

submitted for FAA reconsideration of this measure under Part 150 if an FAA determination under Part 150 is being sought; [Measure #34] Expansion of Curfew was disapproved since the NCP does not quantify the noise benefits and this measure constitutes an airport noise and access restriction that may only be adopted after full compliance with the Airport Noise and Capacity Act of 1990 (ANCA), and 14 CFR part 161. The completed Part 161 analysis may be submitted for FAA reconsideration of this measure under Part 150 if an FAA determination under Part 150 is being sought; and [Measure #35] Cap/Phase-Out of Helicopters was disapproved since the NCP does not quantify the noise benefits and this measure constitutes an airport noise and access restriction that may only be adopted after full compliance with the Airport Noise and Capacity Act of 1990, and 14 CFR part 161. The completed Part 161 analysis may be submitted for FAA reconsideration of this measure under Part 150 if an FAA determination under Part 150 is being sought. These determinations are set forth in detail in a Record of Approval signed by the Associate Administrator for Airports (ARP-1) on October 16, 2009. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Los Angeles, Los Angeles World Airports.

The Record of Approval also will be available on-line at: http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/.

Issued in Hawthorne on December 4, 2009.

Mark A. McClardy

Manager, Airports Division, Western-Pacific Region.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Availability regarding a Finding of No Significant Impact (FONSI): K Street, 24th Street, NW., to 7th Street, NW., Washington, DC.

SUMMARY: The FHWA, in coordination with the District Department of Transportation (DDOT), is issuing a Finding of No Significant Impact (FONSI) for improvements to the K Street Corridor in northwest

Washington, DC to efficiently accommodate multi-modal travel, including an exclusive transitway within a portion of the existing street right-of-way.

FOR FURTHER INFORMATION CONTACT:

Federal Highway Administration, District of Columbia Division: Mr. Michael Hicks, Environmental/Urban Engineer, 1900 K Street, Suite 510, Washington, DC 20006-1103, Telephone number 202-219-3513, e-mail: michael.hicks@dot.gov; or Mr. Faisal Hameed, Program Manager, Project Development & Environment, Transportation Policy & Planning Administration, District Department of Transportation, 2000 14th Street, NW., 7th Floor, Washington, DC 20009, Regular Office Hours 8:30 a.m. to 4:30 p.m., Telephone number 202-671-2326, e-mail: faisal.hameed@dc.gov.

SUPPLEMENTARY INFORMATION: The FHWA, in coordination with DDOT, is issuing a FONSI for the preferred alternative, Alternative 2, as identified in the Final Environmental Assessment for K Street, 24th Street, NW., to 7th Street, NW., Washington, DC. This project would reconstruct existing K Street to provide an exclusive two-way, two-lane, center transitway, flanked by medians on either side that include bus platforms, and three general purpose lanes in each direction. Parking and loading would be accommodated in the curb lanes during off-peak hours. Bicycles would be accommodated in the curb lanes. The determination that the proposed undertaking will not have a significant impact on the environment has been made pursuant to the Council on Environmental Quality's regulations (40 CFR 1500) for implementing the National Environmental Policy Act.

Electronic Access

An electronic copy of this document may be downloaded, using a computer, modem and suitable communications software, from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's Web site at: <http://www.access.gpo.gov/nara>.

The FONSI will be available for public review at: <http://www.fhwa.dot.gov/dcdiv/projects.htm> or <http://www.ddot.dc.gov/kstreetEA>.

Authority: 23 U.S.C. 315; 49 CFR 1.48

Mark Kehrl,

Division Administrator.

[FR Doc. E9-29771 Filed 12-14-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Final FAA Decision on Proposed Airport Access Restriction

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The Airport Noise and Capacity Act of 1990 (hereinafter referred to as "the Act" or "ANCA") provides notice, review, and approval requirements for airports seeking to impose noise or access restrictions on Stage 3 aircraft operations that become effective after October 1, 1990. 49 U.S.C. 47521 *et seq.*

The Federal Aviation Administration (FAA) announces that it has disapproved the application for an airport noise and access restriction submitted by the Burbank Glendale Pasadena Airport Authority (BGPAA) for Bob Hope Airport (BUR) under the provisions of 49 U.S.C. 47524 of the ANCA, and 14 CFR part 161. The FAA determined that the application does not provide substantial evidence the restriction meets the six statutory conditions for approval under ANCA and part 161. The FAA's decision was issued October 30, 2009.

DATES: *Effective Date:* The effective date of the FAA's decision on the application for a mandatory noise and access restriction at BUR is October 30, 2009. The FAA found the application was completed on May 5, 2009 (74 FR 29530). The FAA opened a docket for public comment (FAA-2009-0546). The FAA received nearly 150 separate comments, which were considered during the FAA's evaluation of the BGPAA application.

FOR FURTHER INFORMATION CONTACT:

Victoria L. Catlett, Planning and Environmental Division, APP-400, 800 Independence Avenue, SW., Washington, DC 20591. E-mail address: vicki.catlett@faa.gov. Telephone number 202-267-8770.

SUPPLEMENTARY INFORMATION: On February 3, 2009, FAA received BGPAA's initial request for approval of a full, mandatory night-time curfew at Bob Hope Airport as described in the attached application. The application states "Pursuant to FAR Part 161.311(d) the Authority is seeking a full, mandatory night-time curfew as described in the attached application. The [BGPAA] is not seeking any other alternative restriction." On March 5, 2009, FAA determined that the application was complete except for the

environmental documentation provided in support of a categorical exclusion under the National Environmental Policy Act (NEPA). By letter dated March 9, 2009, BGPAA stated its intent to supplement and resubmit the application. On May 5, 2009, FAA received BGPAA's supplemented application. On May 29, 2009, FAA determined BGPAA's application to be complete. Pursuant to 14 CFR 161.313(c)(4)(ii), the FAA's 180-day review period starts on the date of receipt of the last supplement to the application (May 5, 2009).

The FAA may only approve a restriction that demonstrates, by substantial evidence, each of the six statutory conditions have been met. 14 CFR part 161, § 161.305. These six statutory conditions of approval are: *Condition 1*: The restriction is reasonable, nonarbitrary, and nondiscriminatory; *Condition 2*: The restriction does not create an undue burden or interstate or foreign commerce; *Condition 3*: The proposed restriction maintains safe and efficient use of the navigable airspace; *Condition 4*: The proposed restriction does not conflict with any existing Federal statute or regulation; *Condition 5*: The applicant has provided adequate opportunity for public comment on the proposed restriction; and *Condition 6*: The proposed restriction does not create an undue burden on the national aviation system. The FAA evaluated BGPAA's application under the provisions of 14 CFR 161.317 and determined the application satisfies the requirements under Condition 4 and Condition 5. However, the application does not satisfy the requirements under Condition 1, Condition 2, Condition 3, or Condition 6.

This notice also announces the availability of the FAA's final agency order disapproving the airport access restriction at <http://www.faa.gov/airports/>.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington DC on December 4, 2009.

Benito DeLeon,

Director, Office of Airport Planning and Programming.

[FR Doc. E9-29397 Filed 12-14-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0170]

Highway Safety Programs; Conforming Products List of Screening Devices To Measure Alcohol in Bodily Fluids

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This Notice amends and updates the list of devices that conform to the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

DATES: *Effective Date:* December 15, 2009.

FOR FURTHER INFORMATION CONTACT: Ms. De Carlo Ciccil, Behavioral Research Division, NTI-131, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; *Telephone:* (202) 366-1694.

SUPPLEMENTARY INFORMATION: On August 2, 1994, NHTSA published Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids (59 FR 39382). These specifications established performance criteria and methods for testing alcohol screening devices to measure alcohol content. The specifications support State laws that target youthful offenders (*e.g.*, "zero tolerance" laws) and the Department of Transportation's workplace alcohol testing program. NHTSA published its first Conforming Products List (CPL) for screening devices on December 2, 1994 (59 FR 61923, with corrections on December 16, 1994 in 59 FR 65128), identifying the devices that meet NHTSA's Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids. Five devices appeared on that first list. Thereafter, NHTSA amended the CPL on August 15, 1995 (60 FR 42214) and on May 4, 2001 (66 FR 22639), adding 7 devices to the CPL in those two actions. On September 19, 2005, NHTSA published an updated CPL (70 FR 54972), adding several devices to the list and removing several other devices. Subsequently NHTSA discovered an error regarding the name of a device listed on the CPL and republished the CPL on December 5, 2005 (70 FR 72502) to correct the error. NHTSA last published an update to the CPL on January 31, 2007 (72 FR 4559), adding 3 new devices.

On March 31, 2008, NHTSA published revised Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids (73 FR 16956).

These specifications removed testing of interpretive screening devices (ISDs) because ISDs did not provide an unambiguous test result. These specifications also removed from use the Breath Alcohol Sample Simulator as it is not necessary for testing breath alcohol screening devices. All other performance criteria and test methods were maintained.

Since the publication of the last CPL, NHTSA has evaluated additional devices at the Volpe National Transportation Systems Center (VNTSC) in Cambridge, Massachusetts, resulting in the addition of 14 new breath alcohol screening devices to the CPL. One device is being removed from the CPL as it is no longer supported or sold by the manufacturer and several devices are being renamed.

(1) AK Solutions USA, LLC, submitted 3 screening devices for testing, several trade name revisions, and the removal of 1 device from the CPL. The trade names of the new conforming devices are: AlcoMate AccuCell AL-9000, a handheld device with a fuel cell sensor; AlcoMate Premium AL-7000, a handheld device that utilizes replaceable semiconductor detectors, and AlcoMate Prestige (AL-6000), also a handheld device that utilizes replaceable semiconductor detectors. The replaceable detectors also conform to the model specifications and are specific to each device. Alcoscan AL-5000 is being removed from the list. This device is no longer being sold or supported by the manufacturer. The following three devices are being renamed: SafeMate (formerly known as AlcoChecker), SafeDrive (formerly known as AlcoKey), and AlcoMate Core (formerly known as Alcoscan AL-6000). (2) BAC Solutions, Inc., submitted a screening device for testing. The trade name for this device is BACmaster. This is a bench top stationary screening device with an infrared detector. (3) B.E.S.T. Labs, Inc., submitted a device for testing. The PB 9000e is a handheld device with a fuel cell sensor. (4) CMI, Inc., submitted a device for testing. This device, the Intoxilyzer 500, with a handheld fuel cell sensor conforms to the model specification for alcohol screening devices. This is the same device listed below as the Alcometer 500, distributed by Lion Laboratories, Ltd. (5) First Innovative Technology Group, Ltd., submitted a device, the AAT198 Pro. This is a handheld device with a semiconductor detector. (6) Guth Laboratories, Inc., submitted the Alcotector WAT90 for testing. This conforming device is handheld with a fuel cell sensor. (7) KHN Solutions, LLC, submitted 2 screening devices for