



DEPARTMENT OF TRANSPORTATION

Great Lakes St. Lawrence Seaway Development Corporation

33 CFR Part 401

RIN 2135-AA59

Seaway Regulations and Rules: Periodic Update, Various Categories

AGENCY: Great Lakes St. Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with SLSMC, GLS is amending the joint regulations by updating the regulations and rules in various categories. These changes are to clarify existing requirements in the regulations.

DATES: This rule is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: *Docket:* For access to the docket to read background documents or comments received, go to <https://www.Regulations.gov>; or in person at the Docket Operations Office; U.S. Department of Transportation, 1200 New Jersey Avenue S.E., Suite W58-213, Washington, D.C. 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donna O’Berry, Chief Counsel, Great Lakes St. Lawrence Seaway Development Corporation, 1200 New Jersey Ave, SE, Washington, D.C. 20590; (202) 366-6136.

SUPPLEMENTARY INFORMATION: The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence

Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with SLSMC, GLS is amending the joint regulations by updating the Regulations and Rules in various categories. The changes update the following sections of the Regulations and Rules: Condition of Vessels, Seaway Navigation, Dangerous Cargo, Toll Assessment and Payment, and Information and Reports. These changes are to clarify existing requirements in the regulations.

Regulatory Notices: Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477-78) or you may visit <https://www.Regulations.gov>.

The joint regulations will become effective in Canada in 2026 prior to the opening of the Seaway. For consistency, because these are joint regulations under international agreement, and to avoid confusion among users of the Seaway, GLS finds that there is good cause to make the U.S. version of the amendments effective upon the date of publication to ensure an effective date prior to the Seaway opening.

Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore, Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

Regulatory Flexibility Act Determination

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, et seq.) because it is not a major Federal action significantly affecting the quality of the human environment.

Federalism

GLS has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

Unfunded Mandates

GLS has analyzed this rule under Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Great Lakes St. Lawrence Seaway Development Corporation is amending 33 CFR part 401 as follows:

PART 401 – SEAWAY REGULATIONS AND RULES

Subpart A – Regulations

1. The authority citation for subpart A of part 401 continues to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.101, unless otherwise noted.

2. Amend § 401.9 by revising paragraph (a) introductory text to read as follows:

§ 401.9 Radio telephone and navigation equipment.

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

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3. Amend § 401.29 by revising paragraphs (c) introductory text and (c)(4) to read as follows:

§ 401.29 Maximum draft.

* * * * *

(c) Any vessel will be permitted to load at an increased draught of not more than 7 cm above the maximum permissible draught in effect (also known as DIS draught) as prescribed under paragraph (b) of this section if it is equipped with a Draught Information System (DIS) and meets the following:

* * * * *

(4) A vessel already approved to use DIS to transit the Seaway and intending to use it must email a completed DIS Confirmation Checklist (found at www.greatlakes-seaway.com) to sismcmarineservices@seaway.ca once per navigation season, at least 96 hours prior to its initial transit of the navigation season.

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4. Amend § 401.34 by adding paragraph (c) to read as follows:

§ 401.34 Vessels in tow.

* * * * *

(c) Every vessel in tow must be adequately manned for transit in the Seaway.

5. Amend § 401.35 by adding paragraph (b)(2) to read as follows:

§ 401.35 Navigation underway.

* * * * *

(b) * * *

(2) For vessels equipped with the ability to shift upward the main engine limitation from the engine control station (e.g., increase limitation button), all members of the bridge team must

be aware of this functionality and be capable of activating it on request or if needed. The bridge team shall also ensure that the pilot onboard is advised of the system's existence and function.

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6. Amend § 401.37 by:

- a. Adding paragraph (c); and
- b. Removing the parenthetical authority at the end of the section.

The revision reads as follows:

§ 401.37 Mooring at tie-up walls.

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(c) Should the situation arise where a tie up at an approach wall is provided by Seaway personnel at the Canadian Locks, synthetic mooring lines should be used.

7. Amend § 401.40 by:

- a. Redesignating paragraph (d) as paragraph (e);
- b. Adding a new paragraph (d); and
- c. Removing the parenthetical authority citation at the end of the section.

The addition reads as follows:

§ 401.40 Entering, exiting or position in lock.

* * * * *

(d) Vessel Self Spotting (VSS) displays at the Canadian Locks are meant to assist vessels to spot positions of the vessel's stem in the lock. The VSS display does not relieve the Master of the responsibility of ensuring that the vessel's stem does not pass the stop symbol marked on the Lock wall as required in paragraph (a) of this section by using its own spotting method such as visual sport by vessel's crew.

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8. Amend § 401.48 by:

- a. Revising the table to the section; and

b. Removing the parenthetical authority citation at the end of the section.

The revision reads as follows:

§ 401.48 Maximum draft.

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Table 1 to § 401.48

1.	South Shore Canal:
(a)	Turning Basin No. 1—Opposite Brossard.
(b)	Turning Basin No. 2—Immediately below Côte St. Catherine Lock.
2.	Welland Canal:
(a)	Turning Basin No. 1—Between Lock 7 and the Guard Gate Cut for vessels up to 180 m in overall length.
(b)	Turning Basin No.2—Immediately south of Port Robinson (mile 13).
(c)	Turning Basin No. 3—North of Lock No. 8 for vessels up to 140 m in overall length.
(d)	For vessels up to 80 m in overall length:
(1)	North end of Wharf No. 1.
(2)	Tie-up wall above Lock 1.
(2)	Tie-up wall below Lock 2.
(4)	Wharf No. 9.
(5)	Between the southerly extremities of Wharves 18-2 and 18-3.

9. Revise § 401.49 to read as follows:

§ 401.49 Dropping anchor or tying to canal bank.

Except in an emergency, no vessel shall drop anchor in any canal or tie-up to any canal bank unless authorized to do so by the traffic controller. If the anchor is dropped, the Master of the vessel shall immediately report it to the nearest seaway station. Every anchor shall be suitably rigged for immediate release, holding and efficient retrieval.

10. Amend § 401.73 by revising paragraphs (b) introductory text and (b)(1) introductory text to read as follows:

§ 401.73 Cleaning tanks—hazardous cargo vessels.

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(b) *Acceptance of hot work.* Before any hot work, defined as any work that uses flame or that can produce a source of ignition, cutting or welding, is carried out by any vessel on any designated St. Lawrence Seaway Management Corporation (SLSMC)

approach walls, Cote St. Catherine wharf or wharves in the Welland Canal, a written request must be sent to SLSMC, preferably 24 hours prior to the vessel's arrival on SLSMC approach walls or wharves. The hot work shall not commence until the hot work request is accepted and acknowledged by SLSMC Traffic Control Centre.

(1) The SLSMC Traffic Control Centre will accept the request to perform hot work under the following conditions:

* * * * *

11. Revise § 401.74 to read as follows:

§ 401.74 Transit declarations.

(a) A Seaway e-business Transit Declaration (Cargo) shall be completed and submitted to the Manager by the representative of a vessel for each vessel that has an approved preclearance, except non-cargo vessels, within fourteen (14) days after the vessel enters the Seaway on any upbound or down bound transit. The e-business Transit Declaration must be filed directly on the St. Lawrence Seaway website www.greatlakes-seaway.com via e-business. The use of the Harmonized System (HS Codes) and the UN Location Codes on the e-business Transit Declaration is mandatory to identify cargo and ports respectively.

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

(c) Where a vessel carried cargo to or from an overseas port, an electronic copy of the cargo manifest, duly certified, shall be submitted with the Seaway e-business Transit Declaration.

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

(e) Where a submitted Seaway e-business Transit Declaration is found to be inaccurate concerning the destination or cargo, the representative shall immediately forward to the Manager a revision of the submitted Declaration.

(f) Submitted Seaway e-business Transit Declarations shall be used in assessing fees in accordance with the St. Lawrence Seaway Schedule of Tolls, and fees invoices shall be forwarded to the representative or its designated agent.

(g) Where government aid cargo is declared, appropriate Canadian or U.S. customs form or a stamped and signed certification letter from the U.S. or Canada Customs must accompany the e-business Transit Declaration or notification must be made to the Manager

12. Amend § 401.79 by revising paragraphs (b) introductory text and (b)(1), (2), (4), (5), and (7) and adding paragraph (b)(8) to read as follows:

§ 401.79 Advance notice of arrival, vessels requiring inspection.

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(b) For the Vessel Inspection Program:

(1) Foreign flagged vessels are subject to an Enhanced Ship Inspections (ESI)—physical ship inspection once every two navigation seasons. Agents must provide the Seaway Ship Inspectors via email an initial 120 hours’ notice of inspection (ESI or self-inspection) prior to the vessel's arrival at CIP2. An additional 24 hours’ notice for an ESI (physical inspection) prior to the vessel arriving at CIP 2 is also required. (email to: inspecteursvm@seaway.ca and to vtc@dot.gov).

(2) Foreign flagged vessels may be permitted a Self-Inspection in the interim season subject to satisfactory performance. As such, vessels must complete and submit the “Seaway Ship Inspection Report” electronically to inspecteursvm@seaway.ca and to vtc@dot.gov 120 hours prior to transiting the Seaway.

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(4) Inland domestic vessels which are approved by the Seaway for the “Self-Inspection Program” and are ISM certified and have a company quality management system, must submit the “Seaway Ship Inspection Report” every 2 navigation seasons and not later than 30 days after “fit out”. A “Seaway Ship Inspection Report” must be submitted electronically to nrshipinspectors@seaway.ca.

(5) Inland domestic vessels not participating in the “Self-Inspection Program” are subject to a Seaway inspection every 2 navigation seasons.

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(7) A tall vessel, passenger vessel, or vessel of an unusual design is subject to Seaway yearly ESI.

(8) The ESI or self-inspection is required on the first transit of the navigation season.

Issued at Washington, D.C. under authority delegated at 49 CFR 1.101.

Great Lakes St. Lawrence Seaway Development Corporation.

Donna O’Berry,

Chief Counsel.

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