

**§ 451.16 Action by approval authority—individual approval.**

(a) The approval authority arranges with the manufacturer or owner to witness testing in accordance with Annex II to the convention. Upon witnessing successful completion of the tests, the approval authority issues to the owner a notice of approval that authorizes the attachment of a safety approval plate.

**§ 451.18 Review of denials of approval.**

(a) 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-522), U.S. Coast Guard. The decision of the Chief, Office of Operating and Environmental Standards (CG-522), 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 58353, Sept. 30, 2004]

**Subpart C—Safety Approval Plate**

**§ 451.21 Safety approval plate required.**

(a) The safety approval plate must be supplied by the owner or manufacturer.

**§ 451.23 Plate specifications.**

(a) The safety approval plate must be of the size and in the format specified in the appendix to Annex I to the convention.

(b) The safety approval plate must be:

(1) Designed to withstand and remain legible after a 15 minute exposure to a medium intensity fire producing a temperature of 1,000 °F (540 °C), when mounted on the specified material of construction of the container.

(2) Designed to resist the corrosive effects of its environment, both at sea and ashore, so as to remain legible for the working life of the container.

(3) Designed to have a legible life expectancy equal to or greater than the life expectancy of the container to which the plate is affixed.

**§ 451.25 Required information.**

(a) The safety approval number appearing on line 1 of the safety approval

plate must be of the form “USA/(approval number, which includes the approval authority identification code)/(year in which approval was granted).”

(b) The date upon which approval was granted must be the same for all containers of a design-type or type-series covered by one notice of approval.

(c) The safety approval number must be the same for all containers of a design-type or type-series covered by one notice of approval.

(d) The owner’s International Organization for Standardization (ISO) alpha numeric identification numbers may be used in place of the manufacturer’s identification numbers on line 3 of the safety approval plate. If owner’s identification numbers are used and the manufacturer’s are available, the owner shall keep records correlating the owner’s identification numbers used with the manufacturer’s number. If a container marked with owner’s identification numbers changes ownership, and the owner’s identification number is changed as a result, the new owner must add the new owner’s identification number, following the original owner’s identification number on line 3 of the safety approval plate. In the event that the new owner’s identification number cannot be legibly added to line 3 of the safety approval plate following the original owner’s identification number, the new owner is authorized to put a new safety approval plate on the freight container provided that all the information contained on the original safety approval plate is retained in the owners files.

**PART 452—EXAMINATION OF CONTAINERS**

Sec.

452.1 Periodic examination required.

452.3 Elements of periodic examinations.

452.5 Examinations made in conjunction with other inspections.

452.7 Continuous examination program.

452.9 Elements of a continuous examination program.

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

**§ 452.1**

**49 CFR Ch. IV (10-1-10 Edition)**

**§ 452.1 Periodic examination required.**

(a) Except as provided for in §452.7, each owner of an approved container subject to this part shall examine the container or have it examined in accordance with the procedures prescribed in §452.3 at intervals of not more than 30 months, except that for containers approved as new containers, the interval from the date of manufacture to the date of the first examination must not exceed five years. For containers approved, examined and plated as existing containers before January 1, 1985 and containers approved and plated as new containers before January 1, 1985, the subsequent examination must be carried out in accordance with the following schedule:

Date of initial plating	Subsequent examination
Existing containers before Sept. 30, 1981 and new containers before Dec. 31, 1978.	Before Jan. 1986.
Existing containers between Oct. 1, 1981 and Sept. 30, 1982 and new containers between Jan. 1, 1979 and Dec. 31, 1979.	Before May 1986.
Existing containers between Oct. 1, 1982 and Sept. 30, 1983 and new containers between Jan. 1, 1980 and Dec. 31, 1980.	Before Sept. 1986.
Existing containers between Oct. 1, 1983 and Dec. 31, 1984 and new containers between Jan. 1, 1981 and Dec. 31, 1981.	Before Jan. 1987.

NOTE: Containers plated under §451.14 are considered existing containers in the above schedule.

(b) Upon completion of an examination required by this part, the owner shall mark on the safety approval plate, or on the container itself as close as practicable to the safety approval plate, the month and year before which the container must next be examined. This marking must be on all containers by January 1, 1987. The marking may be by a decal, sticker, stencil, or other means so long as it is capable of remaining legible for at least 24 months. Affixing such a marking to a container that has not been examined in accordance with §452.3 constitutes a misrepresentation in a matter within the jurisdiction of an agency of the United States, and makes the owner punishable under 18 U.S.C. 1001.

(c) The owner of containers subject to this section shall have those con-

tainers examined in accordance with the program prescribed in this section regardless of whether the examinations are performed within or outside the United States.

[45 FR 37216, June 2, 1980, as amended at 47 FR 50496, Nov. 8, 1982; 49 FR 15562, Apr. 19, 1984; 69 FR 58353, Sept. 30, 2004]

**§ 452.3 Elements of periodic examinations.**

(a) Periodic examinations required by §452.1 must conform to the following minimum requirements:

(1) Each examination must include a detailed visual inspection for defects such as cracks, failures, corrosion, missing or deteriorated fasteners, and any other safety related deficiency or damage which could place any person in danger. Any such deficiencies disclosed by the examination must be corrected by the owner before the container is continued in service.

(2) Each examination must take into account the particular characteristics of various kinds of containers and materials of construction.

(3) Each examination must be performed by qualified personnel, trained and experienced in the detection of container structural damage.

(4) The examinations must be scheduled so as to allow adequate time for thorough performance.

(5) Each examination must apply owner established or industry accepted pass/fail criteria to determine whether a container has any deficiency that must be remedied before the container is returned to service.

(b) Examinations must be documented, and the records retained by the owner, until the next examination is completed and recorded. The records must include, in addition to identification of the container, a record of the date of last examination and a means of identifying the examiner. The records must be maintained in an office under the control of the owner and be made available for inspection by the Coast Guard upon demand. If the original records are maintained outside the United States, its territories or possessions, supplementary records must be available in written or data processing

## Coast Guard, DHS

## § 452.9

form to be produced on demand of the Commandant or his representative.

[45 FR 37216, June 2, 1980; as amended at 69 FR 58353, Sept. 30, 2004]

### § 452.5 Examinations made in conjunction with other inspections.

(a) Periodic examinations may be made in conjunction with or as part of routine change-of-custody inspections, or in any other manner convenient to the owner so long as the examinations conform to the requirements of § 452.3.

[45 FR 37216, June 2, 1980]

### § 452.7 Continuous examination program.

(a) In lieu of a periodic examination under § 452.1, each owner of an approved container meeting § 450.5 may examine the container or have it examined using an approved continuous examination program. An owner must submit the continuous examination program for approval to the Commandant (CG-522), United States Coast Guard, 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126. When submitting a continuous examination program for approval the owner must show the continuous examination complies with § 452.9.

(b) The owner must mark the container with the letters "ACEP/USA/(year continuous examination program is approved)" to indicate the container is being periodically examined under an approved continuous examination program. This marking must be as close as practicable to the safety approval plate. This marking must be on all containers covered by a continuous examination program by January 1, 1987.

(c) The owner of containers subject to this section shall have those containers examined in accordance with the program prescribed in this section regardless of whether the examinations are performed within or outside the United States.

(The information collection requirements contained in paragraphs (a) and (b) have been approved by the Office of Management and Budget under OMB control number 1625-0024)

[49 FR 15562, Apr. 19, 1984, as amended at 69 FR 58353, Sept. 30, 2004; 74 FR 49241, Sept. 25, 2009; 74 FR 49241, Sept. 25, 2009]

### § 452.9 Elements of a continuous examination program.

(a) Examinations required by § 452.7 must conform to the following minimum requirements:

(1) A thorough examination that must include a detailed visual inspection for defects such as cracks, failures, corrosion, missing or deteriorated fasteners, and any other safety related deficiency or damage that could place any person in danger. Any such deficiencies disclosed by the examination must be corrected by the owner before the container is continued in service. A thorough examination must be done each time a container undergoes a major repair, refurbishment or on-hire/off-hire interchange. In no case is the time period between thorough examinations to exceed 30 months.

(2) Each thorough examination must be performed by qualified personnel, trained and experienced in the detection of container structural damage.

(3) Each thorough examination must apply owner established or industry accepted pass/fail criteria to determine whether a container has any deficiency that must be remedied before the container is returned to service.

(b) Thorough examinations must be documented, and the records retained by the owner, until the next examination is completed and recorded. The records must include, in addition to identification of the container, a record of the date of last examination and a means of identifying the examiner. The records must be maintained in an office under the control of the owner and be made available for inspection by the Coast Guard upon demand. If the original records are maintained outside the United States, its territories or possessions, supplementary records must be available in written or data processing form to be produced on demand of the Commandant or his representative.

(The information collection requirements contained in paragraph (b) have been approved by the Office of Management and Budget under OMB control number 1625-0024)

[49 FR 15562, Apr. 19, 1984, as amended at 69 FR 58353, Sept. 30, 2004]