

§ 67.40 Claims.

(a) *Dispute as to ownership or claim by another person.* When there is any dispute as to the ownership, or when a claim by a person other than the depositor is made for payment, the designated Agents Accounts Branch representative shall withhold payment authorization of withdrawals from the account involved pending instructions from the Chief, Agents Accounts Branch.

(b) *Limitations on claims.* All claims for payment of any postal savings certificate or other evidence of deposit in the postal savings system of the former Canal Zone Postal Service issued prior to October 1, 1979, including duplicates, which are shown by the records in the possession of the Agents Accounts Branch to have been duly paid, shall be barred if not presented to the Panama Canal Commission within six years from the date on which such records show that they were paid.

§ 67.41 Disposal of paid postal savings certificates.

Postal savings certificates or other evidences of deposit in the postal savings system of the former Canal Zone Postal Service, including duplicates, may be disposed of after the expiration of six years from date payment thereon has been made as shown by the records of the Panama Canal Commission.

§ 67.42 Replacement of certificates.

Duplicate postal savings certificates shall not be issued after September 28, 1979. A postal savings certificate that is lost, stolen, destroyed or improperly withheld, shall be paid by cash or check to the depositor, in accordance with the procedures established by this subpart.

§ 67.43 Payment of duplicate certificate.

A duplicate postal savings certificate issued prior to September 29, 1979 may be paid at the Office of the Treasurer, under the same conditions governing the payment of the original postal savings certificate.

§ 67.44 Disposition of recovered certificate.

If, after a duplicate postal savings certificate was issued, the depositor reports that he has found the original certificate, he shall be instructed to surrender the original certificate. The certificate surrendered shall be endorsed with the word "Canceled" across its face and retained at Agents Accounts Branch as office records.

PART 70—PROCEDURES FOR CHANGING RULES OF MEASUREMENT OR RATES OF TOLLS

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SOURCE: 47 FR 8177, Feb. 25, 1982, unless otherwise noted.

§ 70.1 Scope.

These regulations establish procedures for prescribing or changing the rules of measurement of vessels for the Panama Canal and the rates of tolls that shall be levied for the use of the Canal.

§ 70.2 Definitions.

As used in this part:

(a) *Board* means the nine-member Board of the Panama Canal Commission, appointed pursuant to section 1102 of the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 456.

(b) *Commission* means the Panama Canal Commission.

(c) *Hearing* means a public proceeding at which interested persons are afforded an opportunity to participate in rulemaking through submission of

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written data, views or arguments with or without oral presentation.

(d) *Panel* means the members of the Board of the Panama Canal Commission, who are designated by the Chairman of the Board to conduct a hearing in accordance with §70.9.

(e) *Party* includes an individual, partnership, corporation, association, or public or private organization other than an agency of the United States Government.

§70.3 Official language.

Hearings, arguments, views, and other data provided for by these rules shall be in the English language.

§70.4 Publication of notice.

The Commission shall publish in the FEDERAL REGISTER notice of any proposed change in the rules of measurement or rates of tolls. Such notice must be published at least 30 days prior to the date of the public hearing referred to in §70.8.

§70.5 Contents of notice.

The notice referred to in §70.4 shall include:

- (a) The substance of the proposed change;
- (b) A statement of the time, place, and nature of the proceedings; and
- (c) A statement of the time by which interested parties must submit the notices of appearance required by §70.10.

§70.6 Analysis for public use.

At the time of publication of the notice referred to in §§70.4 and 70.5, the Commission shall make available to the public an analysis showing:

- (a) The basis and justification for the proposed change, which, in the case of a change in the rates or tolls, shall indicate the conformity of the existing and proposed rates of tolls with the requirements of section 1602 of the Panama Canal Act of 1979; and
- (b) The Commission's full consideration of the following factors:
 - (1) The costs of operating and maintaining the Panama Canal;
 - (2) The competitive position of the use of the Canal in relation to other means of transportation;

(3) The interests of the United States and the Republic of Panama in maintaining their domestic fleets;

(4) The impact of such a change in rates of tolls on the various geographical areas of each of the two countries; and

(5) The interests of both countries in maximizing their international commerce.

§70.7 Data filed by interested parties.

After notice required by §70.4, interested parties shall be given the opportunity to participate in the change in the rules of measurement or rates of tolls through submission of written data, views, or arguments, which shall be filed with the Secretary of the Commission within the time prescribed in the notice. Copies of such data or other materials shall be available for distribution to other interested parties on payment of the cost prescribed by the Commission.

§70.8 Hearing.

Interested parties shall have the opportunity to participate in a hearing which shall be held not less than 30 days after the date of publication of the notice required by §70.4. Such hearing shall be held at the time and place prescribed in the notice. In fixing the time and place for the hearing, due regard shall be had for the convenience of the parties and their representatives. Parties appearing at such hearing may present data supplementary to any material already submitted by them, or any oral argument or statement concerning the rules of measurement or tolls, as appropriate. Upon presentation of such supplementary data, arguments, or statements, the panel may request further information or clarification.

§70.9 Hearing panel.

One or more members of the Board shall be designated by the Chairman of the Board as a panel to conduct the hearing. If two or more members are so designated, one shall be appointed by the Chairman of the Board to act as Chairman of the Panel.

§ 70.10 Notice of appearance; witnesses.

Interested parties may appear at the hearing in person or by or with counsel or other qualified representative if notice of that appearance, including the names and addresses of the parties appearing, is furnished in writing to the Commission's Secretary within the time prescribed by the notice of the hearing. Such notice of appearance shall also state the names and addresses of any witnesses to appear, the capacity in which they will appear, the place at which they desire to be heard if hearings are scheduled to be held at more than one place, and the approximate time requested for the presentation of each witness.

§ 70.11 Conduct of hearing.

The panel shall conduct the hearing in an impartial manner. Subject to applicable statutes and rules, the panel may:

- (a) Regulate the course of the hearing;
- (b) Administer or require the administration of oaths or affirmations;
- (c) Hold conferences for the settlement or simplification of the issues by consent of the parties;
- (d) Dispose of procedural requests or similar matters;
- (e) Exclude irrelevant, immaterial or unduly repetitious material offered by the parties or witnesses; and
- (f) Exclude any party or witness for contumacious or other conduct which interferes with the proceedings.

§ 70.12 Post-hearing revision.

After consideration of the panel's findings and other relevant matters, the Commission may revise the proposed rules of measurement or rates of tolls, as the case may be. However, in the case of rates of tolls, if such revision proposes rates greater than those originally proposed, the proceedings set out above (making an analysis available to the public, minimum of 30 days notice, submission of data, hearing, etc.) shall be repeated. This requirement shall apply to any subsequent revision which proposes rates higher than those in the preceding proposal.

§ 70.13 Transcript.

A transcript of the proceedings at the hearing(s) shall be made available to any party on request and payment of the costs prescribed by the Commission.

§ 70.14 Effective date.

Rules of measurement or rates of tolls prescribed by the Commission, pursuant to Pub. L. 96-70 and these regulations, shall take effect on a date prescribed by the Commission which is not less than 30 days after the Commission publishes such rules or rates in the FEDERAL REGISTER.

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