

SUBCHAPTER P—MANNING OF VESSELS [RESERVED] SUBCHAPTER Q—EQUIPMENT, CONSTRUCTION, AND MATERIALS: SPECIFICATIONS AND APPROVAL

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

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AUTHORITY: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46; Section 159.001-9 also issued under the authority of 44 U.S.C. 3507.

SOURCE: CGD 76-048, 44 FR 73043, Dec. 17, 1979, unless otherwise noted.

Subpart 159.001—General

§ 159.001-1 Purpose.

(a) This part contains the procedures for the approval of equipment and materials when that equipment or material is inspected or tested by an independent laboratory or by the manufacturer of the equipment or material.

(b) [Reserved]

§ 159.001-2 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal to the Chief, Marine Safety and Environmental Protection (Commandant (CG-5)) as provided in § 1.03-15 of this chapter.

[CGD 93-055, 61 FR 13927, Mar. 28, 1996, as amended by CGD 96-041, 61 FR 50733, Sept. 27, 1996; USCG-2009-0702, 74 FR 49236, Sept. 25, 2009]

§ 159.001-3 Definitions.

As used in this part:

Classification society means an organization involved in the inspection of ships and ship equipment, and which, as determined by the Commandant, meets the standards in IMO Resolution A.739(18).

Independent laboratory means an organization which meets the standards for acceptance in § 159.010-3 of this part,

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and which is accepted by the Coast 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 (CG-5214), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, 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 (10-1-10 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; USCG-2009-0702, 74 FR 49236, Sept. 25, 2009]

§ 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 (CG-5214), U.S. Coast Guard, 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, Telephone: (202) 372-1392, Facsimile: (202) 372-1924.

[USCG-2006-25697, 71 FR 55747, Sept. 25, 2006, as amended by ; USCG-2009-0702, 74 FR 49236, Sept. 25, 2009]

§ 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.*