with procedures to be followed when conducting the test with children. As discussed in paragraph number 12 above, for commercial Type I Hybrid PFDs, the Inflated Flotation Stability Tests in UL 1517, section S8, are no longer required.

14. Finally, UL suggested that § 160.077–31 be revised to reflect the requirements proposed in UL's bulletin dated October 7, 1994, regarding standardized PFD labels. The Coast Guard agrees with this suggestion and has revised the label text to more closely resemble the label criteria proposed by UL.

Editorial and Clarifying Changes

Sections 160.077-19(b)(6)(i), 160.077-27(e)(3) and (f)(2) under the text describing a Type V hybrid, 160.077-27(f)(3), and 160.077-29(c)(10) are revised to reflect the redesignation of Table 160.077-15(b)(13). Other sections were revised to add detail or clarification. The terminology in the required pamphlet text of § 160.077-27 is simplified. Also, § 160.077-27 is shortened by combining paragraphs (e) and (f) which contained the same pamphlet text.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). A regulatory evaluation was originally placed in the rulemaking docket in 1985, reviewed in May 1991 with regard to inflatable lifejackets, and reconsidered in April 1993, concerning hybrid PFDs in association with the SNPRM for this rule. The regulatory evaluation, despite the lapse of time, is still accurate.

The total approval costs per design are expected to be approximately \$12,000 for hybrid inflatable PFDs. Costs to approve other types of PFDs are approximately \$6,000. The additional cost to approve hybrid PFDs could easily be absorbed in the cost of the units produced. The cost increase per device would be small considering the number of devices produced under authorization of each approval certificate. The Coast Guard anticipates that, within the first year after issuing this final rule, one or two designs will be approved.

Production inspection costs imposed by these regulations will be approximately \$1,000 for the largest size lot of inflatable PFDs permitted. This cost is similar to that incurred for other types of approved PFDs.

The retail cost, per device, is expected to be \$80–\$200 for hybrid PFDs. Currently approved PFDs range in price from \$7–\$200. Type I devices that could be replaced by hybrid PFDs have an average cost of about \$40.

Small Entities

There were no comments on this section. Hybrid PFDs are approved as an option to existing approved devices. This final rule will result in no increased costs. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains collection-of-information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The section numbers and the corresponding OMB approval numbers are:

Paperwork requirements	OMB con- trol No.
a. § 160.077-6	2115-0141
b. § 160.077-7	2115-0141
c. § 160.077-11	2115-0141
d. § 160.077-25	2115-0141
f. § 160.077-29	2115-0576
g. § 160.077-31	2115-0577

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rulemaking revises established safety standards for hybrid inflatable personal flotation devices (PFDs). The authority to establish regulations for PFDs is committed to the Coast Guard by statute. Furthermore, since PFDs are manufactured and used in the national marketplace, safety standards for PFDs should be of national scope to avoid unreasonably burdensome variances. Therefore, the Coast Guard intends this final rule to preempt State action addressing the same subject matter.

There were no comments on this section.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2. of Commandant Instruction M16475.1B, this final rule is categorically excluded from further environmental documentation. This final rule is expected to have no significant effect on the environment. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket. There were no comments on this section.

List of Subjects

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

Marine safety, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 25 and 160 as follows:

PART 25—REQUIREMENTS

1. The authority citation for part 25 is revised to read as follows:

Authority: 33 U.S.C. 1903(b), 46 U.S.C. 3306, and 4302; 49 CFR 1.46.

Subpart 25.25—Life Preservers and Other Lifesaving Equipment

2. In § 25.25–5, paragraph (f) is revised to read as follows:

§ 25.25–5 Life preservers and other lifesaving equipment required.

- (f) On each vessel, regardless of length and regardless of whether carrying passengers for hire, an approved commercial hybrid PFD may be substituted for a life preserver, buoyant vest, or marine buoyant device required under paragraphs (b) or (c) of this section if it is—
- (1) Used in accordance with the conditions marked on the PFD and in the owner's manual:
- (2) Labeled for use on commercial vessels; and
- (3) In the case of a Type V commercial hybrid PFD, worn when the vessel is underway and the intended wearer is not within an enclosed space.

PART 160—LIFESAVING EQUIPMENT

3. The authority citation for part 160 is revised to read as follows: