

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 permission letter.

(a) A Seaway Explosives Permission Letter 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 and 1.5);

(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).

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

(c) A written application for a Seaway Explosives Permission Letter certifying that the cargo is packed, marked and stowed in accordance with the *Transportation of Dangerous Goods*

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

(d) A signed copy of a Seaway Explosives Permission Letter 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; 70 FR 12972, Mar. 17, 2005; 72 FR 2620, Jan. 22, 2007; 79 FR 12660, Mar. 6, 2014]

§ 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),

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

(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 Seaway Explosives Permission Letter 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.

[72 FR 2620, Jan. 22, 2007]

§ 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 where applicable. Every vessel carrying grain which is under fumigation shall declare to the nearest traffic control center the nature of the fumigant, its properties and cargo holds affected.

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

(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 Canadian Nuclear Safety Commission (CNSC) and/or the U.S. Nuclear Regulatory Commission (USNRC) authorizing such shipment.

(e) Every vessel carrying dangerous cargo, as defined in § 401.66, and all tankers carrying liquid cargo in bulk, and all vessels carrying grain under fumigation shall, prior to transiting any part of the Seaway, file with 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 approximate total weight in metric tonnes or total volume in cubic meters 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.

(6) Tankers in ballast shall report the previous cargo of each cargo hold on a plan as described in this paragraph (e).

(f) For tankers, the information required under this section shall be detailed on a plan showing the general layout of the tanks, and a midships cross-section showing the 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.