

§ 450.15

(ii) A copy of the application and final approved drawings (if applicable) to which each approval refers.

(iii) The manufacturer's serial numbers and the owner's identification numbers of all containers covered by each approval.

(4) Each Approval Authority shall establish and make available to the public a schedule of fees for the approval services performed under these regulations. The fees must not be disproportionate to the costs (including transportation expense, if any) actually incurred.

(5) The Approval Authority shall grant the Coast Guard the right to inspect records and shall cooperate in the conduct of such inspections.

(6) The Approval Authority shall comply with any other term or condition stated in its letter of delegation.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 69 FR 58352, Sept. 30, 2004]

§ 450.15 Termination of delegation.

(a) An Approval Authority may voluntarily terminate its delegation by giving written notice of its intent to the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard. This notice must contain the date on which the termination is to be effective.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 69 FR 58352, Sept. 30, 2004]

§ 450.16 Withdrawal of delegation.

(a) The Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard withdraws a delegation if: (1) It is determined that the application for delegation contained a material misrepresentation.

(2) An Approval Authority fails to comply with a condition of delegation.

(3) An Approval Authority is incompetent.

(b) When a delegation is withdrawn, the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard gives to the Approval Authority:

(1) Written notice of the facts or conduct believed to warrant the withdrawal.

49 CFR Ch. IV (10–1–13 Edition)

(2) Opportunity to submit oral or written evidence.

(3) Opportunity to demonstrate or achieve compliance with the applicable requirement.

[45 FR 37213, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 69 FR 58352, Sept. 30, 2004]

PART 451—TESTING AND APPROVAL OF CONTAINERS

Subpart A—Approval of Existing Containers

Sec.

451.1 Application for approval.

451.3 Action by Approval Authority.

451.5 Resubmission or appeal.

451.7 Alternative approval of existing containers.

Subpart B—Approval of New Containers

451.11 Application for approval-general.

451.12 Application for approval by design type.

451.13 Action by approval authority—approval by design type.

451.14 Alternative approval of new containers by design type.

451.15 Application for individual approval.

451.16 Action by approval authority—individual approval.

451.18 Review of denials of approval.

Subpart C—Safety Approval Plate

451.21 Safety approval plate required.

451.23 Plate specifications.

451.25 Required information.

AUTHORITY: 46 U.S.C. 80503; Department of Homeland Security Delegation No. 0170.1.

SOURCE: 45 FR 37214, June 2, 1980, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 451 appear at 74 FR 49241, Sept. 25, 2009, and at 77 FR 59790, Oct. 1, 2012.

Subpart A—Approval of Existing Containers

§ 451.1 Application for approval.

(a) Any owner of an existing container may apply for approval to the Commandant (CG-OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509 or to any Approval Authority.

(b) Each application must include the following for each container:

Coast Guard, DHS

§ 451.11

- (1) Date and place of manufacture.
- (2) Manufacturer's identification number, if available.
- (3) Maximum operating gross weight capacity.
- (4) Allowable stacking weight for 1.8G (1.8×Gross weight in kilograms or pounds).

NOTE: This value is the total load the container is designed to support when subjected to a vertical acceleration of 1.8G.

- (5) A statement that the owner possesses documentary evidence that:

- (i) Container of this type has been safely used in marine or inland transport for a period of at least two years; or

- (ii) The container was manufactured to a design type which had been tested and found to comply with the technical conditions set out in Annex II to the convention with the exception of those technical conditions relating to the end-wall and side-wall strength tests; or

- (iii) The container was constructed to standards that were equivalent to the technical conditions set out in Annex II to the convention with the exception of those technical conditions relating to end-wall and side-wall strength tests.

- (6) A certification by the owner, or, if the owner is a corporation, partnership or unincorporated association, by a person authorized to make such statements for the organization, that the information provided in the application is true and correct.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 69 FR 58352, Sept. 30, 2004; 74 FR 49241, Sept. 25, 2009; 78 FR 60166, Sept. 30, 2013]

§ 451.3 Action by Approval Authority.

(a) The Approval Authority (or the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard, if the application was submitted to the Coast Guard) issues to the owner a notice of approval or notifies the owner in writing that approval is denied, setting forth the deficiencies causing denial. Notification of approval entitles the owner to affix a safety approval plate to each container after an examination of each container concerned has been carried out in ac-

cordance with part 452 of this subchapter. In the case of an application submitted to the Coast Guard, the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard acts on the application within 30 days of receipt of the application.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 69 FR 58352, Sept. 30, 2004]

§ 451.5 Resubmission or appeal.

(a) Upon receipt of a denial of approval for certain containers, an owner may correct the noted deficiencies and resubmit the application without prejudice.

(b) An applicant aggrieved by a decision of an approval authority may obtain review of the decision by the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard. The decision of the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard is a final agency action.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 69 FR 58352, Sept. 30, 2004]

§ 451.7 Alternative approval of existing containers.

(a) Existing containers that do not qualify for approval under this subpart may be presented for approval under the provisions of subpart B of this part. For such containers, the requirements of subpart B of this part, relating to the end and sidewall strength tests, do not apply. Upon showing that the containers have performed satisfactorily in service, the applicant may omit the presentation of drawings and testing, other than the lifting and floor strength test, if permitted by the approval authority.

[45 FR 37214, June 2, 1980, as amended at 69 FR 58352, Sept. 30, 2004]

Subpart B—Approval of New Containers

§ 451.11 Application for approval-general.

(a) An owner of a new container, or a manufacturer acting on behalf of an