

and to determine conformance of labeled product to the applicable requirements are conducted by the recognized laboratory. Whenever any work is being done on components or the assembly of such product, the manufacturer shall notify the recognized laboratory in order that an inspector may be assigned to the factory to conduct such examinations, inspections, and tests as to satisfy himself that the quality assurance program of the manufacturer is satisfactory, and that the labeled product is in conformance with the applicable requirements.

(b) Manufacturers of listed or labeled marine type portable fire extinguishers shall maintain quality control of the materials used, manufacturing methods, and the finished product so as to meet the applicable requirements, and shall make sufficient inspections and tests of representative samples of the extinguishers and various components produced to maintain the quality of the finished product. Records of tests conducted by the manufacturer shall be made available to the laboratory inspector or to the merchant marine inspector, or both, for review upon request.

(c) Follow-up check tests, examinations, and inspections of product listed and labeled as a "marine type" portable fire extinguisher acceptable to the Commandant as approved for use on merchant vessels and motorboats may be conducted by the Coast Guard, as well as by the recognized laboratory.

(d) The laboratory inspector, or the Coast Guard marine inspector assigned by the Commander of the District in which the factory is located, or both, shall be admitted to any place in the factory where work is being done on listed or labeled product, and either or both inspectors may take samples of parts or materials entering into construction, or final assemblies, for further examinations, inspections or tests. The manufacturer shall provide a suitable place and the apparatus necessary for the performance of the tests which are done at the place of manufacture.

§ 162.028-7 Procedure for listing and labeling.

(a) Manufacturers having a marine-type portable fire extinguisher which they consider has characteristics suitable for general use on merchant vessels and motorboats may make application for listing and labeling as a marine-type portable fire extinguisher by addressing a request directly to a recognized laboratory. The laboratory will inform the submitter as to the requirements for inspection, examinations, and testing necessary for such listing and labeling. The request shall include permission for the laboratory to furnish a complete test report together with a description of the quality control procedures to the Commandant.

(b) The U.S. Coast Guard will review the test report and quality control procedures to determine if the requirements in § 162.028-3 have been met. If this is the case, the Commandant will notify the laboratory that the extinguisher is approved and that when the extinguisher is listed and labeled, it may be marked as being U.S. Coast Guard approved.

(c) If disagreements concerning procedural, technical, or inspection questions arise over U.S. Coast Guard approval requirements between the manufacturer and the laboratory, the opinion of the Commandant shall be requested by the laboratory.

(d) The manufacturer or the laboratory may at any time request clarification or advice from the Commandant on any question which may arise regarding manufacturing and approval of approved devices.

[CGD 72-214R, 38 FR 6880, Mar. 14, 1973]

§ 162.028-8 Termination of listing or labeling.

(a) Listing or labeling as a marine type portable fire extinguisher acceptable to the Commandant as approved for use on inspected vessels and motorboats, may be terminated, withdrawn, cancelled, or suspended by written notice to the recognized laboratory from the Commandant, or by written notice to the manufacturer from the recognized laboratory or from the Commandant, under the following conditions: