

2. Subpart 160.076, consisting of §§ 160.076-1 through 160.076-39, is added to read as follows:

**Subpart 160.076—Inflatable Recreational Personal Flotation Devices**

Sec.

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**Subpart 160.076—Inflatable Recreational Personal Flotation Devices**

**§ 160.076-1 Scope.**

(a) This subpart contains structural and performance standards for approval of inflatable recreational personal flotation devices (PFDs), as well as requirements for production follow-up inspections, associated manuals, information pamphlets, and markings.

(b) Inflatable PFDs approved under this subpart—

- (1) Rely entirely upon inflation for buoyancy; and
- (2) Are approved for use by adults only.

**§ 160.076-3 Applicability.**

Inflatable PFDs approved under this subpart may be used to meet the carriage requirements of 33 CFR 175.15 and 175.17 on the following types of vessels only:

- (a) Recreational vessels.
- (b) Uninspected recreational submersible vessels.

**§ 160.076-5 Definitions.**

As used in this part:

*Commandant* means the Chief of the Survival Systems Branch, U.S. Coast Guard Office of Marine Safety, Security, and Environmental Protection. Address: Commandant (G-MVI-3/14), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593-0001; phone: 202-267-1444; facsimile: 202-

267-1069; electronic mail: "mvi-3/G-M18@cgsmtg.comdt.uscg.mil".

*Conditional approval* means a category of PFD which has condition(s) on its approval with which the user must comply in order for the PFD to be counted toward meeting the carriage requirements of the vessel being used. All conditionally approved PFDs are designated Approval Type V.

*First quality workmanship* means construction which is free from any defect materially affecting appearance or serviceability.

*Inflation medium* means any solid, liquid, or gas that, when activated, provides inflation for buoyancy.

*Inspector* means a recognized laboratory representative assigned to perform, supervise or oversee the duties described in §§ 160.076-29 and 160.076-31 of this subpart or any Coast Guard representative performing duties related to the approval.

*LSI* means the "Life-Saving Index", a number between zero and one, as determined in accordance with § 160.076-27, that represents the overall lifesaving potential of a particular PFD design.

*MOU* means memorandum of understanding which describes the approval functions a recognized independent laboratory performs for the Coast Guard, and the recognized independent laboratory's working arrangements with the Coast Guard.

*Performance type* means the in-water performance classification of the PFD (I, II, or III).

*PFD* means personal flotation device as defined in 33 CFR 175.13.

*PFD Approval Type* means the Type designation assigned by the Commandant, as documented in the approval certificate for the PFD, based primarily on the in-water performance and serviceability of the PFD.

*Plans and specifications* means the drawings, product description, construction specifications, and bill of materials submitted in accordance with § 160.076-13 for approval of a PFD design.

**§ 160.076-7 PFD approval Type.**

(a) An inflatable PFD may be approved without conditions as a Type I, II, or III PFD for persons over 36 kg (80 lb) if it—

- (1) Meets the requirements of this subpart other than the requirements of § 160.076-27; or
  - (2) Meets the requirements of § 160.076-27 based on its Lifesaving Index (LSI).
- (b) Each inflatable PFD that can be demonstrated to meet the in-water

performance requirements of a type I, II or III PFD in UL 1180 during approval testing and the applicable requirements of this subpart provided that certain conditions are placed on its use, may be approved as a Type V PFD. Each such PFD has conditional approval.

**§ 160.076-9 Conditional approval.**

(a) A conditionally approved inflatable PFD is categorized as a Type V PFD and may be used to meet the Coast Guard PFD carriage requirements of 33 CFR part 175 only if the PFD is used in accordance with any requirements on the approval label. PFDs marked "Approved only when worn" must be worn whenever the vessel is underway and the intended wearer is not within an enclosed space if the PFD is intended to be used to satisfy the requirements of 33 CFR part 175. Note: Additional approved PFDs may be needed to satisfy the requirements of 33 CFR part 175 if "Approved only when worn" PFDs are not worn.

(b) Unless approved under the alternate LSI procedures in § 160.076-27 without conditions, PFDs meeting the performance specifications for type I, II, or III PFDs in UL 1180 may be classified as Type V, conditionally approved PFDs when—

(1) Indicator and serviceability use codes of less than 1F in accordance with UL 1191 are provided;

(2) The device requires secondary donning; or

(3) The Commandant determines that other performance or design characteristics of the PFD make such classification appropriate.

**§ 160.076-11 Incorporation by reference.**

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one listed in paragraph (b) of this section, the Coast Guard must publish notice of the change in the **Federal Register**, and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC and at the U.S. Coast Guard, Survival Systems Branch (G-MVI-3), 2100 Second Street, SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this subpart, and the sections affected are: