

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 160

[CGD 94-110]

RIN 2115-AE96

Recreational Inflatable Personal Flotation Device Standards

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is establishing regulations for approval of inflatable personal flotation devices (PFDs) for recreational boaters. These regulations establish structural and performance standards for inflatable PFDs, as well as the procedures for Coast Guard approval of inflatable PFDs. These standards are intended to allow for approval of inflatable PFDs which should be more amenable to continuous wear by recreational boaters than currently approved PFDs, thereby increasing use of PFDs by the boating public and saving lives.

DATES: This rule is effective on July 24, 1995. The Director of the Federal Register approves as of July 24, 1995 the incorporation by reference of certain publications listed in the regulations. Comments must be received on or before October 23, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-110), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in "Incorporation by Reference" of this preamble is available for inspection at room 1404, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel E. Wehr, U.S. Coast Guard, Survival Systems Branch (G-MVI-3), telephone (202) 267-1444, facsimile (202) 267-1069, or electronic mail "mvi-3/G-M18@cgsmtg.comdt.uscg.mil". A copy of this interim final rule may be obtained by calling the Coast Guard's toll-free Customer Infoline, 1-800-368-5647. In Washington, DC, call 267-0780.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 94-110) and the specific section of this rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under

ADDRESSES. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Mr. Samuel E. Wehr, Project Manager, U.S. Coast Guard, Office of Marine Safety, Security, and Environmental Protection, Survival Systems Branch (G-MVI-3) and Ms. Helen Broun, Project Counsel, Office of Chief Counsel.

Regulatory History

On November 9, 1993, the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) entitled "Inflatable Personal Flotation Devices" in the **Federal Register** (58 FR 59428). The Coast Guard received nine letters commenting on the ANPRM. One of the comments requested a public hearing, however, after consideration, the Coast Guard determined that no new issues would have been raised which would

have materially assisted the Coast Guard in developing this rule. Therefore, no public hearing was held.

Regulatory Information

This rule is being published as an interim rule and is being made effective 30 days after the date of publication. The standards established by this IFR will give manufacturers the opportunity to make a significant number of Coast Guard-approved inflatable PFDs available to the boating public in 1996. Manufacturers require sufficient lead time to develop the PFDs in accordance with safety standards before they can actually offer products to boaters. It is the Coast Guard's position that boaters will be more likely to wear the less bulky inflatable PFDs than the more bulky designs currently available. Therefore, availability inflatable PFDs will save boaters lives.

Most of the standards adopted by this rulemaking are Underwriters Laboratories (UL) standards for inflatable PFDs and PFD components (UL 1180 and 1191) which were developed in accordance with the American National Standards Institute (ANSI) procedure for voluntary industry standards. In accordance with the ANSI procedures, interested parties were provided with an opportunity to participate in the development of the standards. The public was also given an opportunity to comment on the adoption of approval standards for inflatable PFDs in the ANPRM published on November 9, 1993 (58 FR 59428). All of the comments were generally in favor of the development of structural and performance standards for inflatable personal flotation devices (PFDs) and procedures for Coast Guard approval of inflatable PFDs. The ANPRM advised of the intention to use an industry consensus standard and encouraged interested, knowledgeable persons to participate in the ANSI standards making process. On February 24, 1994, notice was published in the **Federal Register** (59 FR 9015) of the Coast Guard's participation in the first consensus standards meeting with UL. This notice again invited interested technical experts knowledgeable in the field to participate in the meeting and process.

This IFR affords the opportunity for the public to comment on, and the Coast Guard to revise, the standards before they are finalized. Comments are invited on all aspects of this rule, and the Coast Guard specifically requests comments on particular issues throughout this preamble. Furthermore, carriage of inflatable PFDs will not be mandatory for boat owners, rather they are an