§ 451.11 Application for approval—general.

(a) An owner of a new container, or a manufacturer acting on behalf of an owner, of a new container, submits an application that contains the required information. The application must be submitted to the Approval Authority for consideration.

(b) The Approval Authority reviews the application and determines whether the container meets the requirements for approval. If the container meets the requirements, the Approval Authority issues a safety approval plate to the owner. If the container does not meet the requirements, the Approval Authority denies the application and provides the owner with a notice of denial and the reasons for denial.

(c) Upon receipt of a notice of denial, the owner may correct the noted deficiencies and resubmit the application without prejudice.

(d) 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.

(e) 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.