

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No.11-1050

September Term, 2010

Filed on: March 1, 2011

In re: Aeronautical Repair
Station Association, Inc.

On Petition for Writ of Mandamus

Before: SENTELLE, *Chief Judge*, and HENDERSON and TATEL, *Circuit Judges*.

ORDER

Petitioner Aeronautical Repair Station Association, Inc. seeks a writ of mandamus directing the Federal Aviation Administration (FAA) to comply with the court's mandate that issued on October 11, 2007, directing the FAA on remand to prepare, pursuant to the Regulatory Flexibility Act, 5 U.S.C. §§ 601 *et seq.*, a final regulatory flexibility analysis of FAA regulations governing drug and alcohol testing as amended in 2006 to cover employees of air carrier subcontractors "at any tier" who perform safety-related functions. *Aero. Repair Station Ass'n v. FAA*, 494 F.3d 161, 178 (D.C. Cir. 2007); *Mandate, Aero. Repair Station Ass'n* (Oct. 11, 2007). As of this date, over three years after the mandate issued, the FAA has not complied with that mandate. It is therefore

ORDERED that, by 4:00 p.m. on March 10, 2011, the FAA show cause why the court should not issue the requested writ requiring the FAA to comply with the court's mandate by preparing a final regulatory flexibility analysis within 90 days of the date of this order and, pending completion of the analysis, why the court should not stay the FAA drug and alcohol testing regulations insofar as they require alcohol and drug testing of subcontractor employees "at any tier." 14 C.F.R. §§ 120.105, 120.215.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk