

## § 4.01-1

- 4.09-5 Powers of Marine Board of Investigation.
- 4.09-10 Witnesses, payment of.
- 4.09-15 Time and place of investigation, notice of; rights of witnesses, etc.
- 4.09-17 Sessions to be public.
- 4.09-20 Record of proceedings.
- 4.09-25 U.S. Attorney to be notified.
- 4.09-30 Action on report.
- 4.09-35 Preferment of charges.

### Subpart 4.11—Witnesses and Witness Fees

- 4.11-1 Employees of vessels controlled by Army or Navy as witnesses.
- 4.11-5 Coercion of witnesses.
- 4.11-10 Witness fees and allowances.

### Subpart 4.12—Testimony by Interrogatories and Depositions

- 4.12-1 Application, procedure, and admissibility.

### Subpart 4.13—Availability of Records

- 4.13-1 Public availability of records.

### Subpart 4.19—Construction of Regulations and Rules of Evidence

- 4.19-1 Construction of regulations.
- 4.19-5 Adherence to rules of evidence.

### Subpart 4.21—Computation of Time

- 4.21-1 Computation of time.

### Subpart 4.23—Evidence of Criminal Liability

- 4.23-1 Evidence of criminal liability.

### Subpart 4.40—Coast Guard—National Transportation Safety Board Marine Casualty Investigations

- 4.40-1 Purpose.
- 4.40-3 Relationship to Coast Guard marine investigation regulations and procedures.
- 4.40-5 Definitions.
- 4.40-10 Preliminary investigation by the Coast Guard.
- 4.40-15 Marine casualty investigation by the Board.
- 4.40-20 Cause or probable cause determinations from Board investigation.
- 4.40-25 Coast Guard marine casualty investigation for the Board.
- 4.40-30 Procedures for Coast Guard investigation.
- 4.40-35 Records of the Coast Guard and the Board.

AUTHORITY: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; Department of Homeland Security Delegation No. 0170.1. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E).

## 46 CFR Ch. I (10-1-04 Edition)

SOURCE: CGD 74-119, 39 FR 33317, Sept. 17, 1974, unless otherwise noted.

### Subpart 4.01—Authority and Scope of Regulations

#### § 4.01-1 Scope of regulation.

The regulations in this part govern the reporting of marine casualties, the investigation of marine casualties and the submittal of reports designed to increase the likelihood of timely assistance to vessels in distress.

[CGD 85-015, 51 FR 19341, May 29, 1986]

#### § 4.01-3 Reporting exclusion.

(a) Vessels subject to 33 CFR 173.51 are excluded from the requirements of subpart 4.05.

(b) Vessels which report diving accidents under 46 CFR 197.484 regarding deaths, or injuries which cause incapacitation for greater than 72 hours, are not required to give notice under § 4.05-1(a)(5) or § 4.05-1(a)(6).

(c) Vessels are excluded from the requirements of § 4.05-1(a)(5) and (a)(6) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom failure) and are subject to the reporting requirements of Occupational Safety and Health Administration (OSHA) under 29 CFR 1904.

(d) Except as provided in subpart 4.40, public vessels are excluded from the requirements of this part.

[CGD 76-170, 45 FR 77441, Nov. 24, 1980; 46 FR 19235, Mar. 30, 1981, as amended by CGD 76-170, 47 FR 39684, Sept. 9, 1982; CGD 95-028, 62 FR 51195, Sept. 30, 1997; USCG-2000-7790, 65 FR 58458, Sept. 29, 2000]

### Subpart 4.03—Definitions

#### § 4.03-1 Marine casualty or accident.

(a) The term *marine casualty or accident* shall mean any casualty or accident involving any vessel other than public vessels if such casualty or accident occurs upon the navigable waters of the United States, its territories or possessions or any casualty or accident wherever such casualty or accident may occur involving any United