

review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: March 19, 2008.

By order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. E8-6576 Filed 3-28-08; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2008-0028]

#### 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 WITCH OF ENDOR.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, 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 brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD-2008-0028 at <http://www.regulations.gov>. 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, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), 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 in that business, a waiver will not be granted. 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.

**DATES:** Submit comments on or before April 30, 2008.

**ADDRESSES:** Comments should refer to docket number MARAD-2008-0028. Written comments may be submitted by hand or by mail to the Docket Clerk,

U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. 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://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21-203, Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel WITCH OF ENDOR is:

*Intended Use:* "Passenger (6 or fewer)".

*Geographic Region:* "Maine, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Florida, California, Oregon, Washington".

#### Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: March 19, 2008.

By order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. E8-6578 Filed 3-28-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD 2008 0029]

#### Use of Foreign-Flag Anchor Handling Vessels in the Beaufort Sea or Chukchi Sea Adjacent to Alaska

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

**ACTION:** Notice and request for comments.

**SUMMARY:** As authorized by Public Law 109-347, the Secretary of Transportation, as represented by the Maritime Administration, is authorized to make determinations permitting the use of foreign-flag anchor handling vessels in certain cases (and for a limited period of time) if no U.S.-flag vessels are found to be suitable and reasonably available.

A request for such a determination regarding anchor handling vessels with a minimum ice class A3 has been received by the Maritime Administration. If the Maritime Administration determines that U.S.-flag vessels are not suitable and reasonably available for the proposed service, a determination will be granted allowing for the conditional use of these vessels, within a set time frame. Those interested in providing the names of suitable and available vessels for the proposed service should refer to the docket number, and identify the U.S.-flag vessels available.

**DATES:** Submit U.S.-flag anchor handling ice class A3 or above vessel nominations on or before April 30, 2008.

**ADDRESSES:** U.S.-flag vessel nominations should refer to docket number MARAD 2008 0029. Written nominations may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. You may also send documents electronically via the Internet at <http://www.regulations.gov>.

All submissions 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://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Thomas W. Harrelson, U.S. Department of Transportation, Maritime Administration, MAR-730, Room W21-314, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone 202-366-5515.

**SUPPLEMENTARY INFORMATION:** The Maritime Administration has received a request from an attorney on behalf of a client seeking permission to charter foreign-flag ice-classed A3 anchor handling vessels adjacent to the coast of Alaska. The two foreign-flag anchor handling vessels (VLADIMIR

IGNATYUK #8127804 and JIM KILABUK #7420754) would operate in the Beaufort Sea or Chukchi Sea adjacent to Alaska, under certain conditions, and for a limited period of time. Section 705 of Pub.L. 109-347 allows the use of foreign-flag vessels in this regard if the Maritime Administration determines that U.S.-flag vessels are not suitable or reasonably available.

The Maritime Administration is posting this notice in the **Federal Register** providing the public 30 days notice of our intention to provide a determination allowing for the use of foreign-flag vessels in this regard, if suitable and available U.S.-flag vessels are not otherwise identified. The Maritime Administration's determination will be for the period through December 31, 2009.

By order of the Maritime Administrator.  
Dated: March 25, 2008.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*  
[FR Doc. E8-6567 Filed 3-28-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[NHTSA Docket No. 2008-0030]

#### Highway Safety Programs; Model Specifications for Screening; Devices to Measure Alcohol in Bodily Fluids

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice revises Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids (Model Specifications) published in the **Federal Register** on August 2, 1994 (59 FR 39382). These devices test for the presence of alcohol using breath or bodily fluids such as saliva. The Model Specifications support State laws that target youthful offenders (i.e., "zero tolerance" laws) and the Department of Transportation's regulations on Alcohol Misuse Prevention, and encourage industry efforts to develop new technologies (e.g., non-breath devices) that measure alcohol content from bodily fluids.

This notice removed testing of Interpretive Screening Devices (ISDs) and use of the Breath Alcohol Sample Simulator (BASS) device from the Model Specifications. The ISDs did not provide an unambiguous test result, as test results for ISDs are subjective and

require interpretation by a test administrator or technician. Because the agency has determined the BASS device is not necessary for inclusion in the Model Specifications, this notice removes all references to the BASS device.

Additionally, in order to ensure product integrity, this notice provides guidelines for retesting devices when manufacturers contemplate changes, revisions, or upgrades to alcohol screening devices on the Conforming Products List (CPL).

These revisions to the Model Specifications will not affect devices currently listed on the CPL.

**DATES:** Effective Date: Revisions to these Model Specifications become effective on March 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** *For technical issues:* Ms. De Carlo Ciccel, Behavioral Research Division, NTI-131, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone: (202) 366-1694. *For legal issues:* Mr. David Bonelli, Office of Chief Counsel, NCC-113, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone: (202) 366-5834.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

As indicated in the Model Specifications published in 1994, the agency will modify and improve the Model Specifications as new data and test procedures become available and will alter the test procedures, as necessary, to meet unique design features of specific devices. Since publication of the Model Specifications, the agency encountered difficulties ensuring the accuracy of testing ISDs and also determined the use of the BASS is not necessary for inclusion in the Model Specifications. These events made it necessary to revise the Model Specifications.

On December 14, 2007, (72 FR 71188), NHTSA proposed and sought comments on amendments and revisions to the Model Specifications published in 1994. In the notice, NHTSA explained that the 1994 Model Specifications allowed for evaluation of screening devices that require subjective interpretation of test results by a test administrator or technician. These ISDs differ from devices that provide objective test results, including the use of digital technology or the appearance of lights or marks based on the presence or absence of alcohol. For instance, use of pass/fail lights or enzymes that react

with alcohol to produce an unambiguous mark provide objective test results. Also, the 1994 Model Specifications required that interpretive devices be evaluated subjectively under five lighting conditions (fluorescent, incandescent, mercury, sodium and daylight) by a panel of ten novice evaluators who are not color blind. Since publication of the 1994 Model Specifications, NHTSA evaluated eight separate ISDs. Of those eight ISD evaluations, none resulted in a successful outcome in the panel test described above. In one evaluation, the device passed the test under all lighting conditions except sodium. This device is no longer manufactured. Although many novice evaluators were able to judge the correct test outcome in the eight ISD evaluations, some could not, even though the manufacturers' instructions were conveyed to the evaluators and all evaluators passed tests to determine their color perception ability. This subjective interpretation of test results does not ensure accuracy and precision required to protect public safety. Due to repeated problems in evaluating ISDs, NHTSA proposed to remove altogether testing of ISDs and all references to interpretive or color indicator tests from the Model Specifications.

The 1994 Model Specifications provided for the use of the Breath Alcohol Sample Simulator (BASS) device for delivering alcohol-in-air test samples. The use of the BASS device is not necessary for inclusion in the Model Specifications because the BASS device is intended for use in testing the sampling efficiency of evidential breath testers. There is no sampling efficiency test in the Model Specifications for alcohol screening devices. The alcohol-in-air test sample for breath alcohol screening devices is supplied by a calibrating unit. Therefore, the agency proposed to remove all references to the BASS device from the Model Specifications.

The 1994 Model Specifications also provide procedures to conduct special investigations and re-test a device if information gathered indicates that a device listed on the CPL is not performing in accordance with the Model Specifications. The agency proposed the addition of Appendix B to provide guidance regarding notification and re-testing when manufacturers contemplate revisions to devices listed on the CPL. The proposed Appendix follows the language used in the Model Specifications for evidential breath testing devices (58 FR 48705). Upon notification by a manufacturer of a contemplated change to a device listed