

**Note 2:** Design approval holders are not expected to release service instructions for this action.

### Compliance with Federal Aviation Regulations

(h) Notwithstanding the requirements of Sections 25.1447, 121.329, 121.333, and 129.13 of the Federal Aviation Regulations (14 CFR 25.1447, 121.329, 121.333, and 129.13), operators complying with this AD are authorized to operate affected airplanes until this action is superseded by other rulemaking.

### Parts Installation

(i) After the effective date of this AD, no person may install a chemical oxygen generator in any lavatory on any affected airplane.

### Special Flight Permit

(j) Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

### Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Transport Standards Staff, ANM-110, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to an individual identified in either paragraph (k)(1)(i) or (k)(1)(ii) of this AD.

(i) Jeff Gardlin, Aerospace Engineer, Cabin Safety Branch, ANM-115, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2136; fax (425) 227-1149; e-mail [jeff.gardlin@faa.gov](mailto:jeff.gardlin@faa.gov).

(ii) Robert Hettman, Aerospace Engineer, Propulsion and Mechanical Systems Branch, ANM-112, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2683; fax (425) 227-1149; e-mail [robert.hettman@faa.gov](mailto:robert.hettman@faa.gov).

(2) Before using any approved AMOC, notify your appropriate principal inspector or, lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

### Contact Information

(l) For technical information about this AD, contact:

(1) Jeff Gardlin, Aerospace Engineer, Cabin Safety Branch, ANM-115, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2136; fax (425) 227-1149; e-mail [jeff.gardlin@faa.gov](mailto:jeff.gardlin@faa.gov).

(2) Robert Hettman, Aerospace Engineer, Propulsion and Mechanical Systems Branch, ANM-112, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2683; fax (425) 227-1149; e-mail [robert.hettman@faa.gov](mailto:robert.hettman@faa.gov).

(m) For FAA Flight Standards information about this AD, contact the manager at your local certificate management office (CMO) or certificate management team (CMT).

Issued in Renton, Washington, on March 2, 2011.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2011-5292 Filed 3-7-11; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

**[Docket No. FAA-2011-0055; Airspace Docket No. 11-AAL-2]**

### Amendment to Special Use Airspace Restricted Areas R-2203, and R-2205; Alaska

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This action amends the using agency of Restricted Areas R-2203 A, B, & C; Eagle River, AK, and R-2205, Stuart Creek, AK. These changes reflect the U.S. Army's current organization in Alaska. There are no changes to the boundaries, designated altitudes, time of designation, or activities conducted within the affected restricted areas.

**DATES:** Effective Date 0901 UTC, May 5, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace, Regulations and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

#### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by changing the R-2203 and R-2205 using agency of Special Use Airspace to, "U.S. Army, AK (USARAK), Commanding General, Fort Richardson, AK". This is an administrative change and does not affect the boundaries, or operating requirements of the airspace, therefore, notice and public procedures under 5 U.S.C. 533(b) is unnecessary.

Section 73.22 of Title 14 CFR part 73 was republished in FAA Order 7400.8S, effective February 16, 2010.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action"

under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Restricted Areas in Alaska.

#### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311d, FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

#### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

#### PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 73.22 [Amended]

■ 2. Section 73.22 is amended as follows:

\* \* \* \* \*

**R-2203A Eagle River, AK [Amended]**

By removing the existing Using Agency information and substituting the following:  
*Using agency.* U.S. Army, AK (USARAK), Commanding General, Fort Richardson, AK.

**R-2203B Eagle River, AK [Amended]**

By removing the existing Using Agency information and substituting the following:  
*Using agency.* U.S. Army, AK (USARAK), Commanding General, Fort Richardson, AK.

**R-2203C Eagle River, AK [Amended]**

By removing the existing Using Agency information and substituting the following:  
*Using agency.* U.S. Army, AK (USARAK), Commanding General, Fort Richardson, AK.

\* \* \* \* \*

**R-2205 Stuart Creek, AK [Amended]**

By removing the existing Using Agency information and substituting the following:  
*Using agency.* U.S. Army, AK (USARAK), Commanding General, Fort Richardson, AK.

Issued in Washington, DC, on March 2, 2011.

**Rodger A. Dean,**

*Acting Manager, Airspace, Regulations and ATC Procedures Group.*

[FR Doc. 2011-5246 Filed 3-7-11; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 121**

[Docket No.: FAA-2002-11301; Amendment No. 121-315A]

RIN 2120-AH14

**Antidrug and Alcohol Misuse  
Prevention Programs for Personnel  
Engaged in Specified Aviation  
Activities; Supplemental Regulatory  
Flexibility Determination**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; supplemental regulatory flexibility determination.

**SUMMARY:** This document announces the completion and availability of a supplemental regulatory flexibility determination for a previously published final rule. That final rule amended the FAA regulations governing drug and alcohol testing to clarify that each person who performs a safety-sensitive function for a regulated employer by contract, including by subcontract at any tier, is subject to testing.

**DATES:** Submit comments on or before May 9, 2011.

**ADDRESSES:** Send comments identified by docket number 2002-11301 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue, SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* The FAA will post all comments it receives, without change, to <http://www.regulations.gov>, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477-19478), as well as at <http://DocketsInfo.dot.gov>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Nicole Nance, Office of Aviation Policy and Plans, APO-300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3311; e-mail [nicole.nance@faa.gov](mailto:nicole.nance@faa.gov). For legal questions concerning this document, contact Anne Bechdolt, Regulations Division, AGC-220, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7230; e-mail [anne.bechdolt@faa.gov](mailto:anne.bechdolt@faa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

On February 28, 2002, the FAA issued a notice of proposed rulemaking seeking to revise the drug and alcohol testing regulations by amending the definition of employee (67 FR. 9366, 9377, Feb. 28,

2002). The FAA action addressed those individuals performing safety-sensitive functions under contract who may not have been subject to testing under the drug and alcohol testing regulations established in 1988 and 1994, respectively. Upon review of comments, the FAA, in 2004, issued a supplemental notice of proposed rulemaking to seek comment regarding how small entities would be impacted by this rule (69 FR 27980, May 17, 2004). From the comments received the FAA believed that the rule would not have a significant impact on a substantial number of small entities.

On January 10, 2006, the FAA issued the final rule (71 FR 1666). This rule requires that each person who performs a safety-sensitive aviation function directly for an employer is subject to testing and that each person who performs a safety-sensitive function at any tier of a contract for that employer is also subject to testing. This requirement includes contractors and subcontractors. Contracting companies have two testing options: Option one is for the contracting company to obtain and implement its own FAA drug and alcohol (D&A) testing programs. Under this option, the company would subject the individuals to testing. The other option is for the regulated employer to maintain its own testing programs and subject the individual to testing under these programs. To establish a D&A program a company would need to develop and maintain testing, training, and annual reporting requirements.

To comply with the Regulatory Flexibility Analysis (RFA), and to evaluate the impact on small businesses, the FAA described and estimated the number of affected businesses and estimated the economic impact. In the final regulatory flexibility analysis the FAA estimated that the costs were minimal, and that contractors would absorb some of these costs. In order to estimate the maximum impact of this regulation on regulated entities the FAA assumed that all of the additional cost would be passed along to regulated employers. Since costs were minimal, the FAA again certified that the rule would not have a significant economic impact on a substantial number of small entities. 71 FR 1666, 1674 (Jan. 10, 2006)

The Aeronautical Repair Station Association, Inc., (ARSA) and other affected businesses challenged the final rule on several grounds, including the FAA's compliance with the Regulatory Flexibility Act. The entities argued that contractors and subcontractors were directly affected by the final rule, and in failing to consider them in the final