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§ 159.005-15 Approval of equipment or material: Suspensions, withdrawals, and terminations.

(a) The Commandant suspends an approval issued under this subchapter in accordance with § 2.75-40 of this chapter, withdraws an approval issued under this subchapter in accordance with § 2.75-50(a) of this chapter, and terminates an approval issued under this subchapter in accordance with § 2.75-50(b) of this chapter.

(b) [Reserved]

Subpart 159.007—Production Inspection and Tests of Approved Equipment and Materials

§ 159.007-1 Purpose.

(a) This subpart contains the procedures under which production inspections and tests of approved equipment or materials are to be performed under this subchapter.

(b) [Reserved]

§ 159.007-3 Production inspections and tests: Independent laboratory's procedures.

(a) The manufacturer may follow an independent laboratory's procedures for production inspections and tests if those procedures—

(1) Meet or exceed the production inspection and test requirements of the applicable subpart or are equivalent to those inspections and tests;

(2) Include labeling or marking the equipment or material when the equipment or material meets the inspection and test procedures of the laboratory; and

(3) Are accepted by the Commandant under § 159.007-7(b).

(b) [Reserved]

§ 159.007-5 Production inspections and tests: Application for acceptance.

(a) If the applicable subpart requires production inspections and tests by an independent laboratory, the manufacturer must select a laboratory and submit an application for acceptance that meets § 159.010-5(a) unless the laboratory—

(1) Is listed in the subpart; or

(2) Is accepted by the Commandant for approval inspections and tests of

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the equipment or material under § 159.005-7(a)(1).

(b) If the manufacturer wants to follow the laboratory's procedures for production inspections and tests instead of meeting the Coast Guard procedures under this subchapter, the application must contain a description of those procedures.

§ 159.007-7 Application for acceptance for production inspections and tests: Coast Guard action.

(a) From the information submitted with the application, the Commandant determines whether or not the laboratory is accepted for production inspections and tests. The Commandant informs the manufacturer of the results of this determination, if the Commandant does not accept a laboratory, the reason for the disapproval will be given.

(b) From the description of the laboratory's procedures for production inspections and tests, the Commandant determines whether or not those procedures are accepted. The Commandant informs the manufacturer of the results of this determination. If the Commandant does not accept the laboratory's procedures, the reasons why they are not accepted will be given.

§ 159.007-9 Production inspections and tests.

(a) If the applicable subpart requires the production inspections and tests to be performed or supervised by an independent laboratory, the manufacturer shall insure that all required production inspections and tests are performed or supervised by an independent laboratory accepted by the Commandant.

(b) If the applicable subpart does not require an independent laboratory to perform the production inspections and tests, the manufacturer shall have those inspections and tests performed.

(c) Unless alternative procedures have been accepted by the Commandant under § 159.007-3 each production inspection and test must be performed or supervised in accordance with the applicable subpart.

(d) The manufacturer shall admit a Coast Guard inspector to any place

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where approved equipment is manufactured, for the purpose of verifying that the equipment is being manufactured in accordance with the approved plans and the requirements of this subchapter.

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

§ 159.007-11 Production inspections and tests: Yearly report.

(a) When the manufacturer uses the production inspection and test procedures in an applicable subpart he must submit a yearly report. The report is not required when inspection and test procedures approved under §159.007-3 are used.

(b) The report must include the following:

- (1) A list of all inspections and tests performed;
- (2) A summary of the results of each group of inspections or tests;
- (3) A detailed description of any test failures; and
- (4) A statement whether or not all required tests were performed.

§ 159.007-13 Production inspections and tests: Records.

(a) The manufacturer must have a completed record with the following information for each production inspection and test:

- (1) The time, date and place of each inspection and test.
- (2) The name and title of each person performing, supervising and witnessing the inspections or tests.
- (3) The performance data for each test required in the applicable subpart, including a description of each failure.
- (4) A description or photographs of the procedures and apparatus used in the inspections or tests.

(b) The manufacturer must retain each record under this section for at least 60 months after the month in which the inspection or test was conducted.

(c) The records must be made available for examination by the Commandant upon request.

Subpart 159.010—Independent Laboratory: Acceptance, Recognition, and Termination

§ 159.010-1 Purpose.

This subpart contains the following:

- (a) The standards and procedures under which the Coast Guard accepts an independent laboratory that a manufacturer proposes to use.
- (b) The standards and procedures under which a laboratory is accepted as a recognized laboratory under applicable subparts.
- (c) The circumstances under which the acceptance or recognition of a laboratory is terminated.

[CGD 93-055, 61 FR 13928, Mar. 28, 1996]

§ 159.010-3 Independent laboratory: Standards for acceptance.

(a) To be accepted by the Coast Guard as an independent laboratory, a laboratory must—

- (1) Be engaged, as a regular part of its business, in performing inspections and tests that are the same as or similar to the inspections and tests required in the applicable subpart;
 - (2) Have or have access to the apparatus, facilities, personnel, and calibrated instruments that are necessary to inspect and test the equipment or material under the applicable subpart;
 - (3) Not be owned or controlled by—
 - (i) The manufacturer of the equipment or material to be inspected or tested under this subchapter or any manufacturer of similar equipment or material;
 - (ii) A vendor of the equipment or material to be inspected or tested under this subchapter or a vendor of similar equipment or material; or
 - (iii) A supplier of materials to the manufacturer;
 - (4) Not be dependent on Coast Guard acceptance under this subchapter to remain in business; and
 - (5) Not advertise or promote the manufacturer's equipment or material that the laboratory inspects and tests under this subchapter.
- (b) [Reserved]