

## Coast Guard, DOT

## § 451.12

(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]

### § 451.3 Action by Approval Authority.

(a) The Approval Authority (or the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, 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 accordance with part 452 of this subchapter. In the case of an application submitted to the Coast Guard, the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, 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]

### § 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, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard. The decision of the Chief, Merchant Vessel Inspection Division, Office of Merchant Marine Safety, U.S. Coast Guard is a final agency action.

[45 FR 37214, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982]

### § 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.

## 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 owner, may apply for approval to any approval authority.

### § 451.12 Application for approval by design type.

(a) For approval of new containers by design type, each application must include the following:

(1) Engineering drawings and plans showing platform, end framing, welds and hardware, connections of cross-members, top and bottom rails, roof bows, detailed subassemblies of major structural components and attachments, and any other plans and drawings required by the approval authority.

(2) Design and material specifications including type and size of materials.