

176194



**PRIMETURBINES**

May 28, 2002

Docket Management System  
U.S. Department of Transportation  
Docket No. [FAA-2002-11301; Notice No. 02-04] - 17  
Room Plaza 401  
400 Seventh Street SW  
Washington, D.C. 20590-0001

DEPT. OF TRANSPORTATION  
02 JUN -7 PM 4:50

Ladies and Gentlemen:

The following comments are offered as constructive criticisms and comments concerning the Department of Transportation (DOT) and Federal Aviation Administration (FAA) Drug & Alcohol NPRM [Docket No. FAA-2002-11301; Notice No. 02-04]. We, Prime Turbines, Inc., are a small, 12 person, privately owned FAA Federal Airworthiness Regulation (FAR) Part 145 certificated and Joint Aviation Authority (JAA) Joint Airworthiness Regulation (JAR) 145 accepted repair station. Our shop specializes in the repair and overhaul of one engine family produced by Pratt & Whitney Canada (PWC). As currently presented, the financial implications of the FAA Drug & Alcohol revised program are serious enough to make us question the reasoning behind this new train of thought. With our small size we currently conform to many of the new items presented in the NPRM. Even with our small organization, we find it hard to believe the \$37,500.00 figure quoted by FAA is an accurate figure concerning the initial cost associated with conforming to this NPRM. We feel it is too low.

The overall intent of the DOT and FAA Drug and Alcohol NPRM is acceptable to us. Unfortunately certain parts are going to cause us significant hardship. We shall only deal with the most important ones here. Our analysis of these important items will be done on those areas that do not seem to provide an equal amount of benefit to the cost of implementing them. If the regulation's language were more precise and detailed, uniformity in interpretation would definitely make enforcing and complying with the regulation much simpler. Our comments and concerns with the NPRM as currently written follow. We hope you consider them, and include them in the final regulation ruling.

#### Appendix I - Drug Testing Program

#### Section II - Definitions

To eliminate any possible confusion we feel the following concepts need to be clearly defined, and their meanings added to the NPRM.

1.) Safety Sensitive - This concept must be clearly and understandably defined. Nowhere within the pages of the NPRM is this phrase given any clear concise understandable meaning. The only place a definition is attempted is in the implied meaning of the terms in the context of a sentence that they are used in. For us, this does not suffice in our attempts to understand the intent of the entire NPRM and the airworthiness responsibilities involved. To be able to interpret what is meant when safety sensitive is used the reader must be able to understand the phrase explicitly. For example: When manufacturing an aircraft engine, is the individual responsible for attaching the power section module to the gas generator

module performing the same safety sensitive job as the individual inspecting the compressor turbine hot section during a scheduled operational inspection routine? After this inspection routine this individual then reassembles the power section module to the gas generator module. Only one of these individuals is going to "release-to-service" the aircraft engine, and accept the airworthiness responsibility. Is not the initial manufacturing assembling procedure just as safety sensitive, if not more so, then the engine assembling procedure after the operational hot section inspection routine? The individual working for the manufacturer assembling the engine modules is not under a drug or alcohol-testing program, why not?

2.) Performing Maintenance - This concept must be clearly and understandably defined. Many people can perform regular maintenance on an aircraft engine and its components. Normally, only one or two of these individuals "release-to-service" the aircraft engine and/or its components after this maintenance is performed. At what level of performing maintenance is an employer suppose to start drug and alcohol testing. Nowhere within this NPRM is this clearly spelt out. During a maintenance related inspection, performing maintenance is a routine procedure on an aircraft engine, when does this become safety sensitive? Without a clear definition of performing maintenance, a clear understanding of safety sensitive can never be comprehended.

3.) Cease To Perform - This concept must be clearly and understandably defined. There is no attempt made in the NPRM to specifically state any actual timeframe for this "cease-to-perform" action to take place. In a commercial business some procedures are time critical. In a small business where there are no "extra" people available to finish a time critical process, removing one person for a random drug test can have significant financial consequences. Requiring a person to cease all safety sensitive operations immediately is unreasonable. Some thought must be given to specifying a timeframe that does not financial impact corporate functions as is currently implied in the NPRM for "cease to perform" for a random drug test. If a test for "reasonable cause" is required the loss of manpower is understood. "Cease to perform" than takes on a completely different understanding. If an individual is under suspicion for possible drug and/or alcohol abuse during working hours "cease to perform" makes clear sense.

### Section III- Employees Who Must be Tested

We have no problems with the need to randomly drug and alcohol test all individuals performing safety sensitive jobs, either directly or by sub-contract. We do have a problem with the new idea that we will be held liable for all tiers of contract work. First and foremost, this would be impossible for us to do. Financially, a twelve-person repair station does not have the time or resources to monitor all the contractors that might perform some of our maintenance related work. Even if we could, our end customer could not afford to pay the cost for the article's repair or overhaul. Somewhere in our customer's bill we would have to attempt to recoup the expenses generated during our monitoring of all the vendors and sub-contractors involved.

When the DOT and FAA make this new program a rule or law, we should be able to accept the word of a contractor, if they tell us they are performing Drug and Alcohol testing on their employees who do safety sensitive tasks. We audit all the companies who perform some level of maintenance for us. We accept their statements and documentation as factual, and after we review this information, we consider them our approved vendors. In this review process they must show to us that they meet and/or exceed all the requirements pertaining to the DOT and FAA regulations. Most importantly, they must repeatedly return articles to us that meet our critical repair standards. If they cannot do this, we do not use them. It is also their responsibility, not ours, that they comply with the regulations concerning Drug and Alcohol testing. This is not, and should not be, our responsibility, even when we are the prime contractor for a FAA Part 121, 125, 129, or 135 air carrier. If they cannot show us they have a Drug and Alcohol Plan Statement, and we know that they might do safety sensitive work for us, we will not and do not use them.

## Section V - Types of Drug Testing Required

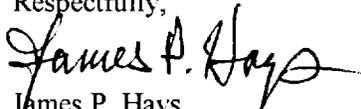
V.C. - Random testing. We agree with the necessity of randomly testing individuals who perform safety sensitive inspection tasks. We do have a problem with the meaning of "cease to perform" in this section as written. It makes no financial sense to us. Normally an individual performing a safety sensitive task for a commercial business is doing so under a time constraint. No provision is made here for the completion of a time critical task. The loss of revenue and customer goodwill has not been taken into account. Lets say this individual is just ready to "release-to-service" an overhauled or repaired aircraft engine. Instead, as per this new requirement, this "release-to-service" must be delayed because the individual must "cease to perform" in order to comply with a random drug and/or alcohol test. Who is going to accept the financial responsibility for this loss of revenue and customer goodwill, certainly not the DOT or FAA, who have mandated this compliance. Some level of managerial oversight and control as to the timeframe allowed after a random drug test notification must be written into this section of the regulation.

## Appendix J - Alcohol Testing Program

### Section VII - Implementing an Alcohol Misuse Prevention Program

The current systems work in regards to Drug and Alcohol Certification Statements, why is another FAA regulatory division getting involved with this program? We agree that a Flight Standards Division Office (FSDO) should know if certificated agencies within their region have the proper procedures in place. During every FAA mandated FAR 145 repair station base inspection, our FAA Primary Maintenance Inspector (PMI) asks to see our Drug and Alcohol certification paperwork. Why then do we need to have this put on our Operation Specifications (OpSpecs)? We do not agree with this new requirement of adding our Drug and Alcohol coverage to our OpSpecs. The DOT & FAA Drug Task Force manages the current Drug and Alcohol program. It is this groups responsibility to see we maintain our compliance with this particular regulation, not our local PMI. We pay to belong to a large aviation regional consortium plan that also makes sure we maintain our compliance with the DOT and FAA requirements. We see no cost and/or time benefit to us or DOT and FAA by including this program on our OpSpecs and getting our local FSDO and PMI involved in another layer of bureaucracy.

Respectfully,



James P. Hays  
Chief Inspector