

Panama Canal Regulations

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or more officials of the Board. The report of any such investigation or proceeding is subject, however, to the requirements of Part 117 of this subchapter.

[35 FR 12274, July 31, 1970, as amended at 46 FR 63187, Dec. 30, 1981; 55 FR 11909, Mar. 30, 1990; 63 FR 2142, Jan. 14, 1998; 63 FR 18837, Apr. 16, 1998; 63 FR 33854, June 22, 1998]

§ 115.3 Employment of inspectors and examiners.

The Board may employ or assign such inspectors and examiners as it may require in the inspection of vessels and in the classification and licensing of pilots, masters, mates, and engineers.

§ 115.4 Recorder of Board; duties.

There shall be a Recorder of the Board, whose duty it shall be to keep a record of its proceedings; of all applications for licenses; of those issued or refused; suspended, extended, or modified; together with the name, grade, and serial number of all such licenses; and of all casualties, collisions, foundering, sinkings, fires and other disasters or matters of interest that may come before the Board. Under the direction of the Chairman he shall prepare, submit, and register all licenses and certificates of inspection, and the reports mentioned in this part or in Part 117, 119, or 121 of this chapter, and shall perform such other duties as may be directed by the Chairman.

§ 115.5 Recorder may administer oaths.

The Recorder is authorized to administer the oaths required for the completion of official documents of, or which are presented to, the Board.

CROSS REFERENCE: For authority of the Board to administer oaths, see 2 C.Z.C. 1101, 76A Stat. 38.

§ 115.6 Assistance of owners or operators and masters.

Owners or operators and masters of vessels shall render all requested assistance to the Board in its investigations and inspections, and shall, when requested, put machinery and gear in operation when necessary to demonstrate the efficiency of the machin-

ery, equipment, appliances or other gear.

§ 115.7 Inspection of records of Board.

All official records and documents in the office of the Board, after official action thereon has been concluded, shall be open to public inspection and examination in the office of the Board.

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

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AUTHORITY: 22 U.S.C. 3778; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.

SOURCE: 46 FR 63188, Dec. 30, 1981, unless otherwise noted.

§ 117.1 Investigation of marine accidents.

(a) Whenever, within Panama Canal waters, including the locks of the Canal, a vessel, or its cargo, crew, or passenger, meets with a serious marine accident, or whenever, within the harbors, anchorages, and areas adjacent thereto, including the ports of Balboa and Cristobal, there is a serious marine accident involving Commission personnel or equipment, the Board of Local Inspectors shall promptly investigate in detail the conditions and circumstances under which such accident occurred.

(b) Any other marine accident occurring in such waters may be investigated by the Board at the discretion of the Maritime Operations Director.

(c) The Master of a vessel involved in a marine accident may request an investigation of an accident not considered by the Board to fall within paragraph (a) of this section. The request must be addressed to the Chairman of the Board, and must be in writing. If

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the Master does not so request such an investigation in writing, he shall be deemed to have waived all rights to the investigation called for by section 1417, Pub. L. 96-70, 93 Stat. 487, which provides that a claim may not be considered by the Panama Canal Commission, or an action for damages lie thereon, unless, prior to the departure from the Panama Canal of the vessel involved:

(1) The investigation by the competent authorities of the accident or injury giving rise to the claim has been completed; and,

(2) The basis for the claim has been laid before the Commission.

(d) For the purpose of this section, the term "serious marine accident" includes:

(1) Any accident involving substantial damage to any structure, plant, or equipment of the Panama Canal Commission or the United States; and

(2) Any accident (i) involving death or resulting in personal injury that requires admission of a person to a hospital as a bed patient; or (ii) resulting in damages to a vessel which require the making of repairs prior to the vessel's departure from the Canal; *Provided that* the Maritime Operations Director or his designee has reason to believe that personnel or equipment of the Panama Canal Commission were then aboard or were assisting the vessel involved in the accident or were situated (aboard another vessel, ashore or otherwise) so as to have been a factor in the accident.

[46 FR 63188, Dec. 30, 1981, as amended at 63 FR 2142, Jan. 14, 1998]

CROSS REFERENCE: Compelling attendance and testimony of witnesses and production of books and papers by Board, see section 1418, Pub. L. 96-70, 93 Stat. 487.

§ 117.1a Scheduling of investigations.

(a) Marine-accident investigations shall be scheduled so as to afford pilots and other parties in interest a period of time not less than that provided below for rest and consultation prior to the commencement of an investigation:

Relief time	Time of investigation
0000-0400	1400-1800 (12 hours minimum)
0400-0800	1600-2000 (12 hours minimum)
0800-1200	1800-2200 (10 hours minimum)
1200-1600	0800 Next Day.

Relief time	Time of investigation
1600-2000	1000 Next Day.
2000-2400	1000 Next Day.

(b) The column "Relief Time", set out in paragraph (a) of this section, indicates the period during which the pilot or other party in interest completed the transit during which an accident occurred or the time at which he was relieved of duty following the occurrence of an accident. The column "Time of Investigation", set out in paragraph (a) of this section, indicates the earliest time at which the investigation may be scheduled. In exceptional cases a departure from this schedule may be made, as for example in the case of warships or other vessels that have an imperative need to resume the voyage as soon as possible. Unless a pilot or other party in interest requests the time provided in this schedule, the hearing may be set for an earlier hour.

[32 FR 3830, Mar. 8, 1967]

§ 117.1b Rights of party in interest.

Any Panama Canal pilot or other individual who is a party in interest at a marine-accident investigation may obtain counsel of his own choosing, testify in his own behalf, cross-examine witnesses, call witnesses, and introduce any relevant evidence. The Board shall advise all parties in interest of such rights.

§ 117.2 Change in physical status of property affected by accident forbidden.

In the event of a marine accident or casualty affecting any property in Panama Canal waters, or waters adjacent thereto, or any property owned or operated by the Panama Canal Commission or the United States, which imposes on the Board an obligation to investigate, no change in the physical status of the property affected by the accident or casualty may be made or permitted prior to inspection by properly constituted authority, unless such change in status be imperative in order to preserve life or property.

§ 117.3 Reports by Board to the Administrator.

The Board shall submit reports of all marine accident investigations conducted by it to the Administrator for approval. Such reports shall set forth in detail the facts and circumstances surrounding the accident and bearing upon its proximate causation, the nature and extent of the injury, and the amount of damages, if any, occasioned by such injury. The reports shall include a transcript of the record of the Board's investigation, together with its findings and opinions respecting the accident. All findings and opinions of the Board shall be rendered by a full Board after a review of the entire transcript, even though the hearing may have been conducted by a single member of the Board or by a two-man Board. Reports of the Board do not become final until they are approved by the Administrator.

[63 FR 2142, Jan. 14, 1998]

§ 117.4 Reports of accidents by officer in command to Board.

The Master or other officer in command of a vessel shall, prior to the vessel's departure from Panama Canal waters, report in writing to the Board any accident involving his vessel in Canal waters that resulted in loss of life or serious personal injury or in substantial damage to property.

(Approved by the Office of Management and Budget under control number 3207-0001)

[46 FR 63188, Dec. 30, 1981, as amended at 54 FR 29336, July 12, 1989]

§ 117.5 Control of wrecked, injured, or burning vessels.

When a vessel in the Panama Canal waters goes aground, or is wrecked, or is so injured that it is liable to become an obstruction in such waters, or is on fire, the Canal Operations Captain shall have the right to supervise and direct, or to take complete charge of and conduct, all operations which may be necessary to float the vessel, to clear the wreckage, to remove the injured vessel to a safe location, or to extinguish the fire, as the case may be. The Canal Operations Captain may, when necessary, take such action with-

out awaiting the permission of the owner or agent of the vessel, and may require the Master of the vessel and all persons under his supervision and control to place the vessel, and all equipment on board, at the disposal of the Canal Operations Captain without costs to the Commission. Unless the Panama Canal Commission is subsequently found or determined to be responsible for the accident or the condition necessitating action by the Canal Operations Captain, the necessary expenses incurred by the Commission in carrying out the provisions of this section shall be a proper charge against such vessel, her owners and her operators.

[46 FR 63188, Dec. 30, 1981, as amended at 55 FR 11909, Mar. 30, 1990]

§ 117.6 Liability of vessel for injury to Canal structures or equipment.

A vessel, or her owner or operator, shall be held liable for any injury to any structure, plant, or equipment of or pertaining to the Canal, the Panama Canal Commission or the United States when the injury is proximately caused by the negligence or fault of the vessel or its master or crew. No vessel shall make fast, or run any line, to any marker, buoy, beacon, or other aid to navigation; and a vessel shall so navigate as not to strike such aids in passing.

PART 119—LICENSING OF OFFICERS**Subpart A—General Provisions**

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