

below, grey-top tubes are the only commercial blood collection tubes generally available that contain sodium fluoride in the preferred concentration and are FRA's tubes of choice for FRA post-accident testing.

On each tube, Becton has printed an expiration date, the date until which it warrants that the tube has sufficient vacuum to draw blood. Becton normally releases its blood tubes in lots which expire within 18–24 months of manufacture.

Many of the post-accident kits that have been distributed to railroads contain blood tubes that will expire in the next few months from November 2001 to May 2002. The replacement blood tube lots that are now available have only a few months remaining before their warranted vacuum capability expires. FRA has therefore decided to delay tube replacement until newly prepared 18–24 month blood tubes become available in early 2002.

#### Interim Procedures

Until the current inventory of blood tubes in the field is replaced in early 2002, FRA authorizes railroads to instruct local medical personnel to replace the expired tubes with their own stock of unexpired 10 mL, preferably grey-top, tubes. Substituted tubes must be 10 mL, not the 5 mL type, to ensure sufficient blood for analysis. This action is requested, but not required, and need only be considered when expired tubes are discovered *during an actual post-accident collection*. Medical facilities maintain supplies of grey-top and other color top vacuum tubes for clinical purposes. Tube replacement is always preferred to using expired tubes, but, if tube replacement is not possible, railroads are authorized to complete the post-accident collection using the expired blood tubes.

This procedure will *not* lead to an employee being subject to venipuncture more than once during a post-accident collection procedure. To draw blood specimens, a phlebotomist uses a single needle system that permits filling of more than one tube from the same needle unit. Use of an older grey-top tube may result in collecting a smaller specimen amount in that particular tube, but only if the vacuum in the tube, which is the differential between the tube's internal pressure and the atmospheric pressure, has been significantly reduced. If this should happen, the blood collector will simply replace that blood tube with a new tube; no new puncture is necessary.

#### Scientific and Technical Issues

Although FRA's interim procedures require railroads to replace expired blood tubes with unexpired tubes if possible, the use of an expired blood tube will not adversely affect employee rights or impact the validity of post-accident test results. FRA's post-accident testing program incorporates testing and analysis protocols designed to protect employees from unwarranted accusations of alcohol or drug use.

Discussed below are the two primary scientific and technical issues concerning the use of expired tubes: (1) The integrity of the vacuum present in the tube to draw blood properly, and (2) the potency of the chemical additives.

Evacuated blood tubes that have recently expired (i.e., within the past several months) are not expected to show a dramatic decrease in tube vacuum. Until its expiration date, each grey-top blood tube is warranted by Becton to have 90% or more of its vacuum remaining at an estimated deterioration rate of no greater than 5% per year. This loss of vacuum would affect only the efficiency of the medical professional's ability to draw a blood specimen. If a particular tube draws inefficiently due to lack of vacuum, a medical professional would ordinarily discard it and use another grey-top (or other color top) tube.

Since they are inorganic compounds, the preservatives found in the tubes, sodium fluoride and potassium oxalate, oxidize very slowly and even in a vacuum-decreasing environment, are unlikely to deteriorate significantly for many years. More importantly, there is *no possibility* that a "false positive" for any drug or its metabolites could occur because of an expired blood tube either from vacuum problems or from deteriorated preservatives.

The presence or absence of the chemical additives contained in grey-top tubes does not affect the detection of any of the drugs tested for in FRA's post-accident testing panel, with the exception of parent cocaine. Sodium fluoride in the grey-top tube contributes to the detectability of parent cocaine in blood, by helping to stabilize the spontaneous conversion of the parent drug in vitro to cocaine metabolites. The concentration (or absence) of parent cocaine is helpful principally in detecting recency of use.

Grey-top tubes are also helpful in conducting the alcohol analysis. Sodium fluoride is widely established as an effective antimicrobial agent in retarding endogenous alcohol production. The production of ethyl alcohol in the body is a well known

phenomenon, especially in post-mortem samples. In the presence of certain contaminating microorganisms and extreme conditions, alcohol identical to that found in alcoholic beverages may be created by the body after death, causing alcohol to appear in certain body fluids and/or tissues without having been ingested. Obviously, endogenous production of alcohol is of concern in the post-accident alcohol testing of both surviving and deceased crew members.

In FRA's post-accident testing, there have been several cases where, given severe trauma and the correct environmental factors, alcohol was produced post-mortem in detectable amounts, even in the presence of fully potent sodium fluoride. Using grey-topped tubes helps in this determination, but FRA has taken and will continue to take whatever scientific and technical steps are necessary to protect post-accident specimen donors from an incorrect interpretation of a positive test result. Among the procedures used by FRA to rule out an alcohol positive on a deceased employee as coming from endogenous production are: examining other tissues or fluids (i.e. urine, brain, vitreous) which may have been protected from trauma or decomposition; determining that the distribution of alcohol in the various body fluids and tissues is inconsistent with that expected in a living person; detecting the presence of other volatiles or physiological byproducts which can sometimes also be present during post-mortem decomposition; repeating analyses of a specimen kept at room temperature to determine if the alcohol concentration is increasing; and determining the identity of any microorganisms present to assess whether they have alcohol-producing capability.

**Authority:** 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304, and 49 CFR 1.49(m).

Issued in Washington, DC on December 21, 2001.

**George A. Gavalla,**

*Associate Administrator for Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Docket Number MARAD–2001–11241 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 *Sovereign of Malahide*.

**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. The vessel currently has permission to operate in Southeast Alaska under a small vessel waiver granted pursuant to actions in Docket MARAD-2001-10780. The current application involves a new operating area. 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 January 30, 2002.

**ADDRESSES:** Comments should refer to docket number MARAD-2001-11241. 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: *Sovereign of Malahide*. Owner: Timothy B. White.

(2) Size, capacity and tonnage of vessel. According to the applicant: "L.O.A. 64 ft; Displacement 80 tons ± Actual weight"

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "Crewed Charter Vessel." "California and Washington State."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1973. Place of construction: Dublin, Ireland.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "It is my opinion if waiver status granted it will not significantly impact other operators. In my extensive research I have not encountered any opposition and have been encouraged by numerous charter companies to obtain proper documentation due to the significant demand for vessels such as the subject vessel. Other operators have expressed an interest and desire to utilize this vessel."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "The vessel will not impact U.S. shipyards. The Vessel has been undergoing extensive refit, repair and updating over the past 24 months. Much of the work was performed by Sovereign Marine Services Inc., located in La Conner WA. Many other U.S. Subcontractors and suppliers were also used. The cost of such is in excess of \$1,000,000.00. All documentation of such work and repairs is available for review should you require."

Dated: December 26, 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**

#### **Child Passenger Protection Education Grants**

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

**ACTION:** Announcement of grants for child passenger protection education.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) announces a grant program under Section 2003(b) of the Transportation Equity Act for the 21st Century (TEA-21) to implement child passenger protection programs that are designed to prevent deaths and injuries to children, educate the public concerning the proper installation of child restraints, and train child passenger safety personnel concerning child restraint use. This notice solicits applications from the States, the District of Columbia, Puerto Rico, the U.S. Territories and the Indian Tribes through the Secretary of the Interior.

**DATES:** Applications must be received by the office designated below on or before January 31, 2002.

**ADDRESSES:** Applications must be submitted to the appropriate National Highway Traffic Safety Administration Regional Administrator.

**FOR FURTHER INFORMATION CONTACT:** For program issues contact Ms. Marlene Markison, State and Community Services, NSC-01, NHTSA, 400 Seventh Street, SW., Washington, DC 20590; telephone (202) 366-2121. For legal issues contact Mr. John Donaldson, Office of the Chief Counsel, NCC-30, NHTSA, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-1834.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Motor vehicle crashes remain the leading cause of unintentional injury-related deaths among children for every age from 4 to 14 years, despite an 11 percent decline in the motor vehicle occupant death rate for children under age 15 from 1988 to 2000. During the same time period, the motor vehicle occupant nonfatal injury rate among children under age 15 has increased by 7 percent. Motor vehicle injuries and