

DATES: Comments must be submitted before August 2, 1999.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL-401, 400 Seventh Street, SW, Washington, DC 20590. All comments received will be available for examination at the above address from 10:00 a.m. to 5:00 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: Rail Fixed Guideway Systems; State Safety Oversight—Mr. Roy Field, Office of Program Management, (202) 366-0197.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Rail Fixed Guideway Systems; State Safety Oversight (*OMB Number:* 2132-0558).

Background: 49 U.S.C. Section 5330 requires each State that to designate a State Safety Oversight agency to oversee the safety and security operations of "a rail fixed guideway system" within the State's jurisdiction. To comply with Section 5330, State oversight agencies must require System Safety Program Plans (SSPPs) from rail fixed guideway systems; review and approve these SSPPs; require notification of unacceptable hazardous conditions according to the American Public Transit Association (APTA) Hazard Classification Matrix; require and review corrective action plans from rail fixed guideway systems to eliminate such conditions; require an ongoing safety audit process at the rail fixed guideway systems; and submit both an annual certification to FTA that the State is in compliance with the requirements of Section 5330 and an annual report documenting safety activities. Collection of this information will enable the State oversight agency to monitor effectively the safety of the rail fixed guideway system. Without

certification from the State oversight agency, FTA would be unable to determine each State's compliance with Section 5330.

If a State fails to comply with the requirements of Section 5330, FTA may withhold up to five percent of funds apportioned under section 5307 to a State, or urbanized area within a State, beginning in Fiscal Year 1997.

Estimated Annual Burden on Respondents: Approximately 663.50 hours for each of the 56 respondents.

Estimated Total Annual Burden: 37,158 hours.

Frequency: Annual.

Issued: June 1, 1999.

Gordon J. Linton,
Administrator.

[FR Doc. 99-14166 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5732]

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: June 4, 1999.

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, DC 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 February 27, 1998, the most recent amendment to the Conforming Products List (CPL) was published (63 FR 10066), identifying those instruments found to conform with the Model Specifications.

Since the last publication of the CPL, three (3) 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) Seres Alcopro, which is listed twice on the CPL, once under Sound-Off, Inc., of Hudsonville, Michigan, which sells this device in the United States, and also under Seres, of Paris, France, the manufacturer. This device is the first infra-red handheld breath tester on the CPL; (2) Phoenix, manufactured by Lifeloc Technologies, Inc. of Wheat Ridge, Colorado; and (3) Alco-Sensor AZ and the RBT-AZ, manufactured by Intoximeters, Inc. of St. Louis, Missouri, two versions of the same handheld fuel cell device, the first sold without a printer, and the latter with a printer.

The CPL has been amended to add these three instruments to the list. The CPL has also been amended to reflect the following changes:

(1) Lifeloc, Inc. has changed its name to Lifeloc Technologies, Inc. Hence, all devices listed under Lifeloc, Inc. are now listed under Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.), Wheat Ridge, Colorado;

(2) Two items listed under Intoximeters, Inc. had typographical errors that needed correction. The item listed as the Intoximeter Model 03000 D* has been changed to read: Intoximeter Model 3000D*. The items listed as the Intox EC-IR and the Portable Intox EC-IR have been changed to read: Intox EC/IR and Portable Intox EC/IR.

(3) The National Draeger, Inc. added the "Alcotest 7410 Plus" to the last CPL on February 27, 1998. However, it was listed on the CPL as the "Breathalyzer 7410 Plus" when it should have been listed as the "Alcotest 7410 Plus". The CPL has been corrected to reflect this more appropriate listing.

(4) In addition, "National Draeger, Inc." of Durango, Colorado changed its name to "Draeger Safety, Inc." All devices under "National Draeger" will remain on the list. However, a new listing for "Draeger Safety, Inc." will also be created with the same devices also listed. Future additions of Draeger Safety, Inc. equipment will only be added to the "Draeger Safety, Inc." listing.

(5) A sentence has been added to the footnote to the CPL indicating that any devices on this CPL that meet the model specifications for evidential breath testing devices that was published in the **Federal Register** on September 17, 1993 (58 FR 48705), also meet the requirements of the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids that was published on August 2, 1994 (59 FR 39382).

(6) The typographical error under the Smith and Wesson listing, where the location of the company was listed as "pringfield" has been corrected to read "Springfield".

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
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/3/8" 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*	X	X
Intoximeter Model:		
3000*	X	X
3000 (rev B1)*	X	X
3000 (rev B2)*	X	X
3000 (rev B2A)*	X	X

Manufacturer and model	Mobile	Nonmobile
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	X
Alco-Sensor III	X	X
Alco-Sensor IV	X	X
Alco-Sensor AZ	X	X
RBT-AZ	X	X
RBT III	X	X
RBT III-A	X	X
RBT IV	X	X
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 Lifelog, 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:		

Manufacturer and model	Mobile	Nonmobile
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
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: May 28, 1999.

Rose A. McMurray,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 99-14165 Filed 6-3-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[DP99-003]

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety. The petition is hereinafter identified as DP99-003.

FOR FURTHER INFORMATION CONTACT: Dr. George Chiang, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-5206.

SUPPLEMENTARY INFORMATION: Dr. Mary Halas of Alexandria, Virginia, submitted a petition to NHTSA by letter dated April 15, 1999, requesting that an investigation be initiated to determine whether to issue an order concerning

the notification and remedy of a defect in model year 1992 Acura Legend vehicles (subject vehicles) manufactured by Honda Motor Company (Honda) because of concerns related to their brake deficiency. The Petitioner alleges that the brake pedal on her vehicle stuck while driving, resulting in a crash. The Petitioner further alleges that she had no warning of any brake problem prior to the crash. In addition, the Petitioner alleges that there have been a number of complaints and service bulletins in NHTSA's database concerning the braking system on the subject vehicles. The Petitioner, however, did not identify a specific vehicle subsystem or component that might have been involved in or caused the brake failure.

During our review, we discovered that Honda had issued Technical Service Bulletin (TSB) 91-031 on August 18, 1992, for the model year 1991-1992 Acura Legend to correct a condition identified as "ABS Problem Code 1-8." The TSB states that when the ABS indicator light activates and the system is checked, problem code 1-8 appears. The light is activated inappropriately due to an overly sensitive sensor. To eliminate this inappropriate warning light, Honda implemented the TSB directing technicians to install a new pressure switch which ensures that the ABS light only comes on when appropriate. Thus, the issue addressed by this TSB has no effect on the vehicle's braking performance, and it is not related to the complaint filed by Dr. Halas.

A review of agency data files, including information reported to the Auto Safety Hotline by consumers,

indicates that there are six complaints about the brake system on the subject vehicles. Five of the six complaints were received prior to May 1996. The most recent complaint, received in March 1999, concerns illumination of the anti-lock brake warning light which is discussed in the TSB referenced in the above paragraph. None of these six complaints indicated that the complainants experienced difficulty in depressing the brake pedal. In addition, the number of complaints compared to the vehicle population (complaint rate) is lower for the model year 1992 Acura Legend than for five peer vehicles. Furthermore, there have been no safety recalls concerning the braking systems on the Acura Legend vehicles, regardless of the model year. On April 29, 1999, an ODI staff engineer inspected the Petitioner's vehicle at a local body shop. The staff was unable to test the operation of the vehicle's braking system vacuum booster because the crash rendered the engine inoperable. Visual inspection showed that the vacuum hose remains connected to the vacuum booster and to the engine, and that the brake pedal linkages appear to be free of obstruction or binding.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.