

§ 159.001-4

Guard for performing certain tests and inspections. In addition to commercial testing laboratories, the Commandant may also accept classification societies and agencies of governments that are involved in the inspection and testing of marine safety equipment that meet the requirements of §159.010-3.

Memorandum of Understanding (MOU) is an agreement between the Coast Guard and a laboratory that specifies the approval functions a recognized independent laboratory performs for the Coast Guard and the recognized independent laboratory's working arrangements with the Coast Guard.

Recognized independent laboratory means an independent laboratory which meets the standards of §159.010-3, and is accepted by the Coast Guard to perform certain equipment approval functions on behalf of the Coast Guard, as described in a Memorandum of Understanding signed by the laboratory and the Coast Guard in accordance with §159.010-7(b).

[CGD 93-055, 61 FR 13927, Mar. 28, 1996]

§ 159.001-4 Incorporation by reference.

(a) Certain materials is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER; and the material must be available to the public. All approved material is available for inspection or at the National Archives and Records Administration (NARA), and at the U.S. Coast Guard, Lifesaving and Fire Safety Standards Division (G-MSE-4), 2100 Second Street SW, Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The material approved for incorporation by reference in this part (subchapter) and the sections affected are as follows:

46 CFR Ch. I (10-1-06 Edition)

INTERNATIONAL MARITIME ORGANIZATION (IMO)

Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom

Resolution A.739(18), Guidelines for the Authorization of Organizations Acting on Behalf of the Administration, November 22, 1993: 159.001-3

[CGD 93-055, 61 FR 13928, Mar. 28, 1996, as amended by CGD 96-041, 61 FR 50733, Sept. 27, 1996; CGD 97-057, 62 FR 51048, Sept. 30, 1997; 69 FR 18803, Apr. 9, 2004]

§ 159.001-5 Correspondence and applications.

Unless otherwise specified, all correspondence and applications in connection with approval and testing of equipment and materials must be addressed to: Commandant (G-PSE-4), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001, Telephone: (202) 372-1392, Facsimile: (202) 372-1924.

[USCG-2006-25697, 71 FR 55747, Sept. 25, 2006]

§ 159.001-7 Substituted procedures.

(a) The Commandant may substitute the procedures in this part for the procedures in any other part of this subchapter. Each person known to be affected by the substitution shall be informed that the procedures in this part apply.

(b) [Reserved]

§ 159.001-9 OMB Control Numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, (44 U.S.C. 3501 et seq.). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB Control No.
§ 159.007-11.13	1625-0035
§ 160.002-5	1625-0035

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46 CFR part or section where identified or described	Current OMB control No.
§ 160.047-5	1625-0035
§ 160.048-5	1625-0035
§ 160.050-5	1625-0035
§ 160.052-7	1625-0035
§ 160.053-4	1625-0035
§ 160.055-4	1625-0035
§ 160.064-6	1625-0035
§§ 161.001 through 161.010	1625-0035
§ 161.171-15	1625-0035
§ 161.171-23	1625-0035
§§ 162.001 through 161.018	1625-0035
§ 162.041	1625-0035
§ 162.043	1625-0035
§ 164.012-13	1625-0035
§ 164.019-5	1625-0035
§ 164.019-7	1625-0035
§ 164.019-9	1625-0035
§ 164.019-13	1625-0035
§ 164.019-15	1625-0035
§ 164.023-15	1625-0035

[49 FR 38121, Sept. 27, 1984, as amended by CGD 86-057, 51 FR 35220, Oct. 2, 1986; CGD 84-068, 58 FR 29492, May 20, 1993; USCG-2004-18884, 69 FR 58350, Sept. 30, 2004]

Subpart 159.005—Approval Procedures

§ 159.005-1 Purpose.

(a) This subpart contains the procedures by which the Coast Guard approves equipment and materials under other subparts of this subchapter that require—

- (1) Preapproval inspections and tests by an independent laboratory;
- (2) Preapproval inspections and tests by the manufacturer; or
- (3) No preapproval inspections or tests.

(b) [Reserved]

§ 159.005-3 Application for preapproval review.

(a) Each manufacturer of equipment or material who seeks Coast Guard approval under an applicable subpart must submit an application that meets § 159.005-5 to the Commandant unless—

- (1) The subpart contains a list of independent laboratories;
- (2) The subpart does not require Coast Guard review prior to testing; and
- (3) The manufacturer meets the requirements of paragraph (b) of this section.

(b) If the applicable subpart contains a list of independent laboratories and

does not specifically require preapproval review by the Coast Guard, the manufacturer may have the tests performed by a listed laboratory and submit the report required by § 159.005-11 to the Commandant.

§ 159.005-5 Preapproval review: Contents of application.

(a) Each application must contain the following:

(1) The name and address of the manufacturer and the factory where the finished equipment or material is produced.

(2) One or more of the following as required by the applicable subpart:

- (i) Two sets of general plans of the equipment or material.
- (ii) Two sets of specifications of the equipment or material.
- (iii) A sample of the equipment or material accompanied by a written description of its components.

(3) A statement signed by the manufacturer or the manufacturer's representative, that an official representative of the Coast Guard is allowed access to the place of manufacture and to the place of test to verify the information submitted in the application or to witness tests.

(4) If the material submitted under paragraph (a)(2) of this section contains confidential commercial information that could cause substantial competitive harm if released to the public, a statement to the effect that the material is considered privileged and confidential under exemption (b)(4) of the Freedom of Information Act (5 U.S.C. 552), and that it should not be released to anyone other than the original submitter.

(b) If the equipment or material is required by the subpart to be inspected and tested by an independent laboratory, the application must contain the following additional information:

(1) The name and address of a laboratory that meets § 159.010-3(a) and that is selected by the manufacturer to perform or supervise the inspections and tests.

(2) If the laboratory has not been accepted previously for inspecting and testing the manufacturer's equipment