

### Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: TOP DOG. Owner: Lauren Burch.

(2) Size, capacity and tonnage of vessel. According to the applicant: "30 foot Californian Gross tons 12 Net tons 9."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Vessel will be used for 6 passenger charter use in Southeast Alaska. Fishing, sightseeing, wildlife viewing, transportation."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: Unknown. Place of construction: Builder unknown.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "There will be no impact on other commercial passenger vessel operators. I already operate a vessel, and can only operate one at a time. There will be zero impact beyond what is already being experienced. There are several hundred charter boats in southeast Alaska. Most do hourly or day trips. A few dozen do multiple day trips with 6 or more passengers. I do multiple day trips for groups of 2-4. I know of no other boats that cater to small groups that do not wish to go on larger party boats. I occasionally do one day trips through the internet. Most of the day boat fleet work through the cruise ships."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "The vessel will have no impact on U.S. shipyards. It is a small fiberglass boat that will never know the inside of a shipyard. I anticipate that it will spend the remainder of its life here in southeast Alaska, and continue to have work done on it locally."

Dated: April 30, 2001.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD-2001-9585]

### Requested Administrative Waiver of the Coastwise Trade Laws

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel VENTURE II.

**SUMMARY:** As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before June 4, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD-2001-9585. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been

received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

### Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested.

*Name of vessel:* VENTURE II. Owner: Raymond W. Cayer.

(2) Size, capacity and tonnage of vessel. According to the applicant: "Length:44, breadth:13.7, draft:6', gross tons 22, 12 passengers"

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "I intend to use this sailing vessel to do long term charters along the eastern seaboard from Maine to the Virgin Islands and beyond. I don't have one particular place that I intend to work solely out of and I don't intend to do daily in/out charters though a one day charter might arise. I intend to work through local charter brokers who are eager to have such a vessel available to their clients. Term charters would be a weekend to a week long trip to different places. I don't have any one geographic area planned to base the vessels use out of. I would like to charter the vessel in the northeast waters in the summer months and down in the Virgin Islands in the winter months."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1982. Place of construction: Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "I have spoken with local charter boat owners who all seem enthusiastic for my pursuit to try and make a living by taking people for an adventure sail. I have not received any negative responses regarding the introduction of this vessel's operation into the local charter business. According to the local charter brokers there is a shortage of qualified "captain" owned and operated vessels to serve the trade."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "The impact on US shipyards should be a positive one as I will be hauling and servicing the boat at local yards."

Dated: April 30, 2001.

By Order of the Maritime Administrator.  
**Joel C. Richard,**  
*Secretary, Maritime Administration.*  
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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2001-9324]

**Highway Safety Programs; Conforming Products List of Screening Devices To Measure Alcohol in Bodily Fluids**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** This notice amends the Conforming Products List (CPL) of devices that conform to the Model Specifications for Screening Devices that Measure Alcohol in Bodily Fluids (59 FR 39382).

**EFFECTIVE DATE:** May 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Dr. James F. Frank, Office of Research and Traffic Records, Research and Evaluation Division (NTS-31), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-5593.

**SUPPLEMENTARY INFORMATION:** On August 2, 1994, Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids were published in the **Federal Register** (59 FR 39382). In these model specifications, NHTSA recognized industry efforts to develop new technologies. These specifications established performance criteria and methods for testing alcohol screening devices using either breath or other bodily fluids to measure alcohol content. NHTSA established these specifications to support State laws that target youthful offenders (i.e., "zero tolerance" laws) and the Department of

Transportation's workplace alcohol testing program. NHTSA published its first CPL for screening devices on December 2, 1994 (59 FR 61923; with a correction in 59 FR 65128). Five devices were on that first list.

On August 15, 1995, NHTSA amended its CPL of screening devices to measure alcohol in bodily fluids in the **Federal Register** (60 FR 42214) by adding two additional devices to the list, thereby bringing the list to seven devices.

Since the publication of that list, five additional devices have been evaluated at the Volpe National Transportation Systems Center in Cambridge, MA and found to conform to the model specifications. Accordingly, these five devices, listed in alphabetical order, are being added to the CPL.

The first new listing is the "Alcohol  $\sqrt{TM}$ " disposable breath alcohol tubes manufactured by Akers Laboratories, Inc., of Thorofare, NJ. These are disposable tubes that use a potassium dichromate color change to indicate whether the BAC of a breath sample is above the 0.02 threshold. These devices passed all requirements of the model specifications except when read under sodium vapor lighting conditions. Hence, they are approved for use except under sodium vapor lighting conditions, and the manufacturer's package insert specifies this limitation.

The second new listing is the Alco Check 9000 manufactured by Alco Check International of Hudsonville, MI. This device differs from the Alco Check 3000 D.O.T. and the Alco Screen 3000 (the same device sold under two different names) in that it allows for the storage and retrieval of test data by use of an added memory chip. As the Alco Check 3000 D.O.T. and the Alco Screen 3000 already conform to these model specifications, and the added memory chip does not change the alcohol-measuring capability of the device, NHTSA did not require the new Alco

Check 9000 to be retested before listing it on this CPL for screening devices.

The third new device on the CPL is the ABI (Alcohol Breath Indicator) manufactured by HAN International Co. Ltd. of Seoul, Korea. This is an electronic device with a two-digit numerical display that uses a semiconductor sensor.

The last two devices are the "PAS IIIa" and the "PAS Vr" manufactured by PAS Systems International, Inc. of Fredericksburg, VA. These are both electronic devices that use a fuel cell sensor with a two-digit numerical display. The PAS IIIa and PAS Vr are modifications of two different passive alcohol sensors made by the same company, but with a disposable mouthpiece added so that an appropriate deep-lung air sample can be obtained for breath measurements.

Two housekeeping items are also addressed in this notice. First, the company previously listed as STC Diagnostics, Inc. has changed its name to OraSure Technologies, Inc. and the new CPL reflects the inclusion of the new company name in addition to the old one. The name of its product, the Q.E.D. A150 Saliva Alcohol Test, remains the same. Second, there are a number of handheld breath test devices on the NHTSA CPL for Evidential Breath Testers that frequently are used as screening devices. It should be noted that any device on the most recent NHTSA CPL for EBTs which was published on July 21, 2000 (65 FR 45419) that was tested against the 1993 Model Specifications for Evidential Breath Testers (58 FR 48705) also fully meets the requirements of the Model Specifications for Screening Devices that Measure Alcohol in Bodily Fluids. Both procedures evaluate the performance of instruments at the 0.020 BAC level.

The Conforming Products List is therefore amended as follows:

**CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES**

Manufacturer	Device(s)
Akers Laboratories, Inc., Thorofare, NJ .....	Alcohol $\sqrt{TM}$ 2
Alco Check International <sup>1</sup> , Hudsonville, MI .....	Alco Check 3000 D.O.T. Alco Screen 3000 Alco Check 9000
Chematics, Inc., North Webster, IN .....	ALCO-SCREEN 02 <sup>TM</sup> 3
Guth Laboratories, Inc., Harrisburg, PA .....	Alco Tector Mark X Mark X Alcohol Checker
Han International Co., Ltd., Seoul, Korea .....	A.B.I. (Alcohol Breath Indicator)
OraSure Technologies, Inc., Bethlehem, PA (Formerly STC Technologies, Inc.) .....	Q.E.D. A150 Saliva Alcohol Test
PAS Systems International, Inc., Fredericksburg, VA .....	PAS IIIa PAS Vr
Repcos Marketing, Inc., Raleigh, NC .....	Alco Tec III
Roche Diagnostic Systems, Branchburg, NJ .....	On-Site Alcohol <sup>4</sup>
STC Technologies, Inc. ....	Q.E.D. A150 Saliva Alcohol Test