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NETJETS®

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Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590-0001

Comments of NetJets, Inc. on Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specific Aviation Activities

Submitted to Docket No. FAA-2002-11301, Notice No. 02-04

NetJets, Inc. appreciates the opportunity to respond to the NPRM that proposes changes to 14 CFR 121, Appendices I and J. We have reviewed this proposal carefully and are concerned with the aspect of the proposal concerning the use of contractors to perform maintenance functions.

In the NPRM, the FAA proposes to require all contractors who perform maintenance functions to be tested for drugs and alcohol. While NetJets, Inc. certainly endorses a zero-tolerance, drug and alcohol policy for aviation activities, there is a limit to the amount of testing that can be reasonably conducted. The requirement that any individual that performs a maintenance function, at any tier, be tested places an enormous burden on Part 135 certificate holders.

In the Part 135 environment, there are no line maintenance facilities as they exist in Part 121 scheduled operations. Therefore, the maintenance conducted "on the road" requires the use of various repair stations and individual maintenance technicians. Currently, documentation is obtained that a drug/alcohol program covers the individuals that are going to conduct maintenance on an aircraft. However, the proposed rule change will also require anyone who assists the maintenance technician (a "mechanic's helper") be covered by a program as well. Since this individual will be under the supervision of a covered technician, and the covered technician will be responsible for releasing the aircraft for service after repair, it is difficult to understand the need for the assisting individual to be covered by a drug/alcohol program.

The NPRM also requires contractors to be subject to a drug/alcohol program if performing a maintenance function at any tier. In the Part 135 environment, numerous contractors are used for many maintenance functions. These contractors may be contracted directly by the certificate holder, or may be contracted by an aircraft maintenance facility. For example, an aircraft manufacturer may contract with another facility to repair parts used by the certificate holder, with or without the certificate holder's knowledge. Additionally, some aircraft components are manufactured by companies not primarily involved with aviation (ie: coffee maker manufacturers, etc.) who will not be interested in participating in a drug/alcohol program for such a small percentage of their business.

In closing, NetJets, Inc. believes the FAA must determine and justify to what extent drug/alcohol testing must occur and not merely state that all those involved, at any level, must be tested. The guidance previously issued that requires the individual who accepts airworthiness responsibility for the work they were performing be covered by a drug/alcohol program was a realistic and practical application of the rule. The proposed rule creates a burden that will result in a great deal of economic hardship without any supporting safety argument or data justifying the change.

Sincerely,

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