

§ 401.79

(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.

(a) *Advance notice of arrival.* All foreign flagged vessels intending to transit the Seaway shall submit one complete electronic Notice of Arrival (NOA) prior to entering at call in point 2 (CIP 2) as follows:

(1) If your voyage time to CIP 2 is 96 hours or more, you must submit an electronic NOA 96 hours before entering the Seaway at CIP 2.

(2) If your voyage time to CIP 2 is less than 96 hours, you must submit an electronic NOA before departure, but at least 24 hours before entering the Seaway at CIP 2.

(3) If there are changes to the electronic NOA, submit them as soon as practicable but at least 12 hours before entering the Seaway at CIP 2.

(4) The NOA must be provided electronically following the USCG National Vessel Movement Center's (NVMC) procedures (<http://www.nvmc.uscg.gov>).

(5) To complete the NOA correctly for Seaway entry, select the following:

- (i) "CIP 2" as the Arrival Port,
- (ii) "Foreign to Saint Lawrence Seaway" as the Voyage Type, and
- (iii) "Saint Lawrence Seaway Transit" as the Arrival State, City and Receiving Facility.

(b) *Vessels requiring inspection or reinspection.* All pre-cleared vessels must provide a 24 hour notice of inspection as follows:

(1) *Enhanced Seaway inspection.* All foreign flagged vessels and vessels of unusual design are subject to a Seaway

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inspection prior to initial transit of the Seaway each navigation season.

(2) *Inland self-inspection.* Inland domestic vessels which are approved by the Seaway and are ISM certified and have a company quality management system, must submit the "Self-Inspection Report", every 2 navigation seasons and not later than 30 days after "fit out".

(3) Inland domestic vessels not participating in the "Self-Inspection Program" are subject to Seaway inspection prior to every transit of the Seaway.

(4) Tug/barge combinations not on the "Seaway Approved Tow" list are subject to Seaway inspection prior to every transit of the Seaway unless provided with a valid Inspection Report for a round trip transit.

[77 FR 40805, July 11, 2012, as amended at 78 FR 16182, Mar. 14, 2013]

§ 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 or a dangerous occurrence, the master of the vessel shall report the accident or occurrence, pursuant to the requirements of the Transportation Safety Board Regulations, to the nearest Seaway station and Transport Canada Marine Safety or U.S. Coast Guard office as soon as possible and prior to departing the Seaway system.

(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 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; 70 FR 12973, Mar. 17, 2005; 71 FR 5607, Feb. 2, 2006; 74 FR 18995, Apr. 27, 2009]

§ 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 traffic controller and it shall not resume its voyage without the traffic controller's permission.

[73 FR 9954, Feb. 25, 2008]

§ 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 of equipment on the vessel
- (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; 77 FR 40805, July 11, 2012]

§ 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