

## § 2.75-10

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), Attn: Office of Design and Engineering Systems, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509. 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

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will be notified accordingly. The Coast Guard may suggest changes in order for the item to qualify and permit the issuance of an approval.

(c) For items not covered by specification requirements in parts 160 to 164, inclusive (subchapter Q—Specifications) of this chapter, the requirements in the navigation and vessel inspection laws, and applicable regulations in this chapter or in 33 CFR chapter I apply and shall be met before approvals may be issued.

[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 96-041, 61 FR 50725, Sept. 27, 1996]

### § 2.75-25 Portable fire extinguishers.

(a) The portable fire extinguishers listed and labeled as *marine type* by a recognized laboratory, as provided in subpart 162.028 of part 162 of subchapter Q (Specifications) of this chapter, will be accepted as approved for use on merchant vessels, motorboats, etc., whenever required by the regulations in this chapter, and for use on artificial islands and fixed structures on the Outer Continental Shelf whenever required by the regulations in 33 CFR parts 140 to 146, inclusive.

(b) The procedures for manufacturers to follow and the requirements governing portable fire extinguishers to qualify being listed and labeled as *marine type* by a recognized laboratory are set forth in subpart 162.028 of part 162 of subchapter Q (Specifications) of this chapter.

(c) The procedures for a laboratory to qualify as a *recognized laboratory* and to be listed in §162.028-5 of subchapter Q (Specifications) of this chapter are as follows:

(1) The laboratory shall submit an informal application in writing on its usual letterhead paper to the Commandant (CG-5PS), Attn: Director of Commercial Regulations, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509, requesting recognition and listing, as a recognized laboratory.

(2) Accompanying the informal application, as identified enclosures, shall be:

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(i) A certification that it is a laboratory which has been and is regularly engaged in the examination, testing, and evaluation of portable fire extinguishers.

(ii) A certification that it has an established factory inspection, listing, and labeling program, together with a complete description of it and how it works.

(iii) A description of its facilities used in the examination, testing, and evaluation of portable fire extinguishers, together with its name (if different from that of submitter), and location (city, street, and state).

(iv) A list of the names and home and office addresses of its principal officers and its managing directors (if any).

(v) A description of its special standards for listing and labeling portable fire extinguishers as *marine type*, as contemplated by the specification in subpart 162.028 of part 162 of subchapter Q (Specifications) of this chapter.

(3) If the Commandant finds that a laboratory qualifies as a *recognized laboratory*, and it is subject to Coast Guard jurisdiction, the approval and listing will be published in the FEDERAL REGISTER and will be in effect until suspended, canceled or terminated by proper authority. The failure of a recognized laboratory to maintain its established factory inspection, listing and labeling program as approved by the Commandant shall be cause for terminating a listing as a *recognized laboratory*.

[CGFR 65-50, 30 FR 16604, Dec. 30, 1965, as amended by CGD 82-063b, 48 FR 4781, Feb. 3, 1983]

### § 2.75-40 Suspension of approval.

(a) Whenever it is determined that a specific item is not in compliance with the applicable laws, rules, and regulations, and the requirements specified in the approval issued by the Coast Guard, the District Commander or the Officer in Charge, Marine Inspection, will immediately notify the holder of the approval wherein the specific item fails to meet applicable requirements. If the defects, deficiencies or variations in the item are deemed important, such officer is authorized and may immediately suspend the approval, may require the holder to surrender the cer-

tificate of approval (if any), and may direct the holder to cease claiming the defective items are Coast Guard approved, pending a final decision from the Commandant in the matter.

(b) The procedures for appealing the temporary suspension shall be those described in § 2.01-70.

### § 2.75-50 Withdrawals or terminations of approvals and appeals.

(a) The Commandant may withdraw approval for any item which is found not to be in compliance with the conditions of approval, found to be unsuitable for its intended purpose, or does not meet the requirements of applicable regulations.

(b) Approvals of equipment are terminated when the manufacturer is no longer in business, or when the item is no longer being manufactured, or when the approval expires.

(c) Any person directly affected by a decision to deny, withdraw, or terminate an approval may appeal the decision to Director of Commercial Regulations & Standards (CG-5PS) as provided in § 1.03-15 of this chapter.

[CGFR 65-50, 30 FR 16604, Dec. 30, 1965, as amended by 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]

### § 2.75-60 Hazardous ships' stores.

Hazardous ships' stores, as defined in § 147.3 of this chapter, must not be brought on board or used on any vessel unless they meet the requirements of part 147 of this chapter.

[CGD 84-044, 53 FR 7748, Mar. 10, 1988]

### § 2.75-70 Welding procedure and performance qualifications.

(a) Welding procedures and welder performance utilized in the fabrication of vessels and their various systems and components subject to Coast Guard inspection shall be qualified as required by the applicable subchapter. For applicable requirements see §§ 32.60-1(a) of subchapter D (Tank Vessels), § 72.01-15 of subchapter H (Passenger Vessels), § 92.01-10 of subchapter I (Cargo and Miscellaneous Vessels), or § 190.01-10 of subchapter U (Oceanographic Vessels) of this chapter. See