1) Be of a uniform thickness throughout their length;
- (2) Have a diameter not greater than 28mm;

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(3) Be fitted with a spliced eye not less than 2.4 m long;

(4) Have sufficient strength to check the vessel; and

(5) Be arranged so that they may be led to either side of the vessel as required.

(b) Unless otherwise permitted by an officer, only wire rope mooring lines with a breaking strength that complies with the minimum specifications set out in the table in this section shall be used for securing a vessel in lock chambers.

(c) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway.

TABLE

Overall length of vessels	Length of mooring line	Breaking strength
40 m or more but not more than 60 m .....	110 m	89 kN.
More than 60 m but not more than 90 m .....	110 m	134 kN.
More than 90 m but not more than 120 m .....	110 m	178 kN.
More than 120 m but not more than 180 m .....	110 m	250 kN.
More than 180 m but not more than 222.5 m .....	110 m	300 kN.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and sec. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51121, Nov. 12, 1982; 48 FR 20691, May 9, 1983; 48 FR 22545, May 19, 1983; 61 FR 19551, May 2, 1996; 65 FR 52913, Aug. 31, 2000]

**§ 401.11 Fairleads.**

Mooring lines, and synthetic hawsers where permitted under paragraph (b) or (c) of § 401.10, shall:

(a) Be led at the vessel's side through a type of fairlead acceptable to the Corporation and the Authority;

(b) Pass through not more than two inboard fairleads that are fixed in place and provided with free-running sheaves or rollers; and

(c) Where the fairleads are mounted flush with the hull, be permanently fendered to prevent the lines from being pinched between the vessel and a wall.

**§ 401.12 Minimum requirements—mooring lines and fairleads.**

(a) Minimum requirements in respect of mooring lines, which shall be available for securing on either side of the vessel, winches, and the location of fairleads on vessels are as follows:

(1) Vessels of 40 m or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter.

(2) Vessels of more than 40 m but not more than 60 m in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Manager, of which two mooring lines:

(i) One shall lead forward from the break of the bow and one astern from the quarter, or

(ii) One shall lead astern from the break of the bow and one forward from the quarter;

(3) The other two mooring lines required on vessels of more than 40 m but not more than 60 m may be led through closed chocks and may be hand held;

(4) Vessels of more than 60 m in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

(i) All shall be power operated by the main drums of adequate power operated winches and not by capstans or windlasses; and

(ii) All shall be led through a type of fairlead acceptable to the Corporation and the Manager.

(5) Every vessel shall have a minimum of two spare mooring wires available and ready for immediate use.

(b) The following table sets out the requirements for the location of fairleads for vessels of 60 m or more in overall length:

Overall length of vessels	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
60 m or more but not more than 90 m.	Between 10 m and 25 m from the stem.	Between 10 m and 25 m from the stern.

TABLE—Continued

Overall length of vessels	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
More than 90 m but not more than 120 m.	Between 12 m and 30 m from the stem.	Between 15 m and 35 m from the stern.
More than 120 m but not more than 150 m.	Between 12 m and 35 m from the stem.	Between 15 m and 40 m from the stern.
More than 150 m but not more than 180 m.	Between 15 m and 40 m from the stem.	Between 20 m and 45 m from the stern.
More than 180 m but not more than 222.5 m.	Between 20 m and 50 m from the stem.	Between 20 m and 50 m from the stern.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51121, Nov. 12, 1982; 48 FR 20691, May 9, 1983; 55 FR 48598, Nov. 21, 1990; 65 FR 52915, Aug. 31, 2000]

**§ 401.13 Hand lines.**

Hand lines shall:

(a) Be made of manila or other material acceptable to the Corporation and the Manager, and

(b) Be of uniform thickness and have a diameter of not less than 15 mm and not more than 17 mm and a minimum length of 30 m.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 49 FR 30935, Aug. 2, 1984; 61 FR 19551, May 2, 1996; 65 FR 52914, 52915, Aug. 31, 2000]

**§ 401.14 Anchor marking buoys.**

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with 22 m of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51122, Nov. 12, 1982]

**§ 401.15 Stern anchors.**

Every vessel of more than 110 m in overall length, the keel of which is laid

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after January 1, 1975, shall be equipped with a stern anchor.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[48 FR 20691, May 9, 1983]

#### § 401.16 Propeller direction alarms.

Every vessel of 1600 gross registered tons or more shall be equipped with—

(a) Propeller direction and shaft r.p.m. indicators located in the wheelhouse and the engine room; and

(b) Visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room, unless the vessel is fitted with a device which renders it impossible to operate engines against orders from the bridge telegraph.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[41 FR 12227, Mar. 24, 1976, as amended at 45 FR 52378, Aug. 7, 1980]

#### § 401.17 Pitch indicators and alarms.

Every vessel of 1600 gross registered tons or more equipped with a variable pitch propeller shall be equipped with

(a) A pitch indicator in the wheelhouse and the engine room; and

(b) Effective April 1, 1984, visible and audible pitch alarms in the wheelhouse and engine room to indicate wrong pitch.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51122, Nov. 12, 1982]

#### § 401.18 Steering lights.

Every vessel shall be equipped with

(a) A steering light located on the centerline at or near the stem of the vessel and clearly visible from the helm; or

(b) Two steering lights located at equal distances either side of the centerline at the forepart of the vessel and clearly visible from the bridge along a line parallel to the keel.

[49 FR 30935, Aug. 2, 1984]

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#### § 401.19 Disposal and discharge systems.

(a) Every vessel not equipped with containers for ordure shall be equipped with a sewage disposal system enabling compliance with the Garbage Pollution Prevention Regulations of Canada, the Great Lakes Sewage Pollution Prevention Regulations of Canada, the Clean Water Act of 1977 of the United States, and the River and Harbor Act of the United States.

(b) Garbage on a vessel shall be:

(1) Destroyed by means of an incinerator or other garbage disposal device; or

(2) Retained on board in covered, leakproof containers, until such time as it can be disposed of in accordance with the provisions of the Garbage Pollution Prevention Regulations of Canada, the Great Lakes Sewage Pollution Prevention Regulations of Canada, the Clean Water Act of 1977 of the United States, and the River and Harbor Act of the United States.

(c) No substance shall be discharged or disposed of onto a lockwall or tie-up wall by any means, including overboard discharge pipes.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52378, Aug. 7, 1980; 49 FR 30936, Aug. 2, 1984; 55 FR 48578, Nov. 21, 1990; 55 FR 52844, Dec. 24, 1990]

#### § 401.20 [Reserved]

#### § 401.21 Requirements for U.S. waters of the St. Lawrence Seaway.

In addition to the requirements set forth elsewhere in these Regulations, vessels transiting the U.S. waters of the St. Lawrence Seaway are subject to the requirements set out in Schedule I.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52378, Aug. 7, 1980]

PRECLEARANCE AND SECURITY FOR  
TOLLS

**§ 401.22 Preclearance of vessels.**

(a) No vessel, other than a pleasure craft of 317.5 tonnes or less in displacement, shall transit until an application for preclearance has been made, pursuant to § 401.24 of this part, to the Manager by the vessel's representative and the application has been approved by the Corporation or the Manager pursuant to § 401.25 of this part.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of:

(1) The expiration of the representative's guarantee of toll payment,

(2) A change of ownership or representative of the vessel, or

(3) A material alteration in the physical characteristics of the vessel, until another application for preclearance has been made and approved.

(c) A non-commercial vessel with a tonnage displacement of less than 317.5 tons cannot apply for preclearance status and must transit as a pleasure craft.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51122, Nov. 12, 1982; 55 FR 48598, Nov. 21, 1990; 65 FR 52914, 52915, Aug. 31, 2000; 66 FR 15329, Mar. 16, 2001]

**§ 401.23 Liability insurance.**

(a) It is a condition of approval of an application for preclearance that the vessel is covered by liability insurance equal to or exceeding \$100 per gross registered ton.

(b) No vessel shall transit while its liability insurance is not in full force and effect.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52378, Aug. 7, 1980]

**§ 401.24 Application for preclearance.**

The representative of a vessel may, on a form (3 copies) obtained from the Corporation, Massena, New York, or the Manager, Cornwall, Ontario, apply for preclearance, giving particulars of

the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the tolls and charges that may be incurred by the vessel.

(Approved by the Office of Management and Budget under control number 2135-0002)

[42 FR 27586, May 31, 1977, as amended at 49 FR 30936, Aug. 2, 1984; 65 FR 52914, 52915, Aug. 31, 2000]

**§ 401.25 Approval of preclearance.**

Where the Corporation or the Manager approves an application for preclearance, it shall:

(a) Give the approval; and

(b) Assign a number to the approval.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52914, 52915, Aug. 31, 2000]

**§ 401.26 Security for tolls.**

(a) Before transit by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the "St. Lawrence Seaway Tariff of Tolls" as well as security for any other charges, shall be provided by the representative by means of:

(1) A deposit of money with the Manager;

(2) A deposit of money to the credit of the Manager with a bank in the United States or a member of the Canadian Payments Association, a corporation established by section 3 of the Canadian Payments Association Act, or a local cooperative credit society that is a member of a central cooperative credit society having membership in the Canadian Payments Association;

(3) A deposit with the Manager of negotiable bonds of the Government of the United States or the Government of Canada; or

(4) A letter of guarantee to the Manager given by an institution referred to in paragraph (a)(2) of this section.

(5) A letter of guarantee or bond given to the Manager by an acceptable Bonding Company. Bonding companies may be accepted if they:

(i) Appear on the list of acceptable bonding companies as issued by the Treasury Board of Canada; and

(ii) Meet financial soundness requirements as may be defined by the Manager at the time of the request.

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(b) The security for the tolls of a vessel shall be sufficient to cover the tolls established in the "St. Lawrence Seaway Tariff of Tolls" for the gross registered tonnage of the vessel, cargo carried, and lockage tolls as estimated by the Manager.

(c) Where a number of vessels:

(1) For each of which preclearance has been given;

(2) Are owned or controlled by the same individual or company; and

(3) Have the same representative, the security for the tolls is not required if the individual, company, or representative has paid every toll invoice received in the preceding five years within the period set out in § 401.75(a).

(d) Notwithstanding paragraph (c) of this section, where a number of vessels, for each of which a preclearance has been given, are owned or controlled by the same individual or company and have the same representative, the security for tolls may be reduced or eliminated provided the representative has paid every toll invoice received in the preceding five years within the period set out in § 401.75(a). The representative must provide the Manager with a financial statement that meets the requirements established by the Manager.

(e) Where, in the opinion of the Manager, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Manager may suspend the preclearance of the vessel.

[65 FR 52914, Aug. 31, 2000]

SEAWAY NAVIGATION

**§ 401.27 Compliance with instructions.**

Every vessel shall comply promptly with transit instructions given by the vessel traffic controller or any other officer.

**§ 401.28 Speed limits.**

(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in any area between the place set out in Column I of an item of Schedule II to this part

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and a place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever speed is designated by the Corporation and the Manager in a Seaway Notice from time to time as being appropriate to existing water levels.

(b) Where the Corporation or the Manager designate any speed less than the maximum speeds set out in Schedule II of this part, that speed shall be transmitted as transit instructions referred to in § 401.27.

(c) Every vessel under way shall proceed at a reasonable speed so as not to cause undue delay to other vessels.

(d) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51122, Nov. 12, 1982; 55 FR 48599, Nov. 21, 1990; 65 FR 52914, Aug. 31, 2000]

**§ 401.29 Maximum draft.**

(a) The loading, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.<sup>1</sup>

(b) The draft of a vessel shall not, in any case, exceed 79.2 dm or the maximum permissible draft designated in a Seaway Notice by the Corporation and the Manager for the part of the Seaway in which a vessel is passing.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[42 FR 27587, May 31, 1977, as amended at 45 FR 52378, Aug. 7, 1980; 47 FR 51122, Nov. 12, 1982; 65 FR 52914, Aug. 31, 2000]

**§ 401.30 Ballast water and trim.**

(a) Every vessel shall be adequately ballasted.

(b) Every vessel shall be properly trimmed.

<sup>1</sup>The main channels between the Port of Montreal and Lake Erie have a controlling depth of 8.23 m.

(c) Any vessel that is not adequately ballasted or properly trimmed in the opinion of an officer, may be refused transit or may be delayed.

(d) Beginning in the 2002 navigation season, to obtain clearance to transit the Seaway:

(1) Every vessel entering the Seaway after operating beyond the exclusive economic zone must agree to comply with the "Code of Best Practices for Ballast Water Management" of the Shipping Federation of Canada dated September 28, 2000, while operating anywhere within the Great Lakes and the Seaway; and

(2) Every other vessel entering the Seaway that operates within the Great Lakes and the Seaway must agree to comply with the "Voluntary Management Practices to Reduce the Transfer of Aquatic Nuisance Species Within the Great Lakes by U.S. and Canadian Domestic Shipping" of the Lake Carriers Association and Canadian Shipowners Association dated January 26, 2001, while operating anywhere within the Great Lakes and the Seaway.

[39 FR 10900, Mar. 22, 1974, as amended at 67 FR 8887, Feb. 27, 2002]

#### § 401.31 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Collision Regulations of Canada and the Inland Rules of the United States.

(b) No vessel shall meet another vessel within the area between the caution signs at bridges or within any area that is designated as a "no meeting area" by signs erected by the Corporation or the Manager in that area.

(c) Except as instructed by the vessel traffic controller, no vessel shall overtake and pass or attempt to overtake and pass another vessel:

(1) In any canal;

(2) Within 600 m of a canal or lock entrance; or

(3) After the order of passing through has been established by the vessel traffic controller.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52378, Aug. 7, 1980; 49 FR 30936, Aug. 2, 1984; 55 FR 48599, Nov. 21, 1990; 65 FR 52915, Aug. 31, 2000]

#### § 401.32 Cargo booms—deck cargo.

(a) Every vessel shall have cargo booms secured in a manner that affords maximum visibility from the wheelhouse.

(b) Cargo or containers carried, forward or aft, on deck shall be stowed in a manner that:

(1) Affords an unrestricted view from the wheelhouse for the purpose of navigation; and

(2) Does not interfere with mooring equipment.

[39 FR 10900, Mar. 22, 1974, as amended at 41 FR 12227, Mar. 24, 1976]

#### § 401.33 Special instructions.

No vessel of unusual design, vessel, or part of a vessel under tow, or vessel whose dimensions exceed the maximum vessel dimensions § 401.3 shall transit the Seaway except in accordance with special instructions of the Corporation or the Manager given on the application of the representative of the vessel.

[65 FR 52914, Aug. 31, 2000]

#### § 401.34 Vessels in tow.

No vessel that is not self-propelled shall be underway in any canal unless it is securely tied to an adequate tug or tugs, in accordance with special instructions given by the Corporation or the Manager pursuant to § 401.33.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

#### § 401.35 Navigation underway.

Every vessel transiting between C.I.P. 2 and Tibbetts Point and between C.I.P. 15 and 16 shall:

(a) Man the propulsion machinery of the vessel, including the main engine control station; and

(b) Operate the propulsion machinery so that it can respond immediately through its full operating range.

[49 FR 30936, Aug. 2, 1984]

#### § 401.36 Order of passing through.

Vessels shall advance to a lock in the order instructed by the vessel traffic controller.

#### § 401.37 Mooring at tie-up walls.

(a) Upon arrival at a lock, a vessel awaiting instructions to advance shall

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moor at the tie-up wall, close up to the designated limit of approach sign or to the vessel preceding it, whichever is specified by an officer.

(b) Crew members being put ashore on landing booms and handling mooring lines on tie-up walls shall wear U.S. Coast Guard or Canadian approved life jackets.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51122, Nov. 12, 1982; 65 FR 52914, Aug. 31, 2000]

**§ 401.38 Limit of approach to a lock.**

A vessel approaching a lock or the guard gate cut shall comply with directions indicated by the signal light system associated with the lock or the guard gate cut, and in no case shall its stem pass the designated limit of approach sign while a red light or no light is displayed.

[49 FR 30936, Aug. 2, 1984]

**§ 401.39 Preparing mooring lines for passing through.**

Before a vessel enters a lock:

(a) Unless winches can pay out at a minimum speed of 46 m per minute, sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

(b) The eye of each mooring line shall be passed outward through the fairleads at the side.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51122, Nov. 12, 1982]

**§ 401.39-1 Raising fenders.**

Every vessel equipped with fenders that are not permanently attached shall raise its fenders when passing a lock gate in Snell or Eisenhower Locks.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[49 FR 30936, Aug. 2, 1984]

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**§ 401.40 Entering a lock.**

(a) No vessel shall proceed into a lock in such a manner that the stem passes the stop symbol on the lock wall nearest the closed gates.

(b) Every vessel proceeding into a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

(c) No vessel shall use thrusters when passing a lock gate.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52378, Aug. 7, 1980, and 47 FR 51122, Nov. 12, 1982, as amended at 48 FR 20691, May 9, 1983]

**§ 401.41 Tandem lockage.**

Where two or more vessels are being locked together, vessels astern of the leading vessel shall:

(a) Come to a full stop a sufficient distance from the preceding vessel to avoid a collision; and

(b) Be moved into mooring position as directed by the officer in charge of the lock.

**§ 401.42 Passing hand lines.**

(a) At locks, hand lines shall be secured to the mooring lines and passed as follows:

(1) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, by means of a bowline, which hand lines shall be passed to the linehandlers at the lock as soon as the vessel passes the open gates;

(2) Hand lines shall be passed to upbound vessels by the linehandlers as soon as the vessel passes the open gates, and secured, by means of a clove hitch, to the mooring lines 60 cm behind the splice of the eye;

(3) At Iroquois Lock and Lock 8, Welland Canal, both upbound and downbound vessels shall use their own hand lines as provided in paragraph (a)(1) of this section; and

(4) Upbound vessels in Locks 4 and 5, Welland Canal, in excess of 218 m shall secure the hand line in the eye of No. 1 mooring wire by means of a bowline.

(b) Knotted or weighted hand lines shall not be used in the chamber of a lock.

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(c) Mooring lines shall not be passed over the side of a vessel in a manner dangerous to a lock crew.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51122, Nov. 12, 1982; 55 FR 48599, Nov. 21, 1990; 61 FR 19551, May 2, 1996]

**§ 401.43 Mooring table.**

Unless otherwise directed by an officer, vessels passing through the locks shall moor at the side of the tie-up wall or lock as shown in the table to this section.

	South Shore		Beauharnois			Wiley-Dondero Iroquois		
	St. Lambert	Cote St. Catharine	Lower	Pool	Upper	Snell	Eisenhower	Iroquois
Locks:								
Upbound .....	Port .....	Port .....	Starboard	.....	Starboard	Starboard	Starboard	Port.
Downbound .....	Starboard	Starboard	Port .....	.....	Port .....	Port .....	Port .....	Starboard.
Tieup walls:								
Upbound .....	...do .....	...do .....	...do .....	Port .....	.....	Starboard	Starboard	...Do.
Downbound .....	Port .....	Port .....	.....	Starboard	Starboard	Port .....	Port .....	Port.

**Welland Canal**

	1	2	3	4	5	6	7	Guard Gate Cut	8
Locks:									
Upbound .....	Starboard	Starboard	Port .....	.....	Starboard.				
Downbound .....	Port .....	Port .....	Starboard	...do .....	...do .....	...do .....	Starboard	.....	Port.
Tieup walls:									
Upbound .....	Starboard	Starboard	...do .....	Starboard	.....	.....	...do .....	Starboard	Port or starboard.
Downbound .....	Port .....	Port .....	Port .....	.....	.....	Starboard	...do .....	Port .....	Do.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, May 22, 1974, as amended at 40 FR 11721, Mar. 13, 1975; 45 FR 52378, Aug. 7, 1980; 49 FR 30936, Aug. 2, 1984; 55 FR 48599, Nov. 21, 1990; 61 FR 19551, May 2, 1996]

**§ 401.44 Mooring in locks.**

(a) Mooring lines shall only be placed on mooring posts as directed by the officer in charge of a mooring operation.

(b) No winch from which a mooring line runs shall be operated until the officer in charge of a mooring operation has signalled that the line has been placed on a mooring post.

**§ 401.45 Emergency procedure.**

When the speed of a vessel entering a lock chamber has to be checked in an emergency, a signal consisting of five blasts on a horn shall be given by the master and all mooring lines shall be put out as quickly as possible.

[61 FR 19551, May 2, 1996]

**§ 401.46 Attending lines.**

(a) Lines of a vessel shall be under visual control and attended by mem-

bers of its crew during the time the vessel is passing through a lock.

(b) While a vessel is within a lock chamber and lines are hand held for tension control, each line shall be attended by at least one member of the vessel's crew.

**§ 401.47 Leaving a lock.**

(a) Mooring lines shall only be cast off as directed by the officer in charge of a mooring operation.

(b) No vessel shall proceed out of a lock until the exit gates, ship arresters and the bridge, if any, are in a fully open position.

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(c) No vessel shall use thrusters when passing a lock gate.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 48 FR 20691, May 9, 1983]

### § 401.48 Turning basins.

No vessel shall be turned about in any canal, except:

(a) With permission from the vessel traffic controller; and

(b) At the locations set out in the table to this section.

TABLE

1. South Shore Canal:
  - (a) Turning Basin No. 1—Opposite Brossard.
  - (b) Turning Basin No. 2—Between Lock 7 and the Guard Gate Cut for vessels up to 180 m in overall length.
2. Welland Canal:
  - (a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to 107 m in overall length.
  - (b) Turning Basin No. 2—Between Lock 7 and the Guard Gate Cut for vessels up to 180 m in overall length.
  - (c) Turning Basin No. 3—Immediately south of Port Robinson (Mile 13).
  - (d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 170 m in overall length.
  - (e) For vessels up to 80 m in overall length.
    - (1) North end of Wharf No. 1,
    - (2) Tie-up wall above Lock 1,
    - (3) Tie-up wall below Lock 2,
    - (4) Wharf No. 9,
    - (5) Between the southerly extremities of Wharves 18-2 and 18-3.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51123, Nov. 12, 1982; 48 FR 20691, May 9, 1983; 49 FR 30936, Aug. 2, 1984]

### § 401.49 Dropping anchor or tying to canal bank.

Except in an emergency, no vessel shall drop anchor in any canal or tie-up to any canal bank unless authorized to do so by the vessel traffic controller.

### § 401.50 Anchorage areas.

Except in an emergency, or unless authorized to do so by the vessel traffic controller, no vessel shall drop anchor in any part of the Seaway except in the following designated anchorage areas:

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- (a) Point Fortier (Lake St. Louis).
- (b) Melocheville (Beauharnois Canal).
- (c) St. Zotique, Dickerson Island and Stonehouse Point (Lake St. Francis).
- (d) Wilson Hill Island and Morrisburg (Lake St. Lawrence).
- (e) Prescott and Union Park (St. Lawrence River).
- (f) Off Port Weller (Lake Ontario).
- (g) Off Port Colborne (Lake Erie).

[39 FR 10900, Mar. 22, 1974, as amended at 40 FR 25813, June 19, 1975]

### § 401.51 Signaling approach to a bridge.

(a) Unless a vessel's approach has been recognized by a flashing signal, the master shall signal the vessel's presence to the bridgemaster by VHF radio when it comes abreast of any of the bridge whistle signs.

(b) The signs referred to in paragraph (a) of this section shall be placed at distances varying between 550 m and 2,990 m upstream and downstream from moveable bridges at sites other than lock sites.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[48 FR 20691, May 9, 1983, as amended at 49 FR 30936, Aug. 2, 1984]

### § 401.52 Limit of approach to a bridge.

(a) No vessel shall pass the limit of approach sign at any movable bridge until the bridge is in a fully open position and the signal light shows green.

(b) No vessel shall pass the limit of approach sign at the twin Railway Bridges on the South Shore Canal at Kahnawake until both bridges are in a fully open position and both signal lights show green.

[39 FR 10900, Mar. 22, 1974, as amended at 61 FR 19551, May 2, 1996; 65 FR 52914, Aug. 31, 2000]

### § 401.53 Obstructing navigation.

No vessel shall be operated, drop anchor or be fastened or moored in a manner that obstructs or hinders navigation.

### § 401.54 Interference with navigation aids.

(a) Aids to navigation shall not be interfered with or used as moorings.

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(b) No person shall, unless authorized by the Corporation or the Manager, set out buoys or navigation markers on the Seaway.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52914, 52915, Aug. 31, 2000]

**§ 401.55 Searchlights.**

No searchlight shall be used in such a manner that its rays interfere with the operators at a Seaway structure or on any vessel.

**§ 401.56 Damaging or defacing Seaway property.**

The master of every vessel shall:

(a) Navigate so as to avoid damage to Seaway property; and

(b) Prevent defacement of Seaway property by any member of the vessel's crew.

**§ 401.57 Disembarking or boarding.**

(a) Except as authorized by an officer, no person, other than a member of the crew of a vessel passing through, shall disembark or board any vessel while the vessel is passing through.

(b) No member of the crew of a vessel passing through shall disembark or board except for the purpose of carrying out essential duties as directed by the Master.

**§ 401.58 Pleasure craft scheduling.**

The transit of pleasure craft shall be scheduled by the vessel traffic controller or the officer in charge of a lock and may be delayed so as to avoid interference with other vessels.

**§ 401.59 Pollution.**

(a) No vessel shall:

(1) Emit sparks or excessive smoke; or

(2) Blow boiler tubes.

(b) No vessel shall discharge into Seaway waters any substance not in conformity with applicable United States Federal Regulations and Canadian Regulations with the exception of the waters of the Welland Canal where two specific zones are established in which no substances shall be discharged, namely,

(1) From Lock 7 (Thorold) to mile 17 (Welland); and

(2) From Lock 8 (Port Colborne) to the outer Port Colborne Piers (Lake Erie).

(c) A record shall be kept by the vessel of each location within the Seaway or adjacent waters where bilge water has been discharged.

(d) Except as authorized by the Corporation or the Manager, no vessel shall discharge garbage, ashes, ordure, litter or other materials.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 45 FR 52379, Aug. 7, 1980; 65 FR 52914, 52915, Aug. 31, 2000]

**RADIO COMMUNICATIONS**

**§ 401.60 Listening watch and notice of arrival.**

(a) Vessels shall be on radio listening watch on the applicable assigned frequency while within a Seaway traffic control sector as shown on the General Seaway Plan and shall give notice of arrival in the manner prescribed in § 401.64 upon reaching any designated calling in point.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a Seaway station.

**§ 401.61 Assigned frequencies.**

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16)—Distress and Calling.

156.7 MHz (channel 14)—Working (Canadian Stations in Sector 1 and the Welland Canal).

156.65 MHz (channel 13)—Working (U.S. Stations in Lake Ontario and Sector 4 of the River).

156.6 MHz (channel 12)—Working (U.S. Stations in Sector 2 of the River).

156.55 MHz (channel 11)—Working (Canadian Stations in Sector 3, Lake Ontario and Lake Erie).

[55 FR 48599, Nov. 21, 1990; 56 FR 732, Jan. 8, 1991]

**§ 401.62 Seaway stations.**

The Seaway stations are located as follows:

VDX20 (Seaway Beauharnois)—Upper Beauharnois Lock—Traffic Control Sector No. 1.

KEF (Seaway Eisenhower)—Eisenhower Lock—Traffic Control Sector No. 2.

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VDX21 (Seaway Iroquois)—Iroquois Lock—Traffic Control Sector No. 3.  
 WAG (Seaway Clayton)—Clayton, N.Y.—Traffic Control Sector No. 4.  
 WAG (Seaway Sodus)—Sodus, N.Y.—Traffic Control Sector No. 4.  
 VDX72 (Seaway Newcastle)—Port Hope, Ontario—Traffic Control Sector No. 5.  
 VDX70 (Seaway Newcastle)—Port Weller, Ontario—Traffic Control Sector No. 5.  
 VDX22 (Seaway Welland)—St. Catharines, Ontario—Traffic Control Sector No. 6.

VDX68 (Seaway Long Point)—Port Colborne, Ontario—Traffic Control Sector No. 7.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 40 FR 25813, June 19, 1975; 45 FR 52379, Aug. 7, 1980]

**§ 401.63 Radio procedure.**

Every vessel shall use the channels of communication in each control sector as listed in the table to this section.

Control sector No. and station	Sector limits	Call in	Work	Listening watch
1 Seaway Beauharnois .....	C.I.P. No. 2 to C.I.P. No. 6-7 .....	Channel 14 ..	Channel 14 ..	Channel 14.
2 Seaway Eisenhower .....	C.I.P. No. 6-7 to C.I.P. No. 10-11 .....	Channel 12 ..	Channel 12 ..	Channel 12.
3 Seaway Iroquois .....	C.I.P. No. 10-11 to Cross Over Island .....	Channel 11 ..	Channel 11 ..	Channel 11.
4 Seaway Clayton .....	Cross Over Island to Cape Vincent .....	Channel 13 ..	Channel 13 ..	Channel 13.
4 Seaway Sodus .....	Cape Vincent to Mid-Lake Ontario .....	.....do .....	.....do .....	Do.
5 Seaway Newcastle .....	Mid-Lake Ontario to C.I.P. No. 15 .....	Channel 11 ..	Channel 11 ..	Do.
6 Seaway Welland .....	C.I.P. No. 15 to C.I.P. No. 16 .....	Channel 14 ..	Channel 14 ..	Channel 14.
7 Seaway Long Point .....	C.I.P. No. 16 to Long Point .....	Channel 11 ..	Channel 11 ..	Channel 16.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 40 FR 11721, Mar. 13, 1975; 40 FR 25814, June 16, 1975; 43 FR 25818, June 15, 1978; 45 FR 52379, Aug. 7, 1980]

**§ 401.64 Calling in.**

(a) Every vessel, intending to transit or in transit, shall report on the assigned frequency to the designated Seaway station when opposite any calling in point or checkpoint (indicated on the General Seaway Plan) and, when reporting, shall give the information indicated in Schedule III.

(b) Changes in information provided under paragraph (a), including updated ETAs that vary from the ETAs provided under that paragraph by 30 minutes or more, shall be reported to the appropriate Seaway station.

(c) A downbound vessel in St. Lambert Lock shall switch to channel 10 (156.5 MHz) for a traffic report from Montreal Vessel Traffic Management Center.

(d) After obtaining the situation report referred to in paragraph (c) of this section, the downbound vessel shall return to guarding channel 14 (156.7 MHz) and remain on that channel until it is clear of St. Lambert Lock chamber.

(e) When the downbound vessel has cleared the downstream end of the

lower approach wall of St. Lambert Lock, the master of the vessel shall call "Seaway Beauharnois" and request permission to switch to channel 10 (156.5 MHz).

(f) Seaway Beauharnois shall grant the permission requested pursuant to paragraph (e) of this section and advise the downbound vessel of any upbound traffic that may be cleared for Seaway entry but not yet at C.I.P. 2.

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall remain on channel 14 (156.7 MHz) until the meeting has been completed.

(h) After the meeting, the downbound vessel shall call "Seaway Beauharnois" before switching to channel 10 (156.5 MHz).

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 43 FR 25818, June 15, 1978; 47 FR 51123, Nov. 12, 1982; 61 FR 19551, May 2, 1996]

**§ 401.65 Communication—ports, docks and anchorages.**

(a) Every vessel entering or leaving a lake port shall report to the appropriate Seaway station at the following check points:

(1) For the lake ports of Toronto and Hamilton, 1 nautical mile outside the harbor limits; and

(2) For other lake ports, when crossing the harbor entrance.

(b) Every vessel arriving at a port, dock or anchorage shall report to the appropriate Seaway station, giving an estimated time of departure if possible, and, at least four hours prior to departure, every vessel departing from a port, dock or anchorage shall report in the same way giving its destination and the expected time of arrival at the next check point.

(c) Every vessel departing from a port, dock or anchorage, shall report to the appropriate Seaway station its destination and the expected time of arrival at the next check point.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 47 FR 51123, Nov. 12, 1982; 55 FR 48599, Nov. 21, 1990; 61 FR 19551, May 2, 1996]

## DANGEROUS CARGO

AUTHORITY: Sections 401.66 through 401.73 issued under 68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471.

SOURCE: Sections 401.66 through 401.73 appear at 45 FR 52379, Aug. 7, 1980, unless otherwise noted.

**§ 401.66 Applicable laws.**

(a) Vessels carrying a cargo or part cargo of fuel oil, gasoline, crude oil or other flammable goods in bulk, including empty tankers which are not gas free, and vessels carrying dangerous substances whether break-bulk or containerized, to which regulations made under the *Canada Shipping Act*, or under the *Transportation of Dangerous Goods Act* or to which the *Dangerous Cargo Act* or the *Hazardous Materials Transportation Act* of the United States or regulations issued pursuant thereto apply, shall be deemed to carry dangerous substances and shall not transit

unless all requirements of the said Statutes and regulations and of these Regulations have been fulfilled.

(b) Every vessel carrying dangerous cargo, as described in §§ 401.66 through 401.73, and all tankers carrying liquid cargo in bulk, shall file with the Corporation and the Manager a copy of the current load plan as described in § 401.72(e).

[45 FR 52379, Aug. 7, 1980, as amended at 61 FR 19551, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

**§ 401.67 Explosive vessels.**

A vessel carrying explosives, either Government or commercial, as defined in the Dangerous Cargo Act of the United States and in the International Maritime Dangerous Goods Code, Class 1, Divisions 1.1 to 1.5 inclusive, shall be deemed for the purpose of these Regulations to be an explosive vessel.

**§ 401.68 Explosives permit.**

(a) A Seaway Explosives Permit is required for an explosive vessel in the following cases:

(1) For all vessels carrying any quantity of explosives with a mass explosive risk, up to a maximum of 2 tonnes (IMO Class 1, Division 1.1);

(2) For all vessels carrying more than 10 tonnes and up to a maximum of 50 tonnes of explosives that do not explode en masse (IMO Class 1, Division 1.2);

(3) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of explosives having a fire hazard without explosive effect (IMO Class 1, Division 1.3); and

(4) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of safety explosives and shop goods (IMO Class 1, Divisions 1.4 and 1.5).

(b) When an explosive vessel is carrying quantities of explosives above the maximum mentioned in paragraph (a), no Seaway Explosives Permit shall be granted and the vessel shall not transit.

(c) A written application for a Seaway Explosives Permit certifying that the cargo is packed, marked, and stowed in accordance with the Canadian Regulations respecting the Carriage of Dangerous Goods, the United

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States Regulations under the Dangerous Cargo Act, and the International Maritime Dangerous Goods Code may be made to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 or to the St. Lawrence Seaway Management Corporation, 202 Pitt Street, Cornwall, Ontario, K6J 3P7.

(d) A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous cargo shall be kept on board every explosive vessel in transit and shall be made available to any officer requiring production of such copies.

(Approved by the Office of Management and Budget under control number 2135-0004)

[45 FR 52379, Aug. 7, 1980, as amended at 47 FR 51123, Nov. 12, 1982; 48 FR 20691, May 9, 1983; 49 FR 30936, Aug. 2, 1984; 55 FR 48599, Nov. 21, 1990; 65 FR 52914, Aug. 31, 2000]

## § 401.69 Hazardous cargo vessels.

For the purpose of these Regulations, a vessel shall be deemed to be a hazardous cargo vessel in the following cases:

(a) A tanker carrying fuel oil, gasoline, crude oil or other flammable liquids in bulk, having a flashpoint below 61 °C, including a tanker that is not gas free where its previous cargo had a flashpoint below 61 °C;

(b) A tanker carrying compressed liquefied gases, bulk acids or liquefied chemicals;

(1) In excess of 50 tonnes of gases, compressed, liquified or dissolved under pressure (IMO Class 2),

(2) In excess of 50 tonnes of flammable liquids having a flashpoint below 61 °C (IMO Class 3),

(3) In excess of 50 tonnes of flammable solids, spontaneously combustible material or substances emitting combustible gases when wet (IMO Class 4),

(4) In excess of 50 tonnes of oxidizing substances or organic peroxides (IMO Class 5),

(5) Any quantity of poisonous (toxic) substances and infectious substances (IMO Class 6),

(6) Any quantity of radioactive substances (IMO Class 7),

(7) In excess of 50 tonnes of corrosive substances (IMO Class 8),

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(8) Any quantity of metal turnings, borings, cuttings, or shavings in bulk having a temperature on loading or in transit in excess of 65.5 °C, and

(9) Any quantity of grain that is under fumigation, where the chemical being used is hazardous to human life.

(10) Any quantity of direct reduced iron (DRI).

[45 FR 52379, Aug. 7, 1980, as amended at 47 FR 51123, Nov. 12, 1982; 48 FR 20691, May 9, 1983]

## § 401.70 Fendering—explosive and hazardous cargo vessels.

All explosive vessels requiring a permit in accordance with § 401.68 and all tankers carrying cargo with a flashpoint of up to 61 °C, except those carrying such cargo in center tanks with gas free wing tanks, shall be equipped with a sufficient number of non-metallic fenders on each side to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

## § 401.71 Signals—explosive or hazardous cargo vessels.

An explosive or hazardous cargo vessel shall display at the masthead or at an equivalent conspicuous position a “B” flag.

[61 FR 19551, May 2, 1996]

## § 401.72 Reporting—explosive and hazardous cargo vessels.

(a) Every explosive vessel or hazardous cargo vessel shall, when reporting information related to cargo as required by § 401.64(a), report the nature and tonnage of its explosive or hazardous cargo and the flashpoint of that cargo where applicable. Every vessel carrying grain which is under fumigation shall declare the nature of the fumigant and its properties.

(b) Every explosive vessel requiring a Seaway Explosives Permit shall, when reporting in, give the number of its Seaway Explosives Permit.

(c) Every hazardous cargo vessel carrying metal turnings, shavings, cuttings or borings in bulk shall, when reporting information related to cargo as required by § 401.64(a), give the high temperature reading of each compartment at that time, together with the

high temperature reading in each compartment taken on completion of loading.

(d) Every vessel carrying radioactive substances shall, when reporting in, give the number and date of issue of any required certificate issued by the Atomic Energy Control Board authorizing such shipment.

(e) Every vessel carrying dangerous cargo, as defined in §401.66, and all tankers carrying liquid cargo in bulk shall, before transiting any part of the Seaway, file with the Corporation and the Manager a copy of the current load plan that includes the following information:

(1) The name of the cargo, its IMO class and UN number as set out in the IMDG Code, if applicable, or, if the cargo is not classed by the IMO and does not have a UN number, the words "NOT CLASSED";

(2) The weight in metric tonnes and the stowage location of each commodity;

(3) The approximate weight in metric tonnes or the approximate volume in cubic meters in each hold or tank;

(4) The flashpoint of the cargo, if applicable; and

(5) The estimated date of entry into the Seaway and the date and time that the load plan was last issued or amended.

(f) For tankers, the information required under this §401.72 shall be detailed on a plan showing the general layout of the tanks, and, if a tanker is so fitted, a midship cross-section showing double bottom tanks and ballast side tanks.

(g) If a Material Safety Data Sheet (MSDS) on a hazardous cargo that a vessel is carrying is not available in a Seaway Traffic Control Center, the vessel shall provide information enabling the preparation of an MSDS.

(h) Every vessel shall submit its load plan to the nearest Seaway Traffic Control Center and, if there are subsequent changes in stowage including loading and discharging during a transit, the vessel shall submit an updated plan before departing from any port between St. Lambert and Long Point.

[45 FR 52379, Aug. 7, 1980, as amended at 61 FR 19551, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

#### § 401.73 Cleaning tanks—hazardous cargo vessels.

Cleaning and gas freeing of tanks shall not take place:

(a) In a canal or a lock;

(b) In an area that is not clear of other vessels or structures; and

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.

[55 FR 48599, Nov. 21, 1990]

#### TOLL ASSESSMENT AND PAYMENT

#### § 401.74 Transit declaration.

(a) A Seaway Transit Declaration Form (Cargo and Passenger) shall be forwarded to the Manager by the representative of a vessel, for each vessel that has an approved preclearance except non-cargo vessels within fourteen days after the vessel enters the Seaway on any upbound or downbound transit. The form may be obtained from the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, or the St. Lawrence Seaway Management Corporation, 202 Pitt Street, Cornwall, Ontario K6J 3P7.

(b) The loaded or manifest weight of cargo shall be shown on the Seaway Transit Declaration Form, except in the case of petroleum products where gallonage meters are not available at the point of loading, in which case offloaded weights may be shown on the Declaration Form.

(c) Where a vessel carries cargo to or from an overseas port, a copy of the cargo manifest, duly certified, shall be forwarded with the Seaway Transit Declaration Form.

(d) A Weight-Scale Certificate or similar document issued in the place of a cargo manifest may be accepted in lieu thereof.

(e) Where a Seaway Transit Declaration Form is found to be inaccurate concerning the destination, cargo or passengers, the representative shall immediately forward to the Manager a revised Declaration Form.

(f) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls and toll accounts shall be forwarded in duplicate to the representative or its designated agent.

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(g) Where government aid cargo is declared, appropriate Canadian (Revenue Canada Customs and Excise form B-13) or U.S. (Shippers Export Declaration form 7525) customs form or a stamped and signed certification letter from the U.S. or Canada Customs must accompany the transit declaration form.

(Approved by the Office of Management and Budget under control number 2135-0003)

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 48 FR 20691, May 9, 1983; 49 FR 30936, Aug. 2, 1984; 65 FR 52914, Aug. 31, 2000]

### § 401.75 Payment of tolls.

(a) Every toll invoice shall be paid in Canadian funds within forty-five days after the vessel enters the Seaway, and any adjustment of the amount payable shall be provided for in a subsequent invoice.

(b) Tolls, established by agreement between Canada and the United States and known as the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft in Canadian or U.S. funds for the transit of each Canadian Seaway lock. At U.S. locks, the toll is paid in U.S. funds or the pre-established equivalent in Canadian funds (see § 402.8 of this chapter).

[61 FR 19552, May 2, 1996, as amended at 65 FR 52915, Aug. 31, 2000; 66 FR 15329, Mar. 16, 2001]

### § 401.76 In-transit cargo.

Cargo that is carried both upbound and downbound in the course of the same voyage shall be reported in the Seaway Transit Declaration Form, but is deemed to be ballast and not subject to toll assessment.

### § 401.77 [Reserved]

#### INFORMATION AND REPORTS

### § 401.78 Required information.

(a) Documentary evidence, comprising inspection certificates, load line certificates, crew lists, dangerous cargo manifest and the cargo stowage plan, shall be carried on board and shall be made available to any officer requiring production of such evidence.

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(b) Documentary evidence, comprising evidence of cargo declared, cargo manifest, dangerous cargo manifest and bills of lading, shall be kept by the agent, owner or operator for a period of five years, or until an audit has been performed by the Corporation or the Manager, whichever occurs first, and such documents shall be made available to an officer requiring production of such evidence.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980, as amended at 65 FR 52915, Aug. 31, 2000]

### § 401.79 Advance notice of arrival, vessels requiring inspection.

Every vessel shall provide at least twenty-four hours notice of arrival to the nearest Seaway station prior to an initial transit or in case reinspection of the vessel is required.

### § 401.80 Reporting dangerous cargo.

(a) The master of any explosive vessel or hazardous cargo vessel shall report to a Seaway station, as set out in Schedule III, the nature, quantity, and IMO classification of the dangerous cargo and where it is stowed on the vessel.

(b) The master of any vessel, that takes on explosive or hazardous cargo while in the Seaway, shall report to the nearest Seaway station at least four hours prior to commencing transit from a port, dock or wharf, the nature, quantity and IMO classification of the dangerous cargo and where it is stowed on the vessel.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[48 FR 20691, May 9, 1983]

### § 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident, the master of the vessel shall report the accident to the nearest Seaway station immediately or as soon as the vessel can make radio contact with the station.

(b) Where a vessel approaching the Seaway with intent to transit has been involved in an accident in the course of its last voyage that might affect its

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ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station before entering the Seaway.

[39 FR 10900, Mar. 22, 1974, as amended at 40 FR 11721, Mar. 13, 1975; 65 FR 52915, Aug. 31, 2000]

**§ 401.82 Reporting mast height.**

A vessel, any part of which extends more than 33.5 m above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the nearest Seaway station.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[48 FR 20691, May 9, 1983]

**§ 401.83 Reporting position at anchor, wharf, etc.**

A vessel anchoring in a designated anchorage area, or elsewhere, and a vessel mooring at a wharf or dock, tying up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the vessel traffic controller and it shall not resume its voyage without the vessel traffic controller's permission.

**§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.**

While transiting the Seaway, the master of a vessel shall immediately report to the nearest Seaway station:

- (a) Any condition of the vessel that might impair its ability to transit safely and expeditiously;
- (b) Any hazardous condition of the vessel;
- (c) Any malfunction on the vessel of equipment required by §§401.5 to 401.19 and subsections (e) through (j) of Schedule I of subpart A of this Part;
- (d) Any difficulty on the part of the vessel in controlling its tow or tows;
- (e) Any hazard, dangerous situation or malfunctioning aid to navigation which has not been published in a Notice to Mariners;
- (f) Any loss of anchor with particulars of the precise location of the loss; and

(g) Any location where visibility is less than one nautical mile.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980, as amended at 47 FR 51124, Nov. 12, 1982; 61 FR 19552, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

**§ 401.85 Reporting of impairment or other hazard by vessels intending to transit the Seaway.**

The master of any vessel which intends to transit the Seaway shall report to the nearest Seaway Station, prior to entering the Seaway, any of the conditions set out in paragraphs (a) through (d) of § 401.84.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980]

**DETENTION AND SALE**

**§ 401.86 Security for damages or injury.**

An officer may detain a vessel that causes:

- (a) Damage to property of the Corporation;
- (b) Damage to goods or cargo stored on property of the Corporation; or
- (c) Injury to employees of the Corporation; until security satisfactory to the Corporation has been provided.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

**§ 401.87 Detention for toll arrears or violations.**

(a) An officer may detain a vessel where:

- (1) The tolls or charges levied against the vessel have not been paid; or
  - (2) A violation of these Regulations has taken place in respect of the vessel.
- (b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.
- (c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel

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has been detained, is deposited with the Corporation as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation may:

- (1) Return the deposit;
- (2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or
- (3) Retain the deposit if the depositor agrees to retention by the Corporation of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

## § 401.88 Power of sale for toll arrears.

(a) Where a vessel has been detained pursuant to § 401.87(a) and payment of the tolls and charges or the fine imposed has not been made within a reasonable time after

- (1) The time of the detention, in the case of arrears of tolls and charges, or
- (2) The imposition of the fine or penalty, in the case of a violation, the Corporation may direct that the vessel or its cargo or any part thereof be seized and sold subject to and in accordance with an order of a court of competent jurisdiction.

(b) The Corporation may, after giving such notice as it deems reasonable to the representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) An amount equal to the cost of the detention, seizure and sale, and

- (1) The tolls and charges payable, or
- (2) The fine or penalty imposed on conviction, shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the

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vessel or cargo or the mortgagee thereof, as the case may be.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 41 FR 12227, Mar. 24, 1976; 47 FR 51124, Nov. 12, 1982; 65 FR 52915, Aug. 31, 2000]

### GENERAL

## § 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when,

(1) The vessel is not equipped in accordance with §§ 401.5 to 401.19 and subsections (e) to (j) of Schedule I of subpart A of this part when transiting the Canadian waters of the Seaway;

(2) The vessel, its cargo, equipment or machinery are in a condition that will prevent safe or expeditious transit by that vessel; or

(3) The vessel is manned with a crew that is incompetent or inadequate.

[39 FR 10900, Mar. 22, 1974, as amended at 61 FR 19552, May 2, 1996; 65 FR 52915, Aug. 31, 2000]

## § 401.90 Boarding for inspections.

(a) For the purpose of enforcing these Regulations in this part in both Canadian and U.S. waters, an officer may board any vessel and:

(1) Examine the vessel and its cargo; and

(2) Determine that the vessel is adequately manned.

(b) In addition to § 401.90(a)(1) and (2) in Canadian waters, a Manager's officer may also:

(1) Require any person appearing to be in charge of the vessel to produce for inspection, or for the purpose of making copies or extracts, any log book, document or paper; and

(2) In carrying out an inspection:

(i) Use or cause to be used any computer system or data processing system on the vessel to examine any data contained in, or available to, the system;

(ii) Reproduce any record, or cause it to be reproduced from the data, in the form of a print-out or other intelligible output and remove the print-out or

other output for examination or copying; and

(iii) Use or cause to be used any copying equipment in the vessel to make copies of any books, records, electronic data or other documents.

(c) In Canadian waters, the owner or person who is in possession or control of a vessel that is inspected, and every person who is found on the vessel, shall:

(1) Give the officer all reasonable assistance to enable the officer to carry out the inspection and exercise any power conferred by the Canada Marine Act; and

(2) Provide the officer with any information relevant to the administration of these practices and procedures that the officer may reasonably require.

[65 FR 52915, Aug. 31, 2000; 65 FR 56486, Sept. 19, 2000]

#### § 401.91 Removal of obstructions.

The Corporation or the Manager may, at the owner's expense, move any vessel, cargo, or thing that obstructs or hinders transit on any part of the Seaway.

[61 FR 19552, May 2, 1996, as amended at 65 FR 52915, Aug. 31, 2000]

#### § 401.92 Wintering and lying-up.

No vessel shall winter within the Seaway or lie-up within the Seaway during the navigation season except with the written permission of the Corporation or the Manager and subject to the conditions and charges that may be imposed.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

#### § 401.93 Access to Seaway property.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Corporation or the Manager.

(b) Except as authorized by an officer or by the *Shore Traffic Regulations or its successor*, no person shall enter upon any land or structure of the Corporation or the Manager or swim in any Seaway canal or lock area.

[39 FR 10900, Mar. 22, 1974, as amended at 65 FR 52915, Aug. 31, 2000]

#### § 401.94 Keeping copies of regulations.

A copy of these Regulations (subpart A of Part 401), a copy of the vessel's latest Ship Inspection Report, and Seaway Notices for the current navigation year shall be kept on board every vessel in transit.

[61 FR 19552, May 2, 1996]

#### § 401.95 Compliance with regulations.

The master or owner of a vessel shall ensure that all requirements of these Regulations applicable to that vessel are complied with.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980]

#### NAVIGATION CLOSING PROCEDURES

#### § 401.96 Definitions.

In § 410.97:

(a) *Clearance date* means the date designated in each year by the Corporation and the Manager as the date by which vessels must report at the applicable calling in point referred to in § 401.97(c) for final transit of the Montreal-Lake Ontario Section of the Seaway;

(b) *Closing date* means the date designated in each year by the Corporation and the Manager as the date on which the Seaway is closed to vessels at the end of the navigation season;

(c) *Closing period* means the period that commences on the date designated in each year by the Corporation and the Manager as the date on which the closing procedures in § 401.97 apply and that ends on the closing date;

(d) *Montreal-Lake Ontario Section of the Seaway* means the portion of the Seaway between the Port of Montreal and mid-Lake Ontario;

(e) *Wintering vessel* means a vessel that enters the Seaway upbound after a date designated each year by the Corporation and the Manager and transits above Port Colborne.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended and sec. 104, Pub. L. 95-474, sec. 2, 92 Stat. 1472; 68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51124, Nov. 12, 1982, as amended at 65 FR 52915, Aug. 31, 2000]

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**§ 401.97 Closing procedures.**

(a) No wintering vessel shall return downbound through the Montreal-Lake Ontario Section of the Seaway in the same navigation season in which it entered the Seaway unless the transit is authorized by the Corporation and the Manager.

(b) No vessel shall transit the Montreal-Lake Ontario Section of the Seaway during the closing period in a navigation season unless

(1) It reports at the applicable calling in point referred to in paragraph (c) of this section on or before the clearance date in that navigation season; or

(2) It reports at the applicable calling in point referred to in paragraph (c) of this section within a period of 96 hours after the clearance date in that navigation season, it complies with the provisions of the agreement between Canada and the United States, known as the St. Lawrence Seaway Tariff of Tolls and the transit is authorized by the Corporation and the Manager.

(c) For the purposes of paragraph (b) of this section, the calling in point is,

(1) In the case of an upbound vessel, Cape St. Michel; and

(2) In the case of a downbound vessel, Cape Vincent.

(d) No vessel shall transit the Montreal-Lake Ontario Section of the Seaway after the period of 96 hours referred to in paragraph (b)(2) of this section unless the transit is authorized by the Corporation and the Manager.

(e) Every vessel that, during a closing period, enters the Montreal-Lake Ontario Section of the Seaway, upbound or downbound, or departs upbound from any port, dock, wharf or anchorage in that Section shall,

(1) At the time of such entry or departure, report to the nearest Seaway station the furthestmost destination of the vessel's voyage and any intermediate destinations within that Section; and

(2) At the time of any change in those destinations, report such changes to the nearest Seaway station.

(f) Where ice conditions restrict navigation during a closing period,

(1) No upbound vessel that has a power to length ratio of less than 24:1 (kW/meter) and a forward draft of less than 50 dm, and

(2) No downbound vessel that has a power to length ratio of less than 15:1 (kW/meter) and a forward draft of less than 25 dm shall transit between the St. Lambert Lock and the Iroquois Lock of the Montreal-Lake Ontario Section of the Seaway.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 51124, Nov. 12, 1982, as amended at 48 FR 20691, May 9, 1983; 48 FR 39934, Sept. 2, 1983; 65 FR 52915, Aug. 31, 2000]

**SCHEDULE I TO SUBPART A OF PART 401—VESSELS TRANSITING U.S. WATERS**

No vessel of 1600 gross tons or more shall transit the U.S. waters of the St. Lawrence Seaway unless it is equipped with the following maneuvering data and equipment:

(a) Charts of the Seaway that are currently corrected and of large enough scale and sufficient detail to enable safe navigation. These may be published by a foreign government if the charts contain similar information to those published by the U.S. Government.

(b) U.S. Coast Guard Light List, currently corrected.

(c) Current Seaway Notices Affecting Navigation.

(d) The following maneuvering data prominently displayed on a fact sheet in the wheelhouse:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings;

(2) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder;

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute, for a representative range of speeds, and a notice showing any critical range of revolutions at which the engine designers recommend that the engine not be operated on a continuous basis.

(4) For each vessel that is fitted with a controllable pitch propeller, a table of control settings for a representative range of speeds;

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel;

(6) The maneuvering information for the normal load and normal ballast condition for:

(A) Calm weather—wind 10 knots or less, calm sea;

- (B) No current;
  - (C) Deep water conditions—water depth twice the vessel’s draft or greater; and
  - (D) Clean hull.
- (7) At the bottom of the fact sheet, the following statement:

“WARNING

The response of the (name of the vessel) may be different from the above if any of the following conditions, on which the maneuvering is based, are varied:

- (a) Calm weather—wind 10 knots or less, calm sea;
  - (b) No current;
  - (c) Deep water conditions—water depth twice the vessel’s draft or greater;
  - (d) Clean hull;
  - (e) Intermediate drafts or unusual trim.”
- (e) Illuminated magnetic compass at main steering station with compass deviation table, graph or record.

(f) Gyro-compass with illuminated gyro-repeater at main steering station.

(g) Marine radar system for surface navigation. Additionally, vessels of 10,000 gross tons or more must have a second main radar system that operates independently of the first.

(h) Efficient echo sounding device.

(i) Illuminated rudder angle indicator or repeaters that are:

- (1) Located in the wheelhouse;
  - (2) Arranged so that they can easily be read from any position on the bridge.
- (j) Illuminated indicator showing the operating mode of that device when vessel is equipped with auxiliary maneuvering devices.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52380, Aug. 7, 1980, as amended at 47 FR 51124, Nov. 12, 1982; 49 FR 30936, Aug. 2, 1984; 61 FR 19552, May 2, 1996]

SCHEDULE II TO SUBPART A OF PART 401—TABLE OF SPEEDS<sup>1</sup>

From—	To—	Maximum speed over the bottom, knots	
		Col. III	Col. IV
1. Upper Entrance, South Shore Canal.	Lake St. Louis, Buoy A13 .....	10.5 .....	10.5.
2. Lake St. Louis, Buoy A13 .....	Lower Entrance, Lower Beauharnois Lock.	16 .....	16.
3. Upper Entrance, Upper Beauharnois Lock.	Lake St. Francis, Buoy D3 .....	9 upb; 10.5 dnb .....	9 upb; 10.5 dnb.
4. Lake St. Francis, Buoy D3 .....	Lake St. Francis, Buoy D49 .....	12 .....	12.
5. Lake St. Francis, Buoy D49 .....	Snell Lock .....	8.5 upb; 10.5 dnb .....	8 upb; 10.5 dnb.
6. Eisenhower Lock .....	Iroquois Lock .....	11.5 .....	10.5.
7. Iroquois Lock .....	McNair Island, Lt. 137 .....	13 .....	10.5.
8. McNair Island, Lt. 137 .....	Deer Island, Lt. 186 .....	11.5 .....	10.5.
9. Deer Island, Lt. 186.. .....	Bartlett Point, Lt. 227 .....	8.5 upb; 10.5 dnb .....	8 upb; 10.5 dnb.
10. Bartlett Point, Lt. 227 .....	Tibbetts Point .....	13 .....	10.5.
11. Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.	Open Waters between Wolfe and Howe Islands through the said Middle Channel.	9.5 .....	9.5.
12. Port Robinson .....	Ramey’s Bend through the Welland Bypass.	8 .....	8.
13. All other canals .....	.....	6 .....	6.

<sup>1</sup>Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Manager will, from time to time, designate the set of speed limits which is in effect.

[61 FR 19552, May 2, 1996, as amended at 65 FR 52915, Aug. 31, 2000]

SCHEDULE III TO SUBPART A OF PART 401—CALLING-IN TABLE

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
1. C.I.P. 2—entering Sector 1 (order of passing through established): (a) Vessels transiting from the Lower St. Lawrence River.	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Manifested dangerous cargo—nature and quantity; IMO classification; location where dangerous cargo is stowed. 7. Pilot requirement—Lake Ontario. 8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
(b) Vessels in Montreal Harbor, dock, berth or anchorage:		
(i) Before getting under way .....	.....do .....	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Manifested dangerous cargo—nature and quantity; IMO classification; location where dangerous cargo is stowed. 7. Pilot requirement—Lake Ontario. 8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
(ii) C.I.P. 2—entering Sector 1 (order of passing through established).	.....do .....	1. Name of vessel. 2. Location.
2. C.I.P. 3—order of passing through established ....	.....do .....	1. Name of vessel. 2. Location.
3. Exiting Upper Beauharnois Lock .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA C.I.P. 7. 4. Confirm pilot requirement—Snell Lock (inland vessels only).
4. C.I.P. 7—leaving sector 1 .....	.....do .....	1. Name of vessel. 2. Location.
5. C.I.P. 7—entering sector 2 .....	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. ETA Snell lock.
6. C.I.P. 8—order of passing through established ....	.....do .....	1. Name of vessel. 2. Location.
7. C.I.P. 8A .....	.....do .....	1. Name of vessel. 2. Location.
8. Exiting Eisenhower Lock .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA C.I.P. 11. 4. Confirm pilot requirement—Lake Ontario. 5. All ports of call.
9. C.I.P. 11—leaving sector 2 .....	.....do .....	1. Name of vessel. 2. Location.
10. C.I.P. 11—entering sector 3 .....	Seaway Iroquois, channel 11.	1. Name of vessel. 2. Location.
11. C.I.P. 12—order of passing through established	.....do .....	1. Name of vessel. 2. Location.
12. Exiting Iroquois lock .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA Cross Over Island.
13. Cross Over Island—leaving sector 3 .....	.....do .....	1. Name of vessel. 2. Location.
14. Cross Over Island—entering sector 4 .....	Seaway Clayton, channel 13.	1. Name of vessel. 2. Location. 3. ETA Cape Vincent or River Port.
15. Whale back Shoal—Con .....	.....do .....	4. Confirm pilot requirement—Lake Ontario.
16. Wolfe Island Cut (Beauvais Point)—vessels leaving main channel.	.....do .....	1. Name of vessel. 2. Location. 3. ETA Kingston.

C.I.P. and checkpoint	Station to call	Message content
17. Cape Vincent .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA Sodus Point. 4. ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
18. Sodus Point .....	Seaway Sodus, channel 13.	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Newcastle.
19. Mid Lake Ontario—entering Sector 5 .....	Seaway Newcastle, channel 11.	1. Name of Vessel. 2. Location. 3. Pilot requirement—Lake Erie.
20. Mid-Lake Ontario—entering sector 5 .....	.....do .....	1. Name of vessel. 2. Location.
21. Newcastle .....	.....do .....	1. Name of Vessel. 2. Location.
22. C.I.P. 15—order of passing through established	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne piers .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA Long Point.
23. C.I.P. 16 .....	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location.
24. Long Point—leaving sector 7 .....	.....do .....	1. Name of vessel. 2. Location.
DOWNBOUND VESSELS		
29. Long Point—entering Sector 7 .....	Seaway Long Point, channel 11.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 16 or Port. 4. Manifested dangerous cargo, including: —nature and quantity. —IMO classification. —location where dangerous cargo is stowed. and, if proceeding to Welland Canal, 5. Destination. 6. Drafts, fore and aft. 7. Cargo. 8. Pilot requirement—Lake Ontario.
30. C.I.P. 16—order of passing through established	Seaway Welland, channel 14.	1. Name of Vessel. 2. Location.
31. Exiting lock No. 1, Welland Canal .....	.....do .....	1. Name of vessel 2. Location. 3. ETA Newcastle. 4. ETA Cape Vincent or Lake Ontario Port. 5. Pilot requirement—Cape Vincent.
32. C.I.P. 15 .....	Seaway Newcastle, channel 11.	1. Name of vessel. 2. Location.
33. Newcastle .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Sodus Point.
34. Mid-Lake Ontario—leaving sector 5 .....	.....do .....	1. Name of vessel. 2. Location.
35. Mid Lake Ontario—entering Sector 4 .....	Seaway Sodus, channel 13.	1. Name of vessel. 2. Location.
36. Sodus Point .....	.....do .....	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario Port. 4. Confirm river pilot requirement—Cape Vincent. 5. Pilot requirement—Snell Lock and/or Upper Beauharnois Lock (inland vessels only).
37. Cape Vincent .....	Seaway Clayton, channel 13.	1. Name of vessel 2. Location. 3. ETA Cross Over Island or river port.

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C.I.P. and checkpoint	Station to call	Message content
38. Wolfe Island Cut (Quebec Head)—vessels entering main channel.	.....do .....	1. Name of vessel. 2. Location. 3. ETA Cross Over Island or river port.
39. Cross Over Island—leaving sector 4 .....	.....do .....	1. Name of vessel. 2. Location.
40. Cross Over Island—entering sector 3 .....	Seaway Iroquois, channel 11.	1. Name of vessel. 2. Location.
41. C.I.P. 14 .....	.....do .....	1. Name of vessel. 2. Location.
42. C.I.P. 13—order of passing through established	.....do .....	1. Name of vessel. 2. Location.
43. Exiting Iroquois Lock .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert. 5. Confirm pilot requirement—Snell Lock (inland vessels only).
44. C.I.P. 10—leaving sector 3 .....	.....do .....	1. Name of vessel. 2. Location.
45. C.I.P. 10—entering sector 2 .....	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location.
46. C.I.P. 9—order of passing through established ..	.....do .....	1. Name of vessel. 2. Location. 3. ETA Snell lock.
47. Exiting Snell lock .....	.....do .....	1. Name of vessel. 2. Location. 3. ETA C.I.P. 6.
48. Buoy D47 Lake St. Francis .....	.....do .....	1. Name of vessel. 2. Location. 3. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
49. C.I.P. 6—leaving sector 2 .....	.....do .....	1. Name of Vessel. 2. Location.
50. C.I.P. 6—entering sector 1 .....	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location.
51. C.I.P. 5—order of passing through established ..	.....do .....	1. Name of vessel. 2. Location.
52. Exiting Lower Beauharnois Lock .....	.....do .....	1. Name of vessel. 2. Location. 3. Confirm harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor Berth number (if applicable).
53. St. Nicholas Island .....	.....do .....	1. Name of vessel. 2. Location.
54. St. Lambert lock to C.I.P. 2—leaving sector 1 ....	.....do .....	1. Name of vessel. 2. Location.
UPBOUND AND DOWNBOUND VESSELS		
55. Vessels departing from ports between mid-lake Ontario and Long Point, except vessels west-bound from a Lake Erie port and not transiting the Welland Canal.	Appropriate Seaway station for sector.	1. Name of Vessel. 2. Location. 3. Manifested dangerous cargo: —nature and quantity —IMO classification —location where dangerous cargo is stowed. and if proceeding to Welland Canal, 4. Destination. 5. Drafts, fore and aft. 6. Cargo. 7. Pilot requirement: —Lake Erie if upbound or Lake Ontario if downbound.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[39 FR 10900, Mar. 22, 1974, as amended at 39 FR 27797, Aug. 1, 1974; 40 FR 11722, Mar. 13, 1975; 40 FR 25814, June 19, 1975. Redesignated at 42 FR 27588, May 31, 1977; 43 FR 25819, June 15, 1978. Further redesignated and amended at 45 FR 52381, Aug. 7, 1980; 47 FR 51125, Nov. 12, 1982; 48 FR 20692, May 9, 1983; 55 FR 48600, Nov. 21, 1990; 65 FR 52915, Aug. 31, 2000]

APPENDIX I TO SUBPART A OF PART 401—  
VESSEL DIMENSIONS

Structures are located at a number of Seaway locks which, when fully raised, overhang the lock wall at a given point, thereby limiting:

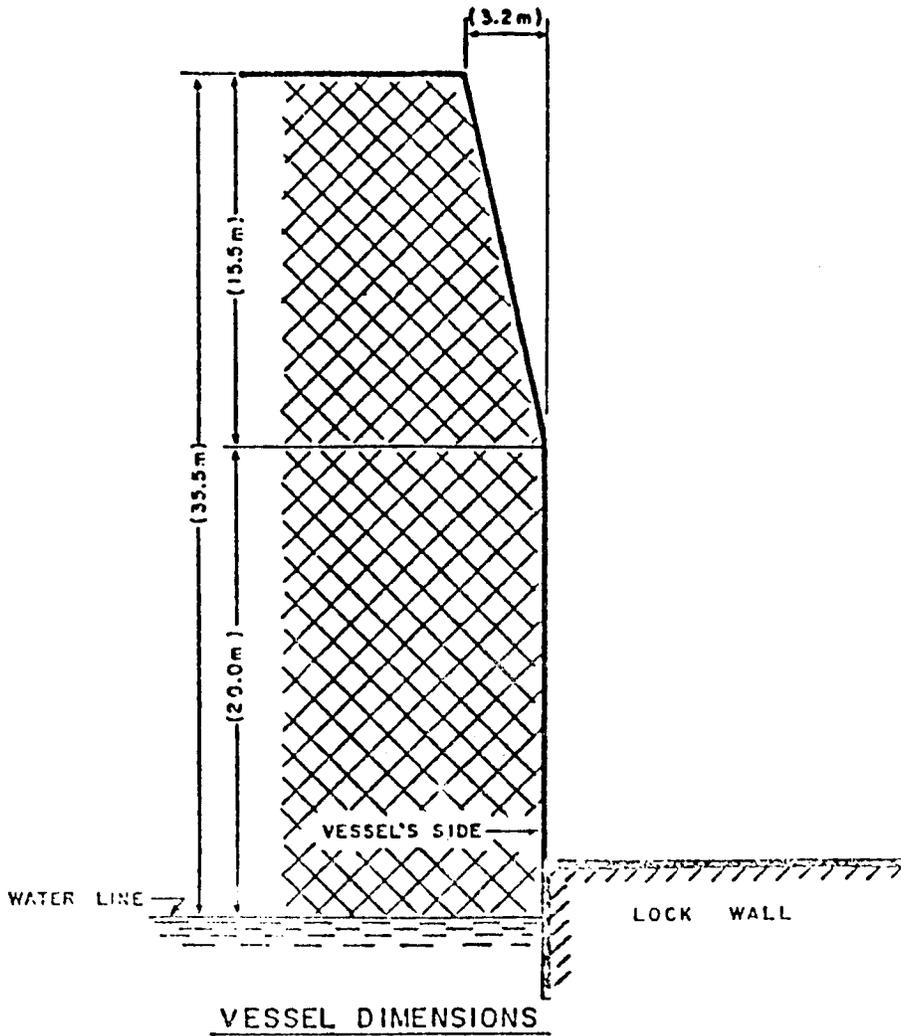
- (a) The height of a vessel above the water line measured at the vessel's side; and
- (b) The height of other structures that are located near the sides of the vessel, such as derricks, crosstrees, antennas, etc.

The following block diagram shows the limits beyond which a vessel's hull or super-

structure cannot extend *when the vessel is alongside the lock wall.*

The limits in the block diagram are based on vessels with a maximum allowable beam of 23.2 m. For vessels that have a beam width less than this and that have dimensions exceeding the limits of the block diagram (measured with the vessel alongside the lock wall), a special permission to transit must be obtained. (Accurate measurements may be required before such permission is granted).

*Caution:* Masters must take into account the ballast draft of the vessel when verifying the maximum permissible dimensions.



**Block Diagram**

**N.B. Not to scale**

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[45 FR 52381, Aug. 7, 1980, as amended at 49 FR 30936, Aug. 2, 1984; 61 FR 19552, May 2, 1996]

**Subpart B—Penalties—Violations of Seaway Regulations**

**§ 401.101 Criminal penalty.**

(a) A person who willfully and knowingly violates a regulation shall be fined not more than \$50,000 for each violation or imprisoned for not more

AUTHORITY: 33 U.S.C. 981-990, 1231 and 1232; and 49 CFR 1.52.

than five years, or both, and any person who, in the willful and knowing violation of this Act or any regulation issued hereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of this Act or the regulations issued hereunder, shall, in lieu of the penalties prescribed in this paragraph be fined not more than \$100,000 or imprisoned for not more than ten years, or both.

(b) For the purpose of paragraph (a) of this section, a "person" is deemed to be anyone who

(1) Handles any vessel contrary to the provisions of these regulations or of any rules or directions of the Corporation, or an officer thereof, given under the regulations;

(2) Is a party to any act described in paragraph (b)(1) of this section; or

(3) Is the owner, charterer or master of any vessel by means of which any act described in paragraph (b)(1) of this section is committed.

[39 FR 12746, Apr. 8, 1974, as amended at 47 FR 20582, May 23, 1982]

#### § 401.102 Civil penalty.

(a) A person, as described in § 401.101(b), who violates a regulation is liable to a civil penalty of not more than \$27,500.

(b) In assessing or collecting any civil penalty incurred under paragraph (a) of this section, the Corporation may, in its discretion, remit, mitigate or compromise any penalty.

(c) Upon failure to collect a penalty levied under this section, the Corporation may request the United States Attorney General to commence any action for collection in any district court of the United States. A vessel by means of which a violation of a regulation is committed shall be liable in rem and may be proceeded against accordingly.

[39 FR 12746, Apr. 8, 1974, as amended at 47 FR 20582, May 23, 1982; 61 FR 54734, Oct. 22, 1996]

### Subpart C—Assessment, Mitigation or Remission of Penalties

AUTHORITY: Sec. 106, Pub. L. 92-340, 86 Stat. 424, unless otherwise noted.

SOURCE: 39 FR 18443, May 28, 1974, unless otherwise noted.

#### § 401.201 Delegation of authority.

(a) The Secretary of Transportation, by 49 CFR 1.52 (a) has delegated to the Administrator of the Saint Lawrence Seaway Development Corporation the authority vested in the Secretary under sections 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of the Port and Tanker Safety Act of 1978, Pub. L. 95-474 (92 Stat. 1471), as it pertains to the operation of the Saint Lawrence Seaway.

(b) The Administrator hereby authorizes the Corporation's Associate Administrator to administer this statute in accordance with the procedures set forth in this subpart.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended; sec. 104, Pub. L. 92-340, 86 Stat. 424 and secs. 12 and 13 at sec. 2 of Pub. L. 95-474, 92 Stat. 1471, and 49 CFR 1.52)

[50 FR 10963, Mar. 19, 1985, as amended at 51 FR 4340, Feb. 4, 1986]

#### § 401.202 Statute providing for assessment, mitigation or remission of civil penalties.

Section 13 of sec. 2 of the Port and Tanker Safety Act of 1978 authorizes the assessment and collection of a civil penalty of not more than \$25,000 from anyone who violates a regulation issued under that section.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended; and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 20582, May 13, 1982]

#### § 401.203 Reports of violations of Seaway regulations and instituting and conducting civil penalty proceedings.

(a) Violations of Seaway Regulations, Subpart A of this part, will be brought to the attention of the alleged violator at the time of detection whenever possible. When appropriate, there will be a written notification of the fact of the violation. This notification will set forth the time and nature of the violation and advise the alleged violator relative to the administrative procedure employed in processing civil penalty cases. The alleged violator will be advised that he or she has 15 days in which to appear before the Associate Administrator or submit a written

statement for consideration. The Associate Administrator shall, upon expiration of the 15-day period, determine whether there has been a violation of the Seaway Regulations.

(b) If the Associate Administrator decides that a violation of Seaway Regulations has occurred, a determination will be made as to whether to invoke no penalty at all and close the case or whether to invoke a part or full statutory penalty. In either event, a written notice of the decision shall be given to advise the violator. If a penalty is assessed, such notice will advise the violator of the right to petition for relief within 15 days or such longer period as the Associate Administrator, in his or her discretion, may allow. The Associate Administrator may mitigate the penalty or remit it in full, except as the latter action is limited to paragraph (f) of this section. The violator may appear in person before the Associate Administrator. If the violator does not apply for relief but instead maintains that he or she has not committed the violation(s) charged, and the Associate Administrator, upon review, concludes that invocation of the penalty was proper, no remission or mitigation action will be taken. On the other hand, should the violator petition the Associate Administrator for relief without contesting the determination that violation did, in fact, occur, relief may be granted as the circumstances may warrant.

(c) When the penalty is mitigated, such mitigation will be made conditional upon payment of the balance within 15 days of notice or within such other longer period of time as the Associate Administrator, in his or her discretion, may allow.

(d) The violator may appeal to the Administrator from the action of the Associate Administrator. Any such appeal shall be submitted to the Administrator through the Associate Administrator within 15 days of the date of notification by the Associate Administrator, or such longer period of time as the Associate Administrator, in his or her discretion, may allow.

(e) Should the alleged violator require additional time to present matters favorable to the case at any stage of these penalty proceedings, a request

for additional time shall be addressed to the Associate Administrator who will grant a reasonable extension of time where sufficient justification is shown.

(f) Under the following circumstances, the Corporation's Chief Counsel shall forward cases involving violations of the Seaway Regulations to the United States Attorney with the recommendation that action be taken to collect the assessed statutory penalty:

(1) When, within the prescribed time, the violator does not explain the violation, appeal for mitigation or remission, or otherwise respond to written notices from the Associate Administrator; or

(2) When, having responded to such inquiries, the violator fails or refuses to pay the assessed or mitigated penalty, or to appeal to the Administrator, within the time prescribed; or

(3) When the violator denies that the violation(s) was committed by him or her, the Associate Administrator, upon review, disagrees and the violator thereafter fails to appeal to the Administrator, or to remit payment of the assessed penalty within the time prescribed (see paragraph (b) of this section); or

(4) When the violator fails to pay within the prescribed time the penalty as determined by the Administrator after consideration of the violator's appeal from the action of the Associate Administrator.

(g) If a report of boarding or an investigation report submitted by a Corporation employee or investigative body discloses evidence of violation of a Federal criminal statute, the Corporation's Chief Counsel, in accordance with § 401.204, shall refer the findings to the United States Attorney for appropriate action.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended sec. 104, Pub. L. 92-340 86 Stat. 424 and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471, and 49 CFR 1.52)

[50 FR 10963, Mar. 19, 1985, as amended at 51 FR 4340, Feb. 4, 1986]

#### § 401.204 Criminal penalties.

(a) Prosecution in the Federal courts for violations of Seaway Regulations

enforced by the Corporation that provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) The Corporation's Chief Counsel is hereby authorized to determine whether or not a violation of the Seaway Regulations carrying a criminal penalty is one that would justify referral of the case to the U.S. Attorney.

(c) The Corporation's Chief Counsel will identify the regulations that were violated and make specific recommendations concerning the proceedings to be instituted by the U.S. Attorney in every case.

(d) Referral of a case to the U.S. Attorney for prosecution terminates the Corporation's authority with respect to the criminal aspects of a violation.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended sec. 104, Pub. L. 92-340 86 Stat. 424 and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471, and 49 CFR 1.52)

[50 FR 10963, Mar. 19, 1985]

#### § 401.205 Civil and criminal penalties.

(a) If the violation of the Seaway Regulations carries a criminal penalty, the Corporation's Chief Counsel is hereby authorized to determine whether to refer the case to the U.S. Attorney for prosecution in accordance with § 401.204, which outlines the appropriate procedure for handling criminal cases.

(b) The decision of the U.S. Attorney as to whether to institute criminal proceedings shall not bar the initiation of civil penalty proceedings by the Associate Administrator.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended sec. 104, Pub. L. 92-340 86 Stat. 424 and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471, and 49 CFR 1.52)

[50 FR 10963, Mar. 19, 1985, as amended at 51 FR 4341, Feb. 4, 1986]

#### § 401.206 Procedure for payment of civil penalty for violation of the Seaway regulations.

(a) The payment must be by money order or certified check payable to the order of the Saint Lawrence Seaway Development Corporation and mailed

to the Comptroller. If the payment is made in person at the offices of the Saint Lawrence Seaway Development Corporation, the payment may be in cash or by postal money order or check payable to the order of the Saint Lawrence Seaway Development Corporation.

(b) The payment of any penalty will be acknowledged by written receipt.

(c) If the penalty paid is determined by the Associate Administrator to have been improperly or excessively imposed, the payor will be notified and requested to submit an application for a refund which should be mailed to the Saint Lawrence Seaway Development Corporation, attention of the Chief Engineer. Such application must be made by the payor within one year of the date of notification provided for in this section.

(d) In the event the alleged violator is about to leave the jurisdiction of the United States, he or she will be required, before being allowed to depart, to post a bond in the amount and manner suitable to the Associate Administrator, from which bond any subsequent assessed or mitigated penalty may be satisfied.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended sec. 104, Pub. L. 92-340 86 Stat. 424 and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471, and 49 CFR 1.52)

[50 FR 10964, Mar. 19, 1985, as amended at 51 FR 4341, Feb. 4, 1986]

### PART 402—TARIFF OF TOLLS

- Sec.
- 402.1 Purpose.
  - 402.2 Title.
  - 402.3 Interpretation.
  - 402.4 Tolls.
  - 402.5 Description and weight of cargo.
  - 402.6 Post-clearance date operational surcharges.
  - 402.7 Coming into force.
  - 402.8 Schedule of tolls.
  - 402.9 Operational surcharges—no postponements.
  - 402.10 Operational surcharges after postponements.

AUTHORITY: 33 U.S.C. 983(a), 984(a)(4), and 988, as amended; 49 CFR 1.52.

SOURCE: 66 FR 15329, Mar. 16, 2001, unless otherwise noted.