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## Title 49 —Transportation

### Subtitle B —Other Regulations Relating to Transportation

#### Chapter IV —Coast Guard, Department of Homeland Security

#### Subchapter B —Safety Approval of Cargo Containers

#### Part 450 General

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## PART 450—GENERAL

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

**Editorial Note:** Nomenclature changes to part 450 appear at 74 FR 49241, Sept. 25, 2009, and at 77 FR 59790, Oct. 1, 2012.

### Subpart A—General Provisions

#### § 450.1 Purpose.

This subchapter establishes requirements and procedures for safety approval and periodic examination of cargo containers used in international transport, as defined in the International Safe Container Act.

[45 FR 37213, June 2, 1980]

#### § 450.3 Definitions.

(a) In this subchapter:

(1) **Approval Authority** means a delegate of the Commandant authorized to approve containers within the terms of the convention, the International Safe Container Act and this subchapter.

- (2) **Container** means an article of transport equipment:
  - (i) Of a permanent character and suitable for a repeated use.
  - (ii) Specially design to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading.
  - (iii) Designed to be secured and readily handled, having corner fittings for these purposes.
  - (iv) Of a size that the area enclosed by the four outer bottom corners is either:
    - (A) At least 14 sq.m. (150 sq.ft.), or
    - (B) At least 7 sq.m. (75 sq.ft.) if it has top corner fittings.
  - (v) The term *container* includes neither vehicles nor packaging; however, containers when carried on chassis are included.
- (3) **Convention** means the International Convention for Safe Containers (CSC) done at Geneva, December 2, 1972 and ratified by the United States on January 3, 1978.
- (4) **District Commander** means the Coast Guard officer designated by the Commandant to command a Coast Guard District.
- (5) **New Container** means a container, the construction of which began on or after September 6, 1977.
- (6) **Existing Container** means a container that is not a new container.

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

## § 450.5 General requirements and applicability.

- (a) Every owner of a new or existing container used or offered for movement in international transport shall have the container approved in accordance with the procedures established by the Administration of any contracting party to the convention, except that existing containers need not be approved until September 6, 1982.
- (b) Every owner of an approved container used or offered for movement in international transport who:
  - (1) Is domiciled in the United States and has the head office in the United States, or
  - (2) Is domiciled in a country which is not a contracting party to the convention but has the principal office in the United States, shall have the container periodically examined in accordance with part 452 of this subchapter.
- (c) Every owner of an approved container used or offered for movement in international transport who:
  - (1) Is domiciled in the United States but has the principal office in the jurisdiction of another contracting party to the convention, or
  - (2) Is domiciled in the jurisdiction of another contracting party to the convention but has the principal office in the United States, but elects to have the container examined in accordance with the procedures prescribed by the United States, shall conform to part 452 of this subchapter.

- (d) Every owner of an approved container used or offered for movement in international transport who is neither domiciled in nor has the principal office in the jurisdiction of a contracting party to the convention, but elects to have the container examined in accordance with procedures prescribed by the United States, shall conform to part 452 of this subchapter.

[45 FR 37213, June 2, 1980]

## **§ 450.7 Marking.**

- (a) On each container that construction begins on or after January 1, 1984, all maximum gross weight markings on the container must be consistent with the maximum gross weight information on the safety approval plate.
- (b) On each container that construction begins before January 1, 1984, all maximum gross weight markings on the container must be consistent with the gross weight information on the safety approval plate no later than January 1, 1989.

(Approved by the Office of Management and Budget under OMB control number 1625-0024)

[49 FR 15562, Apr. 19, 1984, as amended at 71 FR 55747, Sept. 25, 2006]

## **Subpart B—Procedure for Delegation to Approval Authorities**

### **§ 450.11 Application for delegation of authority.**

- (a) Any person or organization seeking delegation of authority to act as an Approval Authority may apply 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. Each application must be signed and certified by the applicant or, if the applicant is an organization, by an authorized officer of the organization. A list of delegated approval authorities may be obtained from the Commandant (CG-OES).
- (b) The application must include the following information:
  - (1) Name and address, including place of incorporation, if a corporation.
  - (2) A description of the organization, including the ownership, managerial structure, organizational components and directly affiliated agencies and their functions utilized for supporting technical services.
  - (3) A listing of the basic technical services offered.
  - (4) A general description of the geographic area served.
  - (5) A general description of the clients being served or intended to be served.
  - (6) A description of the types of work performed by the applicant in the past, noting the amount and extent of such work performed within the previous three years.
  - (7) A description of the personnel to be utilized, indicating general background and qualifications, particularly for the surveyors to be involved in the actual witnessing of tests.
  - (8) A description of its means of assuring continued competence of its personnel.
  - (9) A detailed schedule of the fees proposed to be charged for the approval service.

- (10) Evidence of financial stability.
- (11) At least three business references who will furnish information regarding work performed by the applicant.
- (12) A statement that the Coast Guard may inspect the applicant's facilities and records of approvals under the convention and these regulations.
- (c) The application may contain any additional information the applicant deems to be pertinent.
- (d) The applicant must furnish any additional information to evaluate the applicant's qualifications, if requested by the Chief, Office of Operating and Environmental Standards (CG-OES), U.S. Coast Guard.
- (e) Applications from foreign nationals or organizations must contain an 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; 74 FR 49241, Sept. 25, 2009; 78 FR 60165, Sept. 30, 2013]

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

- (a) The Chief, Office of Operating and Environmental Standards (CG-OES), 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 (CG-OES), 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 (CG-OES), 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 (CG-OES), 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 (CG-OES), 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 (CG-OES), 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 (CG-OES), 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 (CG-OES), 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 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.
  - (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]