

**§ 159.005-7**

or material under the applicable subpart, the completed application under § 159.010-5(a).

[44 FR 73043, Dec. 17, 1979, as amended by CGD 85-205, 62 FR 25545, May 9, 1997]

**§ 159.005-7 Preapproval review: Coast Guard action.**

(a) If approval inspections and tests are required under the applicable subpart, the Commandant takes the following action:

(1) If the Commandant determines from the application that the equipment or material appears to meet the design requirements of an applicable subpart or appears to have equivalent performance characteristics, and that the laboratory meets § 159.010-3(a), the Commandant informs the manufacturer that the required approval inspections and tests may be conducted.

(2) If the Commandant determines from the application for approval that the equipment or material does not appear to meet the design requirements of an applicable subpart or does not appear to have equivalent performance characteristics, or that the laboratory does not meet § 159.010-3(a), the Commandant informs the manufacturer of the reason why the equipment or material is not acceptable for approval inspections and tests or why the laboratory is not accepted.

(b) If no approval inspections or tests are required under the applicable subpart, the Commandant—

(1) Takes action in accordance with § 159.005-13; or

(2) Informs the manufacturer of additional information required before action under § 159.005-13 can be taken.

(c) An item of equipment or material that does not meet all of the requirements of this subchapter for design or performance may be approved by the Commandant if it has equivalent performance characteristics. The item has equivalent performance characteristics if the application and any approval tests prescribed by the Commandant, in place of or in addition to the approval tests required by this subchapter, demonstrate to the satisfaction of the Commandant that the item is at least as effective as one that

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meets the requirements of this subchapter.

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**§ 159.005-9 Approval inspections and tests.**

(a) Each manufacturer of equipment or material that is required to be subjected to approval inspections and tests must—

(1) If the applicable subpart requires the equipment or material to be inspected or tested, have the approval inspections or tests performed;

(2) If the applicable subpart requires the equipment or material to be inspected or tested by an independent laboratory, insure that a laboratory accepted by the Commandant performs or supervises the approval inspections or tests;

(3) Bear all costs of the approval inspections and tests;

(4) If requested, advise the Commandant of the time, date, and place of each approval inspection or test, or both, before the inspection or test is performed; and

(5) After completion of the approval inspections and tests, submit to the Commandant—

(i) A test report that meets § 159.005-11;

(ii) At least two sets of specifications of the material as inspected or tested or at least two sets of plans of the equipment as inspected or tested that meet § 159.005-12; and

(iii) A description of the quality control procedures that will be in effect during the production of the equipment or material.

(b) [Reserved]

**§ 159.005-11 Approval inspection or test report: Contents.**

(a) Each approval inspection or test report must contain the following:

(1) The name of the manufacturer.

(2) If the inspections or tests are performed or supervised by an independent laboratory, the name and address of the laboratory.

(3) The trade name, product designation (such as model numbers), and a brief description of the equipment or material inspected or tested.

(4) The time, date, and place of each approval inspection and test.

(5) The name and title of each person performing, supervising, and witnessing the approval inspections or tests.

(6) The performance data for each test required in the applicable subpart, including a description of each failure.

(7) A description or photographs of the procedures and apparatus used in the inspections or tests, or a reference to another document that contains an appropriate description or photographs.

(8) At least one photograph that shows an overall view of the equipment or material submitted for approval and other photographs that show—

(i) Design details; and

(ii) Each occurrence of damage or deformation to the equipment or material that occurred during the approval tests.

(b) Each inspection or test report must bear an attestation that the inspections or tests were conducted as required by the applicable subpart and that the report contains no known errors, omissions, or false statements. The attestation must be signed by:

(1) The manufacturer or manufacturer's representative, if the inspection or tests are conducted by the manufacturer; or

(2) The chief officer of the laboratory, or the chief officer's representative, if the inspection or tests were conducted by an independent laboratory.

NOTE: A false representation on a report is a ground for suspension or withdrawal of approval of the equipment or material. A false representation is also punishable as a crime under 18 U.S.C. 1001.

#### § 159.005-12 Plans.

(a) Each set of plans under § 159.005-9(a)(5)(ii) for equipment must include the following:

(1) An assembly drawing or general arrangement drawing.

(2) A description of each component of the equipment that includes the name, the manufacturer, and the part identification of each component in—

(i) A detail drawing;

(ii) A bill of material or parts list; or

(iii) A specification for that component.

(3) A list of the drawings and specifications in the set of plans, including each revision, and the date of that list.

(4) If a manufacturer's instructions or manual is required in the applicable subpart, a copy of the instructions or manual.

(b) [Reserved]

#### § 159.005-13 Equipment or material: Approval.

(a) If from analysis of the material and data required to be submitted under this subpart, the Commandant determines that the equipment or material meets the applicable subpart or has equivalent performance characteristics in accordance with § 159.005-7(c), the Commandant—

(1) Approves the equipment or material;

(2) Issues a certificate of approval to the manufacturer under § 2.75-5 of this chapter;

(3) Retains one set of approved plans and returns all others to the manufacturer; and

(4) Publishes a record of the approval in "Equipment Lists." The most recent edition of "Equipment Lists" U.S. Coast Guard Publication M16714.3 (series) is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954.

(b) If from analysis of the material and data submitted the Commandant determines that the equipment or material does not meet the applicable subpart, the Commandant informs the manufacturer of the reason why that equipment or material does not meet the subpart.

(c) If an independent laboratory performs the approval inspections or tests, the Commandant will notify the laboratory of the actions taken under paragraph (a) or (b) of this section, unless the manufacturer specifically requests that the laboratory not be notified.

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