

## SUBCHAPTER C—SHIPPING AND NAVIGATION

## PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

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AUTHORITY: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043, and 44 U.S.C. 3501.

SOURCE: 46 FR 63175, Dec. 30, 1981, unless otherwise noted.

**§101.1 Signal stations at the Canal entrances.**

The Panama Canal Commission maintains established signal stations at both the Atlantic and Pacific entrances of the Canal. A vessel arriving at the Canal must communicate with the signal station which is located at the entrance of the Canal at which that vessel arrives. Vessels required to be equipped with a radiotelephone pursuant to Part 123 of this subchapter must, upon arrival, communicate with the appropriate signal station on Channel 12, 156.000 MHz. All other vessels may use International Code and flashing light. Such stations are also utilized to assist in control of traffic within Panama Canal waters.

CROSS REFERENCE: See Part 123 for provisions respecting radio communication by vessels prior to arrival and while they are in Panama Canal waters.

**§101.2 Boarding of arriving vessels.**

(a) Unless otherwise directed, all arriving vessels will anchor in designated anchorages to await instructions. No person other than boarding officials of the Panama Canal Commission and the Republic of Panama may go on board

or leave any vessel until such vessel has been entered by the Commission and where applicable, by the Republic of Panama.

(b) Arriving vessels that are subject to inspection for compliance with Panama Canal shipping and navigation regulations will normally be boarded upon arrival inside the breakwater at the Atlantic entrance of the Canal or off the seaward end of the dredged, marked channel at the Pacific entrance. When such vessels are not boarded immediately upon arrival, they shall anchor in a designated anchorage area and await the boarding official. Weather and sea conditions permitting, the boarding of vessels may take place outside of these areas. Boarding will be performed by a Commission boarding official in accordance with the procedures established under this part.

(c) Admeasurement functions shall be performed on arriving vessels either while at anchor or during transit.

[46 FR 63175, Dec. 30, 1981, as amended at 56 FR 55632, Oct. 29, 1991]

**§101.3 Definition and functions of the boarding officer.**

(a) Boarding officer means any official or employee of the Panama Canal Commission who is duly assigned the functions of a boarding officer, including admeasurement and sanitation.

(b) The Commission boarding officer shall perform the functions of admeasurer for the purpose of determining Panama Canal tolls and shall make inspection for the purpose of insuring compliance with Panama Canal shipping, navigation and sanitation regulations.

**§101.4 Measurement of vessel making maiden transit.**

A vessel that arrives after 8 p.m. and is to make her maiden transit will normally be admeasured on the following day.

[31 FR 12287, Sept. 16, 1966]

**§ 101.8 Vessel anchorage areas.**

The following areas are designated as authorized anchorages within Canal waters:

(a) *Atlantic entrance*—(1) *Merchant-vessel anchorage*. An area to the west of the Canal channel bounded as follows: Starting at a point "A", located in position 9°21'25" N., 79°55'31" W., and marked by lighted buoy No. 2, thence 900 yards 270° true to a point "B" located in position 9°21'25" N., 79°55'58" W., thence to lighted buoy "I", thence to lighted buoy "H", thence due north to a point "C" located in position 9°22'07" N., 79°56'41" W., thence 2,800 yards 59° true to a point "D" located in position 9°22'50" N., 79°55'29" W., and thence to the starting point. The line extending due west from the Cristobal Mole through lighted beacon No. 1 and lighted buoy No. 2 (9°21'25" North) marks the southern limit of the anchorage area. Except as provided by § 105.3, no vessel shall pass this line without having been passed by the boarding officer and without having a Canal pilot on board.

(2) *Outside explosive anchorage*. An area bounded by a line from Point A at position 9°23'53" N., 79°56'29" W., thence to Point B at position 9°24'40" N., 79°56'29" W., thence to Point C at position 9°24'40" N., 79°57'00" W., thence to Point D at position 9°23'53" N., 79°57'00" W., thence to Point A.

(3) *Inside explosive anchorage*. The area included in a rectangle one thousand yards wide immediately south of the West breakwater, the rectangle extending 2000 yards along the west breakwater from a point on the west breakwater one thousand yards from the west breakwater light.

(4) *Small-craft anchorage*. An area to the east of the Canal channel bounded as follows: Starting at buoy "A", a flashing amber buoy located in position 9°20'43" N., 79°55'10" W., thence 1075 yards 066° true, through fixed amber lighted buoy "B" to fixed amber lighted buoy "C", thence 375 yards 143° true, thence 1760 yards 233° true to the east prism of the Canal channel, thence due north 410 yards to flashing special anchorage buoy "3", thence 525 yards 023° true to the starting point at buoy "A".

(b) *Gatun Lake anchorage*. An area immediately east of the Canal channel line, bounded by a line extending from

the south end of the east wing-wall of Gatun Locks, thence 450 yards 120° true, thence 676 yards 146° true to flashing special anchorage buoy "A", thence 1,415 yards 078° true to flashing special anchorage buoy "1", thence 1,199 yards 155° true to flashing special anchorage buoy "3", thence 2,314 yards 225° true through special anchorage buoy "5" to special anchorage buoy "7", thence 901 yards 220° true to special anchorage buoy "9", thence 952 yards 205° true to the Canal channel line at flashing buoy "11", the channel prism line being the westerly boundary line of the anchorage area.

(c) *Pacific entrance*—(1) *Merchant-vessel anchorage*. An area bounded as follows: Beginning at a point in position 8°51'50" N., 79°30'00" W., marked by a lighted, whistle buoy which is painted with alternating black and white vertical stripes and which shows short-long flashing white light every 8 seconds (i.e., light 0.4 second, eclipse 0.4 second, light 1.6 seconds, eclipse 5.6 seconds), thence due east to longitude 79°28'00" W., thence due north to 8°54'31" N., thence due west toward Flamenco Island Light to a point 8°54'31" N., 79°30'46" W., thence southwestward touching the northwest corner of San Jose Rock to position 8°53'27" N., 79°31'23" W., marked by canal-entrance lighted buoy No. 2, thence southeastward to the point of beginning.

(2) *Explosive anchorage*. An area south of Naos Island bounded on the east by a line drawn south (true) from canal-entrance lighted buoy No. 1; on the south by a line drawn east (true) from Tortolita Island, and in the north and west by the curve of 30 foot depth.

(d) If there are any discrepancies between the designated anchorage areas as described in this section and the anchorage areas described in paragraph 4 of Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 and the attachments thereto, the description in the treaty documents shall govern.

[50 FR 19678, May 10, 1985]

**§ 101.9 Papers required by boarding officer.**

On arrival, there shall be ready for immediate inspection or delivery, as the case may be, to the boarding officer

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the required number of copies of papers concerning tonnage of vessel, cargo, and such other matters upon which information is necessary, as are prescribed by §101.10. The required manifests, lists and statements shall be sworn to by the Master or agent of the vessel. Vessels will not be permitted to transit until properly cleared by the boarding officer. Failure to present the required papers to boarding officers could result in loss of the vessel's relative position in the movement schedule and delay in granting the necessary permission to depart.

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

[46 FR 63175, Dec. 30, 1981, as amended at 50 FR 26991, July 1, 1985]

### § 101.10 Same; list.

(a) *Documents for Commission Boarding Officer.* All documents listed below shall be ready for immediate delivery to the boarding officer when he boards the vessel upon each arrival of the vessel at the Canal.

#### DOCUMENTS REQUIRED

- (1) Ship's Information and Quarantine Declaration (Panama Canal Form 4398)—1 copy.
- (2) Cargo Declaration (Panama Canal Form 4363)—1 copy.<sup>1</sup>
- (3) Crew List (Panama Canal Form 1509)—1 Copy
- (4) Passenger List (Panama Canal Form 20)—1 copy.
- (5) Dangerous Cargo Manifest—1 copy.<sup>2</sup>
- (6) Loading Plan—1 copy.<sup>3</sup>
- (7) Panama Canal Tonnage Certificate—1 copy.<sup>1</sup>
- (8) Ship's plans (general arrangement, engine room, capacity, mid-ship, etc.)—1 copy.<sup>1</sup>

(b) *Documents for examination only.* The following documents shall be available for inspection by the Commission boarding officer:

- (1) Ship's log,
- (2) All ship's documents pertaining to cargo, classification, construction,

load lines, equipment, safety, sanitation, and tonnage,

(3) SOLAS certificate, for ships carrying dangerous cargo in bulk,

(4) An International Oil Pollution certificate, for ships carrying dangerous cargo in bulk, and

(5) Certificates showing compliance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), if the nation of registry has implemented the convention standards. If the nation of registry has not implemented the STCW convention, then certifications issued or accepted by the registry nation attesting to the qualifications of officers and crew will be accepted by the agency. Certification requirements will apply only to officers and crew responsible for the safe handling of the vessel.

(c) *Crew list.* For the purposes of additional identification of crew members, all copies of the crew list required by this section shall include for each seaman the serial number of his certificate of identification, continuous discharge book, passport or other satisfactory identifying documentation. In addition, the given name and middle initial, as well as the family name, shall be shown for all seamen.

(d) *Passenger list.* The passenger list required by this section shall be in accurate and legible form and shall be delivered to the boarding officer. The list shall show passengers in alphabetical order.

(e) *Dangerous cargo manifest.* The dangerous cargo manifest for vessels carrying packaged dangerous goods, as defined in §113.2(m) of this title, shall show the correct technical name, United Nations number, International Maritime Organization class and division, storage location, and quantity for each packaged dangerous good carried as cargo.

(f) *Loading plan.* The loading plan for vessels carrying dangerous cargo in bulk, as defined in §113.2(f) of this title, shall show the location of cargo tanks or holds and the correct technical name, United Nations number, International Maritime Organization class and division, and quantity of dangerous

<sup>1</sup>Required only if vessel transits Canal.

<sup>2</sup>Required only if vessel is carrying packaged, dangerous goods.

<sup>3</sup>Required only if vessel is carrying dangerous cargo in bulk.

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cargo carried in each cargo tank or hold.

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[50 FR 19678, May 10, 1985, as amended at 54 FR 37326, Sept. 8, 1989]

**§101.13 Entry and departure of vessels.**

(a) An arriving vessel shall be entered at either the Pacific or Atlantic entrance. A vessel is entered by the Canal Commission authorities upon the report of the boarding officer and it is not necessary for the Master to come ashore for that purpose. At the discretion of the Marine Director, a vessel may be denied entry for failure to comply with Panama Canal regulations. In certain cases vessels may be provisionally entered. When provisional entry is granted, vessels may remain in Canal waters only under the conditions set forth in the provisional entry. Permission to enter port waters will be given by the Republic of Panama.

(b) Any vessel that has entered or has provisionally entered the Canal shall, prior to its departure therefrom, obtain permission from the Marine Director or designee. Permission to depart shall be issued only after that official has been satisfied that:

(1) All documents and statistical data required for entry or provisional entry by the Canal authorities respecting the vessel and its cargo have been furnished; and

(2) Tolls and other charges for services or supplies furnished by the Panama Canal Commission have been paid or the payment secured.

[46 FR 63175, Dec. 30, 1981, as amended at 55 FR 11908, Mar. 30, 1990]

**§101.14 Panama Canal waters; definition.**

As used in this Subchapter, the term "Panama Canal waters" or "Canal waters" refers to all waters lying within the Canal operating area described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and depicted in attachments thereto.

35 CFR Ch. I (7-1-97 Edition)

**PART 103—GENERAL PROVISIONS GOVERNING VESSELS**

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AUTHORITY: 22 U.S.C. 3791, E.O. 12215, 45 FR 36043, 3 CFR, 1981 Comp., p. 257.

SOURCE: 46 FR 63176, Dec. 30, 1981, unless otherwise noted.

**§103.1 Regulations to be kept aboard.**

All vessels shall keep aboard not less than one copy of the current regulations contained in Subchapters A, B, and C of this chapter. Vessels arriving for the first time without such regulations aboard shall obtain them through

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their ships' agent as soon as practicable after arrival.

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[31 FR 12289, Sept. 16, 1966, as amended at 54 FR 29336, July 12, 1989]

### **§ 103.2 Denial of passage to dangerous vessel.**

The Canal authorities may deny any vessel passage through the Canal when the character or condition of the cargo, hull, or machinery is such as to endanger the structures pertaining to the Canal, or which might render the vessel liable to obstruct the Canal, or whose draft, at any part of the vessel, exceeds the maximum allowable draft in the Canal as designated from time to time by the Canal authorities.

[31 FR 12289, Sept. 16, 1966]

### **§ 103.3 Discovery of defect in vessel during transit or while under way.**

Upon the discovery during transit of the Canal, or at any time while under way, of any defect in a vessel of such serious nature that it might interfere with further passage or with her safe navigation, the vessel shall stop and, if practicable, be anchored or moored at the first available place. A full report shall be made immediately to the Canal Operations Captain or his designee by radio or by the best means available.

[46 FR 63176, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982, as amended at 55 FR 11908, Mar. 30, 1990]

### **§ 103.4 Load and trim.**

(a) A vessel shall not be permitted to transit the Canal if she:

- (1) Has a list of more than 10 degrees;
- (2) Is so tender or otherwise so loaded as to dangerously affect her stability or maneuverability; or
- (3) Is so trimmed as to dangerously affect her maneuverability.

(b) A vessel having a list of between 3 degrees and 10 degrees, or which is so loaded or so trimmed as to adversely affect her maneuverability, may be permitted to transit at the discretion of the Canal Operations Captain or his designee. If such vessel is allowed to transit, however, it may do so only at its own risk and, to the extent and in the proportion that such failure to

meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel on behalf of said vessel, her owners, operators, or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage, or liability incurred by the Commission, or the United States under or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96-70, 93 Stat. 485-87.

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for any damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

(c) Nothing shall be done, or permitted to be done, by the Master or any member of the crew, which would alter the trim or draft of a vessel while it is transiting the Canal, without the prior, express approval of the pilot.

[31 FR 12289, Sept. 16, 1966, as amended at 46 FR 63177, Dec. 30, 1981; 55 FR 11908, Mar. 30, 1990]

CROSS REFERENCE: Federal Employees' Compensation Act, see 5 U.S.C. 8102 *et seq.*

### **§ 103.5 Deck load.**

(a) A vessel carrying a deck load shall have it so stowed as to be sufficiently clear to provide safe working space around all chocks, bits, and other gear used in transiting and so arranged as to not obstruct any direct lead from chocks to bits.

(b) Vessels may transit with deck cargo protruding over one side not to exceed 15.0 feet if the maximum beam, including protrusions, does not exceed 85.0 feet. Pursuant to section 1411 of Pub. L. 96-70, 93 Stat. 485, however, the Commission may not consider any claim for damages on account of any injury to such cargo which might be sustained while the vessel is passing through the locks of the Canal.

**§103.6 Size and draft limitations of vessels.**

(a) *Definitions as used in this section:*

(1) *TFW* means Tropical Fresh Water of Gatun Lake, density .9954 gms/cc at 85°F. (Transition to fresh water frequently alters the trim of large vessels 3" to 4" by the head.)

(2) *Published TFW maximum draft* means the deepest point of immersion in Gatun Lake waters as promulgated by the Marine Director, taking into account the water level of Gatun Lake and other limitations deemed necessary because of restrictions in the Canal.

(3) *Maximum authorized transit draft* means the deepest point of immersion in TFW of a particular vessel authorized at anytime, Gatun Lake level and Canal restrictions permitting.

(4) *Commercial vessel* means a self-propelled vessel, other than a naval, military or other public vessel.

(5) *Integrated tug-barge combination* means a barge that is specifically configured to receive a tugboat and with the tug, becomes, in effect, a single self-propelled unit.

(6) *Non-self-propelled vessel* means a vessel which either does not have an installed means of propulsion, or has an installed means of propulsion which is not functioning during transit.

(7) *Barge* means a flat-bottomed vessel of full body and heavy construction without installed means of propulsion.

(b) Maximum authorized transit draft of vessels with draft in excess of 35 feet, six inches.

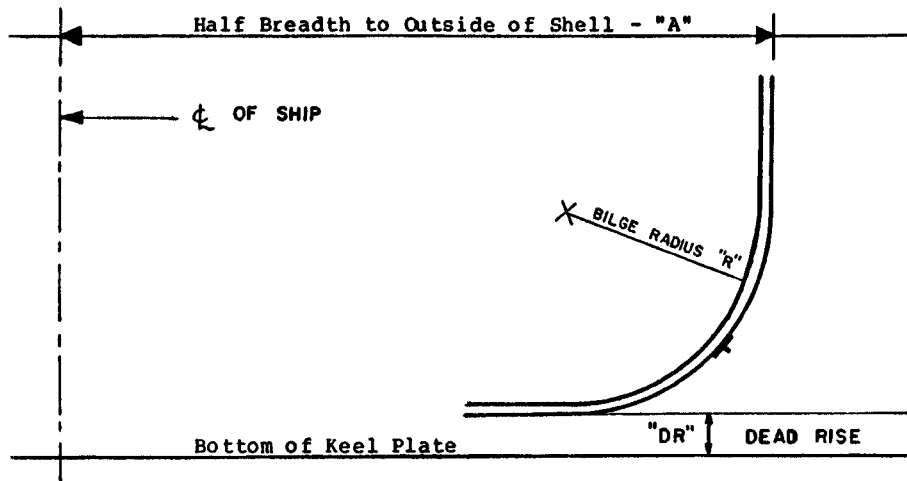
(1) Prior to the initial transit of a vessel whose transit draft will exceed 35 feet, six inches, owners, operators, or agents must supply in full the information required in paragraph (b)(2) of this section and request the maximum authorized transit draft for the vessel (deepest point of immersion TFW) from the Canal Operations Captain or his designee, no later than two weeks prior to loading of the vessel. This request will be returned with the approved maximum authorized transit draft stamped thereon.

(2) The information required by paragraph (b)(1) of this section shall be submitted in the following format:

INFORMATION NEEDED PRIOR TO INITIAL TRANSIT THROUGH THE PANAMA CANAL

*Bilge Information*

- Name of vessel \_\_\_\_\_ Date \_\_\_\_\_
- Authorized Tropical Fresh Water Load Line \_\_\_\_\_
- Admeasurer \_\_\_\_\_ Certified as Correct \_\_\_\_\_  
[Master-Owners—Agents]
- (1) "A"—Half breadth of vessel to the outside of shell \_\_\_\_\_
- (2) "R"—Radius of turn of bilge (Feet & Inches) \_\_\_\_\_
- (3) "DR"—Dead rise at side of vessel (Inches) \_\_\_\_\_



NOTE: On an off-center lockage with the vessel touching the lock wall, the turn of the bilge will clear the lock-wall batters at the most critical point as shown in the Table of Limiting Drafts, paragraph (d)(3) of this section.

(c) *Draft during initial transit.* The initial transit is permitted at the maximum authorized transit draft. After the initial transit, unless the vessel's agent or owner is notified of any restrictions imposed by Canal authorities, this maximum authorized transit draft will remain in effect.

(d) *Minimum transit drafts, measured in salt water*—(1) All vessels transiting the Canal must have sufficient ballast to permit safe handling during transit. The following are minimum salt water drafts (TSW) for ships anticipating transit:

Length	Minimum drafts
Up to 425' .....	Trimmed so pilot can see the ranges over the forecastle from center of navigation bridge.
Over 425' but not more than 475.0'.	8' forward, 14' aft, TSW.
Over 475' but not more than 525.0'.	18' forward, 20' aft, TSW.
Over 525' but not more than 580.0'.	20' forward, 22' aft, TSW.
Over 580' but not more than 625.0'.	22' forward, 24' aft, TSW.
Over 625' .....	24' forward, 26' aft, TSW.

(2) The vessel's drag must not adversely affect maneuverability.

(3) The following table provides the limiting drafts due to bilge radius:

TABLE OF LIMITING DRAFTS DUE TO BILGE RADIUS CONTACTING CHAMBER BATTERS  
[Allows for 6-inch thick rubber fenders on lock walls at batter locations]

	Radius of turn of bilge (feet)				
	1'	2'	3'	4'	5'
0' .....	35'8"	36'6"	37'4"	38'2"	39'0"
1' .....	35'9"	35'7"	37'5"	38'3"	39'1"
2' .....	35'10"	36'8"	37'6"	38'4"	39'2"
3' .....	35'10"	36'8"	37'6"	38'5"	39'3"
4' .....	35'11"	36'9"	37'7"	38'5"	39'3"
5' .....	36'0"	36'10"	37'8"	38'6"	39'4"
6' .....	36'1"	36'11"	37'9"	38'7"	39'5"
7' .....	36'2"	37'0"	37'10"	38'8"	39'6"
8' .....	36'3"	37'1"	37'11"	38'10"	
9' .....	36'3"	37'1"	38'0"	38'10"	
10' ...	36'4"	37'2"	38'0"	38'10"	
11' ...	36'5"	37'3"	38'1"	38'11"	

EXAMPLE: To find draft of ship having a radius-of-turn-of-bilge of 4'4" read across top of table to column headed 4' thence down column opposite 4 inches—Read 38'5".

NOTE: *Dead Rise* not included in above tabulations and must be added to above readings.

(4) A vessel whose ballast draft does not meet the minimum draft requirements established by this section may be accepted for transit on a regular basis, provided the vessel operator requests permission and submits the following information to the Marine Bureau of the Panama Canal Commission:  
(i) Principal dimensions of the vessel;

(ii) deepest attainable minimum draft (fore and aft); (iii) limitations on visibility fore and aft from the navigation bridge; (iv) necessary excerpts from the vessel's plans, drawings and maneuvering data that relate to the vessel's suitability for transit.

(5) The vessel will be inspected by the Canal authorities upon its first visit after such a request is made. If the vessel is acceptable for transit at less than the prescribed minimum draft, the operator will be notified that transit on a regular basis is authorized provided the vessel meets the special minimum draft that is specified in the notice.

(6) If the vessel is found not to be acceptable for transit on a regular basis, a single transit may be authorized, at the discretion of the Canal authorities, subject to the imposition of any special conditions that may be required for reasons of safety or continuance of regular Canal operations.

(e) Maximum length. (1) The maximum length overall, including bulbous bow, for a commercial vessel acceptable for regular transit is 950.0 feet, except passenger and container ships, which may be 965.0 feet in overall length. In order to insure a safe passage, vessels exceeding 900.0 feet in overall length, which are transiting the Canal for the first time or are newly-modified or newly-constructed vessels, are subject to denial of passage pursuant to § 103.2 and to the requirement of prior Commission review and approval of vessel plans in accordance with Canal regulations.

(2) The maximum length for integrated tug-barge combination acceptable for regular transit is 900.0 feet overall, including the tug. A tug-barge combination must transit together as one unit, with the tug supplying the propelling power.

(3) The maximum aggregate overall length for non-self-propelled vessels acceptable for transit is 850.0 feet, including accompanying tugs. Accompanying tugs must lock through with the non-self-propelled vessel.

(f) *Maximum beam*—(1) The maximum extreme beam for a commercial vessel and the integrated tug-barge combination acceptable for regular transit is 106.0 feet.

(2) In the discretion of the Canal Operations Captain or his designee, commercial vessels, including integrated tug-barge combinations, having an extreme beam of between 106.0 and 107.0 feet may be permitted to transit on a one-time basis only if the deepest point of immersion does not exceed 37.0 feet TFW.

(3) The maximum extreme beam for non-self-propelled vessels (other than integrated tug-barge combinations) acceptable for transit is 100.0 feet.

(g) *Previous approvals and one-time transits.* Vessels approved for regular transit prior to December 20, 1976 whose maximum length or beam slightly exceed the limits set forth in paragraphs (e) and (f) may continue to transit on a regular basis. After that date, approval will not be given for transit of other commercial vessels whose extreme beam exceeds 106.0 feet by any amount, except for vessels transiting on a one-time delivery basis.

(h) *Release from liability.* If a vessel having a beam in excess of 106.0 feet is permitted to transit on a one-time basis, such vessel may do so only at its own risk and, to the extent and in proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators, or any other person having an interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage or liability incurred by the Panama Canal Commission or the United States under, or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96-70, 93 Stat. 485-87;

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United



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States from liability in case of an accident and to indemnify the Commission and the United States for any damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

(i) *Denial of transit.* A vessel shall not be permitted to transit the Canal under the following circumstances:

(1) When the vessel's maximum point of immersion exceeds its maximum authorized draft;

(2) When the vessel's maximum point of immersion exceeds the published FW maximum draft then in effect;

(3) When the length overall, including bulbous bow, exceeds that stated in paragraph (e) of this section, unless the vessel was approved for regular transit prior to March 16, 1981; or

(4) When the extreme beam exceeds that stated in paragraph (f) of this section by any amount, unless the vessel was approved for regular transit prior to March 10, 1981.

(j) *General.* (1) Vessels of 100.0 feet beam and over whose list, trim or handling characteristics are such as to endanger themselves, Panama Canal appurtenances or a third party, may have such further limitations placed on them as Canal authorities deem necessary to insure reasonable safety.

(2) The draft of non-self-propelled barges of 550.0 feet or more in length may be limited when, in the opinion of Canal authorities, such a limit is necessary to insure reasonable safety.

(3) Non-self-propelled vessels, other than integrated tug-barge combinations, will be accepted only on an individual basis; advance permission for initial transit as a non-self-propelled vessel is required. Displacement of these vessels is limited to 35,000 tons and the draft requirements of paragraph (d) of this section are applicable. Riding crews must be provided in sufficient numbers, as required by the Canal Operations Captain, to safely handle towboat lines and boarding ladders, and to assist in mooring.

(4) The numerous constraints affecting the transit schedules of vessels and tows make it important that informa-

tion provided in advance of the initial transit of a vessel include a capacity plan, general arrangement plans, engine room plans, and whenever possible, a photostatic copy of national register, load line certificate and Panama Canal tonnage certificate. This advance information will minimize the time spent aboard the vessel by Panama Canal officials before commencement of the initial transit.

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

[46 FR 63176, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982, as amended at 50 FR 26991, July 1, 1985; 53 FR 12517, Apr. 15, 1988; 55 FR 11908, Mar. 30, 1990]

### § 103.7 Authority to deny transit.

A vessel's transit may be denied until, in the opinion of the Canal authorities, its tenderness, trim, list, draft, cargo, hull, machinery, and equipment have been put into such condition as will make the vessel safe for her passage through the Canal. No claim shall be allowed or considered because of any such delay.

[54 FR 43962, Oct. 30, 1989]

### § 103.10 Vessels required to be equipped with certain indicators.

(a) All vessels in excess of 150 feet in length shall be equipped with properly operating rudder-angle and engine-revolution indicators in the wheelhouse so located and illuminated as to be readily visible to a pilot.

(b) All vessels with beams in excess of 80 feet shall be equipped with properly operating rudder-angle and engine-revolution indicators in the wheelhouse and on each bridge wing so located and illuminated as to be readily visible to a pilot.

(c) All vessels in excess of 150 feet in length which are equipped with variable pitch propellers shall have properly operating pitch indicators in the wheelhouse so located and illuminated as to be readily visible to a pilot.

(d) All vessels with beams in excess of 80 feet which are equipped with variable pitch propellers shall have properly operating pitch indicators in the wheelhouse and on each bridge wing so located and illuminated as to be readily visible to a pilot.

(e) Any vessel which fails to meet the requirements of this section may be denied transit. If the Canal authorities decide that a vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, and permit her to transit, such vessel may do so only at its own risk and, to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to a casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage or liability incurred by Panama Canal Commission or the United States under, or in respect to:

(1) Sections 1411 through 1416, inclusive, of Pub. L. 96-70, 93 Stat. 485-87;

(2) Property of the Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of vessel's failure to meet the requirements of this section.

[40 FR 8348, Feb. 27, 1975, as amended at 41 FR 21775, May 28, 1976; 46 FR 63179, Dec. 30, 1981]

**§ 103.11 Vessels without mechanical signal system to engine room subject to delay in transiting.**

(a) A vessel that is not equipped with a properly operating mechanical system of signals between the pilot house

and the engine room, as recommended under paragraph (b) of this section, is subject to delay in transiting to the extent the Canal authorities deem necessary or appropriate in order to minimize, in the light of the type and volume of Canal traffic and of other factors relating to the safety of Canal operations, the increased hazards of navigation resulting from failure of the vessel to be so equipped.

(b) It is recommended that every vessel have a mechanical system of signals between the pilot house and the engine room. Any such system should return the engine order to the pilot house. If the signal system is by bells the vessel should have a tube, of proper size, so arranged as to return the sound of the bell signals to the pilot house, and should also be provided with a speaking tube or other device for the purpose of conversation between the pilot house and engine room. If the signal system is by engine room telegraph it should be capable of repeating the order back to the pilot house.

[31 FR 12289, Sept. 16, 1966]

**§ 103.12 Discharge of firearms.**

No firearms of any kind may be discharged from vessels while in Canal waters, except that authorized salutes by vessels of war will be permitted by prior arrangement with Canal authorities.

**§ 103.13 Firing of salutes.**

Vessels of war may not fire salutes while at a Commission dock, in the locks, or in Gaillard Cut.

**§ 103.14 Colors and house flags.**

During daylight, vessels in Canal waters shall display their colors and house flags.

**§ 103.15 Boarding vessels at anchor or underway.**

Except for members of the Canal boarding party, pilots, Republic of Panama boarding officials, and agents, in the performance of their official duties, and such other persons as may be authorized by Canal authorities, no person, with or without the consent of the Master, may board a vessel at anchor or underway in the Canal waters.

**§ 103.16 Meals to be furnished by vessel in certain cases.**

Vessels shall furnish meals to Panama Canal pilots without charge during the ship's regular meal hours and shall furnish a meal to the pilot between 2200 hours and 0400 hours if the vessel is transiting the Canal during such hours. In addition, vessels shall provide meals without charge during the ship's regular meal hours to any other Panama Canal Commission personnel, other than linehandlers, whose assignment will require them to be aboard the vessel for four or more hours. If a vessel is unable to furnish such meals, they may be furnished by the Panama Canal Commission at the expense of the vessel.

**§ 103.17 Boat for handling lines.**

A vessel shall keep at least one boat ready for lowering, for the purpose of handling lines.

[31 FR 12289, Sept. 16, 1966]

**§ 103.18 Pilot ladders, hoists and side ports.**

(a) A vessel shall, weather permitting, have both an accommodation ladder and a pilot ladder rigged and ready for use upon arrival in Canal waters.

(b) The pilot ladder shall be constructed and rigged in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974, TIAS 9700, except that:

(c) When the distance from the waterline to the point of access of the vessel exceeds nine meters or 30 feet, a combination pilot ladder and short brow accommodation ladder must be provided for boarding purposes.

(d) A mechanical pilot hoist may be used for boarding officials and pilots only at their discretion, and provided that the design and construction of the

hoist and ancillary equipment are in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974.

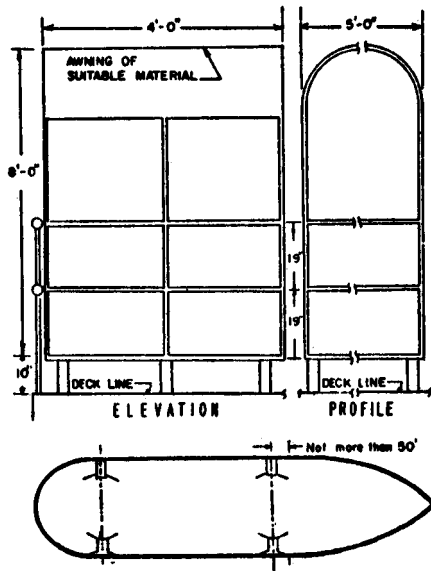
(e) When a mechanical pilot hoist is used, a ring buoy fitted with a lifeline and self-igniting light shall be available and ready for immediate use. The pilot ladder required by § 103.18(a) shall be in close proximity to the pilot hoist, ready for immediate use but lashed up so as not to interfere with the pilot hoist.

(f) When the side ports are used for boarding, the minimum vertical distance between the waterline and the bottom of the side port at any draft shall be six feet.

**§ 103.19 Requirement for pilot shelter platforms.**

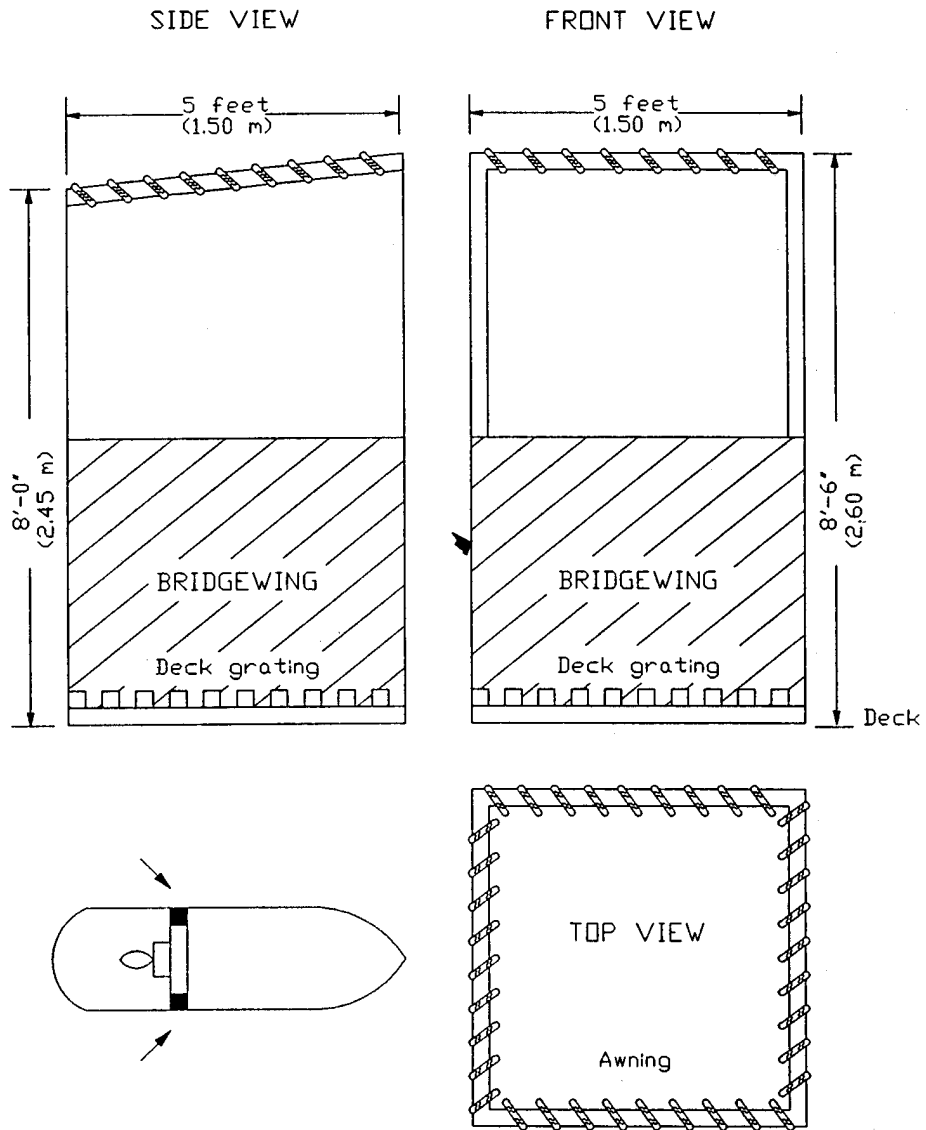
(a) Any vessel that, in accordance with Panama Canal operation standards, is required to have three or more pilots aboard, shall provide suitable pilot shelter platforms for the assisting pilots. The purpose for the pilot platforms is to provide shelters from sun and rain for pilots working near the bow or the stern of a vessel and to provide adequate visibility around the locks in order to reduce the danger of damage. In general, this bow/stern pilot shelter platforms are required on ships of 190.5 meters (625 feet) or more in length and a beam of 30.5 meters (100 feet) or greater. They may also be required on certain smaller ships that the Marine Director or his designated representative determine require three or more pilots. Those vessels requiring shelters shall provide them for use no later than six months from the effective date of the final rule.

(b) The following is a sketch of a simplified pilot platform which is acceptable to the Panama Canal Commission:



(c) Each platform is to be erected over the furthest forward point of the extreme beam at the waterline and not more than six inches from the vertical plane of shell plating. For vessels of unorthodox design requiring aft platforms, they shall be erected at a position which is approximately over the aftermost point of extreme beam at the waterline and not more than six inches inboard from the vertical plane of shell plating.

(d) In addition to the pilot shelter platforms required by paragraph (a) of this section for assisting pilots, all vessels whose extreme beam is 24.4 meters (80 feet) or more, are required to provide bridge wing shelters for the protection of control pilots. The following is a sketch of a bridge wing shelter that is acceptable to the Panama Canal Commission. Alternate arrangements, including portable shelters, which provide equivalent or better protection and visibility may be acceptable.



(e) The purpose of the bridge wing shelter is to provide protection for pilots from sun and rain, while allowing maximum visibility around the locks. On vessels that have a raised conning station at the edge of the bridge wing more than 30 centimeters (1 foot) above the deck level, the height of the awning should be raised accordingly. Awnings are to extend at least 1.52 meters (5 feet) inboard from the outboard edge of the bridge wing. Similarly, their fore-and-aft dimension is to be at least 1.52 meters (5 feet), extending aft from the forward part of the bridge wing. If ship control equipment (engine, rudder or thruster controls, etc.) are located on the bridge wings, these shelters must also extend at least one foot beyond such equipment but must not extend beyond the outboard edge of the bridge wing.

(f) The awnings indicated in the sketches in paragraphs (b) and (d) of this section are to be made of suitable material to provide shelter from sun and rain. The decks of the pilot shelter platforms are to be made of wood or other material with a non-skid surface.

[46 FR 63176, Dec. 30, 1981, as amended at 54 FR 43962, Oct. 30, 1989]

**§ 103.20 Disabling of engines.**

Except when specifically authorized by the Canal authorities, no vessel at any dock or mooring within Canal waters shall have its engines disabled or otherwise rendered inoperative.

**§ 103.21 Precautions against emission of sparks, smoke or noxious gases.**

Vessels in Canal waters shall take all necessary precautions to avoid the issuance of sparks, excessive smoke, or noxious gases.

**§ 103.25 Fishing or placing of nets or other obstructions prohibited.**

No fishing nets or other obstructions shall be placed in any of the navigable waters of the Panama Canal. Fishing boats shall not anchor for the purpose of fishing nor haul nets or trawls in the anchorages or navigable channels of the Canal. Fishing from small craft in the anchorages or navigable channels of the Canal is prohibited.

**§ 103.26 Obstructions not to be placed across channels or anchorages.**

No line, pipe, or other obstruction shall be passed across any channel or anchorage so as to obstruct the passage of vessels.

**§ 103.27 Clear view forward from the bridge and steering light requirement for certain vessels.**

(a) A vessel may not be navigated in Canal waters unless there is a clear, unobstructed view from the bridge.

(b) All vessels over 100 meters (328 feet) in length shall have installed, at or near the stem, a steering range equipped with a fixed blue light which shall be clearly visible from the bridge along the centerline. If said range and light so placed would be partially or completely obstructed, then two such ranges and lights must be installed at an equal distance from the centerline and shall be clearly visible from the bridge along lines parallel to the keel.

(c) Naval or military vessels exempted from the requirements of Part 111 of this chapter shall also be exempt from the requirements of paragraphs (b), (d), and (e) of this section.

(d) The light required by this section shall be capable of being illuminated and extinguished by a suitable control switch located either on the navigation bridge or on the forecandle deck, or both.

(e) The use of this steering light shall be at the discretion of the Panama Canal pilot who has control of the navigation and movement of the vessel.

(f) This section will be effective January 1, 1971.

[35 FR 12274, July 31, 1970, as amended at 46 FR 63181, Dec. 30, 1981; 48 FR 6709, Feb. 15, 1983]

**§ 103.28 Towing of certain vessels required.**

A vessel arriving at an entrance to the Canal and having a mean draft in excess of that allowed under the Load Line Regulations for the tropical zone, applicable for the voyage on which the vessel is engaged, as determined by the American Bureau of Shipping, Lloyd's Register or other acceptable certifying agency, is required to take the services of a Panama Canal tug or tugs from the Pacific entrance Channel Buoy 1

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and 2 to Gamboa Reach, from the north end of Gatun Locks to Buoy 3 in the Atlantic harbor, and vice versa. However, in the instances where the over-draft is negligible, the assignment of a tug or tugs may be waived at the discretion of the Canal Operations Captain or his designee. Any vessel without mechanical motive power, or the machinery of which is or becomes disabled, or which steers badly, or which is liable to become unmanageable for any reason, shall be towed through the Canal. The Canal authorities may require any vessel to take a tug or tugs through Gaillard Cut, in the approaches to the locks, or in any other part of the Canal, when in their judgment such action is necessary to insure reasonable safety to the vessel or to the Canal and its appurtenances. The tug service in any of these cases shall be chargeable to the vessel. The Master of a vessel which steers badly, or which is liable to become unmanageable for any reason, shall report such fact and request the services of a tug.

[46 FR 63176, Dec. 30, 1981, as amended at 55 FR 11908, Mar. 30, 1990]

### § 103.29 Anchoring in Panama Canal waters.

No vessel shall anchor within the navigable waters of the Canal in other than a designated anchorage, except in an emergency, and no craft shall tie up to any aid-to-navigation in Canal waters.

### § 103.30 Requirements for all dead tows.

(a) *Preparation for transit*—(1) Upon arrival, the tug will break up the tow and secure the bridle so that no part of it extends below the surface of the water.

(2) Tows shall have the capability of anchoring.

(3) Tows will be inspected before being scheduled for transit.

(4) Agents, operators and owners will be responsible for making any required alterations or additions to equipment or stowage.

(5) Boarding facilities will comply with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1974, TIAS 9700. There must be a clear passage, free of obstructions,

from the boarding facility to all working areas, otherwise, catwalks with handrails and steps must be provided.

(6) The working area near chocks and bitts on all dead tows must be clear of obstructions and fitted with safety rails or lines at the vessel's sides.

(b) *Transit requirements*—(1) Tows must provide a pilot shelter with a clear view forward, on the center line, approximately midway between the bow and stern. This shelter may be permanent or portable, but must protect the pilot from the elements. All tows with a beam in excess of 79.9 feet shall provide, in addition to the center line shelter, pilot shelters at the extreme beams from which the pilots may readily view the vessel's sides.

(2) Dead tows must be equipped with the chocks and bitts as set forth in § 109.6 of this chapter.

(3) Tows must provide mooring and heaving lines and have mooring arrangements, and bitts or cleats for securing tugs that do not interfere with those chocks and bitts required for locomotive wires.

(4) All barges will be fitted so that a pusher tug can be secured with its stem held firmly to the center line of the barge. Pushing tugs are to be equipped with wire cable snubbers and springs.

(5) All barges will be required to have portable toilets on board prior to departure for transit.

### § 103.32 Engine orders to be recorded.

(a) Except as provided in paragraph (b) of this section, every power-driven vessel over 250 feet in length, while navigating in Panama Canal waters under the control of a Panama Canal pilot, shall maintain a bridge bell book and an engine room bell book. The bridge bell book shall consist of a contemporaneous record of each engine order and the time it is transmitted from the bridge to the engine room. The engine room bell book shall consist of a contemporaneous record of each engine order and the time it is received in the engine room.

(b) No vessel is required to maintain any bell books if equipped with a serviceable automatic device which produces a permanent, legible record of every engine order transmitted from

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the bridge and the time of every transmission, plus the response and time of the response of the engine room to the engine order.

(c) The bell books and automatic recording referred to in paragraphs (a) and (b) of this section, the record of an automatic course recording device, if one is available, and any log books must be surrendered, upon request, to the pilot or to the Board of Local Inspectors or other Canal authorities for the purpose of inspection and reproduction.

(Approved by the Office of Management and Budget under control number 3207-0001)  
[41 FR 21776, May 28, 1976, as amended at 46 FR 63181, Dec. 30, 1981; 50 FR 26991, July 1, 1985]

§ 103.33 Navigation in Gaillard Cut.

No vessel other than a vessel transiting the Canal shall navigate in Gaillard Cut except with the express prior approval of the Canal authorities. [31 FR 12289, Sept. 16, 1966]

§ 103.34 Same; control by Canal Operations Captain.

The movement of vessels in Gaillard Cut shall be regulated by the Canal Operations Captain through Marine Traffic Control, or by such other persons and through such other stations or facilities as the Canal authorities may designate.

[46 FR 63176, Dec. 30, 1981, as amended at 55 FR 11908, Mar. 30, 1990]

§ 103.39 Arrow signals; locks.

Choice between east and west chambers shall be made by the Locks Superintendent. Pilots shall stand toward the chamber indicated and shall comply with the arrow signal unless unsafe to do so.



Not ready; lockage cannot take place for some time

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Not ready; stand off well clear of lock, prepared to approach on signal



Locks making preparation, probably be ready in 10 minutes or less; you may approach with caution, prepared to tie up or enter on right-hand side on signal



Locks making preparation, probably be ready in 10 minutes or less; you may approach with caution, prepared to tie up or enter on left-hand side on signal



Moor to approach wall near chain on right-hand side



Moor to approach wall near chain on left-hand side



Enter right-hand side



Enter left-hand side

[31 FR 12289, Sept. 16, 1966]



**§ 103.40 Transit schedules; pennants.**

(a) When a pilot is assigned to a ship for northbound or southbound canal transit he shall be given a schedule number and the expected time of arrival at south end of Miraflores Locks or at north end of Gatun Locks.

(b) Northbound ships shall fly "H" under International numeral pennant corresponding to schedule assigned.

Southbound ships shall fly "H" over International numeral pennant corresponding to schedule assigned.

In addition: Preference ships shall fly "Z" (blue light at night); hazardous cargo will fly "B" (red light at night).

(c) Ships maneuvering in Canal waters with pilot on board shall fly "H".

[31 FR 12289, Sept. 16, 1966]

**§ 103.41 Ships to display schedule number.**

Each ship shall display throughout her transit, the flag or flags designating the schedule number on which it is running.

**§ 103.42 Maneuvering characteristics; data required.**

(a) Each vessel of 1,600 gross tons or over shall have the following maneuvering information prominently displayed in the wheelhouse on a fact sheet:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and the 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 required 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.

(4) For each vessel 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.

(b) For tankships, the maneuvering information referred to in paragraph (a) of this section shall be provided for the normal load and normal ballast condition. For all other vessels, it shall be provided for the normal load and normal light condition with normal trim for a particular condition of loading. All the maneuvering information for all vessels which must be provided is to be based on the following:

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

(2) No current;

(3) Deep water conditions—water depth twice the vessel's draft or greater; and

(4) Clean hull.

(c) The information on the fact sheet shall be:

(1) Verified six months after the vessel is placed into service; or

(2) Modified six months after the vessel is placed into service and verified within three months thereafter.

(d) The information that appears on the fact sheet may be obtained from:

(1) Trial trip observations;

(2) Model tests;

(3) Analytical calculations;

(4) Simulations;

(5) Information established from another vessel of similar hull form, power, rudder and propeller; or

(6) Any combination of the above.

The accuracy of the information in the fact sheet required is that attainable by ordinary shipboard navigation equipment.

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

[41 FR 21776, May 28, 1976. Redesignated at 46 FR 63182, Dec. 30, 1981, and amended at 50 FR 26991, July 1, 1985]

**PART 104—VESSEL TRANSIT RESERVATION SYSTEM**

Sec.

104.1 Applicability and scope.

104.2 Definitions.

104.3 Booking periods; allocation of booking slots.

## § 104.1

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- 104.4 Booked transits.
- 104.5 Passenger vessel preference.
- 104.6 Booking fees.
- 104.7 Penalties.
- 104.8 Re-scheduling.
- 104.9 Cancellations.
- 104.10 Regular transits.
- 104.11 Temporary suspension of system.
- 104.12 Further implementation.

AUTHORITY: 22 U.S.C. 3811.

SOURCE: 62 FR 18276, Apr. 15, 1997, unless otherwise noted.

### § 104.1 Applicability and scope.

Subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United States and Great Britain, and by Articles II and VI of the 1977 Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, between the United States and the Republic of Panama, Canal authorities have implemented a vessel transit reservation system that allows vessels desiring transit of the Panama Canal to reserve transit slots by complying with the provisions of this part.

### § 104.2 Definitions.

(a) *Booked for transit* means that a vessel, in advance of arriving at the Canal, has been assigned a specific date by Canal authorities on which it will be moved through the Canal and that the vessel has otherwise complied with the provisions of this part.

(b) *Regular transit* means movement through the Canal of a vessel that has not been booked for transit.

(c) *Required arrival time* means the date and the hour of the day established by Canal authorities as the deadline by which a vessel booked for transit must arrive at a terminus of the Canal in order to transit on its reserved transit date.

### § 104.3 Booking periods; allocation of booking slots.

(a) Vessel agents only may request reserved transit slots for vessels during the following booking periods:

- (1) First period—365 to 22 days prior to the requested transit date.
- (2) Second period—21 days to 4 days prior to the requested transit date.
- (3) Third period—3 to 2 days prior to the requested transit date.

(b) A total of 21 reserved transit slots will be made available for all three booking periods, allocation of which among the booking periods is to be determined by Canal authorities. Canal authorities, from time to time, may adjust the total number of available reserved transit slots to ensure continued safe and efficient operation of the Canal.

### § 104.4 Booked transits.

(a) The specific order vessels transit the Canal, whether booked or regular transits, shall be determined by Canal authorities. Except as provided in this part, a vessel booked for transit may not transit prior to its reserved transit date, unless Canal authorities determine that assigning the vessel an earlier transit slot would not impair safe and efficient operation of the Canal.

(b) Notwithstanding any subsequent assignment of an earlier transit slot, a vessel booked for transit will be charged the prescribed booking fee.

(c) Substitution of reserved transit slots between or among vessels booked for transit will be permitted only on conditions specified by Canal authorities.

### § 104.5 Passenger vessel preference.

To the extent consistent with efficient operation of the Canal, and subject to being booked for transit, commercial passenger vessels running on fixed published schedules will be given preference over other vessels in transiting, as determined by Canal authorities.

### § 104.6 Booking fees.

(a) The booking fee for reserving a transit slot for a vessel measured in accordance with § 135.13(a) of this chapter, shall be \$0.26 per PC/UMS Net Ton.

(b) The booking fee for reserving a transit slot for a vessel subject to transitional relief measures and measured in accordance with § 135.13(b) of this chapter, shall be \$0.23 per Panama Canal Gross Ton, as specified on the last tonnage certificate issued to the vessel by Canal authorities between March 23, 1976 and September 30, 1994, inclusive.

(c) Notwithstanding any contrary provision, whenever the total number

of vessels awaiting transit at both terminuses of the Canal is projected by Canal authorities to be, within 48-hours, 90 or more vessels, any vessel booked for transit that transits the Canal while this condition is in effect shall automatically be assessed a booking fee of \$0.69 per PC/UMS Net Ton.

(d) Notwithstanding any contrary provision, the minimum booking fee for any vessel booked for transit shall be \$1500.

#### §104.7 Penalties.

(a) The reserved transit slot of a vessel booked for transit will be cancelled by Canal authorities and a penalty fee assessed in a sum that is the greater of the prescribed booking fee or \$1,500, in the following situations:

(1) When a vessel that is subject to transit restrictions (e.g., clear cut, clear-cut daylight) has been booked for transit and does not arrive at a terminus of the Canal by 0200 hours of the day of the scheduled transit;

(2) When a vessel that is not subject to transit restrictions has been booked for transit and does not arrive at a terminus of the Canal by 1400 hours of the day of the scheduled transit; or

(3) When a vessel booked for transit arrives on time but cannot or, at the vessel operator's election, does not transit as scheduled, despite the readiness of Canal authorities to proceed.

(b) Canal authorities may waive assessment of a penalty fee if the vessel agent presents acceptable proof that late arrival of the vessel was due to a medical or humanitarian emergency arising during the voyage, or a naturally occurring, extraordinary phenomenon or event of major proportions that could not have been reasonably predicted in advance.

(c) Failure of the vessel agent to provide complete and accurate information required by Canal authorities when requesting transit bookings may result in rejection of the booking request or cancellation of the vessel's reserved transit slot.

(d) When a vessel's reserved transit slot is cancelled, and unless otherwise directed by the vessel agent, upon arrival, Canal authorities will re-schedule the vessel for regular transit.

#### §104.8 Re-scheduling.

(a) Except as otherwise provided, a vessel agent, without penalty, may request cancellation of a vessel's reserved transit slot and rescheduling of the vessel for regular transit or, alternatively, may request assignment of an alternate reserved transit slot, in the following situations:

(1) If for whatever reason Canal authorities cancel or significantly delay the transit of a vessel booked for transit that is otherwise ready to proceed as scheduled;

(2) If for whatever reason Canal authorities delay the transit of a vessel booked for transit to such a degree that the delay is likely to cause the vessel to be unable to meet its required arrival time for a later, second reserved transit, booked before the delay of the first reserved transit occurred; or

(3) If a vessel is booked for transit on the assumption that the vessel will pay the booking fee prescribed by §104.6(a) or (b) but, subsequently, a change in traffic conditions occurs triggering the higher booking fee prescribed by §104.6(c).

(b) A vessel booked for transit will be deemed to have transited the Canal on its reserved transit date if the vessel arrives at the first set of locks at either terminus of the Canal prior to 2400 hours that day and its in-transit time (ITT) is 18 hours or less. ITT begins when the vessel enters the first set of locks at either Canal terminus and ends when the vessel departs the last set of locks at the opposite terminus. No booking fee will be charged if ITT, through no fault of the vessel, exceeds 18 hours.

#### §104.9 Cancellations.

(a) A vessel agent may cancel the transit reservation of a vessel by giving notice prescribed by Canal authorities. In such event, and except as otherwise provided, a cancellation fee will be charged. The amount of the fee will depend on the amount of notice (days or hours) received by Canal authorities in advance of the vessel's required arrival time, according to the following schedule:

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Advance notice periods	Cancellation fee (the greater of)
31 days or more .....	None
30 to 11 days .....	20% of booking fee or \$500
10 to 7 days .....	40% of booking fee or \$750
6 to 2 days .....	60% of booking fee or \$1,000
1 day to 8 hours .....	80% of booking fee or \$1,200

(b) Receipt of notice of cancellation of a transit reservation by Canal authorities after the vessel's required arrival time will result in levy of a cancellation fee equal to the entire prescribed booking fee.

**§ 104.10 Regular transits.**

Vessels not booked for transit will be scheduled for movement through the Canal on the date and in the order determined by Canal authorities. In establishing the daily schedule of vessels to be moved through the Canal, the order in which vessels arrive is only one of several considerations. In general, regular transits will equal or exceed in number, one-half the total number of daily vessel transits.

**§ 104.11 Temporary suspension of system.**

(a) Canal authorities may temporarily suspend, in whole or in part, for whatever period of time deemed necessary, the vessel transit reservation system established by this part, whenever Canal authorities determine that such action is necessary to ensure continued safe and efficient operation of the Canal.

(b) No penalty or fee shall be levied against any vessel booked for transit whose reserved transit slot is cancelled by reason of a temporary suspension of the system pursuant to this section.

**§ 104.12 Further implementation.**

(a) In order to ensure safe and efficient operation of the system, Canal authorities may establish additional policies and procedures, define additional terms and issue clarifications and interpretations not inconsistent with the provisions of this part, which will be published and distributed periodically to Canal customers through notices to shipping or other appropriate means.

(b) In the event any provision of this part conflicts with any implementation provision issued pursuant to this sec-

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tion, the provisions of this part shall govern.

**PART 105—PILOTAGE**

Sec.

- 105.1 Pilots required.
- 105.2 Exemptions from compulsory pilotage.
- 105.3 Vessels in distress.
- 105.4 Pilotage charges.
- 105.5 Pilotage beyond Atlantic breakwater.
- 105.6 Status and function of pilot.
- 105.7 Status and function of transit advisor.

AUTHORITY: Issued under authority of the President by 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

SOURCE: 46 FR 63182, Dec. 30, 1981, unless otherwise noted.

**§ 105.1 Pilots required.**

(a) Except as provided by §§ 105.2, 105.3, and 105.7 or by paragraph (c) of this section, no vessel shall pass through, enter or leave the Canal, or maneuver in the Canal or waters adjacent thereto, including the ports of Cristobal and Balboa, without having a Panama Canal pilot on board.

(b) Normally a vessel will, unless advised to the contrary by the Canal Operations Captain or his designee, be boarded by the Panama Canal pilot inside the breakwater at a point north of the Mole Beacon at the Atlantic entrance and in the Merchant Vessel Anchorage to seaward of Buoys 1 and 2 at the Pacific entrance.

(c) In conformity with past practice, vessels anchored in Anchorage Area C and Anchorage Area F, as shown in the Pilot Handbook, Limon Bay Chart, may proceed to sea without a Panama Canal Pilot on board. All such vessels, prior to getting under way, must obtain permission to depart from the Cristobal Signal Station.

(d) Whenever the Administrator finds there is a critical shortage of certified Panama Canal pilots available for movement of vessels in Canal waters, he may suspend the rule on compulsory pilotage set out in paragraph (a) of this section. The Administrator shall impose such conditions upon the suspension of the rule, with respect to any given vessel, as are reasonable and appropriate to protect human life and

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property and to safeguard the facilities of the Panama Canal.

[46 FR 63182, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982, as amended at 51 FR 36011, Oct. 8, 1986; 55 FR 11909, Mar. 30, 1990]

### § 105.2 Exemptions from compulsory pilotage.

The following vessels are exempt from compulsory pilotage, except when the Canal Operations Captain or his designee considers a pilot necessary; nevertheless a pilot will be furnished any such exempted vessel if requested by the commanding officer or Master thereof:

(a) Local craft such as United States Army and United States Navy mine-sweepers, landing craft, patrol boats and tugs, and Panama Canal Commission tugs and equipment, except as limited by paragraph (c) of this section.

(b) Any vessel that makes frequent calls to Canal waters and whose current officers and crew are, in the opinion of the Canal Operations Captain or his designee, capable, by reason of such frequent calls and otherwise, of safely navigating within Canal waters and are so certified, except as limited by paragraph (c) of this section.

(c) Vessels and craft enumerated in paragraphs (a) and (b) of this section may be permitted to transit the Canal without a pilot when, in the opinion of the Canal Operations Captain or his designee, the current officers and crew have the necessary experience and ability to make safe transit and such transit is specifically approved. Whenever any such vessel or craft makes transit without a pilot, the Canal Operations Captain or his designee shall dispatch it with a larger vessel carrying a pilot and it shall lock through with that vessel. The Canal Operations Captain or his designee shall control the movements of such vessel or craft through Gaillard Cut so as to minimize the danger of its being a navigational hazard to larger vessels.

(d) Any other vessel or craft as and to the extent exempted by the Marine Director.

[46 FR 63182, Dec. 30, 1981, as amended at 55 FR 11909, Mar. 30, 1990]

CROSS REFERENCE: Vessels passing through locks without pilot aboard, in accordance

with this section, to be under direction of Lockmaster, see § 109.7(b).

### § 105.3 Vessels in distress.

A vessel in danger or distress is not prohibited from entering the waters of the Canal any time, but such vessel shall, when practicable, give due notice in advance, by radio or otherwise, and obtain a pilot, if possible. Such vessel shall, except in an emergency, anchor in the designated anchorage area.

CROSS REFERENCE: Merchant-vessel anchorage, see § 101.8.

### § 105.4 Pilotage charges.

Pilotage for vessels in transit through the canal is free, but whenever any vessel requires a pilot for other than transit, it is liable for the applicable pilotage charge.

### § 105.5 Pilotage beyond Atlantic breakwater.

Should a vessel desire a pilot to meet it outside the Atlantic breakwaters, such vessel shall remain there and make signal to that effect.

[31 FR 12292, Sept. 16, 1966]

### § 105.6 Status and function of pilot.

The pilot assigned to a vessel shall have control of the navigation and movement of such vessel.

[31 FR 12292, Sept. 16, 1966]

### § 105.7 Status and function of transit advisor.

Vessels less than 20 meters in length, except those described in § 105.2 (a) and (b), will be assigned a Panama Canal Commission transit advisor in lieu of a Panama Canal pilot. The transit advisor will function as an advisor, whose presence is necessary to provide comprehensive local knowledge of the Canal operating area and procedures for an efficient and safe transit.

[51 FR 36011, Oct. 8, 1986]

## PART 107—MANNING OF VESSELS: REQUIREMENTS CONCERNING OFFICERS AND CREW

Sec.

107.1 Vessels to be fully manned.

107.2 Crew on watch.

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- 107.3 When Master and officers must be on bridge or at other regular stations.
- 107.4 When Chief Engineer must be on duty; full head of steam to be maintained.
- 107.5 When particular deck officers and seamen must be on duty.
- 107.6 Unauthorized persons not allowed on bridge.

AUTHORITY: Issued under authority of the President by 22 U.S.C. 3811; E.O. 12215, 45 FR 36043.

**§ 107.1 Vessels to be fully manned.**

(a) A vessel navigating the waters of the Canal shall be sufficiently manned in officers and crew to permit safe handling of the vessel.

(b) If the nation of registry of a vessel has implemented the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), which is hereby incorporated by reference, the officers and crew shall meet the standards set forth therein. This Convention is contained in the International Maritime Organization publication number 938 78.15.E "International Conference on Training and Certification of Seafarers, 1978." In the event that the nation of registry has not adopted the STCW, the certification required for officers and crew as required by the country of vessel registry shall be met.

(c) The Canal authorities may deny transit of the Canal to any vessel which, in their opinion, is insufficiently manned as to officers and crew.

[50 FR 19679, May 10, 1985]

**§ 107.2 Crew on watch.**

(a) When under way in Canal waters, a vessel shall keep a full watch on deck and in the engine room. When approaching a lock, moored temporarily to a lock wall or when in a lock chamber, a vessel shall, when so requested by the pilot, have sufficient seamen forward and aft to handle lines expeditiously.

(b) Except as provided in paragraph (c) of this section, when anchored, moored, or lying at a Panama Canal Commission pier a vessel shall at all times have on board at least one qualified deck officer, one qualified engineer officer familiar with the machinery and layout of the vessel, and sufficient

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crew to provide for the safety of the vessel.

(c) The manning levels of Commission vessels shall be determined by the Marine Director or his designee.

[46 FR 63182, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982]

**§ 107.3 When Master and officers must be on bridge or at other regular stations.**

(a) When a vessel is entering or leaving a lock, docking or undocking, getting under way, anchoring, mooring or shifting berth, or is underway in Gaillard Cut, the Master shall be on the bridge and shall keep the Pilot informed concerning any individual peculiarities in the handling of the vessel so that the Pilot may be better able to control the navigation and movement of the vessel. All other officers shall be at their regular stations throughout the times and maneuvers described herein.

(b) At all other times when a vessel is moving in Canal waters, the Master of the vessel, or his qualified representative, shall be present on the bridge and shall keep the pilot informed concerning the individual peculiarities in the handling of the vessel so that the pilot may be better able to control the navigation and movement of the vessel. All other officers shall be at their regular stations throughout the maneuvers described herein.

(c) The Master, or his qualified representative, shall ensure at all times that the pilot's orders are promptly and properly carried out by the vessel's personnel.

[31 FR 12293, Sept. 16, 1966, as amended at 46 FR 63182, Dec. 30, 1981]

**§ 107.4 When Chief Engineer must be on duty; full head of steam to be maintained.**

(a) In addition to the regular engineer officer of the watch, the Chief Engineer of a vessel shall remain on duty in the engine room during the approach to, and while passing through, the locks and until the lockage is completed and the vessel is clear of the lock walls. The Chief Engineer shall also be on duty in the engine room while the vessel is passing through Gaillard Cut, docking or undocking,

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getting underway, anchoring, mooring, or shifting berth.

(b) A full head of steam or full diesel power, as the case may be, shall be maintained at all times mentioned in paragraph (a) of this section.

[31 FR 12293, Sept. 16, 1966]

### § 107.5 When particular deck officers and seamen must be on duty.

(a) When a vessel is getting underway, anchoring, mooring, or is underway in Gaillard Cut, a ship's officer shall stand by on the forecastle.

(b) When a vessel is entering, in, or leaving a lock, docking or undocking, or shifting berth, a ship's officer shall stand by on the forecastle and a ship's officer shall also stand by on the stern.

(c) Every vessel with a Panama Canal pilot aboard shall, in addition to meeting the requirements of paragraphs (a) and (b) of this section, have a seaman stationed on the forecastle who is capable of and ready to operate the ground tackle.

[31 FR 12293, Sept. 16, 1966, as amended at 41 FR 21777, May 28, 1976]

### § 107.6 Unauthorized persons not allowed on bridge.

While a vessel is underway, no person shall be allowed on the bridge or in the pilot house except the pilot and other representative of the Panama Canal, and the Master and such officers and other members of the crew of the vessel as may be necessary for its navigation and control, management, operation and safety.

[31 FR 12293, Sept. 16, 1966]

## PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

Sec.

109.1 Keeping persons clear of gear used in lockages.

109.2 Embarking or disembarking at locks.

109.3 Same; permits.

109.4 Locomotives; Canal deckhands.

109.5 Ship's gear to be ready during transit; test.

109.6 Construction, number, and location of chocks and bits.

109.7 Passing through locks; use of towing locomotives and ship's engines.

AUTHORITY: Issued under authority vested in the President by sec. 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

SOURCE: 31 FR 12294, Sept. 16, 1966, unless otherwise noted.

### § 109.1 Keeping persons clear of gear used in lockages.

The master and officers of a vessel shall require all passengers and all other persons not engaged in working the vessel to keep well clear of lines, bits, chocks, winches and other gear being used in connection with the lockage.

### § 109.2 Embarking or disembarking at locks.

Except when specially authorized by the Canal authorities, no person shall embark upon or disembark from a vessel while it is in a lock. The Canal authorities shall not be responsible for any injuries to persons or property or for damage to vessels which may result from the granting of such special permission.

### § 109.3 Same; permits.

Permits for embarking or disembarking at the locks may be issued in the discretion of the Marine Director or designee.

[55 FR 11909, Mar. 30, 1990]

### § 109.4 Locomotives; Canal deckhands.

The Canal authorities are authorized to prescribe:

(a) The number of towing locomotives and wires required in the locks by a transiting vessel, depending upon her length, beam, displacement, and special conditions; and

(b) The number of Canal deckhands to be placed on board a transiting vessel to assist her crew in handling towing wires in the locks.

### § 109.5 Ship's gear to be ready during transit; test.

Before beginning transit of the Canal, a vessel shall have hawsers, lines and fenders ready for passing through the locks, for warping, towing, or mooring as the case may be; and shall have both anchors ready for letting go. The Master shall assure himself, by actual test, of the readiness of his vessel's main engines, steering

gear, engine room telegraphs, whistle, rudder-angle and engine-revolution indicators, and anchors. During the transit, at all times while a vessel is underway or moored against the lock walls, her deck winches, capstans, and other power equipment for handling lines, as well as her mooring bitts, chocks, cleats, hawse pipes, etc., shall be ready for handling the vessel, to the exclusion of all other work.

**§ 109.6 Construction, number, and location of chocks and bitts.**

(a) The Canal Operations Captain or designee is responsible for determining if vessels arriving for transit are properly equipped. That official is also responsible for the approval of new construction requirements concerning chocks and bitts which are utilized for locomotives and tugs, relay operations, tie-up operations, boarding facilities, and wheelhouse design features, including visibility factors.

(b) All chocks for towing wires shall be of heavy closed construction and shall have a convex bearing surface with a radius of not less than seven inches (178 millimeters). The convex surface shall extend so that a wire from the bitt, or from the towing locomotive through the chock, shall be tangent to the seven-inch (178 millimeter) radius at any angle up to 90 degrees with respect to a straight line through the chock.

(c) No part of the vessel which may be contacted by the towing wires, at any angle, shall have less than a seven-inch radius.

(d) Chocks designated as single chocks shall have a throat opening of not less than 100 square inches (645 square centimeters) in area—preferred dimensions are 12 x 9 inches (305 x 229 millimeters)—and shall be capable of withstanding a strain of 100,000 pounds (43,331 kilograms) on a towing wire from any direction.

(e) Chocks designated as double chocks shall have a throat opening of not less than 140 square inches (903 square centimeters) in area—preferred dimensions are 14 x 10 inches (356 x 254 millimeters)—and shall be capable of withstanding a strain of 140,000 pounds (64,000 kilograms) on the towing wires from any direction.

(f) Use of roller chocks is permissible provided they are not less than 14.94 meters (49 feet) above the waterline at the vessel's maximum Panama Canal draft and provided they are in good condition, meet all of the requirements for solid chocks as specified in paragraphs (a), (b), (c), and (d) of this section, as the case may be, and are so fitted that transition from the rollers to the chock body will prevent damage to towing wires.

(g) Each single chock shall have an accompanying bitt capable of withstanding a strain of 100,000 pounds (45,331 kilograms).

(h) Each double chock located at the stem and at the stern, in accordance with paragraph (h) of this section, shall have two pairs of heavy bitts with each bitt of each pair capable of withstanding a strain of 100,000 pounds (45,331 kilograms). Other double chocks shall have a pair of heavy bitts with each bitt capable of withstanding a strain of 100,000 pounds (45,331 kilograms).

(i) All vessels, except a vessel not requiring locomotives, shall be fitted with a double chock set athwartships right in the stem and another double chock set athwartships right in the stern, except that on vessels of less than 75 feet beam, two single chocks may be substituted for each double chock required by this subsection; on vessels of over 75 feet beam, two double chocks may be substituted for each double chock required by this section. If such substitution is made, the chocks shall be placed port and starboard not more than eight feet abaft the stem or 10 feet forward of the stern, provided that these chocks are not more than 10 feet from the center line of the vessel.

(j) Vessels under 60.06 meters (200 feet) in length and not exceeding 9.14 meters (30 feet) in beam shall have a double chock or two single chocks at the stem and stern. If the vessel is equipped with the two single chocks, they shall be placed, port and starboard, not more than eight feet abaft the stem or 10 feet forward of the stern, and not more than 10 feet off the center line.

(k) Vessels 60.96 to 121.92 meters (200 to 400 feet) in length and not exceeding 22.86 meters (75 feet) in beam shall have



a double chock at the stem and at the stern or two single chocks at the bow and stern, port and starboard, not more than eight feet abaft the stem or 10 feet forward of the stern and not more than 10 feet off the center line and shall have two additional single chocks, port and starboard, nine to 16 meters (30 to 50 feet) abaft the stem and nine to 16 meters (30 to 50 feet) forward of the stern.

(l) Vessels 121.92 to 173.74 meters (400 to 570 feet) long and not more than 22.86 meters (75 feet) in beam shall have a double chock at the stem and stern or two single chocks at the bow and stern, port and starboard, and in addition shall have a chock, port and starboard, 12 to 16 meters (40 to 50 feet) abaft the stem, a single chock port and starboard, 24 to 28 meters (80 to 90 feet) abaft the stem, and a single chock, port and starboard, 12 to 16 meters (40 to 50 feet) forward of the stern.

(m) Vessels over 173.74 meters (570 feet) long or 22.86 meters (75 feet) in beam or over shall have a double chock at the stem and stern; a double chock, port and starboard, 12 to 16 meters (40 to 50 feet) abaft the stem; a single chock, port and starboard, 24 to 28 meters (80 to 90 feet) abaft the stem; a double chock, port and starboard, 12 to 16 meters (40 to 50 feet) forward of the stern and a single chock, port and starboard, 24 to 28 meters (80 to 90 feet) forward of the stern.

(n) Vessels with large flared bows or unusually high freeboard such as container vessels or vehicle carriers will be required to provide single closed chocks located further aft than those required in paragraph (l) of this section for correct positioning of assisting tugs or may be required to fit recessed tug bollards into the hull so the tugs can work without coming in contact with the bow flare or having extra long lines and/or inefficient leads.

(o) A vessel not requiring locomotives shall have a chock arrangement similar to that described in paragraph (i) of this section, except that the chocks need only be single chocks or, if approved by the Canal authorities, of lesser strength.

(p) Any vessel which fails to meet the requirements of this section may be denied transit. If the Marine Director or

his representative decides that such a vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with the requirements of this section, and allows it to transit, such vessel may do so only at its own risk and, to the extent and in proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages, the Master of such vessel, on behalf of said vessel, her owners, operators, or any other persons having any interest in her, and for himself, will be considered to have released the Panama Canal Commission and the United States from, and to have indemnified them against, any loss, damage, or liability incurred by the Commission or the United States under, or in respect to:

(1) Section 1411 through 1416, inclusive, of Pub. L. 96-70, 93 Stat. 485-87;

(2) Property of Panama Canal Commission or the United States; and

(3) Panama Canal Commission employees under the Federal Employees' Compensation Act, 5 U.S.C. 8101, *et seq.*, or any other employee compensation system.

The Master of the vessel that fails to meet the requirements of this section may be required to execute, in the presence of a Commission official, a form undertaking to release the Panama Canal Commission and the United States from liability in case of an accident and to indemnify the Commission and the United States for damages sustained. The failure of the Master of a vessel to sign such a form, however, will not relieve the vessel, her owners, or any other person having an interest in her from liability incurred as a result of the vessel's failure to meet the requirements of this section.

[46 FR 63183, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982, as amended at 55 FR 11909, Mar. 30, 1990]

CROSS REFERENCE: Federal Employees' Compensation Act, see 5 U.S.C. 8102 *et seq.*

**§109.7 Passing through locks; use of towing locomotives and ship's engines.**

(a) A vessel passing through the locks shall normally be assisted by electric towing locomotives using steel

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towing wires. A vessel may be permitted to pass through the locks under her own power in the following circumstances:

(1) A small vessel up to 125 feet in length and a towboat up to 150 feet in length may be handled with their own manila, hemp or synthetic lines along the wall if their structure and fendering will permit their landing against the wall.

(2) A small vessel not over 100 feet in length, having good maneuvering characteristics, may be handled with her own manila, hemp or synthetic fiber lines the center of the chamber.

(b) A vessel passing through the locks without a Pilot aboard, in accordance with the provisions of §105.2 of this chapter shall be under the direction of the Lockmaster, who may authorize the use of the vessel's engines in the locks.

(c) When a vessel has a Pilot aboard, the use of her engines shall be under the direction of the Pilot. After towing wires from the towing locomotives have been placed aboard a vessel, her engines may be used to the extent considered necessary or desirable by the Pilot.

[31 FR 12294, Sept. 16, 1966, as amended at 40 FR 8348, Feb. 27, 1975]

**PART 111—RULES FOR THE PREVENTION OF COLLISIONS**

**Subpart A—General**

Sec.

- 111.1 Application (Rule 1).
111.2 Responsibility (Rule 2).
111.3 General definitions (Rule 3).

**Subpart B—Steering and Sailing Rules**

CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

- 111.4 Application (Rule 4).
111.5 Lookout (Rule 5).
111.6 Safe speed (Rule 6).
111.7 Risk of collision (Rule 7).
111.8 Action to avoid collision (Rule 8).
111.9 Narrow channels (Rule 9).
111.10 [Reserved] (Rule 10).

CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

- 111.11 Application (Rule 11).
111.12 Sailing vessels (Rule 12).
111.13 Overtaking (Rule 13).

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- 111.14 Head-on situation (Rule 14).
111.15 Crossing situation (Rule 15).
111.16 Action by give-way vessel (Rule 16).
111.17 Action by stand-on vessel (Rule 17).
111.18 Responsibilities between vessels (Rule 18).

CONDUCT OF VESSELS IN RESTRICTED VISIBILITY

- 111.19 Conduct of vessels in restricted visibility (Rule 19).

**Subpart C—Lights and Shapes**

- 111.20 Application (Rule 20).
111.21 Definitions (Rule 21).
111.22 Visibility of lights (Rule 22).
111.23 Power-driven vessels under way (Rule 23).
111.24 Towing and pushing (Rule 24).
111.25 Sailing vessels under way and vessels under oars (Rule 25).
111.26 Fishing vessels (Rule 26).
111.27 Vessels not under command or restricted in their ability to maneuver (Rule 27).
111.28 [Reserved] (Rule 28).
111.29 Pilot vessels (Rule 29).
111.30 Anchored vessels and vessels aground (Rule 30).
111.31 Seaplanes (Rule 31).

**Subpart D—Sound and Light Signals**

- 111.32 Definitions (Rule 32).
111.33 Equipment for sound signals (Rule 33).
111.34 Maneuvering and warning signals (Rule 34).
111.35 Sound signals in restricted visibility (Rule 35).
111.36 Signals to attract attention (Rule 36).
111.37 Distress signals (Rule 37).

**Subpart E—Miscellaneous**

- 111.38 Diving operations (Rule 38).
111.39 Water skiing prohibited (Rule 39).
111.40 Operation of small craft and recreational vessels in Canal waters (Rule 40).
111.41 Lights; marking of pipelines laid in navigable waters (Rule 41).

AUTHORITY: Issued under authority of the President by 22 U.S.C. 3811; E.O. 12215, 45 FR 36043.

SOURCE: 48 FR 52704, Nov. 22, 1983, unless otherwise noted.

**Subpart A—General**

**§ 111.1 Application (Rule 1).**

The provisions of this part incorporate most of the Rules of the International Regulations for Preventing

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Collisions at Sea, 1972 (72 COLREGS) and the maneuvering and warning whistle signals of the Inland Navigational Rules Act of 1980, supplemented by rules of particular application in the Panama Canal and shall be applicable to vessels and seaplanes upon the navigable waters of the Canal operating areas, as the same are described in Annex A of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977, and as they are depicted on Attachment 1 to that Annex, between a line connecting the East Breakwater Light and West Breakwater Light at the Atlantic Entrance to the Canal in Limon Bay and a line passing through Channel Buoys 1 and 2 extended to the Canal boundary lines at the Pacific Entrance in Panama Bay, and in the Ports of Balboa and Cristobal. Where any naval or military vessel of special construction as certified by the Secretary of the Navy or the Secretary of Transportation in the case of Coast Guard vessels operating under the Transportation Department, or by a corresponding official of a state, other than the United States, shall by virtue of statute, convention or treaty, be exempted from compliance with the International Rules (72 COLREGS), such vessel shall similarly be exempted from compliance with any corresponding requirement under the provisions of this part.

### § 111.2 Responsibility (Rule 2).

(a) Nothing in this part shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with this part due regard shall be had to all dangers of navigation and collision and to any special circumstance, including the limitations of the vessels involved, which may make a departure from this part necessary to avoid immediate danger.

### § 111.3 General definitions (Rule 3).

For the purpose of this part, except where the context otherwise requires:

(a) The word *vessel* includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(b) The term *power-driven vessel* means any vessel propelled by machinery.

(c) The term *sailing vessel* means any vessel under sail provided that propelling machinery, if fitted, is not being used.

(d) The term *vessel engaged in fishing* means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

(e) The word *seaplane* includes any aircraft designed to maneuver on the water.

(f) The term *vessel not under command* means a vessel which through some exceptional circumstance is unable to maneuver as required by this part and is therefore unable to keep out of the way of another vessel.

(g) The term *vessel restricted in her ability to maneuver* means a vessel which from the nature of her work is restricted in her ability to maneuver as required by this part and is therefore unable to keep out of the way of another vessel. The term *vessels restricted in their ability to maneuver* shall include but not be limited to:

(1) A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable or pipeline;

(2) A vessel engaged in dredging, surveying or underwater operations;

(3) A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

(h) The word *under way* means that a vessel is not at anchor, or made fast to the shore, or aground.

(i) The words *length* and *breadth* of a vessel means her length overall and greatest breadth.

(j) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other.

(k) The term *restricted visibility* means any condition in which visibility is restricted by fog, mist, heavy rainstorms or any other similar causes.

(l) A *motorboat* means a power-driven vessel no more than 20 meters in length as measured from end to end over the deck.

**Subpart B—Steering and Sailing Rules**

CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

**§ 111.4 Application (Rule 4).**

Sections 111.5 through 111.10 apply in any condition of visibility.

**§ 111.5 Lookout (Rule 5).**

Every vessel shall at all times while under way in the Canal and adjacent waters maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision. The person acting as lookout shall have no other assigned duties and shall report promptly all relevant and material information to the person in charge of the navigation of the vessel.

**§ 111.6 Safe speed (Rule 6).**

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions. In determining a safe speed the following factors shall be among those taken into account:

- (a) By all vessels:
  - (1) The state of visibility;
  - (2) The traffic density including concentrations of small craft or any other vessels;
  - (3) The maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;
  - (4) At night the presence of background light such as from shore lights or from back scatter of her own lights;
  - (5) The state of wind, sea and current, and the proximity of navigational hazards;

(6) The draft in relation to the available depth of water.

(b) Additionally, by vessels with operational radar:

- (1) The characteristics, efficiency and limitations of the radar equipment;
- (2) Any constraints imposed by the radar range scale in use;
- (3) The effect on radar detection of the sea state, weather and other sources of interference;
- (4) The possibility that small vessels and other floating objects may not be detected by radar at an adequate range;
- (5) The number, location and movement of vessels detected by radar;
- (6) The more exact assessment of the visibility that may be possible when radar is used to determine the range of vessel or other objects in the vicinity.

(c) A vessel shall not exceed the speeds designated below, except in an emergency:

	Knots
Atlantic entrance to Gatun Locks .....	12
Gatun Lake in a 1,000-ft. channel .....	18
Gatun Lake in a 800-ft. channel .....	15
Gatun Lake in a 650-ft. channel .....	12
When rounding Buoy No. 17 in Gatun Reach northbound .....	10
Gaillard Cut, in the straight reaches .....	8
Gamboa: When passing reserve fleet basin, concrete dock, or floating crane berth; and when entering Gaillard Cut .....	6
When using a tug astern .....	6
Miraflores Locks to Buoy No. 14 .....	6
Buoy No. 14 to Pacific entrance .....	12

(d) A vessel in Panama Canal waters at locations other than those specified in paragraph (c) of this section, including Gatun Anchorage, Bohio Bend, Mamei Curve, Miraflores Lake, and in or near the locks, shall not exceed a speed that is safe under the existing circumstances and conditions, except in an emergency.

(e) Whenever a vessel is maneuvering in an area where paragraph (c) of this section limits the speed to 6 knots, and the vessel's speed at dead slow ahead exceeds 6 knots, she is permitted to proceed at the slowest speed possible required to safely maintain maneuverability.

(f) The Canal Operations Captain may authorize departures from the maximum speeds established by paragraph (c) of this section in the case of

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particular vessels whose handling characteristics are such as to indicate that a higher speed or speeds can be prudently allowed.

(g) Paragraph (c) of this section does not apply to motorboats or to vessels of the Panama Canal Commission. Nevertheless, motorboats and vessels of the Panama Canal Commission when underway shall proceed at a speed which is reasonable under the circumstances and conditions and which does not create a hazard to life or property.

[48 FR 52704, Nov. 22, 1983, as amended at 55 FR 11909, Mar. 30, 1990]

### § 111.7 Risk of collision (Rule 7).

(a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt, such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(1) Such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change;

(2) Such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

### § 111.8 Action to avoid collision (Rule 8).

(a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the

most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

(f) When two vessels are proceeding in such directions as to involve risk of collision, a power-driven vessel or sailing vessel or motorboat that is entering or preparing to enter the main channel of the Canal from either side shall not cross the bow of a vessel proceeding in either direction along the Canal axis and shall keep clear until the vessel proceeding along the Canal axis has passed.

### § 111.9 Narrow channels (Rule 9).

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway. The latter vessel shall use the danger signal prescribed in § 111.34(d) (Rule 34(d)) if in doubt as to the intention of the crossing vessel.

(e)(1) In a narrow channel or fairway when overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in § 111.34(c) (Rule 34(c)). The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she

shall sound the danger signal prescribed in § 111.34(d) (Rule 34(d)).

(2) This section does not relieve the overtaking vessel of her obligation under § 111.13 (Rule 13).

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution.

(g) Any vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

(h) When two power-driven vessels are meeting end on, or nearly end on, in the Canal in the vicinity of an obstruction, e.g., a dredge, drill barge, slide, etc., the vessel whose side of the Canal is clear shall have the right-of-way and the other vessel shall hold back and keep out of the way until the privileged vessel is clear.

**§ 111.10 [Reserved] (Rule 10).**

CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

**§ 111.11 Application (Rule 11).**

Sections 111.12 through 111.18 apply to vessels in sight of one another.

**§ 111.12 Sailing vessels (Rule 12).**

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(1) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;

(2) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;

(3) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purpose of this section the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

**§ 111.13 Overtaking (Rule 13).**

(a) Notwithstanding anything contained in §§ 111.4 through 111.18, any vessel overtaking any other shall keep out of the way of the overtaken vessel, except that within the Canal channel all pleasure vessels and craft, even though they are an overtaken vessel, shall keep out of the way of transiting vessels and Panama Canal Commission floating equipment.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam, that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of this part or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(e) Except as specially authorized by the Canal Operations Captain or his designee, an overtaking power-driven vessel shall not overtake and pass another power-driven vessel in Gaillard Cut, Mamei Curve or Bohio Bend between buoys 38 and 40: *Provided, however,* That this paragraph shall not apply where either the overtaking or the overtaken vessel is less than 150 feet in length or is a Panama Canal Commission power-driven vessel or a U.S. Army or U.S. Navy local tug, with or without a tow.

[48 FR 52704, Nov. 22, 1983, as amended at 55 FR 11909, Mar. 30, 1990]

**§ 111.14 Head-on situation (Rule 14).**

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she

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could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

(d) In the Canal channel every power-driven vessel encountering another vessel while proceeding along the line of the channel, shall keep to that side of the fairway or mid-channel which lies on its starboard side. When two such vessels so proceeding are bound in opposite directions, they shall, when it is safe and practicable, be governed by paragraph (a) of this section even when, by reason of an intervening bend in the channel, their headings are not substantially opposite when they first sight each other; and neither of them shall alter course to port across the course of the other. Tugs and motorboats shall, whenever practicable, keep well over to that side of the Canal which is to their starboard when large vessels are passing.

### § 111.15 Crossing situation (Rule 15).

When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

### § 111.16 Action by give-way vessel (Rule 16).

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

### § 111.17 Action by stand-on vessel (Rule 17).

(a)(1) Where one of two vessels is to keep out of the way the other shall keep her course and speed.

(2) The latter vessel may however take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with this part.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with paragraph (a)(2) of this section to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This section does not relieve the give-way vessel of her obligation to keep out of the way.

### § 111.18 Responsibilities between vessels (Rule 18).

Except where §§ 111.9 and 111.13 (Rules 9 and 13) otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

(1) A vessel not under command;

(2) A vessel restricted in her ability to maneuver.

(b) A sailing vessel underway shall keep out of the way of:

(1) A vessel not under command;

(2) A vessel restricted in her ability to maneuver;

(3) A power driven vessel, except a motorboat.

(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the §§ 111.4 through 111.18 of this subpart.

(d) Panama Canal floating equipment at work in a stationary position shall have a privileged right to such position, and no passing vessel shall foul such equipment or its moorings, or pass at such speed as to create a dangerous wash or wake. Floating equipment of the Canal from which divers are working, and floating equipment so moored, and vessels under repair and in such condition, that a high wash might cause swampage or be hazardous to the workmen, shall be passed by all vessels at a speed sufficiently slow as not to create a dangerous wash or wake.

CONDUCT OF VESSELS IN RESTRICTED  
VISIBILITY

**§ 111.19 Conduct of vessels in restricted visibility (Rule 19).**

(a) This section applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with the §§ 111.4 through 111.9 (Rules 4 through 9) of this subpart.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(1) An alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken; and

(2) An alteration of course towards a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on her course. She shall if necessary take all her way off and in any event navigate with extreme caution until danger of collision is over.

(f) Except as provided in paragraph (g) of this section, vessels moored or at anchor shall not get underway when, because of atmospheric conditions, visibility is less than 1,000 feet and vessels underway in such conditions shall anchor or moor as soon as practicable and report immediately to the Canal Operations Captain, or his designee by radio or other available means.

(g) Vessels specially equipped to navigate under conditions restricting visibility and which have a pilot aboard, and vessels which have a pilot aboard and which are assisted by Panama Canal Commission vessels which are specially equipped to navigate under such conditions, may, at the discretion of the Canal Operations Captain or his designee, be navigated when visibility is less than 1,000 feet.

[48 FR 52704, Nov. 22, 1983, as amended at 55 FR 11909, Mar. 30, 1990]

### Subpart C—Lights and Shapes

**§ 111.20 Application (Rule 20).**

(a) Sections 111.20 through 111.31 (Rules 20–31) in this subpart shall be complied with in all weathers.

(b) The regulations concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in this part or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.

(c) The lights prescribed by this part shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d) The regulations concerning shapes shall be complied with by day.

(e) The lights and shapes specified in this part shall comply with the provisions of Annex I to the 72 COLREGS.

**§ 111.21 Definitions (Rule 21).**

(a) *Masthead light* means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel.

(b) *Sidelights* means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. In a vessel of less than 20 meters



in length the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel.

(c) *Sternlight* means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d) *Towing light* means a yellow light having the same characteristics as the *sternlight* defined in paragraph (c) of this section.

(e) *All-round light* means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(f) *Flashing light* means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

#### § 111.22 Visibility of lights (Rule 22).

The lights prescribed in this part shall have an intensity as specified in section 8 of Annex I to 72 COLREGS so as to be visible at the following minimum ranges:

(a) In vessels of 50 meters or more in length:

- (1) A masthead light, 6 miles;
- (2) A sidelight, 3 miles;
- (3) A sternlight, 3 miles;
- (4) A towing light, 3 miles;
- (5) A white, red, green or yellow all-round light, 3 miles.

(b) In vessels of 12 meters or more in length but less than 50 meters in length:

- (1) A masthead light, 5 miles; except that where the length of the vessel is less than 20 meters, 3 miles;
- (2) A sidelight, 2 miles.
- (3) A sternlight, 2 miles;
- (4) A towing light, 2 miles;
- (5) A white, red, green or yellow all-round light, 2 miles.

(c) In vessels of less than 12 meters in length:

- (1) A masthead light, 2 miles;
- (2) A sidelight, 1 mile;
- (3) A sternlight, 2 miles;
- (4) A towing light, 2 miles;
- (5) A white, red, green or yellow all-round light, 2 miles.

(d) In inconspicuous, partly submerged vessels or objects being towed:

- (1) A white all-round light, 3 miles.

#### § 111.23 Power-driven vessels under way (Rule 23).

(a) A power-driven vessel under way shall exhibit:

- (1) A masthead light forward;
- (2) A second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 meters in length shall not be obliged to exhibit such light but may do so;
- (3) Sidelights; and
- (4) A sternlight.

(b) An air-cushion vessel when operating in the non-displacement mode shall, in addition to the lights prescribed in paragraph (a) of this section, exhibit an all-round flashing yellow light.

(c)(1) A power-driven vessel of less than 12 meters in length may in lieu of the lights prescribed in paragraph (a) of this section exhibit an all-round white light and sidelights;

(2) A power-driven vessel of less than 7 meters in length and whose maximum speed does not exceed 7 knots may, in lieu of the lights prescribed in paragraph (a) of this section, exhibit an all-round white light, and shall, if practicable, also exhibit sidelights;

(3) The masthead light or all-round white light on a power-driven vessel of less than 12 meters in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

(d) A vessel employed in the transportation or transfer of flammable, explosive, toxic, or radioactive commodities shall carry, in addition to her appropriate mooring, anchor, or navigation lights, where it can best be seen, a red light of such a character as to be visible all around the horizon at a distance of at least 2 miles. By day she shall display, where it can best be seen, a red flag if the cargo includes flammable or explosive commodities and the international single flag hoist signal "T" if the commodity is toxic or radioactive only.

[48 FR 52704, Nov. 22, 1983, as amended at 50 FR 19679, May 10, 1985]

**§ 111.24 Towing and pushing (Rule 24).**

(a) A power-driven vessel when towing shall exhibit:

(1) Instead of the light prescribed in § 111.23(a)(1) or § 111.23(a)(2), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 meters; three such lights in a vertical line;

(2) Sidelights;

(3) A sternlight;

(4) A towing light in a vertical line above the sternlight; and

(5) When the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in § 111.23 (Rule 23).

(c) A power-driven vessel when pushing ahead or towing alongside, except in the case of a composite unit, shall exhibit:

(1) Instead of the light prescribed in § 111.23(a)(1) or § 111.23(a)(2) (Rule 23(a)(1) or (a)(2)), two masthead lights in a vertical line;

(2) Sidelights; and

(3) A sternlight.

(d) A power-driven vessel to which paragraph (a) or (c) of this section apply shall also comply with § 111.23(a)(2) (Rule 23(a)(2)).

(e) A vessel or object being towed, other than those mentioned in paragraph (g) of this section, shall exhibit:

(1) Sidelights;

(2) A sternlight; and

(3) When the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel;

(1) A vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights;

(2) A vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights.

(g) An inconspicuous, partly submerged vessel or object, or combination of such vessels or objects being towed, shall exhibit:

(1) If it is less than 25 meters in breadth, one all-round white light at or near the forward end and one at or near the after end except that dracones need not exhibit a light at or near the forward end;

(2) If it is 25 meters or more in breadth, two additional all-round white lights at or near the extremities of its breadth:

(3) If it exceeds 100 meters in length, additional all-round white lights between the lights prescribed in paragraphs (g)(1) and (2) of this section so that the distance between the lights shall not exceed 100 meters;

(4) A diamond shape at or near the aftermost extremity of the last vessel or object being towed and if the length of the tow exceeds 200 meters an additional diamond shape where it can best be seen and located as far forward as is practicable.

(h) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights or shapes prescribed in paragraph (e) or (g) of this section, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(i) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed in paragraph (a) or (c) of this section, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being towed as authorized by § 111.36 (Rule 36), in particular by illuminating the towline.

**§ 111.25 Sailing vessels under way and vessels under oars (Rule 25).**

(a) A sailing vessel under way shall exhibit:

(1) Sidelights; and

(2) A sternlight.

(b) In a sailing vessel of less than 20 meters in length the lights prescribed in paragraph (a) of this section may be combined in one lantern carried at or

near the top of the mast where it can best be seen.

(c) A sailing vessel under way may, in addition to the lights prescribed in paragraph (a) of this section, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this section.

(d)(1) A sailing vessel of less than 7 meters in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this section, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(2) A vessel under oars may exhibit the lights prescribed in this section for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downwards.

#### § 111.26 Fishing vessels (Rule 26).

Vessels engaged in fishing, as defined in § 111.3 (d) (Rule 3 (d)) of this part, shall stay well clear of the navigable waters of the Canal Operating Areas.

#### § 111.27 Vessels not under command or restricted in their ability to maneuver (Rule 27).

(a) A vessel not under command shall exhibit:

(1) Two all-round red lights in a vertical line where they can best be seen:

(2) Two balls or similar shapes in a vertical line where they can best be seen;

(3) When making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to maneuver shall exhibit:

(1) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights

shall be red and the middle light shall be white;

(2) Three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(3) When making way through the water, masthead light or lights, sidelights and a sternlight, in addition to the lights prescribed in paragraph (b)(1) of this section;

(4) When at anchor, in addition to the lights or shapes prescribed in paragraphs (b)(1) and (2) of this section, the lights or shapes prescribed in § 111.30 (Rule 30).

(c) A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from her course shall, in addition to the lights or shapes prescribed in § 111.24 (a) (Rule 24 (a)), exhibit the lights or shape prescribed in paragraphs (b)(1) and (2) of this section.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in paragraphs (b)(1), (2) and (3) of this section and shall in addition, when an obstruction exists, exhibit:

(1) Two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(2) Two all-round green lights or two diamonds on a vertical line to indicate the side in which another vessel may pass;

(3) When at anchor, the lights or shapes prescribed in this paragraph instead of the lights or shape prescribed in § 111.30 (Rule 30).

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed by paragraph (d) of this section, the lights and shapes prescribed by § 111.38 shall be exhibited.

(f) Vessels of less than 12 meters in length, except those engaged in diving operations, shall not be required to exhibit the lights or shapes prescribed in this section.

(g) The signals prescribed in this section are not signals of vessels in distress and requiring assistance. Such

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signals are contained in § 111.37 (Rule 37).

[48 FR 52704, Nov. 22, 1983, as amended at 49 FR 30466, July 31, 1984]

**§ 111.28 [Reserved] (Rule 28).**

**§ 111.29 Pilot vessels (Rule 29).**

(a) A vessel engaged on pilotage duty shall exhibit:

(1) At or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(2) When under way, in addition, sidelights and a sternlight;

(3) When at anchor, in addition to the lights prescribed in paragraph (a)(1) of this section, the light, lights or shape prescribed in § 111.30 (Rule 30) for vessels at anchor.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a similar vessel of her length.

**§ 111.30 Anchored vessels and vessels aground (Rule 30).**

(a) A vessel at anchor shall exhibit where it can best be seen:

(1) In the fore part, an all-round white light or one ball;

(2) At or near the stern and at a lower level than the light prescribed in paragraph (a)(1) of this section, an all-round white light.

(b) A vessel of less than 50 meters in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this section.

(c) A vessel at anchor may, and a vessel of 100 meters and more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this section and in addition, where they can best be seen:

(1) Two all-round red lights in a vertical line; and

(2) Three balls in a vertical line.

(e) A vessel of less than 7 meters in length, when at anchor, not in or near a narrow channel, fairway or anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this section.

(f) A vessel of less than 20 meters in length, when aground, shall not be required to exhibit the lights or shapes prescribed in paragraphs (d)(1) and (2) of this section.

(g) Vessels not more than 20 meters in length, when at anchor in any special anchorage designated by the Commission for such vessels, shall not be required to carry or exhibit the lights or shape specified in paragraph (a) of this section.

**§ 111.31 Seaplanes (Rule 31).**

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the sections of this Subpart she shall exhibit lights and shapes as closely similar in characteristics and position as is possible.

**Subpart D—Sound and Light Signals**

**§ 111.32 Definitions (Rule 32).**

(a) The word *whistle* means any sound signaling appliance capable of producing the prescribed blasts and which complies with the specifications in Annex III to the 72 COLREGS.

(b) The term *short blast* means a blast of about one second's duration.

(c) The term *prolonged blast* means a blast of from four to six seconds' duration.

**§ 111.33 Equipment for sound signals (Rule 33).**

(a) A vessel of 12 meters or more in length shall be provided with a whistle and a bell and a vessel of 100 meters or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to the 72 COLREGS. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(b) A vessel of less than 12 meters in length shall not be obliged to carry the sound signaling appliances prescribed in paragraph (a) of this section but if she does not, she shall be provided with

some other means of making an efficient sound signal.

**§ 111.34 Maneuvering and warning signals (Rule 34).**

(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within half a mile of each other, each vessel under way, when maneuvering as authorized or required by this part:

(1) Shall indicate that maneuver by the following signals on her whistle: One short blast to mean "I intend to leave you on my port side"; two short blasts to mean "I intend to leave you on my starboard side"; and three short blasts to mean "I am operating astern propulsion";

(2) Upon hearing the one or two blast signal of the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in paragraph (d) of this section and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(b) A vessel may supplement the whistle signals prescribed in paragraph (a) of this section by light signals:

(1) These signals shall have the following significance: one flash to mean "I intend to leave you on my port side"; two flashes to mean "I intend to leave you on my starboard side"; three flashes to mean "I am operating astern propulsion";

(2) The duration of each flash shall be about one second, the interval between flashes shall be about one second, and the interval between successive signals shall be not less than ten seconds;

(3) The light used for this signal shall, if fitted, be an all-round white light, visible at a minimum range of 5 miles, and shall comply with the provisions of Annex I of the 72 COLREGS.

(c) When in sight of one another:

(1) A power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle: one short blast to mean "I intend to overtake you on your starboard side"; two

short blasts to mean "I intend to overtake you on your port side"; and

(2) The power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in paragraph (d) of this section.

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) If whistles are fitted on a vessel at a distance apart of more than 100 meters, one whistle only shall be used for giving maneuvering and warning signals.

(f) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(g) A vessel that reaches agreement with another vessel in a meeting, crossing or overtaking situation by using radiotelephone on the customary frequencies is not obliged to sound whistled signals prescribed by this section, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

(h) When a power-driven vessel or motorboat is approaching a pipeline obstructing the channel, and desires to pass through the gate, she shall give a signal of two blasts, namely, one prolonged blast followed by a short blast, which signal shall be promptly answered by the gate tender with the same signal if she is ready to have the approaching vessel pass or by the danger signal if it is not safe for her to pass. In no case shall the approaching vessel attempt to pass until the gate tender signifies by a signal of one prolonged and one short blast that the channel is open. The gate tender shall so signify as soon as practicable, and the approaching vessel shall answer with a similar signal.

**§ 111.35 Sound signals in restricted visibility (Rule 35).**

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this section shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

(b) A power-driven vessel under way but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

(c) A vessel not under command, a vessel restricted in her ability to maneuver, a sailing vessel and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraph (a) or (b) of this section, sound at intervals of not more than 2 minutes three blasts in succession, namely one prolonged followed by two short blasts.

(d) A vessel restricted in her ability to maneuver when carrying out her work at anchor, shall instead of the signals prescribed in paragraph (g) of this section sound the signal prescribed in paragraph (c) of this section.

(e) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession, namely one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(f) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraph (a) or (b) of this section.

(g) A vessel at anchor shall at intervals of not more than one minute ring the bell rapidly for about 5 seconds. In a vessel of 100 meters or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession, name-

ly one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(h) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (g) of this section and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(i) A vessel of less than 12 meters in length shall not be obliged to give the above-mentioned signals, but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(j) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (g) of this section sound an identity signal consisting of four short blasts.

**§ 111.36 Signals to attract attention (Rule 36).**

(a) If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in this part, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel. Any light to attract attention of another vessel shall be such that it cannot be mistaken for any aid to navigation. For the purpose of this section the use of high intensity intermittent or revolving lights, such as strobe lights, shall be avoided.

(b) Under no circumstances shall the rays of a searchlight or any other type of blinding light be directed into the pilot house, or in any other manner or direction which would interfere with the navigation of another vessel.

**§ 111.37 Distress signals (Rule 37).**

(a) Need of assistance. The following signals used or exhibited either together or separately, indicate distress and need of assistance:

- (1) A gun or other explosive signal fired at intervals of about a minute;
- (2) A continuous sounding with any fog-signaling apparatus;

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(3) Rockets or shells, throwing red stars fired one at a time at short intervals;

(4) A signal made by radiotelegraphy or by any other signaling method consisting of the group . . . --- . . . (SOS) in the Morse Code;

(5) A signal sent by radiotelephony consisting of the spoken word "may-day";

(6) The International Code Signal of distress indicated by N.C.;

(7) A signal consisting of a square flag having above or below it a ball or anything resembling a ball;

(8) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.);

(9) A rocket parachute flare or a hand flare showing a red light;

(10) A smoke signal giving off orange-colored smoke;

(11) Slowly and repeatedly raising and lowering arms outstretched to each side;

(12) The radiotelegraph alarm signal;

(13) The radiotelephone alarm signal;

(14) Signals transmitted by emergency position-indicating radio beacons.

(b) The use of exhibition of any of the foregoing signals except for the purpose of indicating distress and need of assistance and the use of other signals which may be confused with any of the above signals is prohibited.

(c) Attention is drawn to the relevant sections of the International Code of Signals, the Merchant Ship Search and Rescue Manual and the following signals:

(1) A piece of orange-colored canvas with either a black square and circle or other appropriate symbol (for identification from the air);

(2) A dye marker.

[48 FR 52704, Nov. 22, 1983; 49 FR 1184, Jan. 10, 1984]

### Subpart E—Miscellaneous

#### § 111.38 Diving operations (Rule 38).

(a) When industrial or commercial diving operations are being conducted in the Canal, and waters adjacent thereto, a revolving red light shall be displayed in all weathers from sunset to sunrise from the diving barge or other craft serving the diver. The light shall be so mounted and of sufficient inten-

sity as to be visible for not less than 1 mile. The International Code Flag "A", not less than 18 inches in height and of standard proportions, shall be displayed from such craft by day where it may best be seen. A rigid replica of this flag may be substituted in lieu thereof.

(b) Recreational skin diving in waters of the Canal, including Gaillard Cut and the channel through Gatun and Miraflores Lakes and in the waters of all ships' anchorages, is prohibited unless authorized in writing by the Marine Director or his designee. Authorization shall not be given for skin diving at night. When recreational skin diving activities are under way in the Canal, or waters adjacent thereto, a flag of the type described in paragraph (a) of this section shall be displayed from the craft serving the skin diver in a manner which allows all-round visibility; however, the flag displayed for recreational diving shall be not less than 12 inches in height and of the standard proportions.

(c) Vessels approaching or passing an area where diving activities are under way shall reduce speed sufficiently to avoid creating a dangerous wash or wake.

[49 FR 30466, July 31, 1984, as amended at 55 FR 11909, Mar. 30, 1990]

#### § 111.39 Water skiing prohibited (Rule 39).

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

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

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

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

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has been using any drug shall not constitute a defense against a charge of violating this section.

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

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

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

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

PART 113—DANGEROUS CARGOES

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Subpart A—General Provisions

§ 113.1 Application.

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

§ 113.2 Definitions.

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

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

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

(c) *Certificate of Fitness* means a certificate issued by or on behalf of a national government in accordance with the Bulk Chemical Code or the Gas Carrier Codes, certifying that the construction and equipment of the vessel



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are adequate to permit the safe carriage of specified dangerous substances in the vessel.

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

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

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

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

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

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

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

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

(l) *MARPOL 73/78* means the IMO International Convention for the Prevention of Pollution From Ships, 1973,

as modified by the Protocol of 1978 relating thereto. Any annex thereto applies to vessels in waters of the Panama Canal beginning the date on which the annex enters into force by its terms.

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

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

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

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

### §113.3 Classifications.

(a) Dangerous cargo shall be classified in accordance with the IMO class and division. Whenever there is a doubt as to the explosive or dangerous nature of any commodity, or in case of conflict as to its classification, determination of the nature and classification of such cargoes shall be made by the Marine Safety Advisor or his designee. Dangerous cargoes shall be divided into the following classes:

(1) Class 1—Explosives.

(i) 1.1—Substances and articles which have a mass explosion hazard.

(ii) 1.2—Substances and articles which have a projection hazard but not a mass explosion hazard.

(iii) 1.3—Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard, or both, but not a mass explosion hazard.

(iv) 1.4—Substances and articles which present no significant hazard.

(v) 1.5—Very insensitive substances which has a mass explosion hazard.

(2) Class 2—Gases: Compressed, liquefied or dissolved under pressure.

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- (i) 2.1—Inflammable gases.
- (ii) 2.2—Nonflammable gases.
- (iii) 2.3—Poisonous gases.
- (3) Class 3—Inflammable liquids.
  - (i) 3.1—Low flashpoint group (flashpoint below  $-18^{\circ}\text{C}$  or  $0^{\circ}\text{F}$ ).
  - (ii) 3.2—Intermediate flashpoint group (flashpoint between  $-18^{\circ}\text{C}$  ( $0^{\circ}\text{F}$ ) and  $23^{\circ}\text{C}$  ( $73^{\circ}\text{F}$ )).
  - (iii) 3.3—High flashpoint group (flashpoint between  $23^{\circ}\text{C}$  ( $73^{\circ}\text{F}$ ) and  $61^{\circ}\text{C}$  ( $141^{\circ}\text{F}$ )).
- (4) Class 4—Inflammable solids or substances.
  - (i) 4.1—Inflammable solids.
  - (ii) 4.2—Substances liable to spontaneous combustion.
  - (iii) 4.3—Substances emitting inflammable gases when wet.
- (5) Class 5—Oxidizing substances and organic peroxides.
  - (i) 5.1—Oxidizing substances.
  - (ii) 5.2—Organic peroxides.
- (6) Class 6—Poisonous and infectious substances.
  - (i) 6.1—Poisonous substances.
  - (ii) 6.2—Infectious substances.
- (7) Class 7—Radioactive substances.
- (8) Class 8—Corrosives.
- (9) Class 9—Miscellaneous dangerous substances.

This class includes any other substance which experience has shown, or may show, to be of such a dangerous character that the application of the hazardous cargo rules are warranted. Class 9 includes a number of substances and articles which cannot be properly covered by the provisions applicable to the other classes, or which present a relatively low transportation hazard.

(b) Combustible liquids having flashpoints above  $61^{\circ}\text{C}$  ( $141^{\circ}\text{F}$ ) are not considered to be dangerous by virtue of their fire hazard.

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

### § 113.4 Safety and alarm systems.

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

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detailed listing of discrepancies shall be included.

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

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

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

### § 113.5 Inspections.

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

[54 FR 37327, Sept. 8, 1989]

## Subpart B—Vessels Carrying Dangerous Cargoes in Bulk

### § 113.21 Application.

This subpart applies to vessels carrying dangerous liquefied gases, liquids and solids in bulk, or tankers in ballast condition which are not gas free. It does not apply to vessels carrying combustible liquids in bulk as prescribed in § 113.3(b), subpart A, of this part.

[54 FR 37327, Sept. 8, 1989]

### § 113.22 Advance notice.

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

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

[54 FR 37327, Sept. 8, 1989]

### § 113.23 Anchoring requirements.

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

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

### § 113.24 Signals.

Vessels subject to this subpart shall display the flags and lights described in § 113.23(d) of this subchapter.

### § 113.25 Vessel requirements.

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

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

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

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

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

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

(1) MARPOL 73/78 is the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. The Convention is contained in IMO publication number 520 77.14.E "International Conference on Marine Pollution, 1973." The 1978 Protocol is contained in IMO publication number 088 78.09.E "International Conference on Tanker Safety and Pollution Prevention, 1978." The Bulk Chemical Code is in two parts: the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, which is generally applicable to ships built on or after April 12, 1972, and before July 1, 1986, and is contained in IMO publications 767 80.13.E and 770 83.13.E. (For a complete set of the Code and its most recent amendments, both of these publications must be consulted.) The other part is the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, which is generally applicable to ships built on or after July 1, 1986, and is contained in IMO publication number 100 83.11.E. The Gas Carrier Codes are the International Code for the Construction and

Equipment of Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships built on or after July 1, 1986, and which is contained in IMO publication number 104 83.12.E, the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships built on or after December 31, 1976, but before July 1, 1976, and which is contained in IMO publication number 782 83.16.E, and the Code for Existing Ships Carrying Liquefied Gases in Bulk, which is generally applicable to ships delivered before December 31, 1976, and which is contained in IMO publication number 788 76.11.E. The Solid Bulk Code is the International Code of Safe Practice for Solid Bulk Cargoes, contained in IMO publication number 258 83.18.E. These publications are for sale from the International Maritime Organization, Publications Section, 4 Albert Embankment, London, SE1 7SR, England.

### § 113.26 Transit requirements.

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

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

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

### § 113.27 Cargo requirements.

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

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

### § 113.28 Documents.

(a) Vessels subject to this subpart shall have ready for delivery to the

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Canal boarding officer a loading plan, as described in §101.10(e) of this subchapter.

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

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

(2) A valid SOLAS Certificate.

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

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

§ 113.29 Prohibited cargoes.

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

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

(c) Bulk chemical and liquefied gas carriers are prohibited from carrying in Canal waters dangerous cargoes that are not listed on their Certificate of Fitness or Certificate of Compliance, unless 30 days advance notice is given by the vessel and the Marine Safety Advisor or his designee approves the carriage of such cargoes in Canal waters.

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

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

Subpart C—Vessels Carrying Dangerous Packaged Goods

§ 113.41 Application.

This subpart applies to vessels carrying packaged dangerous goods.

§ 113.42 Advance notice.

Vessels subject to this subpart shall provide not less than 48 hours advance notice to Canal authorities by radio of the information required in the "HOTEL" item of the radio message

prescribed in §123.4 of this subchapter, except that vessels carrying explosives shall provide the information required in the "GOLF" item of the message.

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

[54 FR 37327, Sept. 8, 1989]

§ 113.43 Anchoring requirements.

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

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

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

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

§ 113.44 Vessel requirements.

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

(b) SOLAS, which is incorporated by reference in paragraph (a) of this section, is the International Convention for the Safety of Life at Sea, 1974, together with the Protocol of 1978 relating thereto. The Convention is set forth in Treaties and Other International Acts Series number 9700 and the Protocol is set forth in number 10009 of the same series. These publications are for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Convention is also contained in IMO publication number 080 75.01.E "International Conference on Safety of Life at Sea, 1974," and the Protocol is contained in IMO publication number

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088 78.09.E "International Conference on Tanker Safety and Pollution Prevention, 1978." IMDG is the International Maritime Dangerous Goods Code, which is contained in IMO publication numbers 200 81.10.E, 236 81.17.E, and 238 82.21.E. (For current version of the IMDG, all three publications must be consulted.) The IMO publications referred to in this paragraph are for sale from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, England.

### § 113.45 Transit requirements.

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

[54 FR 37327, Sept. 8, 1989]

### § 113.46 Cargo requirements.

The loading, packing, labeling, marking, handling, stowage, segregation, maintenance, inspection, and certification of packaged dangerous goods shall be in compliance with the IMDG Code, which is incorporated by reference. See § 113.44, Vessel Requirements.

### § 113.47 Documents.

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

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

### § 113.48 Prohibited cargoes.

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

### § 113.49 Class 1, Explosives.

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

(b) Explosive cargo may be loaded and discharged only at the Mindi Dock. Explosive anchorages prescribed in § 101.8 (a) (2), (3) and (c)(2), respectively, may be used upon approval of the Marine Safety Advisor, or his designee.

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

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

### § 113.50 Class 7, Radioactive substances.

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

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

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

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

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with the results of cargo radiation survey reports in accordance with the standards in IMO class 7.

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

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

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

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

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

**PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS**

- Sec.
- 115.1 Board of Local Inspectors; Supervising Inspector.
- 115.2 Composition of the Board.
- 115.3 Employment of inspectors and examiners.
- 115.4 Recorder of Board; duties.
- 115.5 Recorder may administer oaths.
- 115.6 Assistance of owners or operators and masters.
- 115.7 Inspection of records of Board.

AUTHORITY: 22 U.S.C. 3778, 93 Stat. 492; E.O. 12215, 45 FR 36043.

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

**§ 115.1 Board of Local Inspectors; Supervising Inspector.**

(a) There is hereby continued the Board of Local Inspectors of the Panama Canal Commission, constituted as provided in §115.2, which shall perform, conduct and execute, under the supervision of the Supervising Inspector:

(1) The investigations called for by section 1417, Pub. L. 96-70, 93 Stat. 487;

(2) The functions and responsibilities with which it is vested by this part and by Parts 117, 119 and 121 of this chapter; and

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

(b) The Marine Director of the Panama Canal Commission shall serve, ex officio, as Supervising Inspector of the Commission except when he is designated to serve as Chairman of the Board in accordance with §115.2(c). When the Marine Director is so designated, the Deputy Administrator or such other official as the Administrator may designate in his stead, shall serve as Supervising Inspector.

[46 FR 63187, Dec. 30, 1981]

**§ 115.2 Composition of the Board.**

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

- (1) Chairman, Board of Local Inspectors.
- (2) Canal Operations Captain, as member.
- (3) Senior Canal Port Captain, as member.

(b) Where the subject matter of circumstances of a particular accident warrant such action, the Supervising Inspector may designate the Chief, Industrial Division to serve, ex officio, as member of the Board in place of the members listed in paragraph (a)(2) or (3) of this section. In the absence of the Chairman, the Supervising Inspector will appoint a member to act as Chairman.

(c) If the Supervising Inspector deems it appropriate in a particular investigation, he may designate an alternate to replace any official regularly serving on the Board. If he himself serves as such an alternate, he shall serve as Chairman of the Board.

(d) Any accident investigation or other proceeding may, in the discretion of the Supervising Inspector, be conducted by one or more officials of the Board. The report of any such investigation or proceeding is subject, however, to the requirements of Part 117 of this subchapter.

[35 FR 12274, July 31, 1970, as amended at 46 FR 63187, Dec. 30, 1981; 55 FR 11909, Mar. 30, 1990]

**§115.3 Employment of inspectors and examiners.**

The Board may employ or assign such inspectors and examiners as it may require in the inspection of vessels and in the classification and licensing of pilots, masters, mates, and engineers.

**§115.4 Recorder of Board; duties.**

There shall be a Recorder of the Board, whose duty it shall be to keep a record of its proceedings; of all applications for licenses; of those issued or refused; suspended, extended, or modified; together with the name, grade, and serial number of all such licenses; and of all casualties, collisions, foundering, sinkings, fires and other disasters or matters of interest that may come before the Board. Under the direction of the Chairman he shall prepare, submit, and register all licenses and certificates of inspection, and the reports mentioned in this part or in Part 117, 119, or 121 of this chapter, and shall perform such other duties as may be directed by the Chairman.

**§115.5 Recorder may administer oaths.**

The Recorder is authorized to administer the oaths required for the completion of official documents of, or which are presented to, the Board.

CROSS REFERENCE: For authority of the Board to administer oaths, see 2 C.Z.C. 1101, 76A Stat. 38.

**§115.6 Assistance of owners or operators and masters.**

Owners or operators and masters of vessels shall render all requested assistance to the Board in its investigations and inspections, and shall, when requested, put machinery and gear in operation when necessary to demonstrate the efficiency of the machinery, equipment, appliances or other gear.

**§115.7 Inspection of records of Board.**

All official records and documents in the office of the Board, after official action thereon has been concluded, shall be open to public inspection and examination in the office of the Board.

**PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY**

Sec.

117.1 Investigation of marine accidents.

117.1a Scheduling of investigations.

117.1b Rights of party in interest.

117.2 Change in physical status of property affected by accident forbidden.

117.3 Reports by Board to the Administrator.

117.4 Reports of accidents by officer in command to Board.

117.5 Control of wrecked, injured, or burning vessels.

117.6 Liability of vessel for injury to Canal structures or equipment.

AUTHORITY: 22 U.S.C. 3777, 3778, 93 Stat. 487; E.O. 12215, 45 FR 36043.

SOURCE: 46 FR 63188, Dec. 30, 1981, unless otherwise noted.

**§117.1 Investigation of marine accidents.**

(a) Whenever, within Panama Canal waters, including the locks of the Canal, a vessel, or its cargo, crew, or passenger, meets with a serious marine accident, or whenever, within the harbors, anchorages, and areas adjacent thereto, including the ports of Balboa and Cristobal, there is a serious marine accident involving Commission personnel or equipment, the Board of Local Inspectors shall promptly investigate in detail the conditions and circumstances under which such accident occurred.

(b) Any other marine accident occurring in such waters may be investigated by the Board at the discretion of the Supervising Inspector.

(c) The Master of a vessel involved in a marine accident may request an investigation of an accident not considered by the Board to fall within paragraph (a) of this section. The request must be addressed to the Supervising Inspector or the Chairman of the Board, and must be in writing. If the Master does not so request such an investigation in writing, he shall be deemed to have waived all rights to the investigation called for by section 1417, Pub. L. 96-70, 93 Stat. 487, which provides that a claim may not be considered by the Panama Canal Commission, or an action for damages lie thereon,

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unless, prior to the departure from the Panama Canal of the vessel involved:

(1) The investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and,

(2) The basis for the claim has been laid before the Commission.

(d) For the purpose of this section, the term "serious marine accident" includes:

(1) Any accident involving substantial damage to any structure, plant, or equipment of the Panama Canal Commission or the United States; and

(2) Any accident (i) involving death or resulting in personal injury that requires admission of a person to a hospital as a bed patient; or (ii) resulting in damages to a vessel which require the making of repairs prior to the vessel's departure from the Canal; *Provided that* the Supervising Inspector or his designee has reason to believe that personnel or equipment of the Panama Canal Commission were then aboard or were assisting the vessel involved in the accident or were situated (aboard another vessel, ashore or otherwise) so as to have been a factor in the accident.

CROSS REFERENCE: Compelling attendance and testimony of witnesses and production of books and papers by Board, see section 1418, Pub. L. 96-70, 93 Stat. 487.

**§ 117.1a Scheduling of investigations.**

(a) Marine-accident investigations shall be scheduled so as to afford pilots and other parties in interest a period of time not less than that provided below for rest and consultation prior to the commencement of an investigation:

Relief time	Time of investigation
0000-0400 .....	1400-1800 (12 hours minimum)
0400-0800 .....	1600-2000 (12 hours minimum)
0800-1200 .....	1800-2200 (10 hours minimum)
1200-1600 .....	0800 Next Day.
1600-2000 .....	1000 Next Day.
2000-2400 .....	1000 Next Day.

(b) The column "Relief Time", set out in paragraph (a) of this section, indicates the period during which the pilot or other party in interest completed the transit during which an accident occurred or the time at which he was relieved of duty following the occurrence of an accident. The column

"Time of Investigation", set out in paragraph (a) of this section, indicates the earliest time at which the investigation may be scheduled. In exceptional cases a departure from this schedule may be made, as for example in the case of warships or other vessels that have an imperative need to resume the voyage as soon as possible. Unless a pilot or other party in interest requests the time provided in this schedule, the hearing may be set for an earlier hour.

[32 FR 3830, Mar. 8, 1967]

**§ 117.1b Rights of party in interest.**

Any Panama Canal pilot or other individual who is a party in interest at a marine-accident investigation may obtain counsel of his own choosing, testify in his own behalf, cross-examine witnesses, call witnesses, and introduce any relevant evidence. The Board shall advise all parties in interest of such rights.

**§ 117.2 Change in physical status of property affected by accident forbidden.**

In the event of a marine accident or casualty affecting any property in Panama Canal waters, or waters adjacent thereto, or any property owned or operated by the Panama Canal Commission or the United States, which imposes on the Board an obligation to investigate, no change in the physical status of the property affected by the accident or casualty may be made or permitted prior to inspection by properly constituted authority, unless such change in status be imperative in order to preserve life or property.

**§ 117.3 Reports by Board to the Administrator.**

The Board shall make reports forthwith in detail to the Administrator of all marine-accident investigations conducted by it, setting forth the facts and circumstances surrounding the accident and bearing upon its proximate causation, the nature and extent of the injury and the amount of damages, if any, occasioned by such injury. The reports shall include a transcript of the record of the Board's investigation, together with its findings and opinions respecting the accident. All findings



and opinions of the Board shall be rendered by a full Board after a review of the entire transcript, even though the hearing may have been conducted by a single member of the Board or by a two-man Board. Reports to the Administrator shall be forwarded in duplicate through the Supervising Inspector, who may place thereon such endorsement as he may see fit.

**§117.4 Reports of accidents by officer in command to Board.**

The Master or other officer in command of a vessel shall, prior to the vessel's departure from Panama Canal waters, report in writing to the Board any accident involving his vessel in Canal waters that resulted in loss of life or serious personal injury or in substantial damage to property.

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

[46 FR 63188, Dec. 30, 1981, as amended at 54 FR 29336, July 12, 1989]

**§117.5 Control of wrecked, injured, or burning vessels.**

When a vessel in the Panama Canal waters goes aground, or is wrecked, or is so injured that it is liable to become an obstruction in such waters, or is on fire, the Canal Operations Captain shall have the right to supervise and direct, or to take complete charge of and conduct, all operations which may be necessary to float the vessel, to clear the wreckage, to remove the injured vessel to a safe location, or to extinguish the fire, as the case may be. The Canal Operations Captain may, when necessary, take such action without awaiting the permission of the owner or agent of the vessel, and may require the Master of the vessel and all persons under his supervision and control to place the vessel, and all equipment on board, at the disposal of the Canal Operations Captain without costs to the Commission. Unless the Panama Canal Commission is subsequently found or determined to be responsible for the accident or the condition necessitating action by the Canal Operations Captain, the necessary expenses incurred by the Commission in carrying out the provisions of this section shall be a proper charge against

such vessel, her owners and her operators.

[46 FR 63188, Dec. 30, 1981, as amended at 55 FR 11909, Mar. 30, 1990]

**§117.6 Liability of vessel for injury to Canal structures or equipment.**

A vessel, or her owner or operator, shall be held liable for any injury to any structure, plant, or equipment of or pertaining to the Canal, the Panama Canal Commission or the United States when the injury is proximately caused by the negligence or fault of the vessel or its master or crew. No vessel shall make fast, or run any line, to any marker, buoy, beacon, or other aid to navigation; and a vessel shall so navigate as not to strike such aids in passing.

**PART 119—LICENSING OF OFFICERS**

**Subpart A—General Provisions**

Sec.

- 119.1 License defined; classification and licensing of Masters, mates, engineers, pilots, and motorboat operators.
- 119.2 Term of licenses.
- 119.3 Appeal from action refusing license.
- 119.5 Revocation for parting with license.
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- 119.7 Original license defined.
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- 119.19 Evaluation of equivalent experience.
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**Subpart B—Masters**

- 119.61 Master, steam and motor vessels; experience required.

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119.63 Master, non-self-propelled floating equipment; experience.

Subpart C—Mates

119.101 Mate, non-self-propelled floating equipment; experience required.

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119.141 Pilot, Panama Canal; qualifications.

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119.183 Motorboat operator; age and job requirements.

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Subpart F—Engineers

119.221 Grade and type of engineer licenses.

119.222 Chief engineer, steam vessels; experience required.

119.223 Chief engineer, motor vessels; experience required.

119.224 Assistant engineer, steam vessels; experience required.

119.225 Assistant engineer, motor vessels; experience required.

119.226 Assistant Engineer (watch standing), motor vessel; experience required.

119.227 Chief and assistant engineer; steam and motor vessels.

AUTHORITY: Issued under authority of the President by 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

SOURCE: 46 FR 63189, Dec. 30, 1981, unless otherwise noted.

Subpart A—General Provisions

§ 119.1 License defined; classification and licensing of Masters, mates, engineers, pilots, and motorboat operators.

(a) The word license when used in this part means a Panama Canal Commission license unless specifically identified as one from another issuing authority.

(b) The Board of Local Inspectors shall recommend the classification of Masters, mates and engineers of steam and motor vessels owned and operated by the Panama Canal Commission, and of operators of U.S. Government motorboats operating in Panama Canal waters, excluding pleasure craft, and of Panama Canal pilots, and upon such recommendation licenses may be is-

sued by the Supervising Inspector, or by such other officer as he may designate. No person shall act or serve as a pilot, Master, mate or engineer, or operate said motorboats, unless he holds a valid license to do so.

§ 119.2 Term of licenses.

Licenses issued to marine personnel of the Panama Canal Commission are granted to such personnel for such periods as they are employed by the Commission in a position requiring such license. Annually, all marine personnel licensed by the Panama Canal Commission shall have a physical examination attesting to their physical condition to perform their assigned work. Such examination shall include an examination of the applicant's acuity of vision and color sense.

§ 119.3 Appeal from action refusing license.

An applicant for a license as Master, mate, engineer, or pilot, for whom the Board of Local Inspectors has refused to recommend such license may appeal to the Supervising Inspector or to such other officer as the Supervising Inspector may designate. The appeal must be entered within 15 days after the final action of the Board. Upon the appeal, the Supervising Inspector or other designated officer has authority either to grant or to deny the license.

§ 119.5 Revocation for parting with license.

A license shall be immediately revoked if, for any purpose, the holder thereof voluntarily parts with its possession, or places it beyond his personal control by selling or lending it to, or pledging or depositing it with, another person.

[31 FR 12311, Sept. 16, 1966]

§ 119.6 Employment of licensed officers.

Only persons who are actually employed in, or conditionally eligible for appointment to, a position subject to licensing under this part, or who can establish that they have a bona fide intention to operate a U.S. Government local craft within Panama Canal waters, may be issued an original license

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under this part. Renewals may be issued irrespective of the employment requirement if, in the judgment of the Supervising Inspector, the likelihood of return to Canal employment or other circumstances warrant renewal.

[46 FR 63189, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982]

### § 119.7 Original license defined.

The first license issue to an applicant shall be considered an original license, where the records show no previous issuance of a license of the kind concerned to such applicant.

[31 FR 12311, Sept. 16, 1966]

### § 119.8 Application form.

The applicant for a license shall make written application upon the form furnished by the Board.

[31 FR 12311, Sept. 16, 1966]

### § 119.9 Service records and endorsements.

(a) Applicants for original licenses or raise in grade of license other than motorboat operator, shall present to the Board, to be filed with their applications, letters, discharges, or other official documents, certifying to the amount and character of their experience and names of the vessels on which it was acquired. Certified photostatic copies of the aforementioned documents may be accepted.

(b) The Board shall, when practicable, require an applicant for Master's, mate's, pilot's, or engineer's license to have the written endorsement of the Master or chief engineer of the vessels upon which he has served. Applicants for license as pilot shall have the endorsement of at least two licensed pilots as to their qualifications.

### § 119.10 Age and literacy requirements.

To be eligible for examination for any license an applicant must, except as provided by § 119.183(b), be at least 21 years of age, and have the necessary experience as specified in this part. In addition, an applicant for license as pilot, Master, mate, or engineer must have a working knowledge of the English language. Proficiency in English will be determined by the Supervisory

Training Instructor, Language Training Program, Office of Personnel Administration. The examination will be given in either English or Spanish, according to the choice of the applicant.

### § 119.11 Knowledge of first aid.

An applicant for an original license as master, mate, pilot, or engineer, may not be examined unless he presents satisfactory evidence to the Board that he has completed a course of instruction and passed an examination in the principles of first aid administered by an agency recognized as competent by the Supervising Inspector. Possession of any valid U.S. Coast Guard license shall constitute satisfactory evidence of the applicant's compliance with this requirement.

[43 FR 13380, Mar. 30, 1978]

### § 119.12 Physical and experience requirements.

(a) All applicants for original license must pass a physical examination given by a physician recognized by the Commission, and present a certificate executed by the examining physician to the Board. The certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition.

(b) For original license as master, mate, or pilot, the applicant must have either with or without glasses, at least 20/20 vision in one eye, and at least 20/40 in the other. An applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The applicant's color sense shall be tested by an approved method.

(c) Applicants for original license as engineer shall be examined only as to their ability to distinguish the colors red, blue, green, and yellow.

(d) For original license as engineer, the applicant must have either with or without glasses at least 20/30 vision in one eye, and at least 20/50 vision in the other. An applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other.

(e) If an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Board, after consultation with the

examining physician, may make recommendations to the Supervising Inspector for an exception to these requirements if, in its opinion, extenuating circumstances warrant special consideration.

(f) No original license shall be issued to any person unless 25 percent of the required experience has been obtained within the three years immediately preceding the date of application. Such period shall include, in addition to the three years specified, any service in the Armed Forces of the United States or the Republic of Panama that immediately preceded or interrupted the last three years spent by the applicant in a civilian status prior to the date of the application. When an applicant for a license as engineer does not meet the requirement of this paragraph, but is otherwise qualified, the Board may examine him and recommend to the Supervising Inspector that he be licensed. In such cases a license may be issued provided the applicant has satisfactorily completed a 90-day period as trainee aboard applicable equipment of the Panama Canal Commission.

(g) It is not required that an applicant has obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(h) An applicant for a license may not be given a grade of license higher than that in which he has served. However, this paragraph shall not apply to persons qualifying for license under the Panama Canal pilot Master and engineer training programs.

(i) When a qualified person makes application for license it shall be the duty of the Board to give the applicant the required examination as soon as practicable.

[31 FR 12311, Sept. 16, 1966, as amended at 46 FR 63190, Dec. 30, 1981]

**§ 119.13 Burden of establishing qualifications.**

Applicants for licenses must establish to the satisfaction of the Board that they possess all of the qualifications necessary, such as age, experience and character before they shall be entitled to be issued licenses.

**§ 119.14 Applicant to appear for examination.**

(a) Except as provided in paragraph (c) of this section, before an original license or raise in grade is issued to any person to act as Master, mate, pilot, or engineer, he shall personally appear before the Board and pass a written examination, covering such subjects as will demonstrate that the applicant has sufficient knowledge of maritime matters necessary for the license for which he has applied. A list of subjects to be tested may be obtained from the Board.

(b) Applicants will also be required to pass a practical examination.

(c) Upon the recommendation of the Board that he do so, the Supervising Inspector may, at his discretion, issue an original license either without an examination or with an examination covering only subjects of a local nature, to an applicant who possesses a currently valid marine license issued by a competent national authority and who is otherwise eligible under this part.

[46 FR 63189, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1982]

**§ 119.15 Reexamination.**

An applicant for license who has been duly examined and refused a license, may come before the Board for reexamination at any time thereafter fixed by the Board.

[31 FR 12311, Sept. 16, 1966]

**§ 119.16 Raise of grade.**

(a) Upon the issuance of a license involving a raise of grade, the applicant shall surrender the old license to the Board.

(b) The Board shall, before granting a raise of grade of license, require the applicant to make written application on a prescribed form.

(c) The grade of a license as Master, mate, or pilot may not be raised except upon the certificate of a physician recognized by the Panama Canal Commission, attesting that the color sense of the applicant is normal. Applicants for raise of grade of engineer license are not subject to this requirement. Nothing herein contained shall debar an applicant who has lost the sight of one

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eye from securing a raise of grade of his license if he is qualified in all other respects and his vision in his one eye passes the test required for the better eye of an applicant having vision in both eyes.

(d) Applicants for raise of grade of license shall present to the Board letters, discharges, or other official documents certifying to the amount and character of their experience and the names of the vessels on which it was acquired.

(e) A raise of grade of license may not be granted to any applicant unless 25 percent of the required sea service shall have been served within the three years immediately preceding the date of application. Service in the armed forces of the United States or Republic of Panama shall not be counted in computing the three years.

(f) Sea service acquired prior to the issuance of the license held may not be accepted as any part of the service required for raise of grade.

### § 119.17 Renewal of license.

(a) Applicants for renewal of master's, mate's, or pilot's license shall present evidence of service on waters for which licensed obtained within the 3 years next preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same 3-year period. If this requirement is not met, the Board shall determine to its satisfaction that the licensed officer is thoroughly familiar with the International rules of the road or the pilot or special rules applicable to the waters for which the applicant is licensed. A written examination may be required for this purpose or the applicant may be examined orally and a summary of the oral examination placed on the officer's license file.

(b) A license may not be renewed if title to it has been forfeited or if facts which would render renewal improper have come to the attention of the Board.

(c) A 12-month period of grace shall be allowed after the expiration date of the license held, during which period it may be renewed. Active service in the armed forces or the merchant marine shall not be included in computing the

period of grace: *Provided, however,* That this exception applies only to such periods of service, or portions thereof, during which there was no reasonable opportunity for renewal.

(d) A license may not be renewed more than 30 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons must appear in detail in the records of the Board.

(e) A license as Master, mate, or pilot may not be renewed except upon the official certificate of a physician recognized by the Commission that the color sense of the applicant is normal. Applicants for renewal of license as engineer are not subject to this requirement.

(f) [Reserved]

(g) Nothing contained herein shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, if he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant having sight in both eyes.

(h) An officer making application for a renewal of his license shall appear in person before the Board, except in cases where the distance from the office of the Board is such as to put the applicant to great inconvenience and expense to appear in person. In this event he may, upon taking the oath of office before a person authorized to administer oaths, and upon forwarding the oath, together with the license to be renewed, and the written application and certificate of visual examination where required, have the license renewed by the Board, if a valid reason to the contrary is not known. The Board shall attach the oath to the stub end of the license, which is to be retained on file in the Board's office.

(i) If an applicant applies for renewal of his license for the same grade, after 12 months after the date of its expiration, he must pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Board, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except that a professional examination shall not be required if the license expired during the time of the

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holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal.

[31 FR 12311, Sept. 16, 1966, as amended at 46 FR 63190, Dec. 30, 1981]

**§ 119.18 Sea service as member of armed forces of the United States or the Republic of Panama or on vessels owned by either nation.**

(a) Sea service as a member of the armed forces of the United States or the Republic of Panama will be accepted as qualifying experience for an original, raise of grade, or extension of route of license. Such service will be subject to evaluation to determine its equivalent to the sea service required on merchant-type vessels, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license.

(b) If a person who has served in a civilian capacity as commanding officer, Master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States or the Republic of Panama, in a service in which a license as Master, mate, engineer, or pilot was not required at the time of the service, applies for examination for license, the Board shall evaluate the time or service and allow appropriate credit therefor.

**§ 119.19 Evaluation of equivalent experience.**

If an applicant presents evidence of service or experience which does not meet the specific requirements of these regulations, but which, in the opinion of the Board, is a reasonable equivalent thereof, the Board may evaluate the experience and allow appropriate credit therefor.

[31 FR 12311, Sept. 16, 1966]

**§ 119.20 Increase in scope of license; removal of limitations.**

(a) If the Board is satisfied on the basis of documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, the Board

may recommend removal or modification of any limitations which may have previously been placed upon the license.

(b) A limitation on a license may not be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and has passed the necessary examination.

[31 FR 12311, Sept. 16, 1966]

**§ 119.21 Written statement of reasons for denying license.**

If the Board declines to recommend the applicant for the license applied for, it shall furnish him a statement, in writing, setting forth the reasons for its refusal to make the recommendation.

[31 FR 12311, Sept. 16, 1966]

**§ 119.23 Limitations on license.**

The Board may limit, as appropriate, the tonnage, length, horsepower, type of vessel(s) and the waters upon which any licensee may act. The Board will note any such limitations on the license.

**§ 119.24 Oath of licensee.**

Every person receiving a license or certificate of lost license shall sign same upon the back thereof immediately upon its receipt, and execute an oath faithfully to perform the duties of this position, which shall be attached to the stub end of the license retained by the Board.

[31 FR 12311, Sept. 16, 1966]

**§ 119.25 Duplicate license.**

If a person to whom a license has been issued loses his license, he shall promptly report the loss to the Board. The Board shall issue a duplicate license after receiving from the person a properly executed affidavit giving satisfactory evidence of the loss. The license shall be issued as a duplicate by the addition of the following written endorsement: "This license replaces License Number — issued at — on the above date." The duplicate license shall have the same force and effect as the original, lost license.

## Subpart B—Masters

**§ 119.61 Master, steam and motor vessels; experience required.**

In order to be eligible for a Panama Canal license as Master of steam and motor vessels, an applicant must—

(a) Hold a currently valid Panama Canal license as mate of steam and motor vessels, and have served at least 260 eight-hour watches in charge of a deck watch on Panama Canal Commission vessels of 75 feet in length engaged in towing; or

(b) Hold a license as Master or mate of steam and motor vessels issued by an authority outside the Panama Canal, and have served at least 260 eight-hour watches as a licensed officer in charge of a deck watch on steam or motor vessels over 75 feet in length engaged in towing.

**§ 119.63 Master, non-self-propelled floating equipment; experience.**

In order to be eligible for examination for the license of Master of non-self-propelled floating equipment, an applicant must have at least 260 eight-hour watches of experience as mate on Panama Canal Commission non-self-propelled floating equipment or such experience on other vessels as the Supervising Inspector determines to be equivalent thereto.

## Subpart C—Mates

**§ 119.101 Mate, non-self-propelled floating equipment; experience required.**

An applicant for mate of non-self-propelled floating equipment shall be eligible for examination after he has furnished satisfactory documentary evidence to the Board that he has:

(a) Served a 4-year apprenticeship as mate, dredge; or

(b) Completed 2 years of qualifying experience in the deck department of non-self-propelled floating equipment and completed adequate apprenticeship training; or

(c) Such other experience as upon the recommendation of the Chief, Dredging Division is considered to be a satisfactory equivalent thereto.

[34 FR 7912, May 20, 1969]

**§ 119.103 Mate, steam or motor; experience required.**

In order to be eligible for examination for the license of mate of steam or motor vessels, an applicant must—

(a)(1) Have graduated from either the Panama Nautical School's program for deck officers, a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes, or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to United States academies; (2) be serving as Mate Trainee, Towboat in a Panama Canal Commission training program; and (3) completed at least 260 eight-hour deck watches as Mate Trainee, Towboat: or

(b) Have graduated from the Panama Canal Commission apprentice program for Mate, Towboat, and have satisfactorily completed at least 260 eight-hour deck watches as Mate Trainee, Towboat: or

(c) Hold a license as mate issued by an authority recognized and approved by the Supervising Inspector and have at least 260 eight-hour watches of experience as a licensed officer in charge of deck watch on steam or motor vessels over 75 feet in length engaged in towing; or

(d) Present evidence of recent service or experience which is considered at least equivalent to the requirements provided in paragraph (a), (b), or (c), of this section, as determined by a review board composed of three Commission officials, appointed by the Supervising Inspector.

[52 FR 3800, Feb. 6, 1987]

## Subpart D—Pilots

**§ 119.141 Pilot, Panama Canal; qualifications.**

(a) An applicant for a license as Pilot, Panama Canal, Of Vessels Not Over 225 Feet in Length Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as Pilot-in-Training for at least 17 weeks and must meet the following minimum requirements:

(1) He must have served at least three years as a licensed deck officer on vessels of 1,000 gross tons or over, one year of which must have been as a chief mate while holding a license issued by the U.S. Coast Guard as Chief Mate Unlimited, or its equivalent as determined by the Supervising Inspector; or

(2) He must have served at least three years as a pilot on vessels of 4,000 gross tons or over on the Great Lakes while holding license issued by the U.S. Coast Guard as First Class Pilot, Great Lakes; or

(3) He must have served at least 520 eight-hour watches as Master of Panama Canal Commission vessels of 1,000 horsepower or over while holding a Panama Canal license as Master of Steam and Motor Vessels; or

(4) He must have completed the Pilot Training Program conducted by the Panama Canal Commission.

(b) An applicant for a license as Pilot, Panama Canal, Of Vessels Not Over 526 Feet in Length Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as pilot of vessels not over 225 feet in length for at least 12 weeks.

(c) An applicant for a license as Pilot, Panama Canal, Of Vessels of Any Tonnage Upon All Panama Canal Waters must have been employed by the Panama Canal Commission as pilot of vessels not over 526 feet in length for at least 52 weeks.

(d) Prior to receiving any license as Pilot under this section, an applicant must pass a prescribed examination.

(e) The qualifying periods of employment specified in paragraphs (a), (b) and (c) of this section may be shortened or lengthened by the Administrator, upon recommendation of the Supervising Inspector where the pilot demonstrates other than normal competence.

[38 FR 27386, Oct. 3, 1973, as amended at 46 FR 63191, Dec. 30, 1981; 48 FR 6709, Feb. 15, 1983]

**§ 119.143 Pilot, United States Government local vessel; employment requirement.**

An applicant for pilot, U.S. Government local vessel, must be in the employment of the Panama Canal Commission as Master or mate of a Panama Canal Commission vessel or the em-

ployment of the U.S. Army or U.S. Navy as Master or mate of a U.S. Government local vessel, such as a mine sweeper, landing craft, patrol boat or tug, or he must be conditionally eligible for such employment.

**Subpart E—Motorboat Operators**

**§ 119.183 Motorboat operator; age and job requirements.**

(a) The Board may examine and the Supervising Inspector may issue licenses to operate motorboats to qualified applicants. To be eligible for examination, an applicant shall establish that his is conditionally eligible for appointment to a position with the Panama Canal Commission or with another U.S. Government agency operating in Canal waters requiring a motorboat operator's license. Licenses to operate motorboats will be issued only to the extent, and subject to such conditions and limitations, as the Supervising Inspector determines appropriate.

(b) A person must be 18 years of age or over to be issued a motorboat operator's license.

**§ 119.187 Operating test.**

An applicant for motorboat operator's license shall pass a practical demonstration of his ability to operate a motorboat properly and safely, in the presence of an inspector, or submit satisfactory proof of such capability.

**Subpart F—Engineers**

**§ 119.221 Grade and type of engineer licenses.**

Engineer licenses issued under this part are limited to the grades of Chief Engineer, Assistant Engineer and Assistant Engineer (Watch Standing) on steam vessels, motor vessels or steam and motor vessels.

[55 FR 4837, Feb. 12, 1990 and 55 FR 15228, Apr. 23, 1990]

**§ 119.222 Chief engineer, steam vessels; experience required.**

In order to be eligible for examination for the license of chief engineer of steam vessels, an applicant must—



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(a) Hold a valid license as assistant engineer of steam vessels, meet the experience requirements of paragraph (a) or (b) of § 119.224, and have served at least 260 eight-hour watches as assistant engineer on Panama Canal Commission steam vessels; or

(b) Hold a valid license as assistant engineer of steam vessels, and have served at least 260 eight-hour watches as a licensed officer in charge of an engine room watch on steam vessels of at least 3,000 horsepower; or

(c) Meet the experience requirements of paragraph (b) of § 119.223, and, while holding a license as chief engineer of motor vessels, have served at least 130 eight-hour watches as observer-chief engineer on steam vessels; or

(d) Hold a valid license as chief or assistance engineer of steam vessels issued by an authority outside the Panama Canal and meet the hourly watch requirements of paragraphs (a) (b) or (c) of this section.

[43 FR 13381, Mar. 30, 1978, as amended at 46 FR 63192, Dec. 30, 1981]

### **§ 119.223 Chief engineer, motor vessels; experience required.**

In order to be eligible for examination for the license of chief engineer of motor vessels, an applicant must—

(a) Hold a valid license as assistant engineer of motor vessels, meet the experience requirements of paragraphs (a) or (b) of § 119.225, and have served at least 260 eight-hour watches as assistant engineer of motor vessels; or

(b) Meet the experience requirements of paragraph (a) of § 119.222, and while holding a license as chief engineer of steam vessels, have served at least 65 eight-hour watches as observer-chief engineer of motor vessels; or

(c) Hold a valid license as Chief or Assistant Engineer of motor vessels issued by an authority outside the Panama Canal and have served at least 260 eight-hour watches as a licensed officer in charge of an engine room on motor vessels of at least 3000 horsepower; or

(d) Hold a valid license as Assistant Engineer (Watch Standing) of motor vessels, and have served at least 520 eight-hour watches as licensed officer in charge of an engine room watch on

motor vessels of at least 3000 horsepower.

[43 FR 13381, Mar. 30, 1978, as amended at 46 FR 63192, Dec. 30, 1981; 55 FR 4837, Feb. 12, 1990; 55 FR 15228, Apr. 23, 1990]

### **§ 119.224 Assistant engineer, steam vessels; experience required.**

In order to be eligible for examination for the license of assistant engineer of steam vessels, an applicant therefor must—

(a)(1) Have graduated from either the Panama Nautical School's program for engineer officers, from a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes, or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to the U.S. Academies, and (2) be participating in an approved Panama Canal Commission training program for chief engineer of steam vessels; or

(b) Have satisfactorily completed an approved Panama Canal Commission training program for chief engineer of steam vessels of at least four years' duration and have completed at least 260 eight-hour watches in the engine room of a Panama Canal Commission steam vessel under the supervision of a licensed engineer.

(c) While holding a license as assistant engineer of motor vessels, have served at least 130 eight-hour watches as observer-assistant engineer on steam vessels.

[43 FR 13382, Mar. 30, 1978, as amended at 46 FR 63192, Dec. 30, 1981]

### **§ 119.225 Assistant engineer, motor vessels; experience required.**

In order to be eligible for examination the license of assistant engineer of motor vessels, an applicant therefor must—

(a)(1) Have graduated from either the Panama Nautical School's program for engineer officers, from a maritime academy in the United States recognized by the U.S. Coast Guard for licensing purposes or from another maritime academy located outside the United States which is determined by the Supervising Inspector to have standards substantially equal to the

U.S. Academies, and (2) be participating in an approved Panama Canal Commission training program for chief engineer of motor vessels; or

(b) Have satisfactorily completed an approved Panama Canal Commission training program for chief engineer of motor vessels of at least four years' duration and have completed at least 260 eight-hour watches in engine room of a Panama Canal Commission motor vessel under the supervision of a licensed engineer; or

(c) While holding a license as assistant engineer of steam vessels, have served at least 130 eight-hour watches as observer-assistant engineer on motor vessels.

**§ 119.226 Assistant engineer (watch standing), motor vessel; experience required.**

In order to be eligible for examination for the license of Assistant Engineer (Watch Standing) of motor vessels, an applicant therefore must:

(a) Have graduated from the marine engineering program of a recognized maritime academy; or

(b) Have graduated from a recognized marine engineer apprentice program; or

(c) Have graduated from the professional (college-level) marine engineering program of a recognized school of technology, and have completed three months of service in the engine department of a steam and/or motor vessel under the supervision of a licensed engineer; or

(d) Have graduated from the professional (college level) mechanical or electrical engineering program of a recognized school of technology, and have completed six months of service in the engine department of a steam and/or motor vessel under the supervision of a licensed engineer; or

(e) Have three years of service in the engine room of a steam and/or motor vessel, eighteen months of which must have been as a qualified member of the engine department or equivalent supervisory position. (A qualified member of the engine department is any person below the rating of license officer and above the rating of coal passer, wiper or assistant electrician, who holds a current, valid permanent certificate of

service as a qualified member of the engine department issued by the U.S. Coast Guard or a currently valid equivalent certificate of service issued by the Government of Panama. Ratings included are those of donkeyman, refrigerating engineer, oiler, deck engineer, fireman, electrician, water tender, junior engineer, machinist, pumpman, deck engine mechanic, and engineman.)

[55 FR 4837, Feb. 12, 1990, as amended at 55 FR 15229, Apr. 23, 1990]

**§ 119.227 Chief and assistant engineer; steam and motor vessels.**

Upon request, the Supervising Inspector may issue (a) a single license for chief engineer of steam and motor vessels to persons holding currently valid licenses as chief engineer of steam vessels and chief engineer of motor vessels and (b) a single license for assistant engineer of steam and motor vessels to persons holding currently valid licenses as assistant engineer of steam vessels and assistant engineer of motor vessels.

[43 FR 13382, Mar. 30, 1978]

**PART 121—INSPECTION AND REGISTRATION OF VESSELS**

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AUTHORITY: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043, and 44 U.S.C. 3501.

SOURCE: 31 FR 12316, Sept. 16, 1966, unless otherwise noted.

### Subpart A—General Provisions

#### § 121.1 Applicability of part.

Except as otherwise specifically herein provided, the regulations in this part apply only to vessels, floating equipment and motorboats owned or operated by the Panama Canal Commission or by the United States or any of its agencies operating in Panama Canal waters.

[46 FR 63192, Dec. 30, 1981]

#### § 121.2 Definitions.

As used in this part, the following terms have the meanings indicated:

(a) *Vessel* means any vessel as defined in § 111.3 other than a motorboat as defined in this section.

(b) *Motorboat* means any vessel not more than 20 meters (65 feet) in length propelled by machinery except tugboats and towboats. The word "motorboat" includes a boat temporarily or permanently equipped with a detachable motor. Motorboats are classed as follows:

Class A—Any motorboat less than 7 meters (23 feet) in length.

Class B—Any motorboat 7 meters (23 feet) or over and less than 12 meters (40 feet) in length.

Class C—Any motorboat 12 meters (40 feet) or over and less than 20 meters (65 feet) in length.

Class D—Any cayuco or piragua not more than 20 meters (65 feet) in length equipped

with an outboard motor or motors operating in Madden or Gatun Lakes.

[54 FR 37328, Sept. 8, 1989]

## Subpart B—Inspection

### VESSELS

#### § 121.41 Certificates of inspection.

(a) Certificates of inspection shall be issued for a period of 1 year to passenger vessels, vessels equipped with boilers, and vessels whose hull or machinery is, in the judgment of the Marine Safety Unit, in such condition as to require inspection annually.

(b) Certificates of inspection will normally be issued for 2 years to all vessels not covered by paragraph (a) of this section.

(c) Application shall be made by the owner or other responsible person for inspection and issuance of a new certificate of inspection prior to expiration of the certificate.

[31 FR 12316, Sept. 16, 1966, as amended at 54 FR 37328, Sept. 8, 1989]

#### § 121.42 Distribution of certificates.

Two copies of the certificate of inspection shall be retained on file by the Marine Safety Unit. The original and one copy shall be given to the master or owner of the vessel named therein.

[54 FR 37328, Sept. 8, 1989]

#### § 121.43 Fee for inspection.

Before a certificate of inspection may be issued to any transiting vessel, or U.S. Government local craft, the Master or owner of such vessel or other responsible person shall pay to the Treasurer, Panama Canal Commission the fees established by the Canal authorities for inspection and examination and for the issuance of certificates.

[46 FR 63192, Dec. 30, 1981]

#### § 121.44 Standards in inspection of hulls.

In the inspection of hulls of vessels, the rules promulgated by the American Bureau of Shipping or other recognized classification society respecting material and construction of hulls, except where otherwise provided for in this part shall be accepted as the standard.

#### § 121.45 Drawings of new vessels to be furnished to the Marine Safety Unit.

The owner or other responsible person, when applying for the first inspection to a new vessel, shall furnish the Marine Safety Unit the following drawings and prints for review prior to construction: Midship section, inboard profile, outboard profile, arrangement of decks and hatch details, capacity of double bottoms and fuel compartments, hull penetrations and shell connections, machinery installation, piping systems, lifesaving equipment, fire fighting equipment, electrical, general alarm, radio, and emergency light circuits, and such other drawings or prints as show the general construction of the vessel, including dimensions, spacing of frames, disposition of hull plates, construction of transverse and longitudinal bulkheads, and location of same.

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

[54 FR 37328, Sept. 8, 1989]

#### § 121.46 Inspection of tank vessels.

Tank vessels shall be inspected in accordance with the provisions of this part and of Part 113 of this chapter. Conditions and design of tank vessels not specifically covered by the provisions of this part or by the provisions of Part 113 of this chapter shall conform to the pertinent provisions of the Tank Vessel Regulations of the U.S. Coast Guard.

CROSS REFERENCE: Tank vessel regulations of United States Coast Guard, see 46 CFR Part 30 *et seq.*

#### § 121.47 Inspection of hulls.

(a) In the inspection of hulls of vessels, the inspector shall carefully inspect every accessible part of the hull, and carefully examine the wood or metal of which the hull is constructed to determine the condition of same, making all necessary hammer tests of hulls constructed of iron or steel. If the inspector shall not have satisfactory evidence otherwise of the soundness of the hull of a wooden vessel, he shall have the hull bored or opened up to his satisfaction.

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(b) All scupper, sanitary, and other similar discharges which lead through the ship's hull shall be fitted with efficient means for preventing the ingress of water in the event of a fracture of such pipes. The requirements of this paragraph do not apply to the discharges in the machinery space connected with the main and auxiliary engines, pumps, etc.

(c) The outboard shaft or shafts on every ocean or coastwise vessel shall be drawn for examination at least once every 3 years: Provided, that when it is shown that a vessel has had a long period of lay-up the Marine Safety Unit may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed 1 year.

(d) Where the propelling machinery is located amidships the afterbearing shall be rebushed when it is worn down to  $\frac{1}{4}$  inch clearance for shafts of 9 inches or less in diameter,  $\frac{3}{16}$  inch clearance for shafts exceeding 9 inches but not exceeding 12 inches in diameter, and  $\frac{3}{8}$  inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade ( $\frac{1}{16}$  inch) less than the above clearance.

[31 FR 12316, Sept. 16, 1966, as amended at 54 FR 37328, Sept. 8, 1989]

### **§ 121.48 Sea chests, sea valves and strainers.**

Sea chests, sea valves, and strainers shall be carefully examined by the inspector when the vessel is in drydock, and, if deemed necessary, they shall be opened up for internal examination. This requirement also applies to bilge injection valves. All iron or steel fastenings of sea cocks and valves to the shell plating shall be examined and shall be renewed if necessary.

### **§ 121.49 Pumping arrangements.**

The pumps and pumping arrangements, including valves, pipes and stainers, from the several holds, as well as from the engine and boiler spaces shall be examined at each inspection.

### **§ 121.50 Steering arrangements.**

All parts of the steering arrangements, including the gear, quadrants,

blocks, rods, chains, or other transmission gear and brakes shall be carefully examined by the inspector at each inspection.

### **§ 121.51 Watertight bulkheads and doors.**

All watertight bulkheads and watertight doors shall be examined and found or required to be placed in good and efficient condition. Watertight bulkheads shall be tested with a head of water if considered necessary.

### **§ 121.52 Engine room signal gear.**

Signal systems between engine room and pilot house, whether they be telegraph, bell, whistle, telephone, or voice tubes, shall be examined and tested at each inspection.

### **§ 121.53 Materials, construction, and repairs of boilers and machinery.**

Materials used and the methods employed in the construction and repairs of boilers and machinery, and the design of boilers and machinery, shall be in accordance with the marine engineering regulations and material specifications of the U.S. Coast Guard, or the rules for building and classing steel vessels of the American Bureau of Shipping, or other recognized classification society, unless otherwise provided in this part.

### **§ 121.54 Preparation of boilers for inspection.**

It shall be the duty of the chief engineer to have the boilers which are to be inspected filled with water, safety valves secured by clamps or gags, tubes swept, back connections and furnaces cleaned out, and the water in boilers at a temperature of not more than 180° F. for watertube boilers and not more than 100° F. for fire-tube boilers.

### **§ 121.55 Tests and inspections of new boilers.**

All boiler tests and inspections of new boilers shall conform to the standards of the U.S. Coast Guard "Marine

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Engineering Regulations'' (46 CFR, Subchapter F).

**§ 121.56 Tests and inspections of boilers and main steam pipes in service.**

All tests and inspections of boilers and main steam pipes in service shall conform to the standards of the U.S. Coast Guard "Marine Engineering Regulations'' (46 CFR, Subchapter F).

**§ 121.57 Inspection of mountings and attachments.**

All valves on boilers shall be opened up every 4 years at the time of annual inspection or the next regular drydocking period thereafter. All valves shall be removed from the boiler at least once every 8 years to determine the condition of the stud bolts connecting the valves to the boiler. These examinations may be made at intermediate periods if there is any evidence to indicate that defects have started or excessive corrosion exists.

**§ 121.58 Safety valves.**

(a) At the annual inspection of each boiler, the marine safety inspector shall check the setting of each boiler safety valve and make any adjustments that may be necessary to keep the boiler within the maximum allowable pressure. After adjusting the boiler safety valves, the marine safety inspector shall seal each safety valve separately with the official seal of the Marine Safety Unit.

(b) Each chief engineer, upon taking charge of the power plant of a vessel, shall examine all safety valves and if any seals are broken, or there is any evidence that valves have been tampered with, he shall report same in writing to the Marine Safety Unit. If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Marine Safety Unit in writing, giving the reason for breaking the seal and requesting the valve be examined, adjusted, and resealed.

[54 FR 37328, Sept. 8, 1989]

**§ 121.59 Fusible plugs.**

The inspector shall examine fusible plugs when inspecting the boilers. The number of such plugs inserted in each

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boiler, the manufacturer's name, and the heat number shall be included in the boiler inspection report.

**§ 121.60 Water columns, test cocks, and water gages.**

Water columns, test cocks, and water gages shall be carefully examined, tested and checked by the inspector at each inspection.

**§ 121.61 Steam gages.**

All steam gages connected to boilers or main steam lines shall be carefully checked for accuracy at each inspection.

**§ 121.62 Safety valves or relief valves on reduced pressure lines, evaporators, etc.**

Inspectors shall give the same attention and inspection to safety valves or relief valves installed on reduced pressure lines, evaporators, superheaters, feed water heaters, etc., as to the safety valves installed on the main boilers. The setting of such valves shall be carefully checked at each inspection and adjusted if necessary.

**§ 121.63 Guards in dangerous places.**

Inspectors shall examine all places where there is a possibility of a person being caught in machinery to see that they are provided with substantial guards over such mechanisms as gearings and couplings, flywheels or generators, refrigerating machinery, etc.

**§ 121.64 Unfired pressure vessels.**

(a) Unfired pressure vessels in service which are fitted with manholes or other inspection openings so that they can be satisfactorily examined internally, shall be opened biennially and thoroughly examined internally and externally.

(b) Unfired pressure vessels which have neither manholes nor inspection openings and cannot be satisfactorily examined shall be tested biennially to a hydrostatic test of one and one-fourth times the maximum allowable working pressure.

(c) Unfired pressure vessels shall be protected by a relief valve set to relieve at a pressure not exceeding that for which the vessel is designed, and of

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sufficient relieving capacity to prevent a pressure increase exceeding 10 percent above the maximum allowable pressure. In no case shall the diameter of the relief valve be less than one-half inch.

(d) At each inspection period the inspector shall check the setting of the relief valves and make any adjustments that may be necessary to keep the pressure vessel within the maximum allowable pressure.

(e) As used in this part, "unfired pressure vessel" means a tank containing gas, vapor, or liquid, or a combination thereof, under pressure and not exposed to the products of combustion.

### **§ 121.65 Notice to the Marine Safety Unit of vessel on dock; alterations.**

(a) Whenever any vessel under the supervision of the Marine Safety Unit is placed upon the dock for repairs it shall be the duty of the owner or responsible official to report same to the Marine Safety Unit so that a thorough inspection may be made to determine what is necessary to make such vessel seaworthy. No repairs or alterations affecting the safety of the vessel, either in regard to hull or machinery, shall be made without the knowledge and authority of the Marine Safety Unit. Notice of such repairs and alterations is necessary even if such work does not require the vessel to be placed in a dry-dock.

(b) When a repair or alteration ordered by the Marine Safety Unit has been completed the same shall be reported to the Marine Safety Unit in writing by the owner or responsible official.

[54 FR 37328, Sept. 8, 1989]

### **§ 121.66 Whistles.**

Every inspected vessel under the supervision of the Marine Safety Unit shall be provided with an efficient whistle suitable for sounding the necessary whistle signals. Means shall be provided to operate the whistle from a position adjacent to the main steering station and from the remote steering station where such steering station is fitted. Details of the whistle operating devices shall meet the requirements of

46 CFR chapter I, subchapter J (Electrical Engineering).

[54 FR 37328, Sept. 8, 1989]

### **§ 121.67 Fog bells.**

Inspected vessels 12 meters in length or greater, under the supervision of the Marine Safety Unit, shall be provided with an efficient fog bell. The bell, of corrosion resistant material, shall produce a clear tone at a sound pressure level of not less than 110 decibels at a distance of 1 meter. The diameter of the mouth of the bell shall not be less than 300mm for vessels of 20 meters or more in length, and shall be not less than 200mm for vessels of 12 meters to 20 meters in length. The mass of the striker shall not be less than 3 percent of the mass of the bell.

[54 FR 37329, Sept. 8, 1989]

### **§ 121.68 Engine signals; voice tubes.**

Inspected vessels using bell signals between the pilot house and engine room shall have a tube, of proper size, so arranged as to return the sound of the bell signals to the pilot house, and shall also be provided with a speaking tube or other device for the purpose of conversation between the pilot house and engine room. In all cases where a telegraph is used the signal shall be capable of being repeated back to the pilot house.

### **§ 121.69 Proceeding to another port for repairs.**

The Marine Safety Unit may issue a permit to proceed to another port for repairs, if in its judgment this can be done with safety. Such a permit shall state the conditions upon which it is granted.

[54 FR 37329, Sept. 8, 1989]

### **§ 121.70 Marking of draft on vessel.**

All vessels 20 gross tons and over, under supervision of the Marine Safety Unit, shall have the draft of the vessel plainly and legibly marked upon the stem and upon the stern post or rudder post or at such other place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the lowest part of the keel to the surface of the

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water, the bottom of the mark to indicate the draft in feet. Sufficient marks shall be used to cover all working and loading conditions of the vessel. If any part of the hull or permanent equipment extends below the lowest part of the keel, the master or other responsible person shall produce evidence from which the vessel's maximum immersion may be determined.

[54 FR 37329, Sept. 8, 1989]

**§ 121.71 Emergency lighting system.**

Provision shall be made on passenger vessels, tug boats and dredges for an electric system of lighting, sufficient for all requirements of safety, throughout the vessel. There shall be a self-contained electric source capable of supplying power when necessary. Emergency lights shall be tested at least once each week. The date of the tests required by this section shall be noted in the vessel's logbook.

[54 FR 37329, Sept. 8, 1989]

**§ 121.72 Repairs to firefighting and lifesaving apparatus.**

No extensive repairs or alterations, except in an emergency, shall be made to lifesaving or firefighting equipment without prior notice to the Marine Safety Unit.

[54 FR 37329, Sept. 8, 1989]

**§ 121.73 Extra steering apparatus.**

Extra steering apparatus consisting of relieving tackle, or of auxiliary power, or hand steering gear attached to the rudder stock independent of the regular steering gear shall be provided on vessels under jurisdiction of the Board.

**§ 121.74 Repairs on boilers and unfired pressure vessels.**

(a) Before undertaking repairs to a boiler or unfired pressure vessel, the engineer in charge of such vessel shall report the condition necessitating repairs and the nature of the proposed repairs to the Marine Safety Unit in writing.

(b) When damage occurs to boilers or pressure vessels through an accident that tends to render the further use of such boilers or pressure vessels unsafe until repairs are made, the engineer in

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charge thereof shall promptly report the facts of the accident and the proposed repairs to the Marine Safety Unit in writing.

(c) In cases requiring a written report under this section, repairs shall not commence until the Marine Safety Unit's Inspector has approved the proposed plan of repairs.

[54 FR 37329, Sept. 8, 1989]

**§ 121.75 Increase in passenger allowance.**

Increase in the passenger allowance of any vessel, whether specified in regular certificate or by special certificate for excursion, shall be permitted only after a careful inspection which shows that the vessel is properly equipped, and that the increase is safe and proper.

**§ 121.76 Inclining test.**

When the Marine Safety Unit has any reason to question the stability of any vessel under its supervision, it shall require the owners of the vessel to make inclining tests on such vessels, under the general supervision of the Marine Safety Unit.

[54 FR 37329, Sept. 8, 1989]

**§ 121.77 Inspection of steam pipes.**

When inspecting a vessel the inspectors shall carefully examine all steam pipes passing through woodwork, and if the same are deemed unsafe they shall be provided with an air space and fitted with metal collars.

**§ 121.78 Deep-sea sounding apparatus.**

All ocean passenger or freight steam vessels of 500 gross tons and upwards shall be equipped with an efficient mechanical deep-sea sounding apparatus ready for immediate use in addition to the ordinary deep-sea hand lead.

**§ 121.79 Carrying of excess steam.**

When it is known or comes to the knowledge of the Marine Safety Unit that any steam vessel is or has been carrying an excess of steam beyond that which is allowed by her certificate of inspection, the Marine Safety Unit shall require the owner of said vessel to place on the boiler a lockup safety valve, that will prevent the carrying of



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an excess of steam, which shall be under the control of the Marine Safety Unit.

[54 FR 37329, Sept. 8, 1989]

### § 121.80 Signaling lamps.

Ocean and coastwise vessels of over 150 gross tons shall be equipped with an efficient signaling lamp. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries if provided.

### § 121.81 Steering gear tests.

On all ocean vessels subject to the provisions of this part, making voyages of more than 48 hours duration, the entire steering gear, the whistle, the means of communication and signaling appliance between the bridge or pilot house and the engine room shall be examined and tested by a licensed officer of the vessel within a period of not more than 12 hours before leaving port. All such vessels making voyages of less than 48 hours duration shall be so examined and tested at least once in every week. The fact and time of such examination and test shall be recorded in the vessel's log book.

### § 121.82 Hatches.

The master of any vessel subject to this part shall assure himself before proceeding to sea that all exposed cargo hatches of his vessel are properly covered.

### § 121.83 Draft.

The master of every seagoing vessel subject to this part shall, whenever leaving port, enter the maximum draft of his vessel in the log book.

### § 121.84 Lookouts and fire patrolmen.

(a) Every vessel subject to this part shall have a lookout at all times at or near the bow during the nighttime.

(b) On every passenger vessel having berth or stateroom accommodations for passengers there shall be maintained an efficient watch by the fire patrol so as to cover all parts of the vessel accessible to passengers or crew, except machinery spaces, spaces occupied by passengers or crew as sleeping accommodations and cargo compart-

ments which are inaccessible to passengers or crew while the passenger vessel is being navigated.

(c) A patrolman while on duty shall have no other tasks assigned to him and shall report to the bridge once every hour.

### § 121.85 Sanitation.

The master and chief engineer of any vessel under supervision of the Marine Safety Unit shall see that the vessel and the passenger and crew quarters are kept in a sanitary condition.

[54 FR 37329, Sept. 8, 1989]

### § 121.86 Fuel tanks; fuel piping.

Fuel tanks and fuel piping on vessels subject to this part shall be installed in accordance with the marine engineering regulations and material specifications of the United States Coast Guard, unless otherwise provided for in this part.

### § 121.87 Examination of boilers and machinery by engineer.

When an engineer assumes charge of the boilers and machinery of a vessel he shall examine the same immediately and thoroughly, and if he finds any part thereof in bad condition, he shall immediately report the fact to the master or employer and to the Marine Safety Unit, which shall thereupon investigate the matter to determine whether the former engineer has been negligent in his duties.

[54 FR 37329, Sept. 8, 1989]

### § 121.88 Fusible plug report.

The chief engineer of a steam vessel subject to this part shall report promptly to the Marine Safety Unit every renewal of every fusible plug in a boiler or boilers of a steam vessel upon which he is in charge as chief engineer.

[54 FR 37329, Sept. 8, 1989]

### § 121.89 Boiler steam hours.

(a) Boilers on floating equipment of the Panama Canal Commission which are inspected by the Marine Safety Unit may not be operated under steam for more than the following prescribed number of hours between boiler wash-out periods:

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(1) Boilers which are operated under an approved system of boiler feed water conditioning and with respect to which copies of reports of boiler water conditioning are filed with the Marine Safety Unit: 2,880 hours.

(2) Condensing water-tube boilers not included within paragraph (d)(1) of this section: 1,050 hours.

(3) Fire and water tube boilers, no approved feed-water treatment, operating noncondensing: 750 hours.

(4) All other boilers: 2,160 hours.

(b) The chief engineer of the vessel shall report all washouts to the Marine Safety Unit on Form 1588-4 when the washout is completed and steam raised in a boiler. The original of this report shall be forwarded to the Marine Safety Unit and a copy to his master or employer.

[31 FR 12316, Sept. 16, 1966, as amended at 46 FR 63193, Dec. 30, 1981; 54 FR 37329, Sept. 8, 1989]

### **§ 121.90 Annual report of floating equipment on hand.**

The accountable officials of the Panama Canal Commission shall furnish the Marine Safety Unit with an annual report of all vessels and floating craft on hand by January 1st of each year. This report shall show:

- (a) The accountable official.
- (b) The responsible official.
- (c) The location of vessel or craft.
- (d) The number or name of vessel or craft.
- (e) The description of vessel or craft.

[54 FR 37330, Sept. 8, 1989]

### **§ 121.91 Inspectors not to accept statements.**

Inspectors shall be governed by conditions as actually found by them and in no case shall they be justified in accepting the statements of others.

### **§ 121.92 Lifesaving apparatus.**

Unless otherwise provided by this part, lifesaving apparatus for vessels subject to this part shall be in accordance with the requirements of the general rules and regulations for vessel inspection of the United States Coast Guard, or with the requirements of the

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International Convention for the Safety of Life at Sea.

[54 FR 37330, Sept. 8, 1989]

### **§ 121.93 Care of lifeboats.**

At each inspection period lifeboats shall be stripped, cleaned, and thoroughly overhauled and painted. Tests and inspections shall be in accordance with the requirements of the U.S. Coast Guard rules and regulations for vessel inspection.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

### **§ 121.94 Lifeboat equipment.**

Lifeboats on board vessels subject to this part shall be equipped in accordance with the requirements of the general rules and regulations for vessel inspection service, the U.S. Coast Guard, or with the requirements of the international convention for the safety of life at sea, unless otherwise provided in this part.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

### **§ 121.95 Line-throwing appliances and equipment.**

(a) All ocean vessels shall be equipped with a line-throwing appliance of an approved type with the necessary equipment. The equipment shall include not less than four projectiles and four service lines.

(b) Vessels under 500 gross tons may use a shoulder gun. All coastwise vessels of 150 gross tons and over shall be equipped with a line-throwing appliance and equipment.

### **§ 121.96 Life preservers; number required.**

All vessels shall be provided with one approved life preserver for each person carried. Passenger vessels shall be provided with an additional number suitable for children, equal to at least 10 percent of the total number of persons carried. They shall be properly distributed throughout the staterooms, berthings and other places convenient for passengers and crew.

**§ 121.97 Life preserver inspection.**

At each regular inspection of a vessel, and oftener if deemed necessary, the inspector shall examine and inspect all life preservers in accordance with the requirements of the U.S. Coast Guard rules and regulations for vessel inspection. If found to be satisfactory, they shall be plainly stamped with the word "Passed," the date of inspection, and the inspector's initial.

CROSS REFERENCE: Vessel inspection, rules and regulations of U.S. Coast Guard, see 46 CFR.

**§ 121.98 Means of escape from vessels.**

(a) On all vessels where the plans and arrangements will possibly permit, all enclosures where passengers or crews may be quartered shall be provided with not less than two avenues of escape, so located that if one of such avenues is not available another may be.

(b) Every vessel of 50 tons or over carrying passengers shall be provided with permanent stairways forward and aft. Every vessel shall be provided with sufficient means of escape from lower to upper deck, or vice versa.

**§ 121.99 Fire axes.**

(a) All vessels shall be equipped with fire axes, as follows:

Gross tons	Axes
Over 25 tons and not over 50 tons .....	1
Over 50 tons and not over 200 tons .....	2
Over 200 tons and not over 500 tons .....	4
Over 500 tons and not over 1,000 tons .....	6
Over 1,000 tons .....	8

(b) All axes shall be located so as to be readily found in time of need, shall not be used for general purposes, and shall be kept in good condition.

(c) The vessel's name shall be marked on each ax handle.

[31 FR 12316, Sept. 16, 1966, as amended at 54 FR 37330, Sept. 8, 1989]

**§ 121.100 Fire detecting and alarm system.**

(a) All passenger vessels of more than 150 feet in length having berth or state-room accommodations for passengers shall be provided with an efficient fire alarm or fire detecting system, which will automatically indicate or register at one or more points or stations,

where it can be most quickly observed by officers and crew, the presence or indication of fire in any part of the vessel not accessible to a patrol system.

(b) All passenger vessels with sleeping quarters for passengers shall be provided with a manual fire alarm system which operates alarm bells in the pilot house and engine room. The manual alarm system shall have a suitable number of stations on all decks so as to enable the alarm to be given immediately in case of fire.

(c) All vessels over 100 gross tons shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all occupants. The alarm bells, if electric, shall be operated from an open switch in the pilot house or bridge. The bells shall be of such size and character as to provide an alarm throughout the spaces for which they are provided.

**§ 121.101 Steam and inert-gas fire extinguishing systems, fire pumps, outlets and hoses.**

Steam and inert-gas fire extinguishing systems, fire pumps, fire pump outlets and hoses shall be provided on passenger and cargo vessels in accordance with the requirements of the U.S. Coast Guard general rules and regulations for vessel inspection, or, with the requirements of the international convention for the safety of life at sea; unless otherwise provided in this part.

**§ 121.102 Portable fire extinguishers.**

All vessels subject to this section shall be provided with good and efficient U.S. Coast Guard approved marine portable fire extinguishers. The number and type required shall be determined by the Marine Safety Unit.

[54 FR 37330, Sept. 8, 1989]

**§ 121.103 Station bills.**

The master of every vessel of 150 gross tons or over shall have station bills prepared and posted in conspicuous places in several parts of the vessel, particularly in the crews quarters. They must contain full particulars of the signals which will be used for calling the crew to their stations for emergency duties, and indicate the station to which each man must go and the duties he has to perform.

**§ 121.104 Fire alarm signals; drills.**

(a) The general fire alarm signal shall be a continuous rapid ringing of the ship's bell for a period of not less than 10 seconds, supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds. For dismissal from fire alarm stations, the general alarm bells shall be sounded three times.

(b) The officer in command shall, once at least in each week, call all hands to quarters and exercise them in the unlashing and swinging out of the life boats, weather permitting, the closing of all water tight doors and fire doors, the use of fire pumps and all other apparatus for the safety of life on board such vessels, and to see that all the equipment required is in good working order for immediate use. Special attention shall be given to drilling the crew and educating passengers in the method of adjusting life preservers and condition of same. The fact of the exercise of the crew shall be entered on the vessel's log book giving the hours and days such drills were held.

(c) The inspectors shall observe the drills at intervals sufficiently frequent to assure themselves that the requirements of this section are complied with.

(d) Three copies of this section shall be furnished vessels. The copies furnished shall be framed under glass, and posted in conspicuous places about the vessel.

**§ 121.105 Fire hazards, and fire extinguishing equipment.**

(a) At each inspection period the inspector shall examine the tank tops and bilges in the machinery spaces to see that there is no accumulation of oil which might create a fire hazard.

(b) At each inspection period the inspector shall conduct tests and inspections of fire extinguishing equipment in accordance with the requirements of the U.S. Coast Guard rules and regulations for vessel inspection.

**§ 121.106 Fire-fighting equipment on steam propelled vessels.**

Each fire room of a steam propelled vessel burning oil for fuel shall contain:

(a) A metal receptacle containing not less than five (5) cubic feet of sand, and scoop or shaker for distributing same; and

(b) Two or more approved fire extinguishers of the foam type of not less than 2 ½-gallon capacity each, or two or more carbon-dioxide (CO<sub>2</sub>) type of not less than 15 pounds each, accessible to the fire room and ready for immediate use. These extinguishers shall be in addition to the regular extinguishers required for the vessel.

**§ 121.107 Non-self-propelled vessels; equipment.**

Panama Canal non-self-propelled vessels shall carry the following equipment:

(a) *Dredges, floating cranes, and drill boats:*

4 Life rings (2 luminous), U.S. Coast Guard approved.

1 Life preserver for each person on board, U.S. Coast Guard approved.

1 Fire pump. Outlets from fire mains to be so arranged that one 50-foot length of hose can reach any part of the vessel.

6 Portable fire extinguishers.

4 Fire axes.

1 Anchor and anchor chain as approved by the Marine Safety Unit.

Lights and day marks as required by § 111.27 (Rule 27, 72 COLREGS).

(b) *Floating pile drivers:*

2 Life rings (1 luminous), U.S. Coast Guard approved.

1 Life preserver for each person on board, U.S. Coast Guard approved.

2 Fire axes.

2 Portable fire extinguishers.

1 Anchor and anchor chain as approved by the Marine Safety Unit.

Lights and day marks as required by § 111.27 (Rule 27, 72 COLREGS).

(c) *Barges, lighters and scows:*

1 Life ring, U.S. Coast Guard approved.

1 Suitable anchor with cable.

1 Life preserver for each person on board, U.S. Coast Guard approved.

Lights as required by part 111 of this chapter and Rule 24 (72 COLREGS).

1 Stern light, white, and so fixed as to show the light 67.5 degrees from right aft on each side, an arc of 135 degrees, visibility of 3 miles.

1 Each sidelight, green starboard and red port, showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as

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to show the light from right ahead to 22.5 degrees abaft the beam on its respective side, visibility of 3 miles.

1 Diamond black shape (on tows exceeding 200 meters) for daylight display where best seen.

(d) *Inconspicuous, partly submerged vessels or objects, or combination of such vessels or objects being towed, shall exhibit:*

(1) White, 32-point, 3-mile lights, one at or near the forward end and one at or near the after end, if less than 25 meters in breadth, except that dracones need not exhibit a light at or near the forward end;

(2) In vessels 25 meters or more in breadth, two additional all-round white lights at or near the extremities of its breadth;

(3) In vessels more than 100 meters in length, additional all-round white lights between the lights prescribed in paragraphs (d) (1) and (2) of this section so that the distance between the lights shall not exceed 100 meters;

(4) A diamond shape at or near the aftermost extremity of the last vessel or object being towed; and, if the length of the tow exceeds 200 meters, an additional diamond shape where it can best be seen and located as far forward as is practicable.

[31 FR 12316, Sept. 16, 1966, as amended at 54 FR 37330, Sept. 8, 1989]

### § 121.108 Complement of officers and crew.

A certificate of inspection will not be granted to a vessel unless it has in service and on board such complement of officers and crew as may, in the judgment of the Marine Safety Unit, be necessary for safe navigation.

[54 FR 37330, Sept. 8, 1989]

### MOTORBOATS

#### § 121.131 Equipment on motorboats.

(a) Motorboats less than 7 meters (23') in length shall carry the following equipment:

2 Oars or paddles.

1 Whistle.

1 Bailer.

20 Meters (65') of manila line, not less than 15mm (5/8") diameter, or synthetic line of comparable strength.

2 Fire extinguishers, either 1¼ gallon foam, 4-lb. CO-2, or 2-lb. dry chemical, when engine is inboard, or one such extinguisher, if fixed system installed in engine space or if the engine is outboard. Extinguishers to be U.S. Coast Guard approved.

1 Combination light showing red to port and green to starboard or individual red and green side lights, visibility of one mile.

1 Stern light or all-round white light, visibility of two miles.

1 Anchor and suitable cable, 40 meters (130').

1 Red flag.

1 Life preserver for each person carried, U.S. Coast Guard approved.

1 Copy of the "Motorboat Operator's Handbook".

(b) Motorboats 7 meters (23') or over and less than 12 meters (40') in length shall carry the following equipment:

1 Life ring buoy of not less than 600mm (24") outside diameter, U.S. Coast Guard approved.

1 Whistle, power-operated, audible at least one mile.

1 Bailer.

20 Meters (65') of manila line, not less than 18mm (¾") diameter, or synthetic line of comparable strength.

3 Fire extinguishers, 2 of which shall be 2½ gallon foam, 15-lb. CO-2, or 10-lb. dry chemical. The third extinguisher shall be 1¼ gallon foam, 4-lb. CO-2, or 2-lb. dry chemical. This third extinguisher is not required if a fixed system is installed in the engine space. Extinguishers to be U.S. Coast Guard approved.

1 Boat hook.

1 Combination light showing red to port and green to starboard, or individual red and green side lights, visibility one mile.

1 Stern light or all-round white light, visibility of two miles.

1 Anchor and suitable cable, 40 meters (130').

1 Red flag.

1 Red lantern.

1 Life preserver for each person carried, U.S. Coast Guard approved.

1 Copy of the "Motorboat Operator's Handbook".

(c) Motorboats 12 meters (40') or over and not more than 20 meters (65') in length shall carry the following equipment:

2 Life ring buoys not less than 600mm (24") in outside diameter, U.S. Coast Guard approved.

1 Approved fog horn.

1 Whistle, power-operated, audible at least one mile.

1 Bailer.

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25 Meters (82') of manila line, not less than 21mm (7/8") diameter, or synthetic line of comparable strength.

4 Fire extinguishers, 3 of which shall be 2½ gallon foam, 15-lb. CO-2, or 10-lb. dry chemical. The fourth extinguisher may be 1¼ gallon foam, 4-lb. CO-2, or 2-lb. dry chemical. This fourth extinguisher is not required if a fixed system is installed in engine space. Extinguishers to be U.S. Coast Guard approved.

2 Boat hooks.

1 Masthead light, white, 225 degrees, fixed to show the light from right ahead to 22.5 degrees abaft the beam on either side, minimum 2.5 meters above the gunwale, visibility three miles.

1 Combination light showing red to port and green to starboard or individual red and green sidelights, visibility two miles.

1 Stern light, white, 135 degrees, placed as nearly as practicable at the stern, and so fixed to show the light 67.5 degrees from right aft on each side, visibility two miles.

2 Emergency lights, red and all-round in a vertical line where they can best be seen, visibility two miles (daylight: two black balls) used when restricted in ability to maneuver.

1 Red lantern.

1 Red flag.

1 Anchor with 40 meters (130') suitable cable.

1 Fog bell.

1 Life preserver for each person carried, U.S. Coast Guard approved.

1 Copy of the "Motorboat Operator's Handbook".

(1) Pilot vessels only:

2 Lights at or near the masthead, one all-round white upper and one all-round red lower not less than one meter apart, visibility two miles.

(2) For those vessels engaged in towing and pushing:

2 Masthead lights in a vertical line. When the length of the tow, measured from the stern of the towing vessel to the after end of the tow, exceeds 200 meters, three such lights in a vertical line (daylight: a black diamond shape where it can best be seen).

(d) Cayucos or piraguas less than 20 meters (65 feet) in length and equipped with an outboard motor or motors and operating in Madden and Gatun Lakes shall carry the following equipment:

2 Oars or paddles.

1 Whistle.

1 Bailer.

20 Meters (65') of manila line, not less than 21mm (7/8") diameter, or synthetic line of comparable strength.

1 Flashlight.

1 Red flag.

1 Life preserver for each person carried, U.S. Coast Guard approved.

1 Copy of the "Motorboat Operator's Handbook".

(e) Life preservers, ring buoys and fire extinguishers required by this section shall be U.S. Coast Guard approved and shall be permanently marked with the name of the motorboat on which they are carried.

[54 FR 37330, Sept. 8, 1989]

**§ 121.132 Motorboat filling, venting, and sounding pipes; shut-off valves.**

(a) Filling, venting, and sounding pipes shall be so arranged that vapors or possible overflow when filling cannot escape to the inside of the hull but will run overboard. A pipe made tight to the tank and to the filling plate on deck clear of any coamings, etc., meets this requirement. Filling and sounding pipes shall extend to within one-half their diameter from the bottom of the tank. A flame screen of noncorrodible wire mesh shall be fitted in the throat of the fill pipe.

(b) Shut-off valves shall be installed in the fuel line; one as close to each tank as practicable, and one as close to each carburetor as practicable. Arrangements shall be provided for operating all shut-off valves at the tanks from outside the compartments in which they are located, preferably from an accessible position on deck. The operating gear for the shut-off valves at the tanks shall be accessible at all times and in efficient working condition.

**§ 121.133 Carburetor back-fire flame arrestor.**

Carburetors of engines installed on motorboats using gasoline for fuel, except outboard motors, shall be fitted with an approved device to arrest back-fire. Air intakes, where practicable, shall be so directed that back-fire cannot blow down into the bilge.

**§ 121.134 Ventilation of motorboats.**

(a) All motorboats which use gasoline or other liquid fuel having a flash point of less than 110° F. shall be provided with at least two ventilators fitted with cowls or their equivalent for the

purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases.

(b) Motorboats constructed so that the greater portion of the bilges under the engine and fuel tanks are open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators.

### Subpart C—Registration and Numbering

#### § 121.171 Registration and numbering of motorboats.

All motorboats shall be registered, certificated, and assigned numbers by the Marine Safety Unit.

[54 FR 37331, Sept. 8, 1989]

#### § 121.172 Numbers to be displayed on motorboats.

Every motorboat shall have its assigned number painted or attached on each bow. The numbers shall be in block character of not less than 3 inches in height, and located as high above the water line as practicable, but in no case shall there be less than 3 inches of space from the bottom of the numbers to the water.

#### § 121.173 Registration and numbering of vessels under 20 meters (65') in length not propelled by machinery.

Vessels not more than 20 meters (65') in length and not propelled in whole or in part by machinery shall be registered and numbered by the Marine Safety Unit.

[54 FR 37331, Sept. 8, 1989]

#### § 121.174 Numbers to be displayed on vessels under 65 feet other than motorboats.

Every vessel not more than 65 feet in length and not propelled in whole or in part by machinery shall have its assigned number painted or attached on each bow. The numbers shall be in block character of not less than 3 inches in height, and located as high above the water line as practicable, but in no case shall there be less than 3 inches of space from the bottom of the numbers to the water.

## PART 123—RADIO COMMUNICATION

Sec.

- 123.1 Radio communication defined.
- 123.2 Control of communications.
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- 123.4 Advance notification required by radio from vessels approaching the Canal.
- 123.5 Radio communication between vessels in Canal waters and other vessels or places.
- 123.7 Operator on board during transit.
- 123.8 Precedence of messages relative to vessel's movements and Canal business; use of vessel's radio by pilot.
- 123.9 Immediate report of accidents, delays, or casualties.
- 123.10 Operation of vessel radios in conformity with treaties.
- 123.11 Radio charges.

AUTHORITY: Issued under authority of the President by 22 U.S.C. 3811; E.O. 12215, 45 FR 36043.

SOURCE: 31 FR 12322, Sept. 16, 1966, unless otherwise noted.

#### § 123.1 Radio communication defined.

For the purposes of this part, unless the context otherwise requires, "radio communication" means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things the receipt, forwarding, and delivery of communications) incidental to such transmission.

#### § 123.2 Control of communications.

The Panama Canal Commission shall, subject to the provisions of this part, have control of radio communications in the Canal operating areas so far as concerns or affects vessels in Panama Canal waters or the navigation of such waters.

[46 FR 63193, Dec. 30, 1981]

#### § 123.3 Radiotelephones required.

(a) Except for vessels operated by the Panama Canal Commission or another agency of the United States, the following vessels shall comply with the requirements of this section:

- (1) Every power-driven vessel of 300 gross tons or over;
- (2) Every power-driven vessel of 100 gross tons or over, carrying one or more passengers for hire; and

(3) Every commercial towing vessel of 26 feet in length or over.

(b) A vessel of a type described in paragraph (a) of this section shall be equipped with a radiotelephone which can be operated from the navigation bridge and which can be used to communicate on the following channels in the 156-162 MHz frequency band:

- (1) Channel 12, 156.600 MHz;
- (2) Channel 13, 156.650 MHz;
- (3) Channel 16, 156.800 MHz.

(c) A vessel of a type described in paragraph (a) of this section, which has notified the Traffic Management Division that it is ready to transit or otherwise navigate in Panama Canal waters and requires a Panama Canal pilot, shall, until a pilot boards the vessel, maintain a continuous watch on Channel 12. Channel 12 will be used for notification to vessels of their transit time and for advisory harbor control communication in Limon Bay.

(d) A vessel of a type described in paragraph (a) of this section shall maintain a continuous watch on Channel 13 when under way in Panama Canal waters for bridge-to-bridge navigational communications only. One watt maximum power shall be used on that frequency, except that in emergencies or unusual circumstances more power may be used. When such vessels have a Panama Canal pilot aboard, Channel 13 may be used only by the pilot or at his direction for navigational communications.

(e) The Signal Stations on Flamenco Island and in Cristobal may be called on Channel 12 or 16. Channel 16, however, is reserved for cases of distress, urgency, safety and calling only. Once radio contact is established on Channel 16, another channel should be selected for routine communications.

[41 FR 21778, May 28, 1976, as amended at 46 FR 63193, Dec. 30, 1981; 48 FR 6709, Feb. 15, 1983; 54 FR 37331, Sept. 8, 1989]

**§ 123.4 Advance notification required by radio from vessels approaching the Canal.**

(a) Vessels approaching the Panama Canal shall communicate by radio to the Traffic Management Division not less than 48 hours in advance of arrival at the Canal (or earlier if radio communication is practicable at an earlier

time), the information required by this section unless this information has been previously communicated to the Canal authorities by other means. Symbols of the phonetic alphabet shall be used to identify each item and the word "NEGAT" shall be used after the items that can be answered "no", "none", or "not applicable". The following items of information shall be provided.

ALFA—The Panama Canal Identification Number of the vessel.

BRAVO—Estimated date and time of arrival, port of arrival and request for Canal transit if desired.

CHARLIE—Estimated draft upon arrival, and estimated transit draft if scheduled to work cargo or take bunker prior to transiting, in meters, fore and aft, in Tropical Fresh Water.

DELTA—Any changes in the vessel's name, country of registry, structure or use of tanks that have occurred since the vessel last called in Panama Canal waters.

ECHO—Will the vessel dock at Balboa or Cristobal? What is the reason for docking? If it is for cargo operations, fuel or water, give the tonnage involved in each case. Is there any other reason the vessel will not be ready to transit upon arrival? What is the reason?

FOXTROT—The nature and tonnage of any deck cargo.

GOLF—If the vessel is carrying any explosives or bulk dangerous cargoes, as classified in § 113.3, state the technical name, quantity (in long tons), United Nations number, the International Maritime Organization class and division (include compatibility group for explosives only), and the stowage for each dangerous cargo carried. If the vessel is a tanker in ballast condition and not gas free, state the technical name, United Nations number and the International Maritime Organization class and division of the previously carried cargo. Tankers reporting "GOLF:NEGAT" shall, in addition, state the technical names of non-dangerous cargoes carried.

HOTEL—If the vessel is carrying any packaged dangerous goods, as specified in § 113.3, other than explosives, state the International Maritime Organization class and division and the total quantity (in long tons) within each class.

INDIA—Quarantine and immigration information:

(1) Is radio pratique desired?

(2) State the ports at which the vessel has called within 15 days preceeding its arrival at the Canal.

(3) State all cases of communicable disease aboard and the nature of the disease or diseases, if known.



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(4) The number of deaths which have occurred since departure from the last port and the cause of each death, if known.

(5) The number of passengers disembarking and their port of disembarkation.

(6) The number and ports of origin of any stowaway and a brief description of the identity papers of each stowaway.

(7) The number, kind and country of origin of any animals aboard. Are any animals to be landed?

(8) The country of origin of all meat, whether carried as cargo or as ship's stores.

(9) Has the vessel called at a port in any country infected with foot-and-mouth disease or rinderpest during its present voyage? Countries considered to be infected are:

(a) All countries east of the 30th meridian west longitude and west of the international date line, except Australia, Channel Islands, Fiji, Greenland, Iceland, Japan, New Zealand, Northern Ireland, Norway, Republic of Ireland;

(b) All countries of South America;

(c) Curacao (the leeward islands of the Netherlands Antilles);

(d) Martinique;

(e) Cuba;

(f) Guadeloupe.

(10) Specify whether the vessel has a valid deratting certificate or a deratting exemption certificate issued 180 days prior to arrival.

(b) The following additional information shall be transmitted via radio to Transit Operations Division from all vessels as applicable:

(1) Vessels approaching from the Pacific shall report actual time of passing Cape Mala, or the latitude of Cape Mala, and the vessel's speed.

(2) Vessels approaching from the Atlantic shall report 12 hours prior to arrival at Cristobal any change of one hour or more in the expected time of arrival.

(3) Any other matters of importance and interest.

(c) Timely receipt of the above information will facilitate the transit or docking of arriving vessels. Failure to comply with these reporting requirements may subject a vessel to delay since vessels which do comply will receive priority of service and handling over those which do not.

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

[31 FR 12322, Sept. 16, 1966, as amended at 38 FR 3963, Feb. 9, 1973; 40 FR 8348, Feb. 27, 1975; 41 FR 21778, May 28, 1976; 46 FR 63193, Dec. 30, 1981; 50 FR 19682, May 10, 1985; 54 FR 37331, Sept. 8, 1989; 61 FR 36498, July 11, 1996]

### **§123.5 Radio communication between vessels in Canal waters and other vessels or places.**

Except for emergency traffic and routine bridge-to-bridge VHF communication, no vessel in transit through the Canal shall communicate by radio with any other vessel or shore station, local or distant. This restriction shall not apply to government vessels of the United States or of the Republic of Panama.

[46 FR 63193, Dec. 30, 1981]

### **§123.7 Operator on board during transit.**

All vessels equipped with radio shall have a qualified radio operator on board, available to operate the radio installation if necessary, at any time the vessel is under way in Panama Canal waters and at any other time her navigation is under the control of a Panama Canal pilot. Vessels equipped with radio telephones operating on the frequencies designated by the Panama Canal Commission are deemed to meet the requirements of this section provided they have someone aboard capable and qualified to operate such equipment.

[46 FR 63194, Dec. 30, 1981; 47 FR 54072, Dec. 1, 1983]

### **§123.8 Precedence of messages relative to vessel's movements and Canal business; use of vessel's radio by pilot.**

Messages relating to a vessel's movements and Canal business shall take precedence over all commercial messages. The pilot on a vessel passing through the Canal shall be afforded free use of the vessel's radio for the transaction of Canal business.

### **§123.9 Immediate report of accidents, delays, or casualties.**

Vessels within Panama Canal waters shall report by radio to the Canal authorities any accident or anything else that may delay them or require assistance, any sickness or casualties that require medical attendance or any other matter of importance that may arise. If a pilot is on board, such report

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shall be made by the pilot or under his direction.

[46 FR 63194, Dec. 30, 1981]

§ 123.10 Operation of vessel radios in conformity with treaties.

Except as may be otherwise provided by this part, while in Panama Canal waters, vessels equipped with radio shall operate such equipment at all times in conformity with the principles and rules stipulated in the treaties or conventions to which the United States is a party.

[46 FR 63194, Dec. 30, 1981]

§ 123.11 Radio charges.

No receiving or relaying charges, will be imposed against ships on radiograms transmitted by ships on Canal business nor in the cases of dispatches involving medical assistance to ships.

PART 125—SANITARY REQUIREMENTS; VESSEL WASTES; GARBAGE; BALLAST

Sec.

- 125.1 Discharging vessel wastes into waters.
125.2 Handling ballast.
125.4 Removing wastes when anchored for considerable time.

AUTHORITY: Issued under authority vested in the President by secs. 1701 and 1801, Pub. L. 96-70, 93 Stat. 492; EO 12215, 45 FR 36043.

§ 125.1 Discharging vessel wastes into waters.

(a) Vessels may not discharge or throw into Panama Canal waters any ballast, ashes, cinders, boxes, barrels, straw, paper, or other solid matter; nor discharge heavy slops, engine or fire room bilge water, oil, or any other matter that will tend to deface or make Canal waters unsanitary. This requirement does not apply to the water used in cooking or in cleaning tableware.

(b) Ballast tanks may not be discharged in Canal waters.

(c) Before arrival from sea at either of the terminal ports, vessels should, in a manner consistent with the requirements of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and all amendments thereto which are currently in force,

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dispose of all waste forbidden to be discharged in Canal waters.

[46 FR 63194, Dec. 30, 1981]

§ 125.2 Handling ballast.

Vessels wishing to unload or load ballast must have proper chutes, so arranged as to prevent ballast from falling overboard.

[31 FR 12324, Sept. 16, 1966]

§ 125.4 Removing wastes when anchored for considerable time.

A vessel anchored in Panama Canal waters for a considerable length of time may get rid of vessel wastes by requesting Canal authorities to place a garbage scow alongside. This service is chargeable to the vessel.

[46 FR 63194, Dec. 30, 1981]

PART 131—NEUTRALITY OF CANAL

§ 131.1 Applicability of Treaty.

Matters concerning the neutrality of the Panama Canal are governed by the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed in Washington, D.C., on September 7, 1977.

(Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed September 7, 1977)

[46 FR 63194, Dec. 30, 1981]

PART 133—TOLLS FOR USE OF CANAL

Subpart A—Rates of Toll

Sec.

- 133.1 Rates of toll.

Subpart B—Levying of Tolls

- 133.31 Measurement of vessels; vessels to secure tonnage certificate.
133.32 Measurement of vessels; making and correction of measurement; plans and copies.
133.33 Measurement of vessels; temporary retention of certificate at Canal.
133.34 Tolls for vessels in ballast.
133.36 Tolls for vessels making partial transit and return.
133.37 Partial transits by small vessels.

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### Subpart C—Payment of Tolls and Other Vessel Charges

- 133.71 Time of making payment.  
133.72 Same; exception; vessels operated by the United States.  
133.73 Payment to be in cash.  
133.74 Same; exception; payment secured by deposit of cash or bonds.  
133.75 To whom payment is to be made.

AUTHORITY: 22 U.S.C. 3791-3792, 3794.

SOURCE: 31 FR 12326, Sept. 16, 1966, unless otherwise noted.

NOTE: Section 133.1; Presidential Proc. 2247, 2 FR 2061, Aug. 25, 1937, as amended by Presidential Proc. 2249, 2 FR 2099, Aug. 31, 1937, §§133.31, 133.32; Rules 14, 15, E.O. 4314, Sept. 25, 1925. §133.34: Rule 16, E.O. 4314, Sept. 25, 1925; §§133.35, 133.36, E.O. 8068, 4 FR 1258, Mar. 21, 1939. §§133.71-133.75; Resolution of Board of Directors, Panama Canal Company, Oct. 9, 1954. Provisions of Presidential Proc. and E.O. continue in force by virtue of sec. 19 of Oct. 18, 1962, 76A Stat. 1, 700.

### Subpart A—Rates of Toll

#### § 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, \$2.39 per PC/UMS Net Ton—that is, the Net Tonnage determined in accordance with part 135 of this chapter, effective January 1, 1997, and \$2.57 per PC/UMS Net Ton, effective January 1, 1998.

(b) On vessels in ballast without passengers or cargo, \$1.90 per PC/UMS Net Ton, effective January 1, 1997, and \$2.04 per PC/UMS Net Ton, effective January 1, 1998.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, \$1.33 per ton of displacement, effective January 1, 1997, and \$1.43 per ton of displacement, effective January 1, 1998.

[61 FR 60612, Nov. 29, 1996]

### Subpart B—Levying of Tolls

#### § 133.31 Measurement of vessels; vessels to secure tonnage certificate.

The rules for the measurement of vessels are fixed by part 135 of this chapter. Vessels desiring to transit the

Canal shall provide themselves with a tonnage certificate in accordance with § 133.32.

[59 FR 43254, Aug. 22, 1994]

#### § 133.32 Measurement of vessels; making and correction of measurements; plans and copies.

Measurements may be made by the admeasurers of the Canal or certain other officials worldwide as designated by the Panama Canal Commission. Each transiting vessel should have aboard and available to Canal authorities a full set of plans and a copy of the measurements which were made at the time of issue of its International Tonnage Certificate (1969), as well as the tonnage certificate itself. A copy of the International Tonnage Certificate (1969) shall be provided to Canal authorities. The Commission reserves the right to check and correct the total volume that is to be used in the calculation of the PC/UMS Net Tonnage.

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

[59 FR 43254, Aug. 22, 1994]

#### § 133.33 Measurement of vessels; temporary retention of certificate at Canal.

The official PC/UMS Net Tonnage certificate shall be delivered by the Canal authorities to the vessel or to the owner or agent of the vessel after transit completion. This certificate shall be retained on board the vessel and shall be used to certify that the vessel has been inspected and its PC/UMS Net Tonnage has been determined by the Commission.

[59 FR 43254, Aug. 22, 1994]

#### § 133.34 Tolls for vessels in ballast.

In order for a vessel to secure the reduced rate of toll for vessels in ballast, it may not be carrying any passengers or cargo nor any fuel for its own consumption in a quantity which exceeds the spaces on the vessel which are available for the carriage of fuel (i.e., the actual volume of tanks or fixed compartments, including settling tanks, used for the storage of lubricating oil or fuel, which spaces cannot be used to stow cargo or stores and which

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have been certified by official marking to be spaces for the vessel's own fuel).

[54 FR 35148, Aug. 23, 1989; 54 FR 36096, Aug. 31, 1989]

**§ 133.36 Tolls for vessels making partial transit and return.**

Vessels passing through the locks at either end of the Panama Canal and returning to the original point of entry without passing through the locks at the other end of the Canal, shall pay the tolls prescribed for a single passage through the Canal. In case such vessels carry cargo or passengers either in passing or returning through the locks, the rate of tolls on laden vessels shall apply.

**§ 133.37 Partial transits by small vessels.**

Section 133.36 shall not be interpreted as authorizing vessels less than 65 feet in length, or barges, or rafts of any size not on regular transit schedules and not paying tolls, to navigate the waters of any locks, or of Gaillard Cut to or from Gatun Lake in partial transit of the Canal; specific authority of the Administrator must be obtained through the Marine Director for each such partial transit.

[46 FR 63194, Dec. 30, 1981]

**Subpart C—Payment of Tolls and Other Vessel Charges**

**§ 133.71 Time of making payment.**

(a) Payment of tolls in full shall be made, or secured as provided by § 133.74, before a vessel is permitted to enter a lock.

(b) All vessel charges shall be paid, or secured as provided by § 133.74, before permission to depart is given a vessel at the port of departure from the Canal: *Provided, however,* That in cases involving emergency or other special circumstances, the requirement of this paragraph may be waived by the Administrator of the Panama Canal Commission.

[31 FR 12326, Sept. 16, 1966, as amended at 46 FR 63194, Dec. 30, 1981]

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**§ 133.72 Same; exception; vessels operated by the United States.**

Section 133.71 shall not apply to vessels operated by the Government of the United States; and bills for tolls, where applicable, and for other charges against such vessels, shall be settled as are other obligations between agencies of the Federal Government.

**§ 133.73 Payment to be in cash.**

All payments for tolls and other charges shall be made in cash, in lawful money of the United States, except as provided in by § 133.74.

**§ 133.74 Same; exception; payment secured by deposit of cash or bonds.**

(a) The payment of tolls and vessel charges may be secured by making cash deposits for that purpose with the Treasurer of the Panama Canal Commission or such United States depository as may be designated by the Panama Canal Commission.

(b) In lieu of payment in cash or a cash deposit, the payment of tolls and vessel charges may be secured by making deposits, pursuant to written agreement with the Panama Canal Commission, of negotiable bonds of the United States Treasury Department as collateral security for the deposit of public moneys. Such bonds shall be under the full control of the Panama Canal Commission; shall be deposited with the Treasurer of the Panama Canal Commission or such United States depository as may be designated by the Panama Canal Commission and shall be subject to sale or other disposition by the Panama Canal Commission upon any failure in prompt payment of any bill for tolls or vessel charges for which the said bonds are deposited as security.

[46 FR 63194, Dec. 30, 1981]

**§ 133.75 To whom payment is to be made.**

Payment for tolls and vessel charges shall be made to the Treasurer, Panama Canal Commission.

[46 FR 63195, Dec. 30, 1981]

**PART 135—RULES FOR  
MEASUREMENT OF VESSELS**

**Subpart A—General Provisions**

Sec.

- 135.1 Scope.  
135.2 Vessels generally to present tonnage certificate or be measured.  
135.3 Determination of total volume and VMC.  
135.4 Administration and interpretation of rules.

**Subpart B—PC/UMS Net Tonnage  
Measurement**

- 135.11 Tonnage.  
135.12 Definitions.  
135.13 Determination of PC/UMS Net Tonnage.  
135.14 Change of PC/UMS Net Tonnage.  
135.15 Calculation of volumes.  
135.16 Measurement and calculation.

**Subpart C—Warships, Dredges and  
Floating Drydocks**

- 135.21 Warships, dredges and floating drydocks to present documents stating displacement tonnage.  
135.22 Tolls on warships, dredges and floating drydocks levied on actual displacement.

**Subpart D—Transitional Relief Measures**

- 135.31 Transitional relief measures.

**Subpart E—Alternative Method for  
Measurement of Vessels**

- 135.41 Measurement of vessels when volume information is not available.  
135.42 Measurement of vessels when tonnage cannot be otherwise ascertained.

AUTHORITY: 22 U.S.C. 3791–3792, 3794.

SOURCE: 59 FR 43255, Aug. 22, 1994, unless otherwise noted.

**Subpart A—General Provisions**

**§ 135.1 Scope.**

This part establishes the procedures for determining the Panama Canal Universal Measurement System (hereinafter PC/UMS) Net Tonnage. The tonnage shall be used to assess tolls for use of the Panama Canal. Also, the tonnage may be used, when adequate volume information is not provided, to assess the charge for admeasurement services.

**§ 135.2 Vessels generally to present tonnage certificate or be measured.**

All vessels except warships, floating drydocks, dredges, and vessels subject to transitional relief measures, applying for passage through the Panama Canal shall present a duly authenticated International Tonnage Certificate (1969) (hereinafter ITC 69), or suitable substitute (i.e., a certificate derived from a system which is substantially similar to that which was provided for in the 1969 International Convention on Tonnage Measurement of Ships, and which contains the total volume or allows for the direct mathematical determination of total volume). Vessels without such total volume information shall be inspected by Canal authorities who shall determine an appropriate volume for use in the calculation of a PC/UMS Net Tonnage of such vessels. In addition, these same vessels shall provide documentation, such as plans and classification certificates, with sufficient information to determine the volume of the maximum capacity of containers that may be carried on or above the upper deck, or VMC as defined in section 135.13(a)(11).

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

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**§ 135.3 Determination of total volume and VMC.**

(a) Determination of total volume and VMC used to calculate PC/UMS Net Tonnage shall be carried out by the Panama Canal Commission. In so doing, however, the Commission may rely upon total volume and VMC information provided by such officials as are authorized by national governments to undertake surveys and issue national tonnage certificates. Total volume and VMC information presented to the Commission shall be subject to verification, and if necessary, correction as necessary to ensure accuracy to a degree acceptable to the Commission.

(b) The Commission may, when it is deemed necessary to verify information contained on the ITC 69, require the submission of additional documents. Failure to submit the requested

documentation may result in the Commission's developing a figure that accurately reflects the vessel's volume.

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

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**§ 135.4 Administration and interpretation of rules.**

The rules of measurement provided in this part shall be administered and interpreted by the Administrator of the Panama Canal Commission.

**Subpart B—PC/UMS Net Tonnage Measurement**

**§ 135.11 Tonnage.**

(a) The tonnage of a ship shall consist of PC/UMS Net Tonnage.

(b) The net tonnage shall be determined in accordance with the provisions of the regulations in this subpart.

(c) The net tonnage of novel types of craft whose constructional features are such as to render the application of the provisions of the regulations in this subpart unreasonable or impracticable shall be determined in a manner which is acceptable to the Panama Canal Commission.

**§ 135.12 Definitions.**

(a) *Upper Deck* means the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing. In a ship having a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the upper deck.

(b) *Moulded Depth* means the vertical distance measured from the top of the keel to the underside of the upper deck at side.

(1) In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the distance is measured from the point where the

line of the flat of the bottom continued inwards cuts the side of the keel.

(2) In ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design.

(3) Where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(c) *Breadth or moulded breadth* means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

(d) *Enclosed spaces* mean all spaces which are bounded by the ship's hull, by fixed or portable partitions or bulkheads, by decks or coverings other than permanent or movable awnings. No break in a deck, nor any opening in the ship's hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed space.

(e) *Excluded spaces* mean, notwithstanding the provisions of paragraph (d) of this section, the spaces referred to in paragraphs (e)(1) to (e)(5) of this section. Excluded spaces shall not be included in the volume of enclosed spaces, except that any such space which fulfills at least one of the following three conditions shall be treated as an enclosed space:

- The space is fitted with shelves or other means for securing cargo or stores;
- The openings are fitted with any means of closure; or
- The construction provides any possibility of such openings being closed.

(1)(i) A space within an erection opposite an end opening extending from deck to deck except for a curtain plate of a depth not exceeding by more than 25 millimeters (one inch) the depth of the adjoining deck beams, such opening having a breadth equal to or greater

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than 90 percent of the breadth of the deck at the line of the opening of the space. This provision shall be applied so as to exclude from the enclosed spaces only the space between the actual end opening and a line drawn parallel to the line or face of the opening at a distance from the opening equal to one-half of the width of the deck at the line of the opening (Figure 1).

In the figure:

O = excluded space

C = enclosed space

I = space to be considered as an enclosed space

Hatched-in parts to be included as enclosed spaces.

B = breadth of the deck in way of the opening.

In ships with rounded gunwales the breadth is measured as indicated in Figure 11 in paragraph (e)(5).

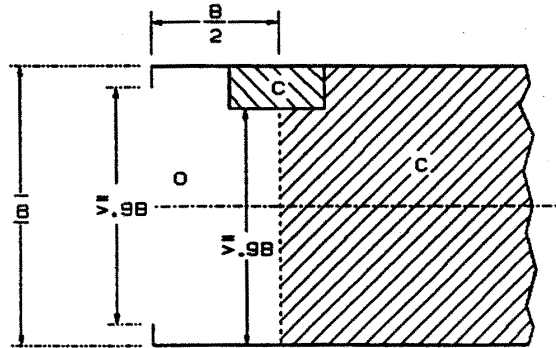


Fig. 1

(ii) Should the width of the space because of any arrangement except by convergence of the outside plating, become less than 90 percent of the breadth of the deck, only the space between the line of the opening and a parallel line drawn through the point where the athwartships width of the space becomes equal to, or less than, 90 percent of the breadth of the deck shall be excluded from the volume of enclosed spaces. (Figures 2, 3 and 4).

In the figures:  
 O = excluded space  
 C = enclosed space  
 I = space to be considered as an enclosed space  
 Hatched-in parts to be included as enclosed spaces.  
 B = breadth of the deck in way of the opening.  
 In ships with rounded gunwales the breadth is measured as indicated in Figure 11 in paragraph (e)(5).



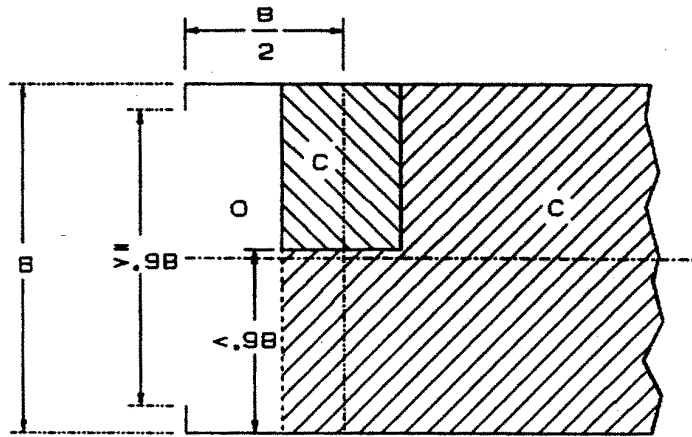


Fig. 2

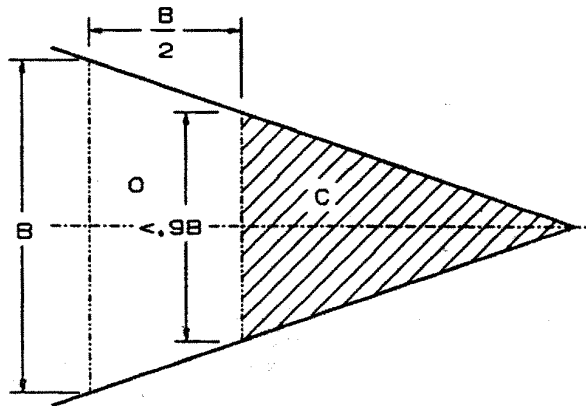


Fig. 3

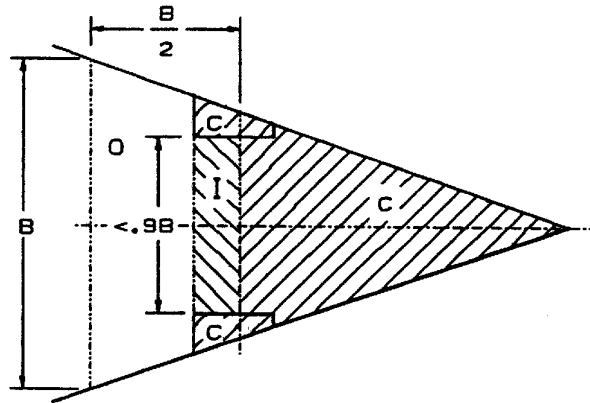


Fig. 4

(iii) Where an interval which is completely open except for bulwarks or open rails separates any two spaces, the exclusion of one or both of which is permitted under paragraphs (e)(1)(i) and/or (e)(1)(ii) of this section, such exclusion shall not apply if the separation between the two spaces is less than the least half breadth of the deck in way of the separation. (Figures 5 and 6).

In the figures:  
 O = excluded space  
 C = enclosed space  
 I = space to be considered as an enclosed space  
 Hatched-in parts to be included as enclosed spaces.  
 B = breadth of the deck in way of the opening.  
 In ships with rounded gunwales the breadth is measured as indicated in Figure 11 in paragraph (e)(5).

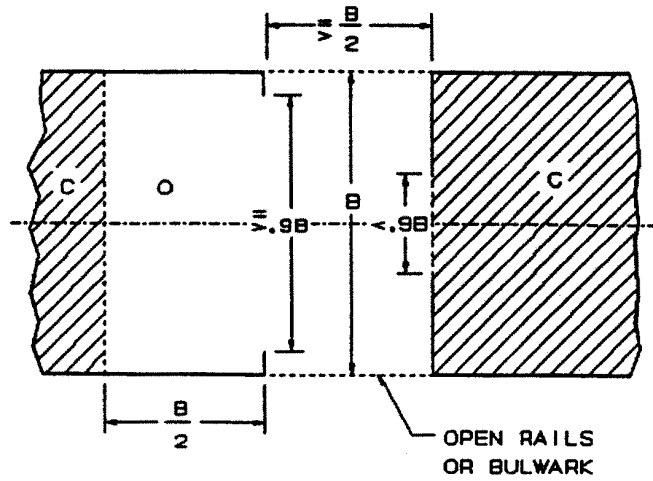


Fig. 5

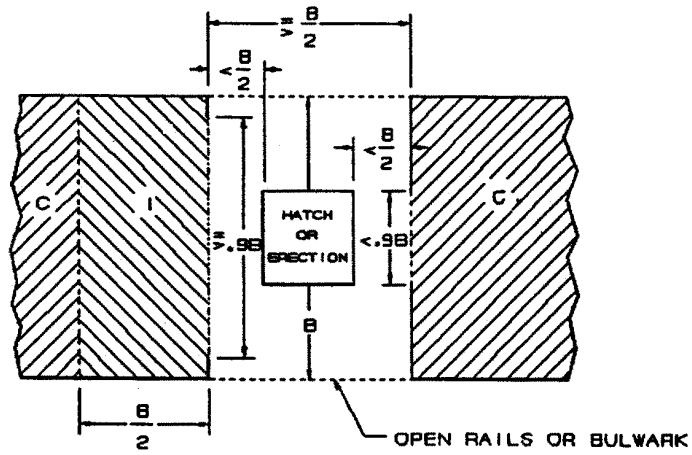


Fig. 6

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(2) A space under an overhead deck covering open to the sea and weather, having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support. In such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship's

side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 meters (2.5 feet) or one-third of the height of the space, whichever is the greater. (Figure 7).

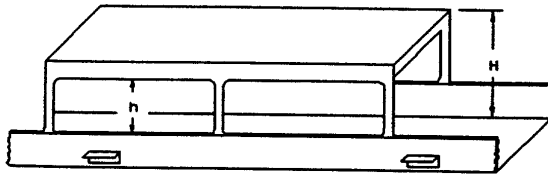


FIG. 7

$h = \text{AT LEAST } \frac{H}{3} \text{ OR } 0.75 \text{ m (2.5 FEET)}$   
**WHICHEVER IS THE GREATER**

(3) A space in a side-to-side erection directly in way of opposite side openings not less in height than 0.75 meters (2.5 feet) or one-third of the height of the erection, whichever is the greater. If the opening in such an erection is provided on one side only, the space to be excluded from the volume of enclosed spaces shall be limited inboard from the opening to a maximum of one-half of the breadth of the deck in way of the opening. (Figure 8).

In the figures:

- O = excluded space
- C = enclosed space
- I = space to be considered as an enclosed space
- Hatched-in parts to be included as enclosed spaces.
- B = breadth of the deck in way of the opening.

In ships with rounded gunwales the breadth is measured as indicated in Figure 11 in paragraph (e)(5).

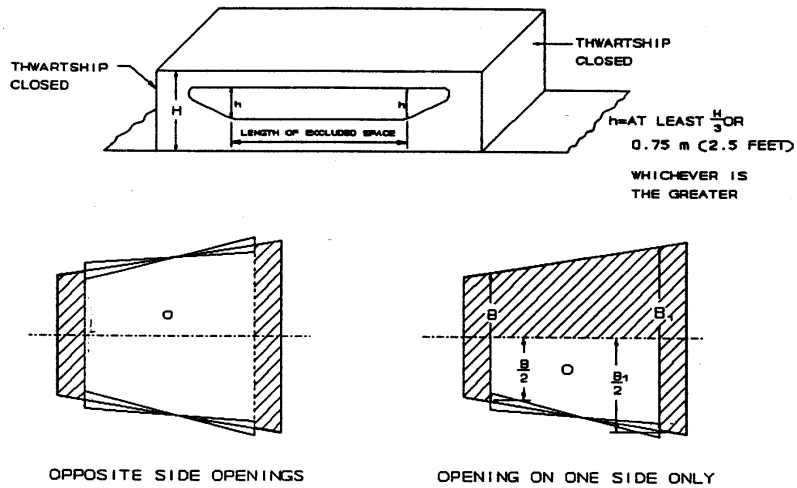


Fig. 8

(4) A space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather

and the space excluded from enclosed spaces is limited to the area of the opening. (Figure 9).

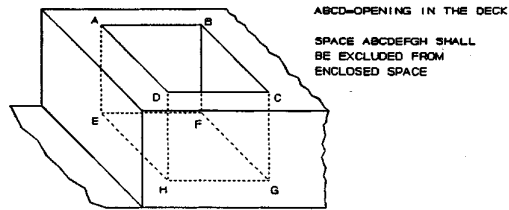


Fig. 9

(5) A recess in the boundary bulkhead of an erection which is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance. (Figure 10).

In the figure:

O = excluded space

C = enclosed space

I = space to be considered as an enclosed space

Hatched-in parts to be included as enclosed spaces.

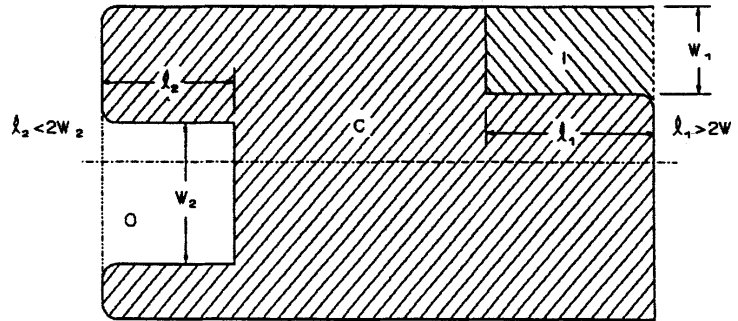


Fig. 10

SHIPS WITH ROUNDED GUNWALES

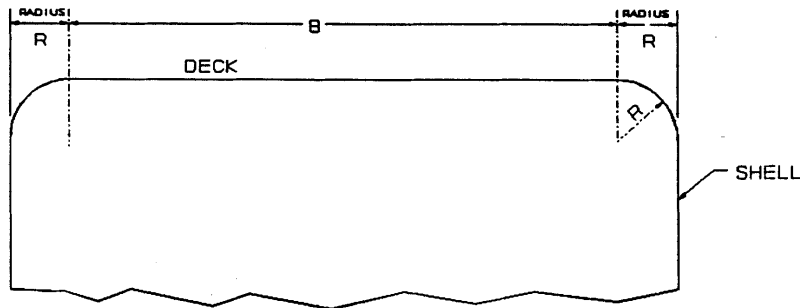


Fig. 11

(f) *Passenger* means every person other than:

- (1) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (2) a child under one year of age.

(g) *Weathertight* means that in any sea conditions water will not penetrate into the ship.

**§ 135.13 Determination of PC/UMS Net Tonnage.**

PC/UMS Net Tonnage shall be determined as follows:

(a) For all vessels with tolls fixed in accordance with § 133.1(a) or (b) of this chapter, unless subject to the transitional relief measures established in § 135.31 of this chapter, the formula for determining PC/UMS Net Tonnage is:

$$\text{PC/UMS Net Tonnage} = K_4(V) + K_5(V) + CF_1(\text{VMC})$$

in which formula:

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(1) “K<sub>4</sub>”=(0.25 + [0.01 × Log<sub>10</sub>(V)]) × 0.830

(2) “K<sub>5</sub>”=[Log<sub>10</sub>(DA-19)]/([Log<sub>10</sub>(DA-16)] × 17). If the number of passengers (N<sub>1</sub> + N<sub>2</sub>) is greater than 100 or DA is equal to or less than 20.0 meters then K<sub>5</sub> is equal to zero.

(3) “V”=Total volume of all enclosed spaces of the ship in cubic meters and is identical to V as specified in the 1969 International Convention on Tonnage Measurement of Ships.

(4) “DA” (Average depth)=The result of the division of the Total Volume by the product of the length in meters multiplied by the moulded breadth in meters. DA=V/(L × MB).

(5) “L” (Length) is defined as 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline.

(6) Moulded breadth is defined in § 135.12(c).

(7) N<sub>1</sub>=number of passengers in cabins with not more than 8 berths.

(8) N<sub>2</sub>=number of other passengers.

(9) N<sub>1</sub> + N<sub>2</sub>=total number of passengers the ship is permitted to carry as indicated in the ship’s passenger certificate.

(10) “CF<sub>1</sub>”=.031 for ships which the Commission determines are designed to carry containers on or above the upper deck; otherwise “CF<sub>1</sub>”=0. In making the foregoing determination, the Commission may consider documentation provided by such officials as are authorized by national governments to undertake surveys and issue national tonnage certificates.

(11) “VMC”=the volume (in cubic meters) of maximum capacity of the containers that can be carried on or above the upper deck. This volume may be calculated by multiplying the maximum number of containers by 29.2 m<sup>3</sup>, or by other generally accepted methods that meet the Commission’s accuracy standards. VMC will not include any container capacity that is included in “V”.

(b) For vessels subject to transitional relief measures, the existing Panama Canal Net Tonnage as specified on the certificate issued by the Commission plus CF<sub>1</sub> (VMC) shall be the PC/UMS Net Tonnage. In such case, the formula for determining PC/UMS Net Tonnage is: PC/UMS Net Tonnage=Panama Canal Net Tonnage+CF<sub>1</sub>(VMC).

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**§ 135.14 Change of PC/UMS Net Tonnage.**

(a) Vessels whose PC/UMS Net Tonnage is determined in accordance with § 135.13(a) shall have a new PC/UMS Net Tonnage issued if “V” changes.

(b) A vessel whose PC/UMS Net Tonnage is determined in accordance with § 135.13(b) shall retain that tonnage until the vessel undergoes a significant structural change as defined in § 135.14(c). In the event of a significant structural change, the vessel’s PC/UMS Net Tonnage shall be determined in accordance with § 135.13(a).

(c) For the purposes of paragraph (b) of this section, significant structural change means an actual change of at least 10 percent in the total volume of the vessel. Vessels without comparative ITC 69 total volumes, or other suitable sources of total volume comparison, shall have a fair and equitable volume comparison made by the Commission to determine if a significant structural change has occurred.

(d) If the VMC of a vessel is changed due to any physical modification after the vessel’s PC/UMS Net Tonnage has been determined at the Canal, the PC/UMS Net Tonnage may be revised by the Commission.

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**§ 135.15 Calculation of volumes.**

(a) All volumes included in the calculation of PC/UMS Net Tonnage shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of structural boundary surfaces in ships constructed of any other material.



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(b) Volumes of appendages shall be included in the total volume.

(c) Volumes of spaces open to the sea may be excluded from the total volume.

(d) VMC may be calculated by multiplying the maximum number of containers by 29.2 m<sup>3</sup>, or by other generally accepted methods that meet the Commission's accuracy standards.

(e) For purposes of this part, the outside dimension of a container is 8 ft.×8 ft.×20 ft., or 36.25 m<sup>3</sup>. These parameters will be used for determining the maximum above-deck container capacity.

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

### § 135.16 Measurement and calculation.

(a) All measurements used in the calculation of volumes shall be taken to the nearest centimeter or one-twentieth of a foot.

(b) The volumes shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Commission.

(c) The calculation shall be sufficiently detailed to permit easy checking.

### Subpart C—Warships, Dredges and Floating Drydocks

#### § 135.21 Warships, dredges and floating drydocks to present documents stating displacement tonnage.

All warships, dredges and floating drydocks shall present documents stating accurately the tonnage of displacement at each possible mean draft. The term "warship" means any vessel of government ownership that is being employed by its owners for military or naval purposes and shall include armed coast guard vessels and vessels devoted to naval training purposes, but shall not include naval auxiliary vessels such as tankers, ammunition ships, refrigerator ships, repair ships, tenders or vessels used to transport general military supplies.

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

#### § 135.22 Tolls on warships, dredges and floating drydocks levied on actual displacement.

The toll on warships, dredges and floating drydocks shall be based upon their tonnage of actual displacement at the time of their application for passage through the Canal. The actual displacement of these vessels shall be determined in a manner acceptable to the Commission and shall be expressed in tons of 2240 pounds. Should any of these vessels not have on board documents from which the displacement can be determined, Commission officials may use any practicable method to determine the displacement tonnage for assessment of tolls.

### Subpart D—Transitional Relief Measures

#### § 135.31 Transitional relief measures.

Transitional relief measures as specified in § 135.13(b) shall be applied to a vessel which has made a transit of the Panama Canal between March 23, 1976 and September 30, 1994, inclusive, and has not had a significant structural change as defined in § 135.14(c) since the last transit during the above period. Any significant structural change made after the granting of transitional relief measures shall disqualify a vessel for further relief, and the vessel shall be handled in accordance with the provisions of § 135.13(a). Transitional relief measures are applied to the vessel during its entire active service life as long as the vessel does not undergo a significant structural change. Vessels subject to transitional relief measures shall present their existing Panama Canal Tonnage Certificate on their first transit after September 30, 1994. Vessels subject to relief measures shall not be required to present an ITC 69 or any other total volume certification. Vessels subject to relief measures shall provide Canal authorities with sufficient documentation, such as plans and classification certificates, for the Commission to determine the VMC.

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

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**Subpart E—Alternative Method for Measurement of Vessels**

**§ 135.41 Measurement of vessels when volume information is not available.**

When an ITC 69 or suitable substitute and documentation for the calculation of the VMC are not presented, or when the certificate, substitute or VMC documentation presented does not meet accuracy standards acceptable to the Commission, vessels will be measured in a manner that will include the entire cubical contents of V and VMC as defined in this part. The Commission shall endeavor to determine an accurate total volume of the vessel using the best information available at the time of the determination. The total volume shall be calculated by generally accepted methods for the space concerned and with an accuracy acceptable to the Commission.

[59 FR 43255, Aug. 22, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**§ 135.42 Measurement of vessels when tonnage cannot be otherwise ascertained.**

(a) Vessels without an ITC 69, a suitable substitute or documentation from which to calculate total volume shall be measured as follows:

(1) The volume of structures above the upper deck may be determined by any accepted method or combination of methods. These methods include but are not limited to simple geometric formulas, Simpson's rules, and other standard mathematical formulas. If special procedures are used, they should be identified. In all cases, measurements and calculations should be sufficiently detailed to permit easy review.

(2) The volume of the hull below the upper deck (UDV) shall be determined as follows:

(i) The formula:

$$UDV = (0.91 \times [(LOA \times MB) \times (D - SLD)]) + (SLDISP / 1.025)$$

Where:

UDV=Total volume of all enclosed spaces below the upper deck in cubic meters.

LOA=The Length overall, i.e., the length of the ship in meters from the foremost to the aftermost points, including a bulbous bow if present.

MB=Moulded breadth in meters as defined in §135.12(c).

D=Moulded depth in meters as defined in §135.12(b).

SLD=Summer loaded draft (in meters), i.e., the maximum depth to which the vessel's hull may be immersed when in a summer zone.

SLDISP=Summer loaded displacement, i.e., the actual weight in metric tons of the water displaced by the vessel when immersed to her SLD.

(ii) If §135.42(a)(2)(i) proves unworkable, the total volume of the hull below the upper deck shall be determined by multiplying the product of the LOA, MB and D by the appropriate coefficient listed in the following table:

LOA in meters	Coefficient
0 to 30 .....	.7150
> 30 to 60 .....	.7250
> 60 to 90 .....	.7360
> 90 to 120 .....	.7453
> 120 to 150 .....	.7328
> 150 to 180 .....	.7870
> 180 to 210 .....	.8202
> 210 to 240 .....	.7870
> 240 to 270 .....	.7328
> 270 .....	.7453

(3) The total volume of a vessel is the sum of the volume of the structures above the upper deck as determined in accordance with §135.42(a)(1) and the volume of the hull below the upper deck as determined in accordance with §135.42(a)(2) (i) or (ii).

(b) Vessels which have had their total volume determined in accordance with §135.41 or this section may apply for re-admeasurement when they have a new or corrected ITC 69, a suitable substitute or present documentation sufficient to calculate total volume.

(c) VMC may be determined by any accepted method or combination of methods, including but not limited to, simple geometric formulas, multiplication of a container by 29.2 m<sup>3</sup>, or other standard mathematical formula. The on-deck container capacity of a vessel for VMC purposes will be determined by the Commission.

[59 FR 43255, Aug. 22, 1994; 59 FR 52862, Oct. 19, 1994, as amended at 61 FR 60612, Nov. 29, 1996]

**SUBCHAPTER D—[RESERVED]**  
**SUBCHAPTER E—EMPLOYMENT AND COMPENSATION**  
**UNDER THE PANAMA CANAL EMPLOYMENT SYSTEM**

**PART 251—REGULATIONS OF THE SECRETARY OF THE ARMY (PANAMA CANAL EMPLOYMENT SYSTEM)—PERSONNEL POLICY**

**Subpart A—General Provisions**

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AUTHORITY: 22 U.S.C. 3641-3701, E.O. 12173, 12215.

SOURCE: 47 FR 12952, Mar. 26, 1982, unless otherwise noted.

**Subpart A—General Provisions**

**§ 251.1 Purpose.**

The regulations in this part are prescribed for the purposes of coordinating the personnel policies and activities of the respective agencies participating in the Panama Canal Employment System and excluding employees in the Department of Defense from certain

provisions of the Panama Canal Employment System.

**§ 251.2 Definitions.**

(a) *Agency* means: (1) The Panama Canal Commission, and (2) an executive agency or the Smithsonian Institution, to the extent of any election in effect under section 1212(b)(2) of the Panama Canal Act.

(b) *Employee* means an individual serving in a position.

(c) The *Panama Canal Treaty* means the Panama Canal Treaty between the United States of America and the Republic of Panama, signed September 7, 1977, and related agreements.

(d) *Position* means a civilian position in an agency, if a substantial portion of the duties and responsibilities of the position are performed in the Republic of Panama.

(e) *Subchapter II* means Subchapter II of Chapter 2 of Title I of the Panama Canal Act of 1979 (93 Stat. 463).

(f) *PAPB* means the Panama Area Personnel Board.

**§ 251.3 Panama Area Personnel Board.**

(a) There is hereby established the Panama Area Personnel Board (PAPB). The purpose of the PAPB shall be to assist the Secretary of the Army in carrying out his responsibility to coordinate the policies and the activities of the agencies participating in the Panama Canal Employment System.

(b) Functions. The Panama Area Personnel Board shall:

(1) Provide leadership and advice in all aspects of personnel management so as to promote uniformity of policies and practices to the extent compatible with the missions and governing rules of the various agencies.

(2) Formulate and issue such additional regulations, guidelines, and procedures as may be necessary to carry out the provisions of Parts 251 and 253 of this subchapter.

(3) Approve qualification standards which will be applied uniformly in