

affidavit stating that the agency responsible for implementing the Convention in their country has delegated to the applicant an approval authority, and that it also delegates similar authority to United States citizens or organizations having delegations from the United States. The affidavit must also contain the name and address of the agency to which U.S. citizens or organizations must apply for delegation as an approval authority.

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

**§ 450.12 Criteria for selection of Approval Authorities.**

(a) The Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard selects persons or organizations in accordance with the following criteria:

(1) The person or organization is independent of manufacturers and owners in that:

(i) It has sufficient breadth of interest or activity, so that the loss or award of a specific contract to approve containers would not be a substantial factor in the financial well-being of the organization.

(ii) The employment status of the personnel of the organization is free from influence or control of manufacturers, owners, operators or lessors of containers.

(2) The person or organization has demonstrated the ability to competently carry out the procedures required for approval.

(3) The person or organization has an acceptable degree of financial security.

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

**§ 450.13 Granting of delegation.**

(a) The Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard acts on applications for delegation within 60 days of receipt.

(b) If an applicant for delegation does not provide sufficient information with regard to all the criteria for delegation, the Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard denies the application. A denial of an application on this

basis is without prejudice to the submission of a new or amended application.

(c) If an applicant satisfies all the criteria for delegation the Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard sends the applicant a letter of delegation, and assigns to the Approval Authority an alphabetic Approval Authority identification code.

(d) If an applicant fails to satisfy all the criteria for delegation, the Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard gives the applicant written notice of denial of his application. The notice contains all the reasons for the denial. The applicant may contest the denial by submitting additional oral or written evidence in support of its qualifications. Upon review of the evidence, the Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard notifies the applicant of the final decision.

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

**§ 450.14 Conditions of delegation.**

(a) The following conditions are part of every delegation: (1) The Approval Authority shall use only testing equipment that it has determined by inspection to be suitable for the purpose.

(2) All approval numbers issued by the Approval Authority must contain the identification code, assigned to the Approval Authority by the Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard.

(3) Each Approval Authority shall maintain the following records for a period of at least 15 years from the date of approval. (When the Approval Authority's delegation is withdrawn before such time, the records relating to the approvals issued within the prior 15 years must be turned over to the Chief, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard):

- (i) Each notice of approval issued.
- (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

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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 (G-MSO), 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 (G-MSO), 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 (G-MSO), U.S. Coast Guard gives to the Approval Authority:

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

(2) Opportunity to submit oral or written evidence.

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(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

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451.25 Required information.

AUTHORITY: Sec. 4, 91 Stat 1475 (46 U.S.C. 1503); Department of Homeland Security Delegation No. 0170.1.

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

### 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 (G-MSO), U.S. Coast Guard, Washington, DC 20593 or to any Approval Authority.

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

(1) Date and place of manufacture.

(2) Manufacturer's identification number, if available.

(3) Maximum operating gross weight capacity.