

TITLE 10
HARBORS AND NAVIGATION
(Commercial Port of Guam)

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NOTE: Rule-making authority cited for formulation of harbor regulations by the Commercial Port Manager, 10 GCA §10101-§10102. **§1100. Definitions.** (a) *Manager* shall mean the Manager of the Commercial Port of Guam, and any person acting for him under his authority.

(b) *Harbor Master* shall mean the designated representative of the Commercial Port of Guam and of its Manager and as such is delegated full authority to administer the Harbor Regulations of the Commercial Port, in coordination with the Commercial Port Safety Section, Fire Section and to establish procedures necessary for the efficient and safe operation of the harbor and all territorial waters of Guam, within his respective jurisdiction.

(c) *Department* shall mean the Commercial Port of Guam.

(d) *Territorial Waters* shall mean all United States territorial waters contiguous to the Island of Guam, exclusive of the federally-restricted waters.

(e) *Pilot* shall mean a person who holds a valid federal Pilot's license for the waters in which he is operating.

(f) *Vessel* embraces power boats, ships, tugs, sailing vessels, barges, scows, lighters, ferry boats, pleasure craft, floating equipment, house boats, floating gear and any and all other water craft except Public Vessels of the United States.

(g) *Berth*: A vessel which is moored or made fast to a quay, wharf, dolphin or other structure is said to occupy a Berth.

(h) *Outside Berth*: A vessel which moors or makes fast to another vessel which is moored or made fast to a quay, wharf, dolphin or other structure is said to occupy an Outside Berth.

(i) *Dockage* is the charge assessed against a vessel when:

(1) Berthed at or made fast to a quay, wharf, dolphin or other structure.

(2) Lying alongside of or tied up to a vessel which is made fast to or is lying alongside of a quay, wharf, dolphin or other structure.

(3) Not tied up to or lying alongside of but using a quay or wharf, by means of boats, rafts, lighters or otherwise.

(j) *Wharfage* means the charge assessed against all cargo:

(1) Passing or conveyed over, onto or under any quay, wharf, or

(2) Passing or conveyed to or from a vessel while such vessel is:

(A) made fast to a quay, wharf; or

(B) moored in any slip, channel, basin or canal; or

(C) made fast to another vessel which is made fast to a quay, wharf or moored in any slip, channel, basin or canal. (Wharfage is solely the charge on cargo for the use of quay, wharf, slip, channel, basin or canal and does not include charges for any other activity or service.

(k) *Inflammable Liquid* is any liquid which gives off inflammable vapors (as determined by the Tagliabue open cup tester, as used for test of burning oils) at or below a temperature of 80_ (degrees Fahrenheit).

(l) *Shipping Container* means a cargo carrying unit, equipment or device designed to be transported directly and mechanically between vessels and other forms of transportation, so as to eliminate intermediate dockside rehandling and/or storage of cargo. In addition, such container shall have minimum dimensions of eight (8) feet in width and ten (10) feet in length. Sea vans of the type commonly used by companies or firms to ship household goods or personal effects, are excluded from the definition

of a shipping container as described herein.

(m) *Container Cargo* means any and all cargo carried and contained in a shipping container.

(n) *Container Berth* means any berth at a Commercial Port dock or pier designated by the Manager or preferential or exclusive use by vessels loading or unloading shipping containers.

(o) *Tanker* means a self-propelled cargo vessel, especially designed and equipped with tanks for the transportation of oil, gasoline, molasses or other liquids, fluids and free flowing materials and which is actually transporting therein, fuel oil, diesel oil, lubricating oil, gasoline, jet fuels, benzene, kerosene, naphtha or other inflammable petroleum products or like products.

(p) *Tankerlike Vessel* means a cargo ship, primarily designed to carry ordinary freight but equipped with additional bunkers or compartments in which it is actually transporting fuel oil, diesel oil, lubricating oil, gasoline, jet fuels, benzene, kerosene, naphtha or other inflammable petroleum products or like products in excess of its own requirements.

(q) *CPGHMO* means the Commercial Port of Guam Harbor Master's Office.

§1101. General Regulations: Harbor Master - Authority. The Harbor Master is the designated representative of the Commercial Port of Guam and its Manager and as such is delegated full authority and jurisdiction over all territorial waters, exclusive of federally-restricted areas and to administer the Harbor Regulations of the Commercial Port and to establish procedures necessary for the efficient and safe operation, along with the Safety Section, of the docks and harbors within its respective jurisdictions.

§1102. Same: Dockmaster - Duties. The Dockmaster is the person representing the Harbor Master whose duties are to berth vessels at berths so designated by the Chief of Operations of the Commercial Port of Guam and to advise and assist masters and crews of the Commercial Port Regulations and Procedures.

§1103. Same: Responsibility for Obeying Regulations of Harbor Master. A master or person in charge of any vessel shall obey and carry into effect any orders given by the Harbor Master in relation to the plans and manner of bringing vessels to anchorage, entering or leaving a harbor, or coming alongside of, or leaving any quay or wharf, and shall not move or allow his vessel to be moved in, out or within a harbor, or anchorage without permission of the Harbor Master. Such permission will not be given unless tugboat assistance is available and adequate for the safe handling of the vessel. The Harbor Master shall enforce the provisions of Article IV Shipmasters 18 GCA §56403 whereby a vessel must take a pilot:

(a) The safe navigation of the vessel, including the piloting, is the paramount duty of the master, and the presence of a Territorial Pilot on the bridge shall in no way relieve the master of his duties. The master remains at all times in full command of the vessel: he shall continue to navigate and shall take bearings and sounding, check compass courses, check radar and take all action necessary to safeguard the vessel under his command. In that regard, it shall be the duty of the vessel and her master:

(1) To have posted, and at all times properly instructed, efficient and competent lookouts, each with no other duty to perform, and each with efficient means of rapid communications with the bridge.

(2) To immediately inform the pilot of all reports by lookouts.

(3) On radar-equipped vessels, to have the radar functioning and manned by a competent observer under instruction to keep the master and the pilot constantly and currently informed of observed targets.

(4) To arrange for and provide adequate tug assistance, and to arrange for and have available adequate vessel's lines to assist in tying the tug or tugs.

(5) For the master to remain on the bridge at

all times and to accompany the pilot in his duties on and about the bridge.

(6) To provide and supervise competent vessel's personnel.

(7) To understand and agree that, inasmuch as all orders of the pilot shall be given in the presence of the master and fully concurred in by him, it being further agreed that the pilot is acting in an advisory, and not in a command capacity and has no authority independent of the master.

(8) To understand and agree that a pilot is employed only to have the benefit of his knowledge of Apra Harbor.

(9) To have, at all times, adequate ship's anchors properly manned and ready to drop.

(10) To provide officers conversant with the English language difficulty and then request that the pilot give his orders by hand signals through the master.

(11) It is compulsory upon, and the duty of the vessel, her owners, master, operators, charterers or agents to the Territorial Pilot, either before or immediately his boarding, of vessel peculiarities, including but not limited to the following:

(A) Any defects or deficiencies in the vessel, her personnel, engines or tackle;

(B) Any vessel peculiarities concerning steering, stopping, handling, speed and maneuvering and the propensity of the vessel to sheer;

(C) The number and names of the tugs to be supplied to said vessel; and

(D) Any other information, whether or not herein enumerated, that may or might assist the pilot in the pilotage of the vessel;

(E) It is understood and agreed, and is the essence of the contract under which pilotage services are preferred and rendered, and are requested and accepted by the vessel, that the services of the pilot are requested and accepted on the express understanding that such pilotage services are given, done or performed solely in the pilot's capacity as the servant of the vessel and of her owner, master, operators, charterers or agents, and not otherwise, and the owners, master, operators, charterers and agents of the vessel expressly covenant and agree to comply with the provision.

§1104. Same: Berthing Vessels. The berthing of vessels at Commercial Port of Guam quays or wharves under his jurisdiction shall be at the discretion of the Harbor Master, and by the Chief of Operations of the Commercial Port of Guam.

§1105. Same: Requirement of Cooperation with the Harbor Master. The master of every vessel and crew thereof, when requested by the Harbor Master shall give and afford him (Harbor Master) all possible aid in the performance of any of his duties in relation to such vessel.

§1106. Same: Authority of Harbor Master to Act Where Lack of Cooperation. If by reason of there being no person aboard a vessel with proper authority or if by reason of an insufficient number of persons aboard such vessel or if the master and/or crew of a vessel refuses to aid the Harbor Master in moving, pumping, mooring or unmooring of such vessel when so directed by the Harbor Master, the Harbor Master is hereby empowered to pump, moor or unmoor, place or remove such vessel. To this end he, the Harbor Master, may if necessary hire such assistance, equipment and tackle and/or purchase and put aboard such quantity of ballast as to him seems requisite, all at the expense of the master, owners or agents of such vessel. All such costs shall be paid to the Commercial Port of Guam before permission for departure is given. The Commercial Port of Guam shall in no way be liable for any damage or loss occurring to any vessel in consequence of such proceedings.

§1107. Same: Cutting or Casting Off Lines. No person

without the consent of the Harbor Master shall cut or cast off any mooring lines, rope or tackle made fast or attached to any vessel, quay, wharf, mooring, buoy or other place when the same has been fastened or attached by the Harbor Master or by his order.

§1108. Same: Typhoon Condition II. Masters, owners and agents of vessels greater than three hundred (300) gross tons will comply with Port rules and regulations governing typhoon conditions and will proceed to clear the quay, wharf or dolphins which may be damaged or destroyed during such period. Failure to comply with said rules and regulations, masters, owners, and/or agents, will be held responsible for all damage caused by vessel.

§1109. Same: Use of the Waterways. (a) The use of the waterways and facilities under the jurisdiction of the Commercial Port of Guam shall constitute a consent to the terms and conditions of these Harbor Regulations and Tariff and evidences an agreement on the part of all vessels, their owners and agents, and other users of such waterways and facilities to pay all charges specified in the tariff and be governed by all rules and regulations herein contained.

(b) Preference in the use of Quays F-6 and F-5 in the Commercial Port of Guam, Cabras Island, shall be given to vessels loading or unloading shipping containers.

§1110. Same: Trying Engines of Vessels. (a) The engines of any vessel lying at any quay, wharf, dolphins or other structures, in the Commercial Port of Guam shall not be tried except by permission of the Harbor Master.

(b) The speed of engines being tried as in (a) shall not exceed the speed of such engines when operated under a dead slow bell.

(c) Any vessel trying her engines as in (a) of this Section will be held responsible for any damage to quays, wharves or vessels as a result of such trying of her engines.

§1111. Same: No Vessel to Blow Tubes or Transfer or Shift Fuel. No vessel shall blow tubes at any time while in Port. No vessel shall transfer or shift fuel from one tank to another without the permission of the Captain of the Port.

§1112. Same: Gas Welding. No vessel shall do any gas welding, electrical welding, before obtaining a permit from the Coast Guard Captain of the Port.

§1113. Same: Dumping of Garbage, Rubbish or Trash. No garbage, rubbish or trash shall be dumped on the quays or wharves and the same applies into the Harbor. Pollution of any kind will not be tolerated.

§1114. Same: Readiness of Anchor Requirement. All vessels over three hundred (300) gross tons and all foreign vessels entering or leaving commercial harbors of the Commercial Port of Guam shall have an anchor clear and in readiness to let go if required.

§1115. Same: Mooring Restrictions. No person shall make fast any rope or mooring lines to any wharf or part thereof except to the mooring piles, bitts or cleats provided for that purpose.

§1116. Same: Proper Gangway and Visible Light Requirement. All vessels other than barges and vessels under three hundred (300) gross tons lying alongside of a quay or wharf shall:

(a) At all times have a safe and proper gangway to the wharf; and

(b) Between sunset and sunrise, display a light visible from the Harbor or fairway.

§1117. Same: Notification to Harbor Master of Vessel's Arrival and Departure. The master, agents or owners of a vessel arriving at or departing from a harbor shall notify the Harbor Master as soon as practicable of the hour of expected arrival, including arrival draft and long space tonnage of cargo, and also estimated time for departure; and in the event of a change in time, the Harbor Master shall be notified immediately.

§1118. Same: Removal of Vessel Where Its Manner of Mooring Will Cause Damage. (a) No person or persons shall cause or permit any vessel, raft, log or other floating object to come alongside of or to be moored to or near any quay, wharf, in any manner that may cause damage to such quay or wharf.

(b) The Harbor Master shall remove any vessel, raft, log or other floating object which may cause damage or interfere with the use of any quay or wharf to some suitable place. The owner thereof, if known, shall be notified forthwith in writing of such removal; but if the owner is not known, due notice of such removal shall be given by posting a notice in a conspicuous public place. If, within ten (10) days after the date of giving or posting such notice, no claim is made for property, the Harbor Master may sell or otherwise dispose of such vessel, log, raft or other floating object and apply the proceeds of such sale to defray the expenses of the Commercial Port of Guam, and credit the remainder if any to the owner. The Commercial Port of Guam shall not be responsible for loss or damage to the vessel, raft, log or other floating object.

§1119. Same: Handling of Shipments of Explosives and Other Dangerous Articles. Handling of shipments of explosives and other dangerous articles, as defined by the CGFR-52-8, 17FR, 6464 July 17, 1952, unless otherwise noted, will be permitted only after a full compliance by shipper, carrier and terminal operator with all applicable rules and regulations of that Agency, and of the U.S. Coast Guard governing the packaging, marking, labeling, handling and transporting of such articles. Failure to comply with such regulations will be considered a violation.

§1120. Same: Damages to Quays, Wharves, Wharf Structures, Utilities and Cargo Handling and Storage Areas. The agents, charterer, master or owner requesting a berth, cargo space allocation, or the use of harbor facilities incident to the receiving, discharging, loading or removal of cargo will be responsible:

(a) For all damage cause to Commercial Port of Guam property by himself, his employees or any agent, subcontractor or materials handling firm under contract to them doing the discharging, loading, repairing or bunkering of a vessel.

(b) For providing necessary protection to harbor facilities to protect them from all damages in excess of fair wear and tear.

§1121. Same: Access to Enter Upon and Inspect Vessel and Cargo. The manager and/or such other person

as he may designate shall be permitted access to enter upon and inspect any vessel to ascertain the kind and quantity of cargo thereon, and upon any rented or leased premises of the Commercial Port of Guam to inspect such premises as the interest of the Commercial Port may require.

§1122. Same: Compliance With Federal, Government of Guam, Ordinances and Regulations. Use of government of Guam harbor and harbor facilities is subject to compliance with all applicable federal, state or county laws, ordinances, rules and regulations. Particular attention is directed to:

(a) Regulations of the Public Health Service and of the Department of Health of Guam, relating to the use of rat guards, and other measures required to prevent rodents from leaving the vessel.

(b) Regulations of the Department of Health of the government of Guam pertaining to air and water pollution.

§1123. Same: Violation. Any person who violates any rule or regulation of the Commercial Port of the government of Guam or fails to perform any duty imposed thereby, shall be guilty of a misdemeanor and upon conviction thereof shall be punished.

§1124. Same: Inquiries on Harbor Regulations and Tariff Made to Harbor Master. Requests and complaints from shippers on matters relating to the Harbor Regulations and Tariff must be made to the manager in writing.

§1125. Waterways Regulations: Daytime and Nighttime Traffic in Outer Apra Harbor, Commercial Port of Guam. (a) Daytime vessel traffic in outer Apra Harbor Commercial Port of Guam shall be controlled by signals displayed at the top of Control Tower consisting of an orange-colored ball and/or an orange-colored cone. When the ball and cone are hoisted the channel is closed to vessels of over three hundred (300) gross tons and open to cautious navigation in both directions by vessels of less than sixty-five (65) feet; when the ball is hoisted singly, the Harbor is open only to in-bound traffic and closed to out-bound traffic; when the cone is hoisted singly, the Harbor

is open only to out-bound traffic and closed to in-bound traffic.

(b) Nighttime vessel traffic in outer Apra Harbor Commercial Port of Guam shall be controlled by two (2) amber colored lights located on the seaward side of the Commercial Port Control Tower in a vertical position. The lower light is located eighty-five (85) feet and the upper light is ninety-seven (97) feet above sea level. These lights are visible one hundred eighty (180) degrees true from seaward and are visible for a distance of approximately five (5) miles. Lower light is fixed and upper light is flashing approximately twenty-four (24) times per minute. Night traffic will be regulated as follows:

(1) Incoming traffic only, flashing light on;

(2) Outgoing traffic only, fixed light on;

(3) Harbor closed to all traffic, both fixed light and flashing light on, or no lights showing.

(c) At all times harbor tugs employed in docking vessel, pilot vessels and government vessels required to depart or enter the Harbor on official business during an emergency, may move without regard to the harbor control signals, provided such movements do not interfere with or endanger the other vessel for which such signal was primarily displayed. Vessels moving contrary to displayed signals shall be held responsible and will be prosecuted and fined for reckless navigation.

§1126. Same: Anchorage Regulations. No vessel shall anchor in any fairway of any channel or so as to obstruct the approach to any wharf, and as per U.S. Coast Guard Rules and Regulations Part 110 - anchorage regulations, as follows:

"§110.238. Apra Harbor, Guam. (a) The Anchorage Grounds:

(1) **General Anchorage.** The waters of Apra Outer Harbor enclosed by a line beginning at Southwest Point at latitude 13 degrees, 27 minutes, 29 seconds N., longitude 144 degrees, 39 minutes, 32 seconds E.; thence to latitude 13

degrees, 27 minutes, 18 seconds N., longitude 144 degrees, 39 minutes, 18 seconds E.; thence to Spanish Rocks at latitude 13 degrees, 27 minutes, 09.5 seconds N., longitude 144 degrees, 37 minutes, 20.6 seconds E.; thence along the shoreline to the point of beginning, except those areas described in Subparagraphs (2) and (3) of this Paragraph.

(2) **Explosives Anchorage 702.** In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13 degrees, 27 minutes, 26.9 seconds N., longitude 144 degrees, 38 minutes, 08.2 seconds E.

(3) **Explosives Anchorage 703.** In the General Anchorage, a circular area with a radius of 350 yards centered at latitude 13 degrees, 27 minutes, 30 seconds N., longitude 144 degrees, 38 minutes, 29 seconds E.

(4) **Naval Anchorage A.** The area enclosed by a line beginning at latitude 13 degrees, 26 minutes, 44.3 seconds N., longitude 144 degrees, 37 minutes, 37.8 seconds E.; thence to latitude 13 degrees, 26 minutes, 59 seconds N., longitude 144 degrees, 37 minutes, 37.8 seconds E.; thence to latitude 13 degrees, 27 minutes, 07.6 seconds N., longitude 144 degrees, 38 minutes, 56 seconds E.; thence to latitude 13 degrees, 26 minutes, 56.6 seconds N., longitude 144 degrees, 38 minutes, 56 seconds E.; thence to latitude 13 degrees, 26 minutes, 56.6 seconds N., longitude 144 degrees, 39 minutes 03.8 seconds E.; thence to latitude 13 degrees, 26 minutes, 51.3 seconds N., longitude 144 degrees, 39 minutes, 03.8 seconds E.; thence to latitude 13 degrees, 26 minutes, 51.3 seconds N., longitude 144 degrees, 39 minutes, 19.4 seconds E.; thence to latitude 13 degrees, 26 minutes, 39.2 seconds N., longitude 144 degrees, 39 minutes, 19.4 seconds E.; thence to latitude 13 degrees, 26 minutes, 37.4 seconds N., longitude 144 degrees, 37 minutes, 57 seconds E.; thence to the point of beginning.

(5) **Naval Anchorage B.** The area enclosed by a line beginning at latitude 13 degrees, 26

minutes, 40.7 seconds N., longitude 144 degrees, 39 minutes, 48.5 seconds E.; thence to latitude 13 degrees, 27 minutes, 50.6 seconds N., longitude 144 degrees, 39 minutes, 59 seconds E.; thence to latitude 13 degrees, 26 minutes, 48 seconds N., longitude 144 degrees, 40 minutes, 01.2 seconds E.; thence to latitude 13 degrees, 26 minutes, 38 seconds N., longitude 144 degrees, 39 minutes, 51.2 seconds E.; thence to the point of beginning.

(b) The Regulations:

(1) **General Anchorage.** Any vessel may anchor in the General Anchorage except vessels carrying:

(i) Explosives; or

(ii) Flammable liquids, combustible liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases or poisonous substances in bulk.

(2) Anchorages 702 and 703:

(i) Vessels carrying cargoes described in Subparagraph (1) of this Paragraph must:

(A) Use Anchorage 702 or 703, unless otherwise directed by the Captain of the Port;

(B) Use of the mooring buoy therein when directed by the Captain of the Port; and

(C) Display a red (Bravo) flag.

(ii) Without permission from the Captain of the Port, no vessel may enter or remain in Anchorage 702 or 703 when a vessel occupying the anchorage is displaying a red (Bravo) flag.

(iii) When Anchorage 702 or 703 is not occupied by a vessel carrying cargoes

described in Subparagraph (1) of this Paragraph, it may be used as a general anchorage.

(3) Naval Anchorages A and B:

(i) Except as provided in Subdivision (ii) of this Subparagraph, non-naval vessels may not anchor within these anchorages or use the mooring buoys therein without permission of the local Naval authorities obtained through the Captain of the Port. (There is a user charge for the use of these mooring buoys.)

(ii) Small craft that are continuously manned and capable of getting underway may anchor within these anchorages during daylight hours without prior approval of the Captain of the Port.

(4) General Regulations:

(i) Vessels may use the naval mooring buoys in the General Anchorage without charge for a period up to seventy-two (72) hours if authorized by the Captain of the Port. Vessels so moored shall promptly move at their own expense upon notification from the Captain of the Port.

(ii) Except for vessels not more than sixty-five (65) feet in length, all vessels shall anchor in an anchorage ground.

(iii) Vessels anchored in an anchorage ground shall place their anchors within the anchorage ground so that no portion of the hull or rigging at any time extends outside the anchorage ground.

(iv) No vessel may anchor in the Harbor for more than thirty (30) consecutive days without permission of the Captain of the Port." (Sec. 7.38 Stat. 1053, as amended, Sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 40 U.S.C. F.R. Doc. 72 - 8118, Filed 8-30-72.

§1127. Same: Maximum Speed of Vessels. (a) All vessels over sixty-five (65) feet shall proceed at a rate of speed (except in case of emergency) commensurate with safe navigation and slow enough so as not to cause damage to other vessels and/or property.

(b) Vessels under sixty-five (65) feet may proceed at a rate of speed not to exceed ten (10) nautical miles per hour.

(c) Nothing herein shall preclude Harbor Master from setting different rate of speed to meet special conditions.

§1128. Same: Control of Vessel Movement in Apra Harbor. Tugs with or without tows and all other vessels more than sixty-five (65) feet in length or exceeding three hundred (300) gross tons will advise the Control Tower Marine Traffic Controller of all moves into, within, or departing Apra Harbor giving destination. All such vessels will operate under the direction of the Control Tower Marine Traffic Controller, pursuant to instructions issued by the Harbor Master or his authorized representative.

§1129. Same: Priorities and Scheduling of Vessel Movements and Berth Assignments in Apra Harbor. (a) Priorities for vessel movements other than for typhoons and unless otherwise authorized by the Harbor Master shall be as follows:

(1) Government vessels when responding to emergencies.

(2) Passenger Vessels. Note: Harbor to be closed to other traffic for an adequate time to permit the safe arrival or departure of passenger vessels. Passenger vessels will have priority for use of Piers F-4 and F-5.

(3) Inbound vessels scheduled to load or discharge cargo upon arrival:

(A) Cargo vessels.

(B) Tug and Tows.

(C) Tankers.

(4) Shift cargo vessels when required for further

cargo handling.

(5) Outbound vessels with inter-island cargo.

(6) Incoming vessels arriving for repairs or bunkers.

(7) All others.

(b) Priorities of vessel sailing in event of typhoon warning unless otherwise authorized by the Harbor Master shall be:

(1) Government vessels.

(2) Tankers.

(3) Vessels with explosive cargo.

(4) Passenger vessels.

(5) Freighters.

(6) Others.

§1130. Same: Scheduling Procedures. (a) Agents shall submit the following to the CPGHMO:

(1) Copies of passenger vessel schedules as far in advance as possible.

(2) At the earliest possible time, any ship schedules for Commercial Port. (This constitutes tentative booking).

(3) Prior to 11:00 A.M., the day before a vessel's arrival, or as soon thereafter as possible, submit an ETA to CPGHMO.

(4) Prior to 11:00 A.M., the day before arrival, a final ETA. (A schedule shall then be prepared by CPGHMO. The schedule shall be based on the priorities listed in 2 GAR §8001.5(a) [Paragraph A] above and on the final ETA and shall be published by 2:00 P.M. each day.) All changes thereafter must be reported to the Tower Operator. (Berthing

assignments for changes in schedules will be made on a first-come-first-served and a not-to-interfere basis with the established CPGHMO Schedule.)

(5) Prior to 11:00 A.M., daily, submit known departures and shifts for the following day to the CPGHMO. All changes thereafter are to be submitted direct to the Tower Operator. (Changes in schedules will be made on a first-come-first-served basis, in accordance with the priorities in §1130(a) [Paragraph A] above and on a not-to-interfere basis with the established CPGHMO Schedule.)

(6) Vessels arriving and/or departing at the same hour will be handled in accordance with the priority described in §1130(a) [Paragraph A] above. Within any category, the vessel that was assigned confirmed booking first will be permitted to move first unless the vessel is late or operating conditions in the Harbor dictate otherwise.

(b) Other Requirements:

(1) Application for berth assignment shall include information as to any peculiar requirements, i.e., camels, for side port bunkering, whether one side has to be alongside pier for repair or other special reason, etc. Also indicate any unusual physical feature that would affect piloting or mooring, such as engine, steering gear, gyro trouble, etc.

(2) Compliance with draft limitations set forth in the U.S. Coast Pilot, Volume VII, as amended by Harbor Master Notice, is mandatory unless specifically waived by the Harbor Master.

(3) Except for those vessels entering to load petroleum products or for special repairs requiring minimum draft, all vessels will be ballasted so as to reduce freeboard to a reasonable degree.

(4) Agents shall arrange for proper and adequate linemen on time for all vessel arrivals, shifts and departures.

(5) Pilot and tugs - to arrange for and provide

adequate tug assistance, and to arrange for and have available adequate vessel's lines to assist in tying the tug or tugs.

(6) All changes in a vessel's arrival, shift or sailing time must be made more than two (2) hours in advance of the previously booked time.

§1131. Safety, Cleanliness and Use of Facilities Regulations: Fire Procedure. (a) In the event of fire occurring on board any vessel in port, except vessels under way such vessels will sound five (5) prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal may be repeated at intervals to attract attention and is not a substitute for, but shall be used in addition to other means of reporting a fire. The words "prolonged blasts" shall mean a blast from four (4) to six (6) seconds duration. This signal is not to be used for other purposes.

§1132. Same: Limitation on Harbor Entry When Vessel Carries Explosives. No vessel containing more than 25-S/T of Class A, 25-S/T of Class B, and unlimited of Class C explosives (net explosive content) shall enter or be loaded in Apra Harbor except on written permission of the Harbor Master or the Director. The Harbor Master or the Director shall set forth the specific berth to be used and any special instructions to be followed. No Class A explosives, as defined by the U.S. Coast Guard, will be admitted in any harbor in quantities in excess of the limitations established by the U.S. Coast Guard for the various harbors unless otherwise authorized by the Director in writing. Other cargo may not be moved concurrently with Class A explosive cargo.

§1133. Same: Handling, Loading or Unloading and Hauling of Explosives. (a) All handling and loading or unloading of explosives shall be done in a safe and careful manner and shall be in accordance with the federal regulations pertinent thereto in force at the time.

(b) All hauling of explosives away from or to the pier shall be done in a safe and careful manner and shall be in accordance with regulations of the Department of Public Safety.

§1134. Same: Use of Explosives. The use of explosives

on land, on any wharf, or in a shed or other structure under control of the Department, or in the water in the immediate vicinity of the same, without the written approval of the Harbor Master is strictly prohibited.

§1135. Same: Handling Nitrate of Soda, Nitrate of Ammonia, Sulfur or Other Similar Materials. (a) No nitrate of soda, nitrate of ammonia, sulfur or other similar material shall be stored or left upon any wharf for more than four (4) hours unless packed in sound and non-leaking containers. Such material shall be under the continuous care of a competent watchman satisfactory to the Harbor Master until removed. The cost of such watchman shall not be borne by the Department.

(b) Masters, owners or agents of vessels or consignees of cargoes of nitrate of soda, sulfur or other similar materials, during the process of loading, unloading and removing such cargoes, must at all times keep the wharf swept clean and free of such materials.

(c) If loose nitrate of soda, sulfur or other similar material is to be discharged onto or loaded from any wharf or structure at any harbor it shall be placed directly into the carrier and immediately removed. A protective device approved by the Harbor Master shall be used during the period of loading or unloading to prevent the material being handled from falling upon the wharf structure.

(d) During the process of handling nitrate of soda, sulfur or other similar materials on any wharf at any harbor under control of the Department, it shall be obligatory on the part of the master, owners or agents of a vessel to provide containers of not less than fifty (50) gallons capacity filled with a solution of nitrate of soda and water at distances of not more than fifty (50) feet apart, with suitable buckets placed alongside each container, for the purpose of fighting any fire which may occur in such cargo.

§1136. Same: Handling Acids of a Dangerous Character. (a) Acids of a dangerous character such as sulfuric, muriatic and nitric acids shall be removed from the wharf immediately upon discharge from vessel and no such acid shall be put upon a wharf under control of the Department for shipment until the carrier is ready to receive it. Permission of the Harbor Master or Wharfinger

must be secured in the event it becomes necessary to handle such cargo at times other than here specified.

(b) Electric storage batteries containing electrolyte or corrosive battery fluid of non-spillable type, protected against short circuits and completely and securely boxed, are exempt from this provision.

§1137. Same: Handling Inflammable and Combustible Materials. (a) Loading or unloading of inflammable liquids shall be in strict accordance with applicable federal laws and regulations. (See Title 33, CFR, Subchapter L, Part 126.15(o).

(b) No gasoline, distillate, kerosene, benzene, naphtha, turpentine, paints, oils or other inflammable substances in leaky containers shall be delivered onto any wharf under control of the Commercial Port. All such substances unloaded from any vessel in a leaky container shall be removed immediately.

(c) No combustible materials such as pitch, tar resin or oil shall be flame heated on board any vessel within the harbors or streams of Apra Harbor without the permission of the Harbor Master.

§1138. Same: Fumigation or Smoking of Vessels. No vessel shall be fumigated or smoked at any wharf under control of the Department without permission in writing from Director, Chief of Operations Division, or the Harbor Master. If fumigation is to be with cyanogen products or hydrocyanic acid gas in any form, however generated, the applicant or his agent shall be in possession of a permit as required by regulations of the Department of Public Health of Guam and shall have a watchman on duty so long as any danger exists, in order that no one, unless properly entitled to do so, be allowed to board such vessel.

§1139. Same: Fuel Burning Steam Generating Appliances. All fuel burning steam generating appliances when used on any wharf under control of the Department, or on any scow, pile driver or other vessel working alongside or near any wharf under control of the Department shall be equipped with spark arresters satisfactory to the Harbor Master. At the close of each day's work all ashes, cinders, waste or other deposits caused by such appliances upon any wharf shall be promptly

removed and shall not be disposed of in or upon the water of the Harbor.

§1140. Same: Manufacturing, Construction or Maintenance Work on Wharf. No person shall make any repair or do any kind of manufacturing, construction or maintenance work on any wharf without the permission of the Manager or Harbor Master.

§1141. Same: Smoking Restriction. Excepting only within areas designated by the Harbor Master and plainly marked "Smoking Area," smoking is positively prohibited at all times within any freight shed, or upon any wharf apron, and during the time cargo is being loaded, unloaded or stored on any unshedded pier under control of the Department, and no person shall enter into, stand in or under, or pass through any such wharf or structure with a lighted pipe, cigar, cigarette, match, fire or any flame of whatever nature.

§1142. Same: Condition of Wharves. All wharves under control of the Department which may be used for the handling of merchandise shall be kept in a clean and sanitary condition and free from all obstructions.

§1143. Same: Cleaning of Wharves by the Department. In cases where the Department takes over the cleaning of wharves the charge therefor shall be computed at the total cost of labor and/or material used and shall be assessed against the vessel which is responsible for the necessity of cleaning.

§1144. Same: Identification on Mobile Equipment. All mobile equipment used on any property under the control of the Department in connection with the handling of cargo or shipping containers, such as fork lifts, cranes, tractors and straddle trucks, shall be clearly identified as to the owner thereof.

§1145. Same: Restriction on Vehicles Allowed in Wharf. No vehicle shall be admitted upon any wharf or in any other areas used for the storage of cargo except for the purpose of delivering or picking up freight unless the owner thereof shall have been granted a permit by the Harbor Master or Chief of Operations:

- (a) Any vehicle, operating on any wharf under

control of the Department shall be under the direction and control of the Harbor Master.

(b) Trucks and other vehicles entering upon a wharf under control of the Department for the purpose of delivering or picking up freight shall not be driven while on such wharf at a speed greater than ten (10) miles per hour. Motor equipment used in handling freight while cargo loading and unloading operations are in progress under direct supervision of a stevedoring foreman shall not be operated at a speed greater than ten (10) miles per hour.

(c) Trucks and other vehicles operating in container yards shall not be driven at a speed greater than fifteen (15) miles per hour.

(d) Vehicles on roadways adjacent to wharves and pier sheds shall not be driven at a speed greater than fifteen (15) miles per hour, unless otherwise indicated by appropriate traffic signs.

§1146. Same: Exceptions to Restricted Vehicles Allowed on Wharf. (a) Vehicles conveying or to convey the sick or the infirm, and ambulances and vehicles of hospitals and of the Health and Police Departments, may enter upon wharves without a permit, but if a motor vehicle, must be equipped with a fire extinguisher.

(b) The provisions of §1145 shall not apply to vehicles left on a wharf for the purpose of shipping the same on any vessels nor shall they apply to any vehicle which has been discharged as freight.

§1147. Same: Care of Fowl, Animal or Livestock While on Wharf. No fowl, animal or livestock of any kind shall be allowed to remain on any wharf under control of the Department for a period longer than six (6) hours without being fed and watered. After any fowl, animal or livestock shall have been unloaded on a wharf it shall be removed from same within twenty-four (24) hours. No shipment of such fowl, animal or livestock subject to quarantine shall be unloaded on a wharf by shipping company or its agents unless first passed by the Department of Agriculture or unless arrangements have been made for acceptance for quarantine. All such fowl, animal or livestock requiring quarantine shall be removed

from the wharf within eighteen (18) hours. All expenses incurred in the care and maintenance of such fowl, animal or livestock while on a wharf shall be paid by the consignee thereof and shall constitute a lien upon same until such charges are paid.

§1148. Same: Private Use of Harbor Property or Facilities. (a) **General Statement.** No regular or extensive use of any harbor property or facility for private gain or purpose shall be permitted without corresponding and reasonable benefits and returns to the public.

(b) **Business Activities.** No person shall engage in any business or commercial activity at any harbor without the prior written approval of the Manager.

(c) **Solicitations and Advertisements.** Without limiting its generality, the term "engage in any business or commercial activity" as used above includes:

(1) solicitation; and

(2) distribution of advertisement or circulars, intended for private gain or purpose.

(d) **Signs.** No person shall post or display any signs at any harbor without the prior written approval of the Manager, except that approval will not be required for the posting or displaying of any sign on a vessel which relates solely to the sale of such vessel if the maximum dimensions of such sign do not exceed three (3) feet.

§1149. Same: Placement of Goods and Equipment. Any person handling goods or using equipment on a wharf under control of the Department or bringing goods thereon for shipment, shall place, store or stack such goods or equipment in such a way as not to be an impediment to the approaches to same nor an obstacle to the removal of other goods, nor to cause damage to the wharf. No goods shall be placed as to restrict or prevent the use of mooring bitts, cleats or any other device used for mooring purposes. No goods shall be so placed as to restrict or prevent the use of tracks, water connections, fire hydrants, gutters, oil connections or drains.

§1150. Same: Authority of Harbor Master or Chief of

Operations to Close the Wharves. The Harbor Master or Chief of Operations may close the wharves or any portion thereof and regulate and control the use of the same whenever in his opinion it is advisable to do so. No person shall enter upon any wharf so closed without the permission of the Harbor Master or Chief of Operations.

§1151. Same: Liability of Department for Damage to or Loss of Merchandise. (a) The Department shall not be liable for any damage to or loss of merchandise or other property on any wharf under its control.

(b) Handling of goods on wharf - responsibility for damaged freight due to weather conditions: It will be the responsibility of shipping concerns or their agents to exert every effort to protect freight from the effect of weather conditions while same is stored on wharves. This responsibility will include the proper closing of all openings such as outside doors and windows, and the placing of freight on pallets or dunnage so that it will not be damaged by moisture from the shed floors. Unless the above precautions are taken and unless carelessness on the part of Department of Transportation employees can be shown, no claim for damaged freight due to inclement weather will be considered.

§1152. Same: Goods or Articles Prohibited on Wharf. (a) No goods or articles of any description which, in the opinion of the Harbor Master, may be likely to occasion damage to property or to any merchandise thereon or therein shall be landed, discharged or taken upon such property.

(b) No person shall place or leave any rubbish, ashes or refuse on any wharf except in areas provided therefor without permission of the Harbor Master.

(c) No objectionable materials such as decaying or putrefying vegetable matter, manure or bedding straw shall be left on any wharf but shall be removed immediately.

(d) No dead animal shall be left upon any wharf, in the waters or on the shores of any harbor or upon any reef adjacent to any such harbor without the permission of the Harbor Master.

(e) No dead animal shall be moved through the water of any harbor without the consent of the Harbor Master.

(f) Any goods which, in the opinion of the Harbor Master, are unfit to remain upon any wharf or may be harmful to other goods on such wharf, shall, if necessary, be removed by the Harbor Master at the cost of the owner or consignee.

§1153. Same: Dumping or Careless Handling of Rubbish, Garbage, Refuse, Ballast, Sand, Etc., Prohibited.

(a) No rubbish, swill, garbage or refuse shall be thrown, washed overboard or placed in any harbor.

(b) No ballast, rock, stone, slate, slag, gravel, sand, earth, cinders, rubbish, filth or any other substance shall be deposited on any of the shores, lands or other property under control of the Department, unless approved by the Director.

(c) When any ballast, rock, stone, sand, fertilizer, grain or other loose material is being handled between a vessel and any wharf or vice versa, or between two vessels, within any harbor, a canvas chute or other contrivance satisfactory to the Harbor Master shall be used to prevent any part of the substance being handled from falling into the waters below.

§1154. Same: Discharge of Oil Sludge, Oil Refuse and Fuel Oil Prohibited. The discharge of oil sludge, oil refuse, fuel oil either directly or indirectly, or the pumping of bilges or ballast tanks containing other than clean water into the waters of any harbor, river or into any shore waters in Guam is strictly prohibited.

§1155. Same: Disposal or Salvage of a Derelict Vessel or Other Object of Any Size. When any owner, agent or individual contemplates or plans the disposal or salvage of a derelict craft, vessel or other object of any size, type or description, by transporting across, within or on navigable waters, whether a part or whole craft or whether a floating or suspended object of any sort which might, if sunk, lost or abandoned in the harbors, channels or shore waters, become hazard to navigation, to dredging or to other operation of the Guam or Federal Government, or the public in those waters, he shall obtain the written permission of the Harbor Master before taking such action.

§1156. Same: Sinking, Dropping or Abandoning Any Floating or Sinking Object In or On the Navigable Waters And/Or Shore Waters of Guam. Should any owner, agent or individual, without permission of the Harbor Master concerned, lose, sink, drop or abandon any floating or sinking object in or on the navigable waters and/or shore waters of Guam, he shall immediately notify the Harbor Master and shall immediately take such action as is necessary for removal of the object. Upon failure on the part of the owner to remove such object the Department of Transportation will take such actions through federal or commercial channels as are necessary for such removal and will charge all costs incurred by the Department in effecting the necessary removal to the owner. The Harbor Master may require the posting of a bond to assure payment.

§1157. Same: Approved Backflow Prevention Device Required When Connecting a Vessel's Water Supply System. No person shall connect a vessel's water supply system, siphon or other water-operated device, equipment or mechanism to a potable water supply system or operate any water-operated device, equipment or mechanism connected to the water supply system, unless an approved backflow prevention device has been installed at the faucet or other point of connection. An "Approved Backflow Prevention Device" means a backflow prevention device that meets the requirements contained in Standard 1001, American Society of Sanitary Engineers or the Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials (IAPMO).

§1158. Same: Dumping of Sinkable Material at Sea. When any owner, agent or individual contemplates the dumping of sinkable materials at sea by hauling across, within or on the navigable and/or shore waters of Guam he shall notify and obtain the permission of the Harbor Master concerned prior to movement and shall not fail to perform any duty imposed thereby. All dumping at sea of sinkable objects or materials (the dumping of floating objects is strictly prohibited) shall be done in the areas designated by the Secretary of the Army for such disposal. (Refer to Corps of Engineers, U.S. Army, for information concerning location of such areas.)

§1159. Same: Welding and Burning Operations on Piers and Wharves and Aboard Vessels. (a) Permits.

Before any welding or burning operations can be done on a wharf or waterfront facility, or on a vessel moored thereto, it is required that the party intending to do such work secure a permit from the U.S. Coast Guard and permission from the Harbor Master of the port where such work is to be done. Applicants for permits to do hot work shall fill out fully a prescribed form, after which the application shall be presented to the Harbor Master, and if in his judgment all safety precautions have been provided for, and the welding and/or burning operations will not involve the possibility of a fire or an explosion, the Harbor Master may approve the permit to do the work.

In the event the ammunition or other dangerous cargo is in close proximity or on board the ship, the Captain of the Port, U.S. Coast Guard, and other appropriate federal and Guam agencies shall be notified and inspection will be conducted, and if in their opinion the welding and burning operations will not involve the possibility of a fire or explosion, permission may be granted to perform the work.

Before any welding, burning, spark or flame-producing operations are undertaken aboard any ship, dock, wharf or waterfront facility, all spaces subject to the accumulation of dangerous gas or gas producing materials, in or on which hot work is to be performed, and such other spaces as may be required by the U.S. Coast Guard having jurisdiction over such operations, or required under the provisions of the American Bureau of Shipping, National Fire Protection Association standards, Bureau of Ships Manual or U.S. Coast Guard regulations, shall be inspected by an American Bureau of Shipping Certified Chemist or other qualified chemist. The procedure for inspection by said Chemist is as follows:

- (1) Such spaces shall include, but shall not be limited to, oil and ballast tanks, cofferdams, voids, boiler and machinery spaces, pump rooms, compartments treated with combustible rust preventives, including hollow rudders and skegs, paint lockers and shaft alleys.

- (2) On completion of his inspection, said Chemist shall issue a certificate setting forth in writing the conditions found at the time for inspection and indicating by appropriate designations whether, in his

judgment, the contemplated repairs or alterations can be undertaken with safety.

(3) One (1) copy of the Chemist's Certificate shall accompany the application for a permit, and one copy shall be left aboard the ship or waterfront facility, preferably posted in a conspicuous place near the gangway.

(4) Hot work shall be done only in the locations and under the procedures as designated in writing on the permit and Chemist's Certificate.

Loading or movement of cargo or the movement of the ships from one location to another within the shipyard or installation for which a Chemist's Certificate has been issued is permissible without requiring an additional inspection and the issuance of a Chemist's Certificate when in the judgment of the inspecting authority such movement has not been sufficient to create a hazardous situation. However, the movement of ships from one jurisdictional area to another shall require an additional inspection and issuance of a Chemist's Certificate before continuing hot work. All welding or burning operations shall be under the supervision and control of a competent foreman or supervisor who shall see that all regulations pertaining to welding or burning operations are fulfilled in their fullest entirety.

(b) **Operations.** In all types of operations, fire prevention shall be the watchword, and all workers should bear in mind that to prevent fire is their individual responsibility. All combustible materials must be removed from the area in which the welding and burning operations are being conducted or properly protected if removal is not feasible:

(1) Welding or burning operations shall not be conducted around hatches or companionways, unless they are sealed with their own cover or door. In the event that this is not possible, an asbestos blanket or other flameproof material may be provided in their place. Such substitutions shall meet with the approval of the inspecting authority issuing the permit.

(2) When welding or burning operations are being

conducted in such locations that sparks could spatter or fly over the outside of the ship hull, a protective shield composed of metal or other flameproof material shall be provided to prevent the sparks from igniting the wharf or dock, barges or oil slicks on the water, or any other combustible materials.

(3) Water-charged fire mains with hose and nozzles attached of sufficient length so that the water can reach the base of any fire which may occur, shall be on each deck of the ship where welding or burning operations are being conducted. Sufficient trained fire watchers, (number of watchers to be approved by the U.S. Coast Guard) shall be on board and assigned to each group or individual welder or burner to watch for and extinguish incipient fires. Each fire watcher shall be provided with an approved fire extinguisher or hose line, to control any fire which may occur during the welding or burning operations. All firemen and fire watchers shall be instructed by their foreman or supervisor as to their duties in respect to fire prevention and the manner of contacting their plant, industrial or municipal fire department when needed.

(4) When welding or burning operations are conducted on a wooden wharf, or a fire resistive paved wharf with cracks or crevices, the entire surrounding area shall be drenched with water by means of a hose line and kept wet during entire operations to prevent sparks from igniting the flooring or timbers below.

(5) No refueling of equipment with inflammable petroleum products will be permitted on any pier or wharf owned by Guam.

(6) On waterfront facilities which are used for repair work, no gasoline or other inflammable liquid shall be stored except as required for normal operation and then only when stored in approved metal lockers and in quantities approved by the Harbor Master.

(7) Petroleum-base cleaning fluid which has been treated to satisfactorily reduce the flash point may be used for washing grease from machinery parts in an approved location safe from hot work operations. All paint or other inflammable liquid materials shall be

kept securely covered except when in actual use.

(8) Gasoline powered generators or compressors shall not be operated on the ship, but must be kept on the wharf. Said equipment shall be equipped with a spark arrester on the exhaust pipe, and the drip pan set in a position to protect the wharf in the event of any gasoline or oil spillage. An attendant shall stand by at all times, equipped with an approved fire extinguisher to extinguish any fires which may occur. At the conclusion of operations, said gasoline powered equipment shall be removed from the wharf. Where insulated wire cables are in the path of traffic, they shall be protected from damage by cross-overs, and where they lead onto the ship they shall be protected from chafing damage by a protective-wrapped covering. Where electrical cables lead from one ship to another, the same protective measures shall be complied with.

(9) When acetylene or oxygen cylinders are used, the following precautions shall be followed at all times:

(A) Compressed gas cylinders shall be used in a vertical position only, and shall be secured at all times to prevent falling. Cylinders, when in use, shall be kept on the pier at all times.

(B) Do not drop cylinders; ruptured cylinders may explode. Do not use cylinders for rollers, anvils or supports.

(C) When cylinders are not in use, close valves and replace protection caps.

(D) Cylinders shall not be handled by cranes, except when they are placed in specially constructed bottle racks or in a skip box. Under no circumstances shall gas cylinders be hoisted by a magnet, manila line, steel cable, chains, slings or nets.

(E) Secure cylinders on a wheeled truck so they can be easily moved if a fire occurs in the immediate vicinity.

(F) When permanently installed on a pier and exposed to the sun, cylinders shall be provided with adequate protection.

(G) Valve and hose connections shall be kept tight to prevent acetylene leaks. Leaks shall be tested with soapy water and hot flame.

(H) Cylinders shall be kept away from sparks, flame or heat.

(I) Acetylene hose shall be tested frequently for leaks. If acetylene has been escaping in confined areas, the areas shall be properly cleared from all gas before welding or burning operations are again carried on. Acetylene hose in the path of traffic shall be protected from damage by use of cross-overs to prevent hose from damage.

(J) No acetylene torch shall be left unattended while burning, and when they are not being used the hose shall be coiled or looped in a worker-like manner and placed on bracket at cylinders, and the pressure in the hose relieved by closing off the valves on the cylinders and opening the valves on the torch. Lines left unattended during mealtimes or other extended periods shall be either removed from compartments or disconnected at the cylinders.

(K) Oxygen cylinders shall be kept free from oil and grease at all times, because when oxygen, under pressure is brought into contact with oil or oily substance, the oxidizing process will take place so rapidly that an explosion will occur.

(L) Oxygen shall not be used to blow out oil pipes, for paint spraying or for pneumatic tools, as an explosion might result.

(M) Manifolding or the coupling together of cylinders when necessary to obtain greater amounts of acetylene and oxygen shall be done in conformity with the rules and regulations of the U.S. Navy Bureau of Ships Manual, Chapter 92, titled "Welding and Allied Processes" or the

regulations of the National Board of the Underwriters.

(N) Compressed gas cylinders shall not be refilled on any wharf.

(c) **Violation.** Violation of any of the regulations contained in this Section will be cause for immediate revocation of permit and other such penalties as provided by appropriate regulations and law.

(d) **Notification of Other Agencies.** When the U.S. Coast Guard has issued a permit to do hot work, the appropriate federal and local agencies shall be notified of such action. When hot work is being done in Apra Harbor this notification shall include a notification to the OOD Coast Guard on duty at the time hot work is being done.

§1169. Pilotage: Pilot Service. Pilot service on a twenty-four-hour basis for Apra Harbor is available. They will normally board in-bound vessels and leave out-bound vessels between the Harbor entrance and Alpha Hotel.

§1161. Same: Observation of All Harbor, Quarantine and Other Federal Regulations. Pilots will observe all harbor, quarantine and other federal regulations.

§1162. Same: Tug Required When Vessel Weighs Three Hundred (300) Gross Tons or Above. A pilot will not bring in or conduct a vessel of three hundred (300) gross tons or above to or from a berth or wharf without the aid of a tug or tugs as the situation may require.

§1163. Same: Order of Services. A pilot will offer his services in the order of priority established by the Harbor Master, unless another vessel is observed approaching a dangerous position, in which case every effort will be made to offer to board and assist the latter vessel.

§1164. Same: Vessel in Distress. Every Territory Pilot will aid and assist by every means in his power any vessel in distress.

§1165. Same: Vessel to Be Docked at Wharf or Berth Designated by Harbor Master. A pilot bringing a vessel

inward, unless required to anchor for quarantine, will bring the vessel to such wharf or berth as the Harbor Master may direct.

§1166. Same: Complaints to Be Heard Before Pilot Conducts Vessel to Sea. A pilot will not conduct a vessel to sea unless she has been regularly cleared by the government of Guam Customs, the agent and the Harbor Master. Any person having a complaint to make against a Territory Pilot is requested to make such complaint in writing to the Harbor Master, who shall immediately investigate the complaint and report thereon to the Director.

§1167. Same: Pilotage Charges. Vessels, other than foreign vessels, under three hundred (300) gross tons, and all vessels under enrollment, while under control and direction of a pilot duly licensed by federal law, shall be exempt from pilotage charges when underway on territorial waters unless a Territorial Pilot is actually employed.

§1168. Same: Duties of Territory Pilot and Vessel Master. Upon boarding a vessel in response to the request of the vessel, its owner, operator, charterer or its agent, for pilotage service, it shall be the duty of the pilot to pilot such vessel. It shall be the duty of the Master to acquaint the pilot with the peculiarities or possible defects of his vessel, her machinery, and/or operation. If, in the opinion of the Master, the pilot is negligent or incompetent at any time while engaged in piloting such vessel, it shall be the duty of the Master thereof to relieve such pilot of the particular duty in which he is engaged and to take such steps as the Master may deem necessary to insure the safety of such vessel and prevent damage to port facilities. No vessel, other than publicly owned vessels, three hundred (300) gross tons and over (including tugs with tows), shall enter or leave or otherwise be underway without a Territory Pilot aboard, unless such vessel is sailing, under enrollment with a pilot duly licensed by federal law on board. (For the purpose of this Section, tug and tows shall be considered as one vessel.)

§1169. Same: Pilotage for Small Craft. Every person operating small craft in a territory harbor or through channels or entrances leaving or approaching such harbor shall do so at his own risk. Territory Pilots can be made

available for small craft, if desired, as set forth in the sections above.