

(i) A life preserver shall be of such construction, materials, and workmanship as to be at least equivalent to a standard type life preserver described in detail by other subparts in this part.

(j) Each thread in a life preserver regulated under subparts 160.002, 160.005 and 160.055 of this part must meet the requirements of a Federal or military specification in table 164.023-5(a) of this chapter. Only one kind of thread may be used in each seam.

[CGFR 66-33, 31 FR 15297, Dec. 6, 1966, as amended by CGD 78-012, 43 FR 27152, June 22, 1978; CGD 78-174b, 54 FR 50320, Dec. 5, 1989; CGD 84-068, 58 FR 29493, May 20, 1993; CGD 95-028, 62 FR 51209, Sept. 30, 1997]

#### § 160.001-3 Procedure for approval.

(a) *General.* Designs of life preservers are approved only by the Commandant, U.S. Coast Guard. Manufacturers seeking approval of a life preserver design shall follow the procedures of this section and subpart 159.005 of this chapter.

(b) Each application for approval of a life preserver must contain the information specified in §159.005-5 of this chapter. The application and, except as provided in paragraphs (c) and (d)(2) of this section, a prototype life preserver must be submitted to the Commandant for preapproval review. If a similar design has already been approved, the Commandant may waive the preapproval review under §§159.005-5 and 159.005-7 of this chapter.

(c) If the life preserver is of a standard design, as described by subpart 160.002, 160.005, or 160.055, the application:

(1) Must include the following: A statement of any exceptions to the standard plans and specifications, including drawings, product description, construction specifications, and/or bill of materials.

(2) Need not include: The information specified in §159.005-5(a)(2).

(d) If the life preserver is of a non-standard design, the application must include the following:

(1) Plans and specifications containing the information required by §159.005-12 of this chapter, including drawings, product description, construction specifications, and bill of materials.

(2) The information specified in §159.005-5(a)(2) (i) through (iii) of this chapter, except that, if preapproval review has been waived, the manufacturer is not required to send a prototype PFD sample to the Commandant.

(3) Performance testing results of the design performed by an independent laboratory, that has a Memorandum of Understanding with the Coast Guard under §159.010-7 of this subchapter covering the in-water testing of personal flotation devices, showing equivalence to the standard design's performance in all material respects.

(4) The Approval Type sought (Type I or Type V).

(5) Any special purpose(s) for which the life preserver is designed and the vessel(s) or vessel type(s) on which its use is intended.

(6) Buoyancy and other relevant tolerances to be complied with during production.

(7) The text of any optional marking to be included on the life preserver in addition to the markings required by the applicable approval subpart.

(8) For any conditionally approved life preserver, the intended approval condition(s).

(e) The description of quality control procedures required by §159.005-9 of this chapter may be omitted if the manufacturer's planned quality control procedures meet the requirements of those accepted by the Commandant for the independent laboratory performing production inspections and tests.

(f) *Waiver of tests.* A manufacturer may request that the Commandant waive any test prescribed for approval under the applicable subpart. To request a waiver, the manufacturer must submit to the Commandant and the laboratory described in §159.010, one of the following:

(1) Satisfactory test results on a PFD of sufficiently similar design as determined by the Commandant.

(2) Engineering analysis demonstrating that the test for which a waiver is requested is not appropriate for the particular design submitted for approval or that, because of its design or construction, it is not possible for the PFD to fail that test.

[CGD 95-028, 62 FR 51209, Sept. 30, 1997]