

November 22, 1993. Copies of the material are available for inspection where indicated under "ADDRESSES." Copies of the material are available from the sources listed in 33 CFR 181.4, and 46 CFR 159.001-2.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential 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).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rules proposed in this notice are generally procedural, to enable boaters to purchase and use inflatable PFDs on their boats, only if they wish to do so. The only proposal that would require affected parties to do something they are not already doing, is the proposal to provide postage prepaid registration cards. Manufacturers are only being required to hold these cards for five years. No analysis or production of lists is required, unless a defect in an inflatable PFD is found. In that case, the registration cards will make it easier and less costly to locate owners, than it would be otherwise. The volume of these cards will not be such that manufacturers should have to add facilities or staff. The cards probably will be printed as part of the PFD information manual that is presently required for all PFDs. Postage would be 20 per card if stamps are used. If the total cost for this requirement, including overhead, is 50 per device, the total cost to the industry would be only \$25,000 annually if 50,000 units per year are produced. Comments are invited on this analysis.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently

owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

The rules proposed in this notice are generally procedural, to enable boaters to purchase and use inflatable PFDs on their boats, only if they wish to do so. As discussed above the economic impact of the new requirements are expected to be minimal. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This proposal contains collection-of-information requirements in the following sections: 33 CFR part 181, subpart H. The following particulars apply:

*DOT No:* 2115.

*OMB Control No.:* 2115-0141

*Administration:* U.S. Coast Guard.

*Title:* Reporting and recordkeeping requirements for fire fighting equipment, structural fire protection materials, lifesaving equipment, and marine sanitation devices.

*Need for information:* Registration cards are needed to enable manufacturers to notify first purchasers of any defects found in inflatable personal flotation devices.

A Memorandum of Understanding (MOU) is needed to document the responsibilities of the laboratory and the responsibilities of the Coast Guard in relation to equipment testing, inspection, and approval.

*Proposed Use of Information:* Manufacturers would use the registration card information to contact first purchasers of inflatable PFDs found to have defects.

An MOU formally documents the responsibilities of the laboratory and the responsibilities of the Coast Guard in relation to equipment testing, inspection, and approval.

*Frequency of Response:* Registration cards would be used only if a manufacturer's PFDs were found to have defects that required notification of first

purchasers. No regular reporting is required.

An MOU is required only once, when a laboratory seeks to become a recognized laboratory for a particular classification of equipment.

*Burden Estimate:* Total annual burden for registration cards is approximately 1700 hours industry-wide.

The Coast Guard estimates that no more than one MOU per year would be developed. Drafting of the MOU should not require more than two weeks of effort for one person, for an annual burden of 80 hours. Copies of existing MOUs may be obtained from the Coast Guard and modified to meet the needs of the individual laboratory and the Coast Guard.

*Respondents:* Registration card respondents are the estimated five manufacturers that will produce Coast Guard approved inflatable PFDs for recreational boats.

MOU respondents are laboratories that want to be recognized independent laboratories. The Coast Guard estimates no more than one MOU respondent per year.

*Form(s):* No Federal forms are required.

*Average Burden Hours Per Respondent:* 340 hours annually for each of the five manufacturers holding registration cards.

If the average recognized laboratory enters into a new or revised MOU once every five years, the average annual burden would be 16 hours.

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES**.

### Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rulemaking establishes and revises procedures for Coast Guard approval of inflatable and other PFDs. The authority to establish these requirements are committed to the Coast Guard by Federal statutes. Furthermore, since PFDs are manufactured and used in the national marketplace, safety standards for PFDs should be national in scope to avoid burdensome variances. Therefore, the Coast Guard intends for this rule, if adopted, to preempt State action on the same subject matter.