

No. 2781

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**UNITED STATES OF AMERICA  
and  
CANADA**

**Agreement for the promotion of safety on the Great Lakes  
by means of radio. Signed at Ottawa, on 21 February  
1952**

*Official text: English.*

*Registered by the United States of America on 3 March 1955.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
CANADA**

**Accord visant à assurer la sécurité sur les Grands Lacs  
par la radio. Signé à Ottawa, le 21 février 1952**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 3 mars 1955.*

No. 2781. AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE PROMOTION OF SAFETY ON THE GREAT LAKES BY MEANS OF RADIO. SIGNED AT OTTAWA, ON 21 FEBRUARY 1952

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The Government of the United States of America and the Government of Canada, being desirous of promoting safety of life and property on the Great Lakes of North America by means of radio, and believing that this purpose will be served by making provision in common agreement for radiotelephone communication for safety purposes, including radiotelephone communication as an aid to and instrument of navigation, and considering that this objective may best be achieved and maintained by the conclusion of an Agreement between the two Governments, have designated for that purpose as their respective Plenipotentiaries :

The Government of the United States of America :

Stanley Woodward, Ambassador Extraordinary and Minister Plenipotentiary of the United States of America at Ottawa;

E. M. Webster, Commissioner, Federal Communications Commission.

The Government of Canada :

Lionel Chevrier, Minister of Transport,

Who, having communicated to each other their respective Full Powers, found to be in good and due form, have agreed as follows :

*Article 1*

GENERAL PROVISIONS

1. The Contracting Governments undertake, by their respective constitutional procedures, to give effect to the provisions of this Agreement, for the purpose of promoting safety of life and property on the Great Lakes, and to take all steps which may be necessary to give this Agreement full and complete effect.

2. This Agreement shall apply to vessels of all countries, as provided in article 3 of this Agreement.

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<sup>1</sup> Came into force on 13 November 1954, two years after the date on which the instruments of ratification were exchanged at Washington, in accordance with article 17.

3. The Regulations annexed to this Agreement are an integral part thereof, and every reference to this Agreement implies at the same time a reference to the Regulations unless the language or context of the reference clearly excludes the Regulations. The Regulations may be amended, as may be necessary to carry out the provisions of this Agreement, by agreement between the two Governments.

4. Each Contracting Government agrees that any vessel which is not subject to this Agreement, and which is permitted by such Government to use any frequency designated by this Agreement, shall be required, while on the Great Lakes, to use such frequency in the same manner as a vessel subject to this Agreement.

5. No provision of this Agreement shall prevent the use by a vessel or survival craft in distress of any means at its disposal to attract attention, make known its position, and obtain help.

## *Article 2*

### DEFINITIONS

For the purpose of this Agreement, unless expressly provided otherwise :

1. "Approved" or "Approval" means, in relation to compliance with the the terms of this Agreement by vessels of Canada and of the United States, approval by Canada and the United States, respectively, and in relation to vessels of other countries, approval by either Canada or the United States.
2. "Vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not is it actually afloat.
3. "Passenger carrying vessel" means any vessel transporting persons for hire.
4. "Port" means any place to which vessels may resort for shelter or to load or unload passengers or goods or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.
5. "Great Lakes" means all of the Great Lakes, their connecting and tributary waters, and the River St. Lawrence as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, but shall not include tributary rivers which are not also connecting rivers, and shall not include the Niagara River (including the Black Rock Canal).

6. "Mile" means a statute mile of 5,280 feet or 1,609 meters.
7. "Safety Convention" means the International Convention for the Safety of Life at Sea (1929)<sup>1</sup> and the Regulations annexed thereto, and the International Convention for the Safety of Life at Sea (1948)<sup>2</sup> and the Regulations annexed thereto as from the date the latter Convention and its annexed Regulations are brought into force in supersession of the former, and any other safety of life at sea convention and the regulations annexed thereto which may be brought into force between the Contracting Governments in supersession of the 1948 Convention and its annexed Regulations.
8. "Safety Radiotelephony Certificate", "Safety Radiotelegraphy Certificate", and "Safety Certificate" as referred to in paragraph 3 of article 3 of this Agreement, mean certificates bearing those titles provided for by the Safety Convention.
9. "International Radio Regulations" means the Radio Regulations in force (General Radio Regulations, Cairo, 1938,<sup>3</sup> and Radio Regulations, Atlantic City, 1947<sup>4</sup> annexed to the International Telecommunication Convention in force (Madrid, 1932,<sup>5</sup> and Atlantic City, 1947)<sup>4</sup> or any regulations which have been, or which from time to time in the future may be, substituted for such regulations.
10. "Regulations" means the regulations in force referred to in paragraph 3 of article 1 of this Agreement.
11. "Radiotelephone installation" means a radio station (including the source of power necessary to energize the apparatus) capable of being used for the effective transmission and reception of speech for the purpose of quickly establishing and effectively carrying on radiotelephone communication in time of emergency or distress.
12. "Distress frequency" means the distress frequency designated for radiotelephony in the maritime mobile service by the International Radio Regula-

<sup>1</sup> League of Nations, *Treaty Series*, Vol. CXXXVI, p. 81; Vol. CXLII, p. 393; Vol. CXLVII, p. 354; Vol. CLVI, p. 257; Vol. CLX, p. 417; Vol. CLXIV, p. 394; Vol. CLXXII, p. 423; Vol. CLXXVII, p. 420; Vol. CLXXXV, p. 406; Vol. CC, p. 513, and United Nations, *Treaty Series*, Vol. 34, p. 427; Vol. 92, p. 434; Vol. 136, p. 411; Vol. 182, p. 296; Vol. 185, p. 410; Vol. 190, p. 395, and Vol. 196, p. 370.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 164, p. 113; Vol. 167, p. 338; Vol. 172, p. 409; Vol. 173, 416; Vol. 175, p. 374; Vol. 183, p. 372; Vol. 187, p. 464; Vol. 191, p. 406; Vol. 193, p. 361; Vol. 198, p. 404; Vol. 200, p. 333, and Vol. 202, p. 339.

<sup>3</sup> United States of America: *Treaty Series* 948; 54 Stat. 1417.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 193, p. 188 and Vols. 194 and 195.

<sup>5</sup> League of Nations, *Treaty Series*, Vol. CLI; Vol. CLVI, p. 323; Vol. CLX, p. 441; Vol. CLXIV, p. 431; Vol. CLXXXI, p. 423; Vol. CLXXXV, p. 412; Vol. CLXXXIX, p. 486; Vol. CXCIII, p. 273, and Vol. CXCVII, p. 348.

tions or any frequency applicable to all stations of the maritime mobile service on the Great Lakes substituted therefor in the Regulations.

13. "Alarm signal" means the automatic alarm signal, if any, prescribed by the International Radio Regulations for radiotelephony, or any such signal substituted therefor in the Regulations.
14. "Auto Alarm" means a warning device which is capable of being actuated automatically by the alarm signal, and which complies with the Regulations.

### *Article 3*

1. Except as provided in paragraph 2 of this article, a vessel to which this Agreement applies generally, as stated in paragraph 2 of article 1 of this Agreement, and which falls in any of the following specific categories, shall be subject to the requirements of this Agreement while being navigated on the Great Lakes outside of a port, or while being navigated on the St. Mary's River, the St. Clair River, Lake St. Clair, the Detroit River, the Welland Ship Canal, the River St. Lawrence as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, and other restricted waters of the Great Lakes as may be specified in the Regulations

- (a) Every vessel of 500 gross tons or over.
- (b) Every passenger carrying vessel over 65 feet in length (measured from end to end over the deck exclusive of sheer).
- (c) Every vessel under 500 gross tons engaged in towing another vessel of 500 gross tons or over or engaged in towing any other floating object having a dimension in any direction of 150 feet or more, unless the vessel so towed complies with the requirements of this Agreement.

2. A vessel which would otherwise be subject to the requirements of this Agreement as provided in paragraph 1 of this article, shall nevertheless not be subject thereto if such vessel falls in any of the following specific categories :

- (a) Ships of war and troop ships.
- (b) Vessels in tow.
- (c) Vessels not self-propelled by mechanical means.
- (d) Vessels owned and operated by any Government and not engaged in trade.
- (e) Any vessel engaged in towing another vessel in or out of a single port when such towage is not in excess of 30 miles outside such port.
- (f) Any vessel towing another vessel engaged in the movement of material between a port and a dumping ground authorized by either Contracting

Government when the dumping ground is not more than 30 miles outside such port.

- (g) Any vessel navigated in connection with river or harbor improvement work or any marine construction when such navigation is within an area whose radius from the site of such river or harbor improvement work or marine construction is not greater than 30 miles.

3. In order to provide a means whereby a country, whether or not a party to this Agreement, may facilitate compliance with this Agreement on behalf of vessels belonging to it, for not more than two voyages on the Great Lakes in any calendar year, any such vessel which enters the Great Lakes from Montreal or below and proceeds above the lower exit of the Lachine Canal or the Victoria Bridge at Montreal for the sole purpose of engaging in a voyage between (a) one or more ports outside the Great Lakes and (b) one or more ports on the Great Lakes, shall be deemed to be in compliance with the technical radiotelephone requirements of this Agreement if such vessel has on board a radiotelephone installation which—

- (i) Meets the radio frequency requirements of this Agreement and the technical requirements of either this Agreement or the Safety Convention for radiotelephony, and
- (ii) Is carrying a Safety Radiotelephony Certificate issued to the vessel by the country to which it belongs, or a certificate issued by either of the countries party to this Agreement endorsed for operation on the Great Lakes.

The Safety Radiotelephony Certificate or the endorsed certificate tendered under these terms will be satisfactory for the purpose of this paragraph, even though the same vessel also carries a valid Safety Certificate or a valid Safety Radiotelegraphy Certificate.

#### Article 4

##### CASES OF *Force Majeure*

A vessel which is not subject to the provisions of this Agreement shall not become subject thereto due to stress of weather or any other cause of *force majeure*.

#### Article 5

##### COAST STATION LISTENING WATCH

Each Contracting Government undertakes to ensure that necessary arrangements are made for a listening watch by coast stations on the distress frequency.

*Article 6*

## EXEMPTIONS

1. Each Contracting Government, if it considers that the conditions of the voyage or voyages affecting safety, including but not necessarily limited to the regularity or frequency of the voyages, the route or routes, the maximum distance of the vessel from shore, the length of voyage or voyages, and the absence of general navigation hazards, or other circumstances, are such as to render the full application of articles 7, 8, and 9, or any of them, of this Agreement unreasonable or unnecessary, may exempt partially, conditionally, or completely from the provisions of articles 7, 8, and 9, or any of them, any individual vessel for one or more voyages or for any period of time not exceeding one year from the date of exemption. Each Contracting Government shall promptly notify the other of each exemption that is granted and of the significant terms thereof.

2. Since the waters to which this Agreement applies are under the jurisdiction of Canada or the United States, the exemptions referred to in paragraph 1 of this article may be granted only by the Contracting Governments, each for vessels of its own country and either for the vessels of other countries.

*Article 7*

## OPERATORS AND LISTENING

1. While a vessel is subject to the requirements of this Agreement, as stated in article 3 of this Agreement :

- (a) There shall be on board, as an officer or member of the crew of vessel, at least one person whose qualifications for radiotelephone operation for safety purposes on the Great Lakes have been certified by the Contracting Governments, each for citizens of its own country for employment on vessels of that country, and either for persons for employment on vessels of other countries, as meeting the qualifications set forth in the Regulations.
- (b) From among those certified persons, the master shall designate one or more who shall operate the radiotelephone installation. The duties of the persons so designated need not be restricted to duties in connection with the radiotelephone installation but may include any and all duties assigned them by the master.
- (c) Except when the radiotelephone installation is being used to transmit or receive on frequencies authorized for the Maritime Mobile Service, there

shall be continuous effective listening on the distress frequency by aural means by at least one officer or member of the crew of the vessel who has been designated by the master to perform such listening. The person so designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided that such other duties do not interfere with the effectiveness of the listening.

- (d) If the vessel is deprived of the services of the certified persons referred to in subparagraph (a) of this article without fault or collusion of the master, the vessel may, as a matter of temporary expediency, proceed on her voyage, provided :
- (i) The master shall exercise due diligence in an effort to obtain a qualified replacement before sailing and failing that shall exercise due diligence to obtain a qualified replacement as soon as practicable,
  - (ii) The qualified replacement is made at the destination of the vessel before proceeding on another voyage, and
  - (iii) In addition to the foregoing, the master shall within 12 hours after the time of arrival of the vessel at her destination, explain, in writing, the full particulars in the matter to the Contracting Government of the country to which such vessel belongs. If the vessel does not belong to the country of either Contracting Government, the master's written explanation shall be made to the Contracting Government of the country where the vessel's destination is located or to the Contracting Government in which the vessel's last port of call on the Great Lakes is located.

2. If and when a system, consisting of an alarm signal and an auto alarm apparatus actuated by such signal transmitted on the distress frequency, is adopted by both Canada and the United States for use on the Great Lakes, an approved auto alarm in operation may be substituted for the continuous, aural listening prescribed in paragraph 1 of this article. Adoption of such system by both Canada and the United States for use on the Great Lakes, as well as the conditions under which it may be used, shall be accomplished by appropriate amendment of the Regulations.

### *Article 8*

#### RADIOTELEPHONE INSTALLATION

1. Each vessel, while subject to the requirements of this Agreement, as stated in article 3, shall, except as it may be exempted under article 6, or except as may be otherwise provided by paragraph 3 of article 3, be fitted with a radiotelephone installation in effective operating condition and approved as meeting the requirements set forth in the Regulations.



2. If while a vessel is subject to the requirements of this Agreement, as stated in article 3, the vessel's radiotelephone installation ceases to be in effective operating condition, the master shall forthwith exercise due diligence to restore the radiotelephone installation to effective operating condition at the earliest practicable moment and, in any event, the effective operating condition of the radiotelephone installation shall be restored at the destination of the vessel before the vessel proceeds on another voyage. In addition to the foregoing, the master shall within 12 hours after the time of arrival of the vessel at her destination, explain, in writing, the full particulars in the matter to the Contracting Government of the country to which such vessel belongs. If the vessel does not belong to the country of either Contracting Government, the master's written explanation shall be made to the Contracting Government of the country where the vessel's destination is located or to the Contracting Government in which the vessel's last port of call on the Great Lakes is located.

### *Article 9*

#### VESSEL RECORDS

Each vessel, while subject to the requirements of this Agreement, as stated in article 3 of the Agreement, shall, except as it may be exempted under article 6, maintain such records of the use of the radiotelephone installation for safety purposes as may be required by the Regulations.

### *Article 10*

#### AUTHORITY OF THE MASTER

The radiotelephone installation, its operation and all persons connected therewith, and the performance of the act of listening shall be under the supreme control of the master. The person holding this authority must comply with applicable law and international agreements and with rules and regulations made pursuant thereto.

### *Article 11*

#### INSPECTIONS AND SURVEYS

1. So far as concerns the enforcement of this Agreement, the radiotelephone installations of all vessels subject to the provisions of this Agreement shall be subject to inspection from time to time. In addition, vessels subject to the provisions of this Agreement belonging to the countries of the Contracting Governments shall be subjected to a periodical survey of the radiotelephone installation not less than once every twelve months. This survey shall be made while the vessel is in active service or within not more than one month before the date on which it is placed in such service.

2. The inspection and survey of radiotelephone installations shall be carried out by officers of the Contracting Governments for their respective vessels. With respect to any vessel which belongs to any other country, such inspection shall be carried out by officers of the Contracting Government within whose jurisdiction such vessel first enters and thereafter by the Contracting Government having jurisdiction as determined by the location of the vessel at the time of any inspection deemed necessary by such Government.

3. Each Contracting Government may entrust the inspection and survey of the radiotelephone installations either to surveyors nominated for this purpose or to organizations recognized by it. In every case the Contracting Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

### *Article 12*

#### CERTIFICATION AND PRIVILEGES

1. If, after appropriate inspection or survey made in accordance with article 11, the Contracting Government responsible for the inspection or survey is satisfied that all relevant provisions of this Agreement have been complied with, including any exemption or conditions of exemption approved in accordance with article 6, that fact shall be certified immediately after each such inspection or survey either on the vessel's radiotelephone station license or by means of another document as determined by the Contracting Government.

2. The certification prescribed by paragraph 1 of this article shall be kept on board the vessel while the vessel is subject to the provisions of this Agreement and shall be available for inspection by the officers authorized by the Contracting Governments to make such inspections. Certifications issued under the authority of a Contracting Government shall be accepted by the other Contracting Government for all purposes covered by this Agreement.

### *Article 13*

#### ISSUE OF CERTIFICATE ON REQUEST OF RESPONSIBLE ADMINISTRATION

Each of the Contracting Governments may, at the request of the other, cause a vessel for the survey of which the requesting Government is primarily responsible to be surveyed, and, if satisfied that the requirements of this Agreement are complied with, issue certificates to the vessel in accordance with the terms of this Agreement. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government which made the request, and it shall have the same force and receive the same recognition as a certificate issued under article 12 of this Agreement.

*Article 14*

## CONTROL

1. Over and above the application of this Agreement as set forth in the provisions of paragraph 1 of article 3 of this Agreement, every vessel required by this Agreement to have a certificate issued by one Contracting Government in accordance with article 12 or article 13 is subject in the ports of the other Contracting Government to control by officers duly authorized by such Government insofar as this control is directed towards verifying that (a) there is on board a valid certification, (b) that the conditions of the radiotelephone apparatus correspond substantially with the particulars of that certification, and (c) that there are on board the necessary certificated personnel required by article 7 of this Agreement.

2. In the event of this control giving rise to intervention of any kind, the authorities carrying out the control shall forthwith inform the appropriate authorities of the country to which the vessel belongs of all the circumstances in which intervention is deemed to be necessary.

*Article 15*

## VESSELS OF COUNTRIES OTHER THAN CANADA AND THE UNITED STATES

To the extent permitted by their respective constitutional procedures, the Governments of Canada and the United States will undertake to assist the vessels of countries other than Canada and the United States in meeting the requirements of this Agreement.

*Article 16*

## LAWS, REGULATIONS, REPORTS

The Contracting Governments undertake to communicate to each other

- (a) A sufficient number of specimens of their certifications under article 12 and article 13 for the information of their officers;
- (b) The texts of laws, decrees, and regulations which shall have been promulgated on the various matters within the scope of this Agreement; and
- (c) All available official reports or official summaries of reports insofar as they show the results of the provisions of this Agreement, provided always that such reports or summaries are not of a confidential nature.

*Article 17*

## ENTRY INTO FORCE

This Agreement shall be ratified and instruments of ratification shall be exchanged at Washington, D. C. as soon as possible. This Agreement shall come into force two years after the date on which the instruments of ratification are exchanged.

*Article 18*

## DURATION AND TERMINATION

1. This Agreement may be terminated by either Contracting Government at any time after the expiration of five years from the date on which the Agreement comes into force. Termination shall be effected by a notification in writing from either Contracting Government to the other Contracting Government.

2. Termination of this Agreement shall take effect twelve months after the date on which notification thereof is received by the Contracting Government to which such notification is addressed.

IN WITNESS WHEREOF, the above-named Plenipotentiaries have signed this Agreement and affixed thereto their respective seals.

DONE in duplicate at Ottawa this 21st day of February, 1952.

For the Government of the United States of America :  
Stanley WOODWARD

[SEAL]

E. M. WEBSTER

For the Government of Canada :  
Lionel CHEVRIER

[SEAL]

## REGULATIONS

*Regulation 1*

## RADIOTELEPHONE INSTALLATION

1. The radiotelephone installation, exclusive of the main source of energy, shall be located as high as practicable in the upper part of the vessel and shall be adequately protected to ensure proper operation and so as not to endanger the vessel and the radio apparatus comprising the installation. The location of the main operating position of the radiotelephone installation shall be on the bridge. Should the radiotelephone in-

stallation be at some location other than on the bridge, then the radiotelephone installation shall be capable of being operated at that location as well as from the bridge. However, it shall always be possible to take control of the radiotelephone installation at the main operating position on the bridge.

2. A reliable light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls.

3. There shall be available at all times, while the vessel is subject to the requirements of this Agreement, a main source of energy sufficient to energize properly and immediately the radiotelephone installation. On passenger carrying vessels of 1000 gross tons or more, there shall also be an auxiliary source of energy which shall be independent of the vessel's normal electrical system and shall be capable of properly energizing the radiotelephone installation and the light prescribed in paragraph 2 of this Regulation, in addition to any other devices or apparatus on the vessel to which it may supply energy in time of emergency or distress, for at least four continuous hours under normal operating conditions. When meeting this four-hour requirement, the auxiliary source of energy shall be located in a position of the greatest possible safety and as high as practicable in the upper part of the vessel.

4. The radiotelephone installation shall be capable of transmitting and receiving radiotelephony (speech) on the distress frequency (2182 kc/s) and on at least one other comparable frequency designated in common agreement by the Contracting Governments for use primarily for intership radiotelephone communication on the Great Lakes. The installation shall be so designed that switching between the distress frequency and the other frequency may be performed promptly and efficiently. The class of emission for the transmission of speech shall be A3, and in normal operation the depth of modulation shall be at least 70% at peak intensity.

5. The transmitter shall be capable of delivering at least 50 watts power (unmodulated carrier) into a ship transmitting antenna of average characteristics. Wherever practicable, the transmitting antenna shall have an antenna efficiency of at least 23%.<sup>1</sup>

6. The receiving installation shall be capable of properly energizing a loud speaker when the radio field intensity<sup>2</sup> of the received carrier wave (measured when no modulation is present) is as low as 10 microvolts per meter.

7. Nothing contained in Regulation 1 shall prevent the use for the purpose of complying with the requirements set forth herein of portable apparatus capable of being moved to a lifeboat or to some other location on the vessel as may be necessary in time of emergency or distress, provided such portability shall not render the apparatus incapable of compliance with all of the requirements of this Regulation.

<sup>1</sup> A range by day of 50 statute miles is obtained with a power of 50 watts (unmodulated carrier) into a non-directional transmitting antenna having an antenna efficiency of 23% when the receiving installation used has a sensitivity equal to that specified in paragraph 6 of this Regulation 1. (Footnote in original.)

<sup>2</sup> Radio field intensity means the effective (root-mean-square) value of the electric or magnetic intensity at a point due to the passage of the radio wave. (Footnote in original.)

*Regulation 2*

## TRIAL OF RADIOTELEPHONE INSTALLATION

Each calendar day that a vessel is navigated, unless the normal use of the radiotelephone installation demonstrates that the equipment is in proper operating condition for an emergency, a test communication for this purpose shall be made by a properly qualified person. Should the equipment be found by some person other than the master not to be in proper operating condition for an emergency, the master shall be promptly notified thereof. A record shall be made in the record provided for by article 9 of the Agreement and Regulation 4 showing the operating condition of the equipment as determined by either the normal communication or the test communication referred to above and showing that, if an improper operating condition was found, the master was properly notified thereof.

*Regulation 3*

## OPERATOR CERTIFICATE

1. The person whose qualifications for radiotelephone operation for safety purposes on the Great Lakes must be certified, as stated in article 7 of this Agreement, shall possess the following qualifications :

- (a) General knowledge of practical radiotelephone operating procedure on the Great Lakes; and
- (b) Ability to send correctly and to receive correctly by radiotelephone using the English language.
- (c) Knowledge of the International Radio Regulations applicable to radiotelephone communications on the Great Lakes and specifically of that part of those Regulations relating to the safety of life.

2. In lieu of the requirements set forth in paragraph 1, above, a person shall be deemed to have the qualifications specified in paragraph 1 of this Regulation 3, if such person is the holder of a valid operator license or certificate which is the equivalent of, or of a higher class than, the restricted radiotelephone operator's certificate valid for the operation of radio transmitting equipment for power in excess of 50 watts as provided by the Atlantic City Radio Regulations,<sup>1</sup> provided, however, that such person can demonstrate to the satisfaction of representatives of either of the Contracting Governments his ability to speak and understand the English language, and provided, further, that nothing in this paragraph 2 shall be construed to change any of the requirements of the domestic law of Canada or the United States with respect to the acceptability of a radio operator license or certificate held by a person not a citizen of Canada or the United States for the operation of a radio station licensed by Canada or the United States.

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<sup>1</sup> United Nations, *Treaty Series*, Vols. 194 and 195.

*Regulation 4*

## RECORD OF USE OF RADIOTELEPHONE INSTALLATION FOR SAFETY PURPOSES

1. Each vessel which, in accordance with article 8 of this Agreement, is required to be fitted with a radiotelephone installation, shall make and maintain a record in appropriate form in which the following entries shall be made by an officer or crew member on board who has been certified as required by article 7 of the Agreement, or by a person on duty listening as required by article 7 of the Agreement, or by a licensed or certificated deck officer :

- (a) The name, country of registry, and official number of the vessel;
- (b) The name and radio certificate number of each officer and crew member assigned to the vessel who has been certified as required by article 7 of this Agreement and designated by the master to operate the radiotelephone installation, in such a form as to indicate when each such person was actually on board;
- (c) The name of the person making the particular entry;
- (d) All incidents of an unusual or exceptional nature, including the date and time thereof (Eastern Standard Time), connected with the use of radiotelephone which are of importance to safety, and in particular the substance of all distress calls and distress messages. Entries shall be made as soon as practicable after their observed occurrence, and in the case of distress shall include a statement of the location of the vessel at the time of the incident.
- (e) Details of the maintenance, including a record of the charging of any storage batteries which are necessary for the proper operation of the radiotelephone installation; and
- (f) A daily statement that the requirement of Regulation 2 has been fulfilled, including a statement of the result thereof.

2. The record required by paragraph 1 of this Regulation shall be kept at the main radiotelephone operating location while the vessel is being navigated. All entries in their original form shall be retained on board the vessel for a period of not less than one month from date of entry; and for an additional period of not less than eleven months from date of entry either on board the vessel or elsewhere as determined by the country to which the vessel belongs. During this period, this record shall be available for inspection by the officers authorized by the Contracting Governments to make such inspections.