

determine if their PFDs are involved in a recall. The Coast Guard agrees with the suggestion regarding numbering PFDs in batches with sequential serial numbers and such a requirement is included in the regulations published in the IFR.

#### *Editorial Revisions*

A number of editorial changes to part 179 are also proposed. Most of these changes relate to elimination of references to the Federal Boat Safety Act of 1971, and replacing them with references to Title 46 of the United States Code (U.S.C.), which was recodified in 1983 and includes previously enacted provisions of the Federal Boat Safety Act of 1971.

#### *Information Pamphlet*

This NPRM proposes to revise 33 CFR part 181, subpart G to require that an appropriate information pamphlet be provided with inflatable PFDs, as they are for other kinds of PFDs. The proposed requirement for the pamphlet in § 181.705 refers to the information pamphlet requirements established by the IFR (CGD 94-110) published elsewhere in today's edition of the **Federal Register**. However, if the pamphlet requirements of UL 1180 are completed before publication of a final rule, that part of the UL standard would be incorporated by reference at that time.

A number of related editorial revisions to 33 CFR subpart G are also proposed in this NPRM.

#### *Approval of Inflatable Personal Flotation Devices and Other Equipment*

The following paragraphs describe minor proposed revisions which are related to the approval of inflatable personal flotation devices, but which are relevant to the approval of other items of equipment as well.

This NPRM proposes to revise §§ 2.75-1(f) and 159.005-13(a)(4) of Title 46 to eliminate the requirement that the Coast Guard publish approval actions in the Federal Register. No such listing has been published in recent years, and the Coast Guard has received no complaints. The Coast Guard's estimation is that the listing was rarely, if ever, used. It is the Coast Guard's position that its publication "Equipment Lists," published approximately every two years, is readily available through the Government Printing Office. More current information can be obtained directly from the Coast Guard from its computerized data base upon request. Accordingly, the revised §§ 2.75-1(f) and 159.005-13(a)(4) would identify the "Equipment Lists" publication and state

that it is available from the Government Printing Office.

The Coast Guard proposes to remove §§ 2.75-17, 2.75-18, and 2.75-19. These sections deal with documents referenced in Coast Guard regulations, and have been made obsolete by the Office of the Federal Register's current policy on documents incorporated by reference. The Coast Guard also proposes to remove § 2.75-20 because the affidavit and certification program described in that section is no longer in use.

This NPRM also proposes to remove § 2.75-30. This section would be replaced by new and revised sections of 46 CFR parts 159 and 160 to more accurately describe the approval procedures for PFDs used on recreational boats. Section 2.75-30 was first published in 1964 when the Coast Guard started using independent laboratories to perform certain approval functions related to "Special purpose water safety buoyant devices." Much of this section is now obsolete, including its title. The proposed revisions to parts 159 and 160 are discussed in more detail, below.

Proposed revisions to § 2.75-50 would update the appeal process regarding denials, withdrawals and terminations of approval. The Merchant Marine Council referred to in the present section no longer exists. The proposed procedure would provide for appeal to the Chief of the Office of Marine Safety, Security, and Environmental Protection in accordance with the appeal procedures of 46 CFR subpart 1.03. Proposed revisions to § 159.001-2 would refer to revised § 2.75-50 as the appropriate appeal procedure.

The definitions in § 159.001-3 are proposed to be revised by deleting "Listed laboratory" and "Test plan". Definitions for "classification society", "independent laboratory", and "recognized independent laboratory" would be added. Except for "classification society", these proposed changes are necessary to conform to other revisions to part 159 discussed below.

A new § 159.001-4 would list documents incorporated by reference into part 159.

#### *Inspection Functions*

Classification societies perform many inspection functions related to commercial shipping in the United States and around the world. The maritime safety administrations of other governments, like the U.S. Coast Guard, also perform some of these inspection functions. Some of these classification

societies and government agencies operate laboratory facilities, but others perform all of their inspections and tests at shipyards and other manufacturing sites. Classification societies meeting the standards set out in Resolution A.739(18) of the International Maritime Organization (IMO), and agencies of other governments involved in the inspection and testing of marine safety equipment, are capable of performing all of the functions of an independent laboratory for many items of approved equipment. Therefore, the Coast Guard proposes to clarify the definition of "independent laboratory" to include such classification societies and government agencies. The proposed definition is broad enough to include other agencies of the U.S. government, so that U.S. Navy and Department of Defense personnel, for example, could perform certain inspections of Coast Guard approved equipment being purchased by those agencies. Under proposed revisions § 159.010-5, independent laboratories would be required to submit specified information to the Coast Guard in order to be accepted. Commercial laboratories would be required to submit additional information which would be irrelevant for classification societies and government agencies.

Proposed § 159.001-5 would include a facsimile number and an electronic mail address for the Commandant (G-MVI) to provide optional methods of communication with the Coast Guard.

Subpart 159.010 would be revised to eliminate all references to "listing" of, and "listed" laboratories. When Subpart 159.010 was published, it was envisioned that such laboratories would prepare a detailed test plan for Coast Guard review and approval, and that such laboratories would be "listed" in the various subparts under which they had been accepted. This listing of laboratories never occurred, and the Coast Guard now considers the concept to be obsolete. These revisions affect the title of subpart 159.010, as well as §§ 159.010-1(a)(2) and -1(a)(3), 159.010-7 (to be removed), 159.010-9, 159.010-11 (to be removed), 159.010-17, 159.010-19, and 159.010-21. In addition, sections of various subparts which were to contain these laboratory listings are proposed to be removed. These are §§ 160.021-9, 160.022-9, 160.023-9, 160.024-9, 160.028-9, 160.031-9, 160.036-9, 160.037-9, 160.040-9, 160.057-9, and 160.066-18. A related revision is proposed for § 160.066-11(c).

All laboratories that qualify to perform testing and inspection for the Coast Guard under subpart 159.010 are