

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.*

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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 Ciccel, 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

testing. Their trade names are: BACTRACK Select S50 and the BACTRACK Select S80 and both devices are handheld. The BACTRACK Select S50 has a semiconductor detector while the S80 has a fuel cell sensor. (8) Lion Laboratories, Ltd. submitted the Alcometer 500. This is the same device

as the Intoxilyzer 500 submitted by CMI, Inc., listed above. (9) Q3 Innovations, Inc. submitted 2 screening devices for testing. The AlcoHAWK PT500 and the AlcoHAWK Slim 2 are handheld with semiconductor detectors. All of the above devices meet the NHTSA Model

Specifications for Screening Devices to Measure Alcohol in Bodily Fluids.

Consistent with paragraphs (1) and (2) above, NHTSA amends the Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids to read as follows:

CONFORMING PRODUCTS LIST OF ALCOHOL SCREENING DEVICES

Distributors/manufacturer	Devices
AK Solutions, USA, LLC., Palisades Park, New Jersey. <sup>1</sup>	<ul style="list-style-type: none"> <li>AlcoScan AL-2500.</li> <li>SafeMate.<sup>2</sup></li> <li>SafeDrive.</li> <li>AlcoMate.<sup>3</sup> (aka: AlcoHAWK Pro by Q3 Innovations).</li> <li>AlcoMate Accu Cell AL-9000.</li> <li>AlcoMate Pro.<sup>3</sup></li> <li>AlcoMate Core.<sup>4</sup></li> <li>AlcoMate Premium AL-7000, with replaceable Premium Sensor Modules (SM-7000).<sup>4,5</sup></li> <li>AlcoMate Prestige AL-6000, with replaceable Prestige Sensor Modules (SM-6000).<sup>4,6</sup></li> </ul>
Alco Check International, Hudsonville, Michigan	Alco Check 3000 D.O.T. <sup>7</sup> Alco Check 9000. <sup>7</sup>
Akers Biosciences, Inc., Thorofare, New Jersey	Breath Alcohol ✓ .02 Detection System. <sup>8</sup>
BAC Solutions, Inc., Birmingham, Michigan	BACmaster.
B.E.S.T. Labs., Boardman, Ohio	PB 9000e.
Chematics, Inc., North Webster, Indiana	ALCO-SCREEN 02™. <sup>9</sup>
CMI, Inc., Owensboro, Kentucky	Intoxilyzer 500 (aka: Alcometer 500—Lion Laboratories).
First Innovative Technology Group, Ltd., Hong Kong	AAT198—Pro.
Guth Laboratories, Inc., Harrisburg, Pennsylvania	<ul style="list-style-type: none"> <li>Alco Tector Mark X.</li> <li>Mark X Alcohol Checker.</li> <li>Alcotector WAT89EC-1.</li> <li>Alcotector WAT90.</li> </ul>
Han International Co., Ltd., <sup>2</sup> Seoul, Korea	A.B.I. (Alcohol Breath Indicator) (aka: AlcoHAWK ABI by Q3 Innovations).
KHN Solutions, LLC, San Francisco, California	BACTRACK Select S50 <sup>10</sup> BACTRACK Select S80. <sup>10</sup>
Lion Laboratories, Ltd., Wales, United Kingdom	Alcometer 500 (aka: Intoxilyzer 500—CMI, Inc.).
OraSure Technologies, Inc., Bethlehem, Pennsylvania	Q.E.D. A150 Saliva Alcohol Test.
PAS Systems International, Inc., Fredericksburg, Virginia	PAS Vr.
Q3 Innovations, Inc., Independence, Iowa	<ul style="list-style-type: none"> <li>AlcoHAWK Precision.</li> <li>AlcoHAWK Slim.</li> <li>AlcoHAWK Slim 2.</li> <li>AlcoHAWK Elite.</li> <li>AlcoHAWK ABI (aka: A.B.I. (Alcohol Breath Indicator) by Han Intl.).</li> <li>AlcoHAWK Micro.</li> <li>AlcoHAWK PRO (aka: AlcoMate by AK Solutions).</li> <li>AlcoHAWK PT 500.</li> </ul>
Repeco Marketing, Inc., Raleigh, North Carolina	Alco Tec III.
Seju Engineering Co., Taejeon, Korea	Safe-Slim.
Sound Off, Inc., Hudsonville, Michigan	Digitox D.O.T. <sup>7</sup> .
Varian, Inc., Lake Forest, California	On-Site Alcohol. <sup>11</sup>

<sup>1</sup> The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the U.S. by AK Solutions.

<sup>2</sup> Manufactured by Seju Engineering, Korea.

<sup>3</sup> Han International does not market or sell devices directly in the U.S. market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q-3 Innovations, Inc.

<sup>4</sup> Manufactured by Sentech Korea Corp.

<sup>5</sup> These devices utilize replaceable semiconductor detectors. Instead of re-calibrating the device, a new calibrated detector can be installed. This device comes with 4 detectors including the one that was already installed.

<sup>6</sup> These devices utilize replaceable semiconductor detectors. Instead of re-calibrating the device, a new calibrated detector can be installed. This device comes with 5 detectors including the one that was already installed.

<sup>7</sup> While these devices are still being sold, they are no longer manufactured or supported.

<sup>8</sup> The Breath Alcohol ✓ .02 Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

<sup>9</sup> While the ALCO-SCREEN 02™ saliva-alcohol screening device manufactured by Chematics, Inc. passed the requirements of the Model Specifications when tested at 40 °C (104 °F), the manufacturer has indicated that the device cannot exceed storage temperatures of 27 °C (80 °F). Instructions to this effect are stated on all packaging accompanying the device. Accordingly, the device should not be stored at temperatures above 27 °C (80 °F). If the device is stored at or below 27 °C (80 °F) and used at higher temperatures (i.e., within a minute), the device meets the Model Specifications and the results persist for 10–15 minutes. If the device is stored at or below 27 °C (80 °F) and equilibrated at 40 °C (104 °F) for an hour prior to sample application, the device fails to meet the Model Specifications. Storage at temperatures above 27 °C (80 °F), for even brief periods of time, may result in false negative readings.

<sup>10</sup> Manufactured by DA Tech Co., Ltd., Korea.

<sup>11</sup> While this device passed all of the requirements of the Model Specifications, readings should be taken only after the time specified by the manufacturer. For valid readings, the user should follow the manufacturer's instructions. Readings should be taken one (1) minute after a sample is introduced at or above 30 °C (86 °F); readings should be taken after two (2) minutes at 18 °C–29 °C (64.4 °–84.2 °F); and readings should be taken after five (5) minutes when testing at temperatures at or below 17 °C (62.6 °F). If the reading is taken before five (5) minutes has elapsed under the cold conditions, the user is likely to obtain a reading that underestimates the actual saliva-alcohol level.

**Authority:** 23 U.S.C. 403; 49 CFR 1.50; 49 CFR part 501.

Issued on: November 18, 2009.

**Jeff Michael,**

*Associate Administrator for the Office of Research and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Noise Exposure Map Notice for San Diego International Airport, San Diego, CA

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by San Diego County Regional Airport Authority, for San Diego International Airport under the provisions of 49 U.S.C. 47501 *et. seq* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

**DATES: Effective Date:** The effective date of the FAA's determination on the noise exposure maps is November 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** Victor Globa, Environmental Protection Specialist, Federal Aviation Administration, Los Angeles Airports District Office, Mailing Address: P.O. Box 92007, Los Angeles, California 90009–2007. Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Telephone: 310/725–3637.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the noise exposure maps submitted for San Diego International Airport are in compliance with applicable requirements of 14 Code of Federal Regulations (CFR) part 150 (hereinafter referred to as “Part 150”), effective November 10, 2009. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as “the Act”), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description

of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by San Diego County Regional Airport Authority. The documentation that constitutes the “Noise Exposure Maps” as defined in section 150.7 of Part 150 includes: Figure 2, Existing Condition (2009) Noise Exposure Map; Figure 3, Forecast Condition (2014) Noise Exposure Map; Figure 4, Comparison of Existing (2009) and Forecast (2014) Noise Exposure Maps; Figure 5, Existing SAN Airport Layout; Figure 6, Runway 9 Departure Arrival Tracks, Figure 7, Runway 27 Departure and Arrival Tracks; Figure 8, Helicopter Departure and Arrival Tracks; Table 3, Annual CNEL Measured at the RMT's; Table 4, Comparison of Annual CNEL-Measured and Modeled; Table 5, 2007 Aircraft Operations; Table 6, Existing (2009) Modeled Average Daily Aircraft Operations; Table 7, Forecast (2014) Modeled Average Daily Aircraft Operations; Table 8, Runway Utilization; Table 9, Number of Non-Residential Sensitive Receptors within 2009 and 2014 CNEL Contours; Table 10, Listing of Non-Residential Sensitive Receptors within 2009 and 2014 CNEL Contours; Table 11, Estimated Residential Population within 2009 and 2014 CNEL Contours; Table 12, Number of Single Family Homes Eligible for Sound Mitigation; Table 13, Number of Multi-Family Residential Units Eligible for Mitigation; Table 14, Noise Technical Advisory Group Members; Table 15, Noise Technical Advisory Group Meetings; Table 16, Community Information Workshops Content. The FAA has determined that these Noise Exposure Maps and accompanying

documentation are in compliance with applicable requirements. This determination is effective on November 10, 2009.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261.

Federal Aviation Administration, Los Angeles Airports District Office, Room 3000, 15000 Aviation Boulevard, Hawthorne, California 90261.