

(c) An application submitted in accordance with 46 CFR part 8, subpart B satisfies the application requirements of paragraph (a) of this section, provided the applicant:

(1) Has been notified in writing by the Commandant that it met the criteria to be a recognized classification society, and its recognized status has not been revoked, under 46 CFR part 8, subpart B;

(2) Submits in writing and in the English language to the address in paragraph (a) of this section a statement that the applicant is applying for approval under this subpart; and

(3) Certifies in the submission under paragraph (c)(2) of this section that the information in the application submitted under 46 CFR part 8, subpart B remains valid.

§ 2.45-30 Penalties.

The owner, charterer, managing operator, agent, master, or individual in charge of a vessel that employs a classification society to review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States is subject to civil penalties in accordance with Title 46 U.S.C. 3318 if the classification society is not approved by the Coast Guard under this subpart.

Subpart 2.50—Penalties

§ 2.50-1 Penalty procedures.

Civil and criminal penalty procedures appear in 33 CFR part 1. Civil monetary penalty amounts are set forth in 33 CFR part 27.

[CGD 96-052, 62 FR 16703, Apr. 8, 1997]

Subpart 2.75—Approvals of Safety Equipment, Materials and Installations, and Qualifications for Construction Personnel

§ 2.75-1 Approvals.

(a) Certain navigation and vessel inspection laws, or regulations in this chapter or in 33 CFR chapter I, require the Commandant's approval before specific types of safety equipment, materials, or installations may be installed or used on vessels subject to Coast Guard inspection, or on other described

vessels, motorboats, artificial islands, and fixed structures.

(b) The Commandant's approvals are issued to persons, partnerships, companies, or corporations who offer for sale specific items of safety equipment, materials, or installations, or intend them for their own or others' use. These approvals are intended to provide a control over the quality of such approved items. The Commandant's approvals apply only to those items constructed or installed in accordance with applicable requirements, and the details as described in the documents granting specific approval. If a specific item when manufactured does not comply with these details, then it is not considered to be approved and the approval issued does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item. The failure to comply with applicable requirements and details specified in the approval subjects the holder to immediate suspension of approval as described in § 2.75-40, and if necessary, to a public hearing seeking withdrawal of approval and removal of all such items from use or installation as provided in § 2.75-50.

(c) The Commandant's approvals are issued to qualified holders in the form of certificates of approval (Form CGHQ-10030), by appropriate description and identification in documents filed with the Office of the Federal Register and published in the FEDERAL REGISTER, or by letters, or by appropriate markings on drawings, plans, etc. Under the direction of the Commandant, the Deputy for Operations Policy and Capabilities (CG-DCO-D) is delegated the authority to exercise the necessary actions relating to the granting, suspension, cancellation or revocation of approvals for special items of safety equipment, materials or installations required by law in regulation in this chapter or in 33 CFR chapter I to have the Commandant's approval. The authority delegated to the Deputy for Operations Policy and Capabilities (CG-DCO-D) may be further delegated by him.

(d) The approvals granted to holders qualifying under the regulations in this

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chapter or in specifications, copies of which may be obtained from the Commandant (CG-ENG), and to which official Coast Guard numbers are assigned, will be in the form of certificates of approval. Unless specifically provided otherwise, the approval shall be valid for a period of five years from the date on the certificate of approval, but subject to suspension and/or cancellation if it is found the item offered, sold, or used as Coast Guard approved differs in any detail from the item as described in the certificate of approval and referenced material.

(e) A specific Commandant's approval granted to anyone, which is described in a certificate of approval, or a letter, or marked plans, etc., cannot be transferred to another without a specific prior authorization from the Commandant. Such a transfer without the Commandant's authorization normally terminates such approval.

(f) A listing of current and formerly approved equipment and materials may be found on the internet at: <http://cgmix.uscg.mil/equipment>. Each OCMI may be contacted for information concerning approved equipment.

[CGFR 65-50, 30 FR 16604, Dec. 30, 1965, as amended by CGD 82-063b, 48 FR 4781, Feb. 3, 1983; CGD 88-070, 53 FR 34533, Sept. 7, 1988; CGD 95-072, 60 FR 50459, Sept. 29, 1995; CGD 93-055, 61 FR 13927, Mar. 28, 1996; CGD 96-041, 61 FR 50725, Sept. 27, 1996; CGD 97-057, 62 FR 51041, Sept. 30, 1997; USCG-2004-18884, 69 FR 58341, Sept. 30, 2004; USCG-2010-0759, 75 FR 60001, Sept. 29, 2010]

§ 2.75-5 Certificates of approval.

(a) The Deputy for Operations Policy and Capabilities (CG-DCO-D) or his delegate, will issue a certificate of approval to the manufacturer or party named therein and certify that such manufacturer or party has submitted satisfactory evidence that the item described therein complies with the applicable laws and regulations, which are outlined on the reverse side of the certificate.

(b) The approval shall be in effect for a period of 5 years from the date on the certificate of approval unless canceled or suspended by proper authority, or

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otherwise specifically stated in the certificate.

[CGFR 65-50, 30 FR 16604, Dec. 30, 1965, as amended by CGD 82-063b, 48 FR 4781, Feb. 3, 1983; CGD 88-070, 53 FR 34533, Sept. 7, 1988; CGD 96-041, 61 FR 50725, Sept. 27, 1996; CGD 97-057, 62 FR 51041, Sept. 30, 1997; USCG-2004-18884, 69 FR 58341, Sept. 30, 2004]

§ 2.75-10 Procedures for obtaining approvals.

(a) The requirements for obtaining approvals of items covered by specifications and bearing official Coast Guard approval numbers are set forth in parts 159 through 164 of this chapter. For other items, the requirements are described in the regulations governing such items.

(b) Unless otherwise specified, correspondence concerning approvals should be addressed to the Commandant (CG-ENG), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, the material being transmitted with the application should be clearly identified.

[CGD 76-048, 44 FR 73043, Dec. 17, 1979, as amended by CGD 82-063b, 48 FR 4781, Feb. 3, 1983; CGD 88-070, 53 FR 34533, Sept. 7, 1988; CGD 95-072, 60 FR 50459, Sept. 29, 1995; CGD 96-041, 61 FR 50725, Sept. 27, 1996]

§ 2.75-15 Requirements and tests.

(a) Approved items described in certificates of approval are usually required to meet specific requirements and/or tests, prior to obtaining the approval. Additional factory tests to determine that proper uniformity and quality controls are followed during the manufacture of the specific items may be required. These requirements governing the manufacturer in particular are set forth in the regulations in this chapter or in specifications, copies of which may be obtained from the Commandant (CG-ENG). If the requirements are met, a certificate of approval will be issued.

(b) When the specific item described in an application, together with accompanying drawings, plans, etc., does not meet applicable requirements or fails to meet specified tests, the applicant will be notified accordingly. The Coast Guard may suggest changes in order