

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. 94-021; Notice 4]

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: February 27, 1998.

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, S.W., 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 January 30, 1996, the most recent amendment to the Conforming Products List (CPL) was published (61 FR 3078), identifying those instruments found to conform with the Model Specifications.

Since the last publication of the CPL, six (6) 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) Alcohol Data Sensor, manufactured by Life Loc, Inc.; (2) PBA3000C, jointly manufactured by Life Loc, Inc. and Alcohol Countermeasure Systems Corp. (3) RBT IV with CEM ("cell enhancement module"), manufactured by Intoximeters, Inc.; (4) Intoxilyzer 5000EN, an enhanced version of the Intoxilyzer 5000 CD/FG5 already on the CPL, manufactured by CMI, Inc. The Intoxilyzer 5000 EN is also sold by Lion Laboratories, a subsidiary of MPH, Inc., the same parent company that also owns CMI, Inc. Therefore, the Intoxilyzer 5000 EN is also listed under Lion Laboratories; (5) DataMaster cdm, manufactured by National Patent Analytical Systems, Inc.; and (6) Alco Master, manufactured in France by Seres and sold in the United States by Sound-Off, Inc. Therefore, it is listed under Seres as well as under Sound-Off, Inc.

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

(1) The Alcotest 7110 MK III, manufactured by National Draeger, Inc., is now also made with an internal computer communications feature as a standard capability of the instrument. The enhanced version of the device with the new computer communications capability, will be sold as the Alcotest

7110 MKIII-C. This new designation is added to the CPL, though NHTSA made the judgment that additional testing of the enhanced device was not necessary because the enhancements have no bearing on the alcohol measuring capability of the device.

(2) The Breathalyzer 7410-II, manufactured by National Draeger, has been enhanced with a version that allows the transfer of data to a computer. The new version will be designated as the Alcotest 7410 Plus. This new designation is added to the CPL, though NHTSA made the judgment that additional testing of the enhanced device was not necessary because the enhancements have no bearing on the alcohol measuring capability of the device.

(3) The BAC Systems Breath Analysis Computer, last tested in 1981, was previously listed only as a non-mobile device. It should have been listed as a mobile and non-mobile device. This error has been corrected in this CPL.

(4) Alcohol Countermeasure Systems, Inc. was previously located in Ft. Huron, MI. The company is now located in Mississauga, Ontario, Canada, and it has changed its name to Alcohol Countermeasure Systems Corp. This change is reflected in the amended CPL.

(5) Each of the National Patent Analytical Systems, Inc. DataMaster instruments are now available with a "Delta-1" optional accessory. This accessory allows for the discrimination of toluene and methanol, an additional feature that is not required in the NHTSA model specifications for evidential breath test devices. NHTSA has determined that additional testing of the enhanced devices with the Delta-1 optional accessory was not necessary because this additional feature does not affect the alcohol measurement capabilities of the DataMaster instruments.

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* | | |
| 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 |

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

| Manufacturer and model | Mobile | Nonmobile |
|---|--------|-----------|
| 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 |
| 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 |
| 3000 (rev B2A) w/FM option* | X | X |
| 3000 (Fuel Cell)* | X | X |
| 03000 D* | X | X |
| 3000 DFC* | X | X |
| Alcomonitor | | X |
| Alcomonitor CC | X | X |
| Alco-Sensor III | X | X |
| Alco-Sensor IV | 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 |
| Life-Loc, Inc., Wheat Ridge, CO: | | |
| PBA 3000B | X | X |
| PBA 3000-P* | X | X |
| PBA 3000C | X | X |
| Alcohol Data Sensor | 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 |

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

| Manufacturer and model | Mobile | Nonmobile |
|--|--------|-----------|
| 7110* | X | X |
| 7110 MKIII | X | X |
| 7110 MKIII-C | X | X |
| 7410 | X | X |
| Breathalyzer Model: | | |
| 900* | X | X |
| 900A* | X | X |
| 900BG* | X | X |
| 7410 | X | X |
| 7410-II | X | X |
| 7410 Plus | 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 |
| 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 |
| 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.

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

Issued on: February 24, 1998.

James L. Nichols,

Acting Associate Administrator for Traffic Safety Programs.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3514]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This notice announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are

eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATE: These decisions are effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally