U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JUL 18 2012

Mr. Mike McPhaul
Chief Inspector
Piedmont Propulsion System, LLC
3817 North Liberty Street, Suite 110
Winston-Salem, NC 27105

Dear Mr. McPhaul:

This is in response to your request for clarification of a letter of interpretation issued by the FAA on August 7, 2006, to Pratt & Whitney regarding FAA Drug and Alcohol testing regulations, specifically the question of whether fabrication of a part falls under the definition of maintenance, thus requiring the employees who fabricate the part to be subject to FAA drug and alcohol testing programs.

You present a scenario where your company designs replacement parts, which are approved by the customer's engineers. After the customer approves the designs for replacement parts, your company then contracts with a sub-contractor who actually fabricates the part. Your question is whether the analysis in the August 2006 letter applies to your particular circumstances. The August 2006 letter to Pratt & Whitney states, "Subcontractor employees who fabricate a part are not repairing anything; rather they are producing a part. . ." The letter continues, "Therefore, the fabrication of the part is not considered maintenance..."

In the facts as you presented them, the subcontractor is fabricating a part rather than performing repair or maintenance work. Under these facts, the analysis in the August 2006 letter to Pratt & Whitney applies. Thus the subcontractor is not required to have an FAA drug and alcohol testing program for its employees.

We hope that this response is helpful to you. If you have additional questions regarding this matter, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the Regulations Division of the Office of the Chief Counsel.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200