

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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Red Dog Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 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.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the Earth.

* * * * *

AAL AK E5 Red Dog, AK [Revised]

Red Dog, AK

(Lat. 68°01'56" N., long. 162°53'67" W.)

Noatak NDB/DME, AK

(Lat. 67°34'19" N., long. 162°58'26" W.)

Selawik, VOR/DME, AK

(Lat. 66°35'58" N., long. 159°59'27" W.)

* * * * *

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Red Dog Airport, AK; and that airspace extending upward from 1,200 ft. above the surface within a 14-mile radius of the Red Dog Airport, AK, and within 5 miles either side of a line from the Selawik VOR/DME, AK, to lat. 67°38'06" N., long. 162°21'42" W., to lat. 67°54'30" N., long.

163°00'00" W., and within 5 miles either side of a line from the Noatak NDB/DME, AK, to lat. 67°50'20" N., long. 163°19'16" W., and within a 5-mile radius of lat. 67°50'20" N., long. 163°19'16" W.

Issued in Anchorage, AK, on March 6, 2007.

Michael A. Tarr,

Acting Manager, Alaska Flight Services Information Area Group.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2007-27294; Airspace Docket No. 06-ASO-17]

RIN 2120-AA66

Change of Controlling Agency for Restricted Area R-6601; Fort A.P. Hill, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action updates the name of the controlling agency for Restricted Area R-6601, Fort A.P. Hill, VA. The FAA is taking this action to reflect the correct facility name. This is an administrative change that does not alter the boundaries, designated altitudes, time of designation, or activities conducted within R-6601.

DATES: Effective Dates: 0901 UTC, May 10, 2007.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules, Office of System Operations Airspace and AIM, 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 name of the controlling agency for Restricted Area R-6601, Fort A.P. Hill, VA, from "FAA, Potomac Approach," to "FAA, Potomac TRACON." This change is administrative only and does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Section 73.66 of Title 14 CFR part 73 was republished in FAA Order 7400.8N, dated February 16, 2007.

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 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.

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.

Adoption of 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.

§ 73.66 [Amended]

■ 2. § 73.66 is amended as follows:

* * * * *

R-6601 Fort A.P. Hill, VA [Amended]

■ Under controlling agency, by removing the words "FAA, Potomac Approach," and inserting the words "FAA, Potomac TRACON."

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Issued in Washington, DC, on March 8, 2007.
Ellen Crum,
Acting Manager, Airspace and Rules.
[FR Doc. E7-4683 Filed 3-14-07; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA-1998-4521; Amendment No. 121-332]

RIN 2120-AF07

Drug and Alcohol Testing Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The Federal Aviation Administration (FAA) is making minor technical changes to update references to various types of commercial operators within the drug and alcohol testing regulations. In the final rule, "National Air Tour Safety Standards" (Air Tours) published on February 13, 2007, we changed the regulatory sections that referred to sightseeing operators that did not hold a certificate but that continued to be subject to drug and alcohol testing requirements. In addition, this technical amendment updates other references in the drug and alcohol testing regulations including addresses. The intent of this amendment is to avoid confusion created by inconsistent terms and references within the FAA's regulations.

DATES: Effective Dates: Effective on March 15, 2007.

FOR FURTHER INFORMATION CONTACT: Patrice M. Kelly, Deputy Division Manager, Drug Abatement Division, Office of Aerospace Medicine, 800 Independence Ave. SW., Washington, DC, 20591. (202) 267-3123; patrice.kelly@faa.gov.

SUPPLEMENTARY INFORMATION:

Technical Amendment

This technical amendment will update several references in the FAA's drug and alcohol testing regulations in Title 14 of the Code of Federal Regulations (14 CFR), part 121, appendices I and J. In addition, this amendment will change the location where registrations will be sent, so that

the appropriate offices will receive the drug and alcohol testing registration information.

Since the inception of the drug testing rules in 1988, and the alcohol testing regulations in 1994, the FAA has included any sightseeing operator defined in 14 CFR 135.1(c) as an "employer" that was required to meet the drug and alcohol testing requirements set forth in 14 CFR part 121, appendices I and J. Under the Air Tours final rule, the FAA has moved the former § 135.1(c) operators to the newly created § 91.147 of 14 CFR. In this amendment, we are changing all references to the term "Operator" as defined in § 135.1(c) to reference the new definition of "Operator" in § 91.147.

The "National Air Tour Safety Standards" final rule requires that a § 91.147 operator register its drug and alcohol testing program with the Flight Standards District Office nearest its principal place of business. The technical amendment reflects that change to several sections in appendices I and J of part 121. If this change is not made, these small operators would be required to file the same company contact information with multiple FAA offices. The amendment also updates the addresses where a repair station can file its program with the FAA, if the repair station opts to have its own testing program.

We are updating references to "a part 121 certificate holder" and "a part 135 certificate holder." The drug and alcohol testing regulations will now refer to "part 119 certificate holders with authority to operate under parts 121 and/or 135," which is a technically more accurate description.

In both appendix I, section IX, and appendix J, section VII, we eliminated paragraph "C.2" to incorporate it in the caption within the chart. The chart that appeared in paragraph "C.2" now appears in the newly redesignated paragraph "C." We made this change to avoid confusion and redundancy. We also removed an "e.g." provision in the C.2 chart found in both appendix I, section IX, and appendix J, section VII. The "e.g." in paragraph "C.2" was not used elsewhere in the charts, and was not a substantive provision.

Justification for Immediate Adoption

On the basis of the above, the FAA does not find that this amendment is a substantial action that requires 30 days after publication before it becomes effective, and that notice and public

comment under 5 U.S.C. 533(b) are unnecessary and contrary to the public interest. Further, I find that good cause exists under 5 U.S.C. 533(d) for making this rule effective on the same day that the National Air Tour Safety Standards final rule becomes effective (March 15, 2007), so that references to sections amended in the final rule are up to date.

List of Subjects in 14 CFR Part 121

Aircraft, Airmen, Aviation Safety, Reporting and recordkeeping requirements.

- Accordingly, Title 14 of the Code of Federal Regulations (CFR) part 121 is amended as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

- 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 45101–45105, 46105.

- 2. Amend appendix I to part 121 as follows:

- A. Amend section II, to revise the definition of "Employer"; and
- B. Amend section IX by revising paragraphs A, B, C, D.1.e., E.1.f., and E.2.

The revisions read as follows:

Appendix I to Part 121—Drug Testing Program

* * * * *
II. Definitions. * * *
* * * * *

Employer is a part 119 certificate holder with authority to operate under parts 121 and/or 135, an operator as defined in § 91.147 of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U.S. Military. An employer may use a contract employee who is not included under that employer's FAA-mandated antidrug program to perform a safety-sensitive function only if that contract employee is included under the contractor's FAA-mandated antidrug program and is performing a safety-sensitive function on behalf of that contractor (i.e., within the scope of employment with the contractor.)

* * * * *

IX. Implementing an Antidrug Program

A. Each company must meet the requirements of this appendix. Use the following chart to determine whether your company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or whether you must register with the FAA: