

## § 401.25

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

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

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

### § 401.25 Approval of preclearance.

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

- (a) Give the approval; and
- (b) Assign a number to the approval.

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

### § 401.26 Security for tolls.

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

- (1) A deposit of money with the Manager;
- (2) A deposit of money to the credit of the Manager with a bank in the United States or a member of the Canadian Payments Association, a corporation established by section 3 of the Canadian Payments Association Act, or a local cooperative credit society that is a member of a central cooperative credit society having membership in the Canadian Payments Association;
- (3) A deposit with the Manager of negotiable bonds of the Government of the United States or the Government of Canada; or
- (4) A letter of guarantee to the Manager given by an institution referred to in paragraph (a)(2) of this section.
- (5) A letter of guarantee or bond given to the Manager by an acceptable Bonding Company. Bonding companies may be accepted if they:
  - (i) Appear on the list of acceptable bonding companies as issued by the Treasury Board of Canada; and
  - (ii) Meet financial soundness requirements as may be defined by the Manager at the time of the request.

## 33 CFR Ch. IV (7-1-04 Edition)

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

(c) Where a number of vessels:

- (1) For each of which preclearance has been given;
- (2) Are owned or controlled by the same individual or company; and
- (3) Have the same representative, the security for the tolls is not required if the individual, company, or representative has paid every toll invoice received in the preceding five years within the period set out in § 401.75(a).

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

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

[65 FR 52914, Aug. 31, 2000]

### SEAWAY NAVIGATION

### § 401.27 Compliance with instructions.

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

### § 401.28 Speed limits.

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