

**SUMMARY:** The FHWA is issuing this notice to advise the public that a supplement to an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in Lincoln County, Oregon. The Oregon Department of Transportation (ODOT) initially started the project development process for the proposed Pioneer Mountain-Eddyville project with the intent to use their own funds to construct the project. They published a Draft Environmental Impact Statement (DEIS) in September 1993 and held a Public Hearing in October 1993. ODOT did not complete the final EIS for the proposed project. ODOT is now proposing to request federal aid participation for the project. As a result, FHWA is reviewing the DEIS, public hearing testimony, and comments received on the DEIS to determine if all federal regulations and processing requirements have been met.

**FOR FURTHER INFORMATION CONTACT:** Anthony Boesen, Region 2 Liaison Engineer, Federal Highway Administration, Equitable Center, Suite 100, 530 Center Street NE, Salem, Oregon 97301, Telephone (503) 399-5749.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with ODOT and after evaluation of the DEIS, public hearing testimony and written comments, will prepare a Supplemental Environmental Impact Statement for the project, and hold additional public hearing as necessary.

The proposed project will realign a 10 mile, 2-lane roadway section from mile point 14.5 to 24.75 of the Corvallis-Newport Highway (US 20). Two Build Alternatives and a No-Build Alternative were considered in the DEIS. Build Alternative number one generally followed the existing roadway and the Yaquina River. Build Alternative number two is on new alignment and overall reduces the highway length by 2.5 miles. An option common to both Build Alternatives was considered for a short segment on the west end of the project; this design option was a channel change of Simpson Creek. Based on public input, agency comments and coordination, and overall environmental impacts, Build Alternative number two without the channel change of Simpson Creek is the preferred alternative determined by ODOT. Lincoln County has strongly supported Alternative 2 and has now included the proposed project in their county comprehensive land use plans.

The project is considered necessary to improve the highway to current safety standards, eliminate numerous sharp

curves, reduce a higher than average accident rate that occurs on this segment of highway, and is part of an overall upgrade of this highway between the Willamette Valley and the Oregon Coast.

There have been no significant changes in development/conditions in the area since the DEIS was prepared, as the proposed route is predominately through underdeveloped large timber company holdings that have been logged within recent years. The project has been developed with consideration for the proposed listings of the salmon by the National Marine Fisheries Service (NMFS). Since then the salmon has been formally listed by NMFS. There appears to be no Section 4(f) eligible properties that would be impacted by this proposed project.

The DEIS describing the proposed action and solicitation of comments was sent to all appropriate federal, state, and local agencies by ODOT. Public meetings and a public hearing were held for the project. ODOT published a Hearing Study Report/Decision Document in March 1994 that summarized and responded to all comments received at the public hearing and on the DEIS. As a result of comments received, minor changes are being considered for inclusion in the proposed project and subsequent environmental documents. Since ODOT formally circulated the DEIS, we propose to develop a supplemental EIS and circulate it with a copy of the summary of the DEIS as part of our normal distribution. Copies of the entire DEIS will be made available upon request. Additional public meetings/public hearing will be held as needed.

To ensure that the full range of issues related to this proposed action are addressed and significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: July 12, 2000.

**Elton Chang,**

*Environmental Engineer, Oregon Division.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-00-7570]

#### Highway Safety Programs; Model Specifications for Devices To Measure Breath Alcohol

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

**ACTION:** Notice.

**SUMMARY:** This notice amends the Conforming Products List for instruments that conform to the Model Specifications for Evidential Breath Testing Devices (58 FR 48705).

**EFFECTIVE DATE:** July 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Dr. James F. Frank, Office of Traffic Injury Control Programs, Impaired Driving Division (NTS-11), National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590; Telephone: (202) 366-5593.

**SUPPLEMENTARY INFORMATION:** On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974 (39 FR 41399).

On December 14, 1984 (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices, and published a conforming Products List (CPL) of instruments that were found to conform to the Model Specifications as Appendix D to that notice (49 FR 48864).

On September 17, 1993, NHTSA published a notice (58 FR 48705) to amend the Model Specifications. The notice changed the alcohol concentration levels at which instruments are evaluated, from 0.000, 0.050, 0.101, and 0.151 BAC, to 0.000, 0.020, 0.040, 0.080, and 0.160 BAC; added a test for the presence of acetone; and expanded the definition of alcohol to include other low molecular weight alcohols including methyl or isopropyl. On June 4, 1999, the most recent amendment to the Conforming Products List (CPL) was published (64 FR 30097), identifying those instruments found to conform with the Model Specifications.

Since the last publication of the CPL, two (2) instruments have been evaluated and found to meet the model specifications, as amended on September 17, 1993, for mobile and

non-mobile use. They are: (1) Intoxilyzer 400PA manufactured by CMI, Inc. of Owensboro, KY. This device is a hand-held breath tester with a fuel cell alcohol sensor. (2) Alco Sensor IV-XL manufactured by Intoximeters, Inc. of St. Louis, MO. This

device is a hand-held breath tester with a fuel cell alcohol sensor that is microprocessor controlled. It is designed to minimize operator involvement in performing the test and processing the test data.

The CPL has been amended to add these two instruments to the list.

In accordance with the foregoing, the CPL is therefore amended, as set forth below.

## CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and model	Mobile	Nonmobile
Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada:		
Alert J3AD* .....	X	X
PBA3000C .....	X	X
BAC Systems, Inc., Ontario, Canada: Breath Analysis Computer* .....		
	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England: IR Breath Analyzer* .....		
	X	X
CMI, Inc., Owensboro, KY:		
Intoxilyzer Model:		
200 .....	X	X
200D .....	X	X
300 .....	X	X
400 .....	X	X
400PA .....	X	X
1400 .....	X	X
4011* .....	X	X
4011A* .....	X	X
4011AS* .....	X	X
4011AS-A* .....	X	X
4011AS-AQ* .....	X	X
4011 AW* .....	X	X
4011A27-10100* .....	X	X
4011A27-10100 with filter* .....	X	X
5000 .....	X	X
5000 (w/Cal. Vapor Re-Circ.) .....	X	X
5000 (w <sup>3</sup> / <sub>8</sub> " ID Hose option) .....	X	X
5000CD .....	X	X
5000CD/FG5 .....	X	X
5000EN .....	X	X
5000 (CAL DOJ) .....	X	X
5000VA .....	X	X
PAC 1200* .....	X	X
S-D2 .....	X	X
Decator Electronics, Decator, IL: Alco-Tector model 500* .....		
		X
Draeger Safety, Inc., Durango, CO:		
Alcotest Model:		
7010* .....	X	X
7110* .....	X	X
7110 MKIII .....	X	X
7110 MKIII-C .....	X	X
7410 .....	X	X
7410 Plus .....	X	X
Breathalyzer Model:		
900* .....	X	X
900A* .....	X	X
900BG* .....	X	X
7410 .....	X	X
7410-II .....	X	X
Gall's Inc., Lexington, KY: Alcohol Detection System-A.D.S. 500 .....		
	X	X
Intoximeters, Inc., St. Louis, MO:		
Photo Electric Intoximeter* .....		
	X	
GC Intoximeter MK II* .....		
	X	X
GC Intoximeter MK IV* .....		
	X	X
Auto Intoximeter*		
Intoximeter Model:		
3000* .....	X	X
3000 (rev B1)* .....	X	X
3000 (rev B2)* .....	X	X
3000 (rev B2A)* .....	X	X
3000 (rev B2A) w/FM option* .....	X	X
3000 (Fuel Cell)* .....	X	X
3000 D* .....	X	X
3000 DFC* .....	X	X
Alcomonitor .....		
		X
Alcomonitor CC .....		
	X	
Alco-Sensor III .....		
	X	X
Alco-Sensor IV .....		
	X	X
Alco-Sensor IV-XL .....		
	XL	X
Alco-Sensor AZ .....		
	X	X
RBT-AZ .....		
	X	X
RBT III .....		
	X	X
RBT III-A .....		
	X	X
RBT IV .....		
	X	X

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

Manufacturer and model	Mobile	Nonmobile
RBT IV with CEM (cell enhancement module) .....	X	X
Intox EC/IR .....	X	X
Portable Intox EC/IR .....	X	X
Komyo Kitagawa, Kogyo, K.K.:		
Alcolyzer DPA-2* .....	X	X
Breath Alcohol Meter PAM 101B* .....	X	X
Lifelog Technologies, Inc., (formerly Lifeloc, Inc.), Wheat Ridge, CO:		
PBA 3000B .....	X	X
PBA 3000-P* .....	X	X
PBA 3000C .....	X	X
Alcohol Data Sensor .....	X	X
Phoenix .....	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK:		
Alcolmeter Model:		
300 .....	X	X
400 .....	X	X
AE-D1* .....	X	X
SD-2* .....	X	X
EBA* .....	X	X
Auto-Alcolmeter* .....	X	
Intoxilyzer Model:		
200 .....	X	X
200D .....	X	X
1400 .....	X	X
5000 CD/FG5 .....	X	X
5000 EN .....	X	X
Luckey Laboratories, San Bernadino, CA:		
Alco-Analyzer Model:		
1000* .....		X
2000* .....	X	
National Draeger, Inc., Durango, CO:		
Alcotest Model:		
7010* .....	X	X
7110* .....	X	X
7110 MKIII .....	X	X
7110 MKIII-C .....	X	X
7410 .....	X	X
7410 Plus .....	X	X
Breathalyzer Model:		
900* .....	X	X
900A* .....	X	X
900BG* .....	X	X
7410 .....	X	X
7410-II .....	X	X
National Patent Analytical Systems, Inc., Mansfield, OH:		
BAC DataMaster (with or without the Delta-1 accessory) .....	X	X
BAC Verifier Datamaster (with or without the Delta-1 accessory) .....	X	X
DataMaster cdm (with or without the Delta-1 accessory) .....	X	X
Omicron Systems, Palo Alto, CA:		
Intoxilyzer Model:		
4011* .....	X	X
4011AW* .....	X	X
Plus 4 Engineering, Minturn, CO: 5000 Plus4* .....	X	X
Seres, Paris, France:		
Alco Master .....	X	X
Alcopro .....	X	X
Siemens-Allis, Cherry Hill, NJ:		
Alcomat* .....	X	X
Alcomat F* .....	X	X
Smith and Wesson Electronics, Springfield, MA:		
Breathalyzer Model:		
900* .....	X	X
900A* .....	X	X
1000* .....	X	X
2000* .....	X	X
2000 (non-Humidity Sensor)* .....	X	X
Sound-Off, Inc., Hudsonville, MI:		
AlcoData .....	X	X
Seres Alco Master .....	X	X
Seres Alcopro .....	X	X
Stephenson Corp.: Breathalyzer 900* .....	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA:		
Alco-Analyzer 1000 .....		X

## CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

Manufacturer and model	Mobile	Nonmobile
Alco-Analyzer 2000 .....		X
Alco-Analyzer 2100 .....	X	X
Verax Systems, Inc., Fairport, NY:		
BAC Verifier* .....	X	X
BAC Verifier Datamaster .....	X	X
BAC Verifier Datamaster II* .....	X	X

\*Instruments marked with an asterisk (\*) meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (*i.e.*, instruments tested at 0.000, 0.050, 0.101, and 0.151 BAC.) Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at BACs = 0.000, 0.020, 0.040, 0.080, and 0.160. All instruments that meet the Model Specifications currently in effect (dated September 17, 1993) also meet the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501.1)

Issued on: July 17, 2000.

**Rose A. McMurray,**

*Associate Administrator for Traffic Safety Programs.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6187; Notice 2]

#### **Athey Products Corporation, Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety**

Athey Products Corporation (Athey) determined that certain Mobil model Street Sweepers it produced are not in full compliance with 49 CFR 571.105, Federal Motor Vehicle Safety Standard (FMVSS) No. 105, "Hydraulic and Electric Brake Systems," and filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Athey also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of an application was published, with a 30-day comment period, on October 21, 1999 in the **Federal Register** (64 FR 56835). NHTSA received no comments on this application during the comment period.

Paragraph S5.5 of FMVSS No. 105 requires each vehicle with a gross vehicle weight rating greater than 10,000 pounds, except for a vehicle with a speed attainable in 2 miles of not more than 33 mph, to be equipped with an antilock brake system (ABS) that directly controls the wheels of at least one front axle and the wheels of at least one rear axle of the vehicle. Vehicles that do not comply with the requirements of a FMVSS are subject to

the notification and remedy requirements of Chapter 301, unless exempted pursuant to 49 U.S.C. 30118(d) and 30120(h) on the basis that the noncompliance is inconsequential to motor vehicle safety. The effective date of the requirement for ABS on medium and heavy duty hydraulically-braked trucks was March 1, 1999.

Between March 1, 1999 and July 31, 1999 Athey manufactured, sold and/or distributed 21 Athey Mobil M8A model street sweepers and 56 Mobil M9D model street sweepers which were not equipped with ABS as required by FMVSS No. 105. To the best of Athey's knowledge, there were no other vehicles manufactured by the company that are noncompliant with the ABS requirements.

Athey supported its application by stating that the agency recognized that vehicle stopping distances and stability would not be substantially improved with ABS during maximum braking at speeds below 33 mph. According to Athey, the noncompliant vehicles are capable of speeds in excess of 33 mph, but spend the majority of their operating time at speeds below 33 mph. A review of information from its customers indicated that these street sweepers spend 80% to 90% of their operation time at speeds that are most effective at removal of road debris, speeds in the 3 to 7 mph range. In Athey's opinion, due to the low speed operation of these vehicles and the type of road use of street sweepers, maximum brake application does not normally cause lockup and the subsequent loss of vehicle control or jack knifing. Athey also stated that these street sweeper models are seldom operated in inclement weather thereby reducing the need for ABS.

Athey further stated that the hydraulic service brake system with which the noncompliant street sweepers are equipped is capable of providing substantially more brake torque than necessary to meet the 30 mph and 60 mph stopping performance requirements in FMVSS No. 105.

In addition to information supporting its arguments that the noncompliance with FMVSS No. 105 is inconsequential, Athey cited several other developments and circumstances that it considered relevant to its application. Athey stated that it attempted to secure the necessary ABS equipment from suppliers in order to meet the March 1, 1999 effective date for ABS installation, but experienced delays in receiving ABS equipment from suppliers due to a backlog of orders for ABS components. Further, immediately upon becoming aware of the consequences of the noncompliance, Athey halted all further sales and/or distribution of the Mobil model M8A and M9D street sweepers until compliance with the ABS requirements was achieved.

According to Athey, the importance of the service provided by street sweepers on public and private roadways should not be overlooked. The removal of waste material such as broken glass and other sharp, potentially dangerous objects from the roadway is a health and safety benefit.

Athey also noted that the agency granted a temporary exemption to the Johnson Sweeper Company (JSC) under 49 CFR part 555 from the ABS requirements of FMVSS No. 105. The agency cited the low speed operation of the JSC street sweepers and a reduction in the number of sweepers to fill the need of municipalities if JSC sweepers were not available, as important factors in its decision.

Upon its review of this petition, the agency believes that the true measure of inconsequentiality to motor vehicle safety is the effect of the noncompliance on the operation of the vehicles. Athey has described the effect of the absence of ABS on the operational characteristics, the braking capacity, and the braking stability of these specialized vehicles. The street sweepers spend the majority of their operating time at speeds in the 3 to 7 mph range for maximum debris removal effectiveness, speeds well below the vehicle speed capability for which ABS