DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

[Docket No. FAA–1999–5924; SFAR No. 85]

RIN 2120–AG83

Year 2000 Airport Safety Inspections

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule requires operators of certificated airports to conduct one-time operational readiness checks of certain airfield equipment and systems on, or shortly after, January 1, 2000, and report the results of these checks to the FAA. In addition, this rule temporarily revises the time period these airport operators have to repair or replace certain emergency equipment. These temporary requirements are needed to ensure that operators of certificated airports maintain safety by identifying and addressing any unforeseen problems with date-sensitive equipment and systems at the earliest practical time after January 1, 2000.

EFFECTIVE DATES: January 1, 2000 to January 5, 2000.

FOR FURTHER INFORMATION CONTACT: Robert E. David, Airport Safety and Operations Division (AAS–300), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8721.

SUPPLEMENTARY INFORMATION:

Availability of Final Rules

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339) or the Government Printing Office's (GPO) electronic bulletin board service (telephone: (202) 512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the GPO's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official. Internet users can find additional information on SBREFA in the ''Quick Jump'' section of the FAA's web page at *http://www.faa.gov* and may send electronic inquiries to the following Internet address: *9–AWA-SBREFA@faa.gov*.

Background

On January 1, 2000, many computer systems worldwide could malfunction or shut down because of the year change from 1999 to 2000. The problem, often referred to as the Year 2000 (Y2K) problem, is the result of how computers and other microprocessors have traditionally recorded and computed dates. Typically, these machines have used two digits to represent the year, *e.g.*, ''98'' for 1998, to save electronic storage space and reduce operating costs. However, this format fails to distinguish the year 2000 (represented as ''00'') from the year 1900. Software and computer experts are concerned that this could cause computers and equipment with internal microprocessors to malfunction in unforeseen ways or to fail completely.

Many airport operators use computers or equipment with embedded microprocessors to meet certain requirements of Title 14, Code of Federal Regulations (14 CFR) part 139, Certification and Operations: Land Airports Serving Certain Air Carriers. For example, an operator of a certificated airport may have computer systems that control when airfield lighting is turned on, or that control access to the airfield through vehicle and passenger gates. Safety and maintenance vehicles, such firefighting trucks, and emergency communications systems may likewise have computerized systems.

Since October 1998, the FAA has worked with operators of airports certificated under part 139 to ensure that all airfield equipment and systems used to comply with part 139 requirements are Y2K compliant, or that the airport operator has developed an alternative means of complying with the part 139 requirements. The FAA also formed an internal Y2K airport team to contact operators of certificated airports to monitor the Y2K status of each of these operator's systems that are used to comply with part 139 requirements. This team will continue to work with the operators of certificated airports throughout the remainder of 1999 to ensure that the agency is kept informed of the Y2K status at each part 139 airport.

Despite these efforts, the FAA is concerned that part 139 inspection and reporting requirements will not be adequate to address the unique circumstances associated with the date rollover to January 1, 2000. Part 139 requires operators of certificated airports to conduct daily inspections of their facilities to ensure compliance with the regulation. Such inspections include a visual check of movement areas (areas used by air carriers to land, takeoff, and taxi) and operational tests of equipment and systems used to comply with part 139 requirements. As a matter of practicality, various elements of the self-inspection are conducted throughout the day. As such, the existing inspection requirements do not require inspections early on January 1, 2000, before most operations begin, and do not necessarily require the kind of tests that would determine if there is a Y2K-related problem that was not detected by pre-January Y2K validation testing.

In addition, part 139 provisions regarding the repair or replacement of inoperative aircraft rescue and firefighting (ARFF) vehicles, and associated reporting requirements, are not well adapted to the unique circumstances of the possible Y2K disruption on equipment. Emergency equipment required by part 139, unlike other aviation systems, is intended for use only in an emergency, and under the current requirement may not be tested and reported to the FAA until an actual emergency or scheduled maintenance require it, both of which may occur well after operations begin on January 1, 2000.

Part 139 also allows certain airport operators a 48-hour grace period to repair or replace inoperative ARFF vehicles, with no effect on the number and type of ARFF equipment an airport must provide, commonly known as the ARFF index. The ARFF index for an airport is determined by the size of the aircraft using the airport and the number of daily departures. The index establishes the number and size of ARFF trucks needed. Conversely, the ARFF equipment available determines

the index and, thereby, limits the size of the aircraft that the airport may serve. The 48-hour provision is intended to allow airport operators sufficient time to acquire parts to repair a required ARFF vehicle, or to arrange for a replacement vehicle, without impacting air carrier operations.

Under normal operations, this is an acceptable procedure as an inoperative ARFF vehicle is a rare occurrence, and parts can be obtained quickly. However, since some ARFF vehicles may have embedded computer chips, a Y2K-related problem, while highly unlikely, is possible. Since similar models of ARFF vehicles are widely used, a failure of even one model of ARFF equipment could affect many airports. As such, a delay in repairing a Y2K problem at a number of airports could have a system-wide impact.

Alternatives

The FAA evaluated four alternatives to address Y2K issues. The FAA first considered not making changes to part 139 for the January 1, 2000, date rollover. Under this alternative, operators of certificated airports would continue to comply with current part 139 requirements. Alternatively, the FAA then contemplated making the determination that Y2K compliance is an ''unusual condition'' under § 139.327(a)(2), thus requiring all certificate holders to conduct an inspection within a specified time period to identify and correct any deficiencies. Further, the FAA considered requiring these inspections only at airports holding an airport operating certificate (those certificate holders serving scheduled operations of air carrier aircraft with more than 30 passenger seats). In this alternative, operational readiness checks would not have been required at airports holding a limited airport operating certificate (those certificate holders serving unscheduled air carrier operations).

Finally, the FAA considered, and ultimately pursued, mandating both the self-inspections and reporting requirements, as well as the suspension of the 48-hour grace period for repair of ARFF vehicles. While this alternative is the most comprehensive and costly of the four alternatives considered, the FAA has determined that associated costs would be minimal and only marginally greater than the other alternatives considered, and that the benefits of mandatory safety inspections fully justify this approach.

The Notice of Proposed Rulemaking (NPRM)

On July 8, 1999, the FAA published in the **Federal Register** a notice of proposed rulemaking (64 FR 37026) that proposed to require operators of airports certificated under part 139 to conduct one-time operational readiness checks of certain airfield equipment and systems starting January 1, 2000. In addition, this notice proposed to temporarily revise the time period these airport operators have to repair or replace certain emergency equipment.

In response to this proposal, the FAA received 14 comments from industry associations, airport operators and owners, and one individual.

Commenters were generally in favor of the SFAR but recommended several modifications to and clarifications of certain testing and reporting requirements. Two commenters (Airports Council International and American Association of Airport Executives) recommended the FAA rescind the proposal, claiming that existing part 139 requirements are more than adequate to address any Y2K issues. In particular, both associations strongly opposed the temporary revocation of the 48-hour grace period for repair and replacement of inoperative ARFF vehicles. Neither association provided operational and cost data to substantiate their positions. All of these comments are discussed in detail in the Section-by-Section analysis below.

Section-by-Section Discussion of Comments

General

After consideration of the comments received, the FAA has modified the proposed SFAR and this final rule reflects those changes.

As noted above, comments received were generally supportive of the proposal. Several airport operators noted that they already plan to conduct readiness tests very similar to those proposed. Air carrier and pilot organizations offered their support of system-wide testing to ensure the safety and integrity of airports certificated under part 139.

While most commenters agreed with the FAA's conclusion that the possibility of a systemic failure due to the date rollover to January 1, 2000, is small, a few commenters challenged the FAA's conclusion that the date rollover is a significant event that warrants special attention. The FAA disagrees with such comments and believes Y2K issues present unique problems for part 139 airports.

One commenter stated that the SFAR is unnecessary since the International Civil Aviation Organization (ICAO) or Transport Canada are not requiring similar Y2K tests. The FAA disagrees. ICAO does not impose requirements, and in any event, the U.S. system of airports is far larger and more complex than Canada's or most member countries of ICAO. If by chance there is a system-wide problem resulting from the date rollover, it will have a far greater impact on the U.S. aviation system.

A majority of commenters further expressed the concern that the testing required by the SFAR would be redundant to those tests airport operators are currently conducting to ensure Y2K compliance. Many airport operators noted that they have spent considerable time and money testing part 139 systems and equipment, and obtaining certification from vendors. As such, they would not support protracting such tests. The FAA concurs and did not intend for this SFAR to require a repeat of the extensive Y2K testing that certificated holders have already completed.

Instead, the FAA intends that this SFAR merely require certificate holders to conduct operational readiness checks to verify that certain part 139 systems and equipment are functioning normally after the Y2K date rollover. For the most part, this will require airport operators to ensure a system, such as runway lighting, has turned on properly, and that equipment is functioning adequately, e.g., vehicle radios turn on and allow for communication between users.

The FAA believes that concerns about the burden of this SFAR are due to the use of the term ''test'' throughout the SFAR. For clarity, the term ''test'' has been replaced throughout the SFAR with the term ''operational readiness check.'' To further clarify this rule, the systems and equipment that must be checked, and suggested methods for completing such checks, are discussed in the Operational Readiness Check Requirements section.

Also, many commenters expressed general confusion over the relation of this SFAR to part 139. Unless otherwise noted, the requirements of part 139 are still applicable during the duration of this SFAR. For example, the notification requirements of § 139.339 (Airport condition reporting) will still be applicable from January 1 to January 5, 2000, even though airport operators will have additional reporting requirements under the SFAR.

Finally, another commenter recommended that the FAA prohibit

airport operators from closing their facilities to conduct required operational readiness checks. The FAA disagrees with this recommendation. Even though an airport operator has the authority to close its facility, or portions thereof, for safety reasons, the FAA believes that closing an airport to conduct required operational readiness checks will not be an issue. Typically, operators of these airports are able to conduct part 139 self-inspections and accommodate air carrier schedules without interruption of those schedules. However, if an air carrier still is concerned that required Y2K operational readiness checks will affect its operations, the FAA encourages the air carrier to contact the airport operator as soon as possible.

Section 1: Operational Readiness Check Requirements

Paragraph 1(a)

As proposed, this paragraph defines the applicability of this SFAR. Other than clarifying changes, this paragraph remains the same. Several commenters recommended that the FAA revise this section to extend this SFAR to operators of those airports that air carriers use as alternate airports. The FAA disagrees with this recommendation. Under part 121 (Operating Requirements: Domestic, Flag, and Supplemental Operations) air carriers are required to operate at airports that are certificated under part 139. Part 121 also requires that under certain conditions air carriers designate an alternate airport as part of their required flight planning. However, § 121.590 permits an air carrier to designate a required alternate airport that is not certificated under part 139.

Since an air carrier could designate any airport as an alternate, extending this SFAR to operators of alternate airports would effectively extend its requirements to all airport operators. Yet, the requirements of this SFAR are intended to check systems and equipment specially required at airports certificated under part 139 (approximately 568 civilian airports). The FAA does not require compliance with these safety standards at any other U.S. airport. Therefore, it would be inappropriate for the FAA to require airport operators to check systems and equipment that they are not required to have, and in many instances, do not own or maintain.

In addition, the term ''unless otherwise authorized by the Administrator'' has been added to this paragraph. Since the rule language cannot be specific enough to address every unique circumstance at all certificated airports, the FAA has determined that this change will allow for alternative means of compliance. For example, some airport operators will not be able to conduct the required operational readiness checks of emergency communications with the air traffic control tower prior to the first air carrier operation. Not all air traffic control towers are in operation 24 hours a day and air carrier operations may normally occur when the tower is closed. On a case-by-case basis, the FAA will determine the appropriate compliance methods to address such local issues.

Paragraph 1(b)

As proposed, this paragraph sets forth general descriptions of those systems and equipment that needed to be checked for Y2K compliance. A majority of commenters recommended that this paragraph be expanded to identify all airport systems and equipment that the FAA would require to be checked. The overall concern was that airport operators needed more information to determine whether or not required operational readiness checks could be accomplished within the specified time frame and make adequate preparations. The FAA concurs that this section needs clarification, and has expanded the section to specify each part 139 system and piece of equipment that must undergo an operational readiness check.

In addition, several commenters expressed concern over a reference in the NPRM preamble regarding systems that control access by vehicles and pedestrians to the airfield. This reference was interpreted to mean that required operational readiness checks would include a functionality test of access control systems required under 14 CFR part 107 (Airport security). This is not the case. Operational readiness checks are only required of part 139 systems and equipment. The reference to access control was intended to only illustrate possible part 139 systems and equipment that may contain computers or microprocessors that could be affected by the date rollover, including those automated systems that control inadvertent entry to the movement area by unauthorized personnel, as required under § 139.335, Public protection.

One commenter recommended that airport operators be required to consult with their tenant air carriers when determining which part 139 systems and equipment will be checked. The FAA does not concur with this recommendation. The certificate holder should already know what systems and equipment to check since required operational readiness checks cover the same systems and equipment as the daily checks conducted by airport operators to comply with part 139 self-inspection requirements. These checks should not affect air carrier operations any differently than a daily airfield self-inspection. Further, if problems arise as the result of operational readiness checks, the same procedures airport operators use to notify their tenant air carriers of airfield conditions under § 139.339 still are applicable. Systemic problems will be reported to air carriers on a national basis (see discussion under Reporting Requirements). The FAA encourages any air carrier that is uncertain as to an individual airport's notification procedures to contact the airport operator as soon as possible for clarification.

Based on comments received, the FAA also has modified proposed paragraph 1(b)(5). Several commenters felt that this paragraph is so broad that it would essentially allow the FAA to indiscriminately require any type of system or equipment check. This was not the FAA's intent. Instead, this paragraph of section 1 was included to ensure the flexibility to accommodate local circumstances or address problems with systems and equipment not discovered until after the publication of this SFAR.

In the final rule, this proposed paragraph is renumbered as paragraph 1(b)(9) and has been combined with proposed paragraph 1(d) (notification information). This modification is intended to clarify that the FAA will consult with an airport operator if additional operational checks of part 139 systems or equipment are needed. However, the final determination of any additional operational readiness checks needed to ensure safety of air carrier operations will remain with the FAA.

The FAA still will notify individual certificate holders to confirm systems and equipment that will be checked, address any local or unique issues, and provide specific details on reporting procedures, including regional contact names and telephone numbers. In addition, this notification will provide guidance on methods to conduct operational checks to minimize the impact on operations. For example, certificate holders will be advised that operational readiness checks of snow and ice removal equipment need only involve the starting and operating of each make and model of motorized equipment and corresponding attachments, such as blades, blowers, and brooms.

One commenter suggested that the FAA complete this notification no later than October 15, 1999. While the FAA

hopes to complete all such notifications as soon as possible after the publication of the final rule, the FAA believes further time may be needed to address any unforeseen delays and to finalize internal reporting procedures.

Finally, commenters recommended that the FAA conduct operational readiness checks of its own equipment located at part 139 airports, such as navigation aides, and report the results of these checks to the local airport operator. While the FAA concurs with this recommendation, it is beyond the scope of this SFAR. However, to ensure such notification occurs during the effective date of this SFAR, the FAA will instruct managers of its air traffic control towers to meet with airport operators prior to the date rollover and develop a mutually acceptable notification procedure. This type of coordination already exists at many airports certificated under part 139, but this additional effort will help ensure there are no gaps in the information flow. At airports where there are no air traffic control towers, the FAA will use existing notification procedures to alert airport and aircraft operators of equipment problems.

Paragraph 1(c)

As proposed, paragraph 1(c) would require that all ARFF vehicles discharge fire extinguishing agents, regardless of the type of agent. ARFF vehicles typically carry two types of fire extinguishing agents, aqueous film forming foam (AFFF) that is dispensed with water and dry chemical that is dispensed by pressured gas. Several airport operators raised concerns regarding the operational readiness checks of ARFF vehicles that carry dry chemical extinguishing agents. These commenters pointed out that most dry chemical extinguishing agents are harmful to the environment and special care must be taken to dispose of it once discharged from an ARFF vehicle. They stated this would be difficult, and possibly unsafe, to do during hours of darkness. Also, these commenters noted that once a truck that carries dry chemical discharges its agent, it takes more time to recharge pressurized gas tanks and restore the truck to service than a truck that carries AFFF.

The FAA agrees that dispensing dry chemical agent is more problematic than dispensing AFFF. Further, systems used to discharge dry chemicals are mechanical and do not contain microprocessors. As such, the FAA has determined that it is not necessary for certificate holders to conduct an operational readiness check of systems that dispense dry chemical or other similar secondary agents. Subsequently, paragraph 1(c) has been modified to require certificate holders to dispense only AFFF extinguishing agents. Regardless of the type of fire extinguishing agent that these vehicles carry, the certificate holder is still required to check the operation of all ARFF vehicles, i.e., starting the vehicle and driving it at speeds typically used to respond to an emergency and verifying that radios and emergency communications are operational.

Finally, this paragraph has been modified to clarify the extent of operational readiness checks of ARFF vehicles. This change requires that the certificate holder start vehicles and drive them at speeds normally driven in an emergency, in addition to dispensing fire-extinguishing agents. The FAA believes this change will eliminate any confusion as to the extent of the operational readiness check required for each ARFF vehicle.

Section 2: Schedule

Prior to the discussion of scheduling requirements, it should be noted that the order of proposed section 2 (Reporting Requirements) and section 3 (Test Schedule) have been reversed and renumbered. Section 2 is now titled Schedule, and section 3 is now titled Reporting Requirements. This change is intended to present the requirements of this SFAR in a more logical sequence.

Paragraph 2(a)(1)

This paragraph (proposed paragraph 3(a)) establishes schedules for conducting operational readiness checks. This paragraph has been modified based on comments received.

Some airport operators recommended that the certificate holders be given additional time to complete required operational readiness checks, particularly at those airports where air carrier operations are scheduled before 1:00 a.m. on January 1, 2000. Suggestions ranged from one to six additional hours to complete operational readiness checks.

The FAA believes these commenters based their concerns on the assumption that operational readiness checks proposed in section 1 were more extensive than the FAA intended (see above discussion under Operational readiness checks). As such, it was difficult for these commenters to determine whether or not required operational readiness checks could be accomplished within the specified time frame. Even so, the FAA has reevaluated time estimates for airport operators to complete required operational readiness checks and concurs that an additional hour is warranted, especially for those operators with early morning operations on January 1, 2000.

Conversely, another commenter recommended that the FAA require certificate holders to conduct all operational readiness checks within two hours after midnight on January 1, 2000, regardless of when the first flight is scheduled to occur. This commenter also suggested that the FAA allow a certificate holder that can document no air carrier operations within the first 48 hours of the date rollover additional time to complete operational readiness checks so long as required checks are completed 24 hours before the first scheduled operations. While this approach would simplify the schedule for required checks by requiring certificated holders with air carrier operations on the first two days of the new year to complete operational readiness checks at the same time, the FAA believes it would be unduly burdensome for most certificate holders. In particular, for those certificate holders that do not have scheduled air carrier operations until later in the day on January 1, 2000, and would be required to make arrangements for staff to be available at times other than their normal duty hours.

Many certificate holders have indicated to the FAA that, regardless of the time of the first scheduled air carrier operation, they plan to have operational and maintenance personnel on duty during the date rollover, and will begin operational readiness checks immediately after midnight on January 1, 2000. Not all certificate holders have such staffing levels and the FAA believes that it is a more reasonable approach to allow operational readiness checks to be conducted closer to the time of the first scheduled operation when airport personnel are routinely on duty.

Paragraph 2(b)

Proposed paragraph 3(b) that would require all operational readiness checks to be completed by January 5, 2000, has been renumbered 2(c). A new paragraph 2(b) has been added to allow those certificate holders at airports that have scheduled air carrier operations on January 1, 2000, some flexibility in completing operational readiness checks of systems and equipment that are operating and remain operational during the date rollover, but that may pose a safety hazard if they are turned off and could not be returned to operation.

A majority of commenters expressed concern that certain operational readiness checks of systems that are operational at the time of the date

rollover may inadvertently initiate a failure of these systems or pieces of equipment. On the other hand, if these systems or pieces of equipment were left alone, they would continue to work on January 1, 2000, until their normal shut down time. At that point, commenters suggested they could be checked without adversely affecting air carrier operations scheduled to occur in the early morning. The FAA concurs with this recommendation.

A good example of such systems and equipment is runway and taxiway lighting systems that automatically turn on at dusk and remain lit until sunrise the following day. On the evening of December 31, 1999, such a lighting system would automatically turn on, and if there is no interruption in its power source, should remain lit until daybreak the following morning. While unlikely, if such a system has a date sensitive micro-processor it is most likely used to turn the system on or off, and if it were to fail, this would probably occur when the system switches on the evening of January 1, 2000.

A new paragraph 2(b) has been added to address systems and equipment that are operational at the time of the date rollover to January 1, 2000. Specifically, certificate holders that have scheduled air carrier operations on January 1 will have until 1 p.m. that day to check runway/taxiway lighting and lighted sign systems, and motorized snow and ice removal equipment if such systems and equipment are operational as of midnight on January 2000. In some instances, this means a certificate holder whose first scheduled operation will occur in the afternoon or evening of January 1 will be required to complete operational readiness checks on these systems or pieces of equipment earlier than other checks required by this SFAR.

Another commenter requested that the final rule clarify that times required for conducting operational readiness checks be based on published or scheduled times, not actual arrival or departure time of the first air carrier operation. Without clarification, the commenter worried that if a flight scheduled for departure on the evening of December 31 is delayed until early the next morning, this flight could be interpreted as the first air carrier operation scheduled for January 1, 2000, rather than a flight scheduled to depart later in the day.

The FAA agrees. Since it is difficult to plan for unforeseen delays and other schedule problems, certificate holders should interpret the phase ''first air carrier operation is scheduled to occur'' as meaning required operational readiness checks shall be planned around the departure or arrival time that is published or scheduled for first air carrier operation after midnight on January 1, 2000, not actual arrival or departure times.

In addition, comments were received suggesting that the schedule for completing operational readiness checks be expanded to include other possible problematic dates, such as February 29, 2000. The FAA disagrees with this recommendation. During the duration of this SFAR, the FAA believes problematic systems or equipment will be identified during both operational readiness checks and routine operations. Based on this experience, certificate holders can repair or replace such systems and equipment in order to remain in compliance with part 139 safety standards during other similar date rollovers.

Section 3: Reporting Requirements

As noted above, the order of proposed section 2 (Reporting Requirements) and section 3 (Test Schedule) has been reversed and those sections have been renumbered. New section 3 is now titled, Reporting Requirements. As proposed, this section establishes a deadline for reporting the results of operational readiness checks. The FAA has modified and reorganized the reporting requirements under new section 3 pursuant to comments received.

Several commenters requested clarification on the type of information certificate holders are required to report and how this information should be reported. Other commenters recommended that the expansion of reporting requirements include any contingency measures that are implemented, and additional reports once the airport has returned to normal operations.

New paragraph (a) of this section requires all certificate holders to report the results of required operational readiness checks, plus report contingency measures implemented, and any changes that may affect ARFF Index levels or air carrier operations. New paragraph (b) of this section specifies when a certificate holder is required to report. Finally, new paragraph (c) reminds certificate holders of their obligations under part 139 to collect and disseminate airport condition information to air carriers, including use of the Notice to Airmen (NOTAM) system.

The FAA believes these modifications will clarify the certificate holder's reporting responsibilities under this SFAR. In addition, the FAA will include reporting guidance that is specific to each airport in the confirmation notice to be sent to each certificate holder (see discussion of paragraph 1(b)). This guidance will include a reporting form, airport-specific information on how and when to report, and alternative means to contact the FAA in the event of a telephone system failure.

Two commenters also recommended that the FAA amend the SFAR to require certificate holders that experience no Y2K problems, and do not implement any contingency measures, to report an ''all clear.'' These commenters felt that this would eliminate any ambiguity regarding the status of part 139 airports, and allow pilots and dispatchers as much time as possible to take appropriate action. The FAA agrees, and has modified proposed section 2 (new paragraph 3(a)) to clarify that all certificate holders must report the results of required operational readiness checks, even if these checks reveal no problems. Information that an airport has experienced no Y2K problems with airfield safety systems will be useful to the FAA, air carriers, other airport operators, and the traveling public.

In addition, several commenters expressed concern about the FAA's ability to gather and disseminate information reported by certificate holders. One commenter went so far to remind the FAA of how many airports it certificates and questioned the agency's ability to field telephone calls from all of these airports.

The FAA does not agree with these comments. The FAA is satisfied that the existing communication system established through the FAA's Regional Airports Division Managers is adequate for reporting the results of required operational readiness checks. Certificate holders routinely report information regarding part 139 compliance to the Regional Airports Division Manager using these established procedures.

These established communication procedures will be utilized to report the results of operational readiness checks to the FAA. FAA regional offices will then communicate these results to FAA Headquarters for further dissemination. In addition, air carrier operations occur at different times at each part 139 airport so certificate holders will be contacting the FAA at various times between January 1 and January 5, 2000, so the FAA does not anticipate a flood of telephone calls at the same time.

As noted above, each certificate holder will be notified of reporting procedures specific to its locality. This will include procedures to notify the

FAA in the event of a failure of telephone systems. Working with its telephone service providers, and air traffic control and flight service systems, the FAA has developed several alternative communication systems for both local and systemic telephone failures.

Finally, a commenter suggested that the results of operational readiness checks be disseminated to airlines, airports, and other users through FAA's Air Traffic Control System Command Center. The commenter felt this would greatly assist all parties involved in taking timely and adequate actions should problems arise.

The FAA concurs. As the FAA receives reports from airport operators, those reports will be disseminated through the FAA's air traffic control system and regional airports division offices. The status report for each part 139 airport will either contain an ''all clear;'' or include a brief description of changes to ARFF Index level, failure of any part 139 systems and equipment, and a description of any limitation or reduction in airport services, up to a notice of closure. Again, such status reports required by this SFAR would be in addition to local airport condition reporting, required under § 139.339.

Section 4: Contingency Measures (New)

Comments were received from several airport operators that the proposed SFAR was unclear as to what action a certificate holder would be required to take if a system or equipment required to be checked failed due to the date rollover to January 1, 2000. The FAA agrees and has added this section to clarify certificate holders' obligations to implement contingency measures.

The FAA assumed that certificate holders would revert to existing contingency measures contained in the Airport Certification Manual (Specifications) in the event of equipment or system failure. As noted above, the requirements of part 139 are still applicable during the duration of this SFAR (with the exception of certain ARFF vehicle readiness requirements—see discussion under section 5, Vehicle Readiness). Operators of part 139 certificated airports already have developed and specified such contingency measures in their Airport Certification Manual (Specifications) to address failure of part 139 systems and equipment.

However, to eliminate any possible confusion, the final SFAR contains a new section 4, Contingency Measures. This section specifies that a certificate holder will implement contingency measures to remain compliant with part 139 in the event that a system or equipment required to be checked fails to operate, or functions improperly due to the date change to January 1, 2000.

This new section is not intended to allow part 139 certificate holders to use their discretion in implementing contingency measures if they believe that a system or equipment failure is not due to the date rollover. If a required system or piece of equipment fails to operate, or performs improperly after a required operational readiness check is performed, the certificate holder must implement contingency measures and sort out the cause of the problem later.

Section 5: Vehicle Readiness

This section (proposed section 4) temporarily rescinded the requirements of § 139.319(h)(3) pertaining to inoperative ARFF vehicles. This section has been renumbered as section 5 and modified based on comments received.

Most comments received concerned the proposed changes to the ARFF vehicle readiness provisions of § 139.319(h)(3). These comments varied widely, ranging from suggestions to expand the proposal to recommendations that it be rescinded.

Commenters that requested the FAA to reinstate the 48-hour grace period to replace or repair ARFF vehicles felt the temporary elimination of this provision of part 139 would increase the likelihood of disruptions and do nothing to accelerate repair of ARFF equipment. Instead, they suggested the FAA contact the manufacturers of ARFF vehicle about the possibility of systemic failures, and then simply require airport operators to arrange for adequate back up prior to the date rollover.

The FAA disagrees. The FAA has contacted the manufactures of ARFF vehicles and they have not provided adequate certification that all components of their vehicles are Y2K compliant, particularly those components that they did not manufacture. Without such assurances, the FAA believes additional efforts must be made to address the possibility, however small, of a system-wide failure of similar models of ARFF vehicles. Part 139 provisions regarding the repair or replacement of inoperative ARFF vehicles do not adequately address this possibility.

Further, these same commenters seemed unclear as to the applicability of part 139 during the effective dates of the SFAR or do not have a clear understanding of the regulation. In particular, these commenters questioned how many backup ARFF vehicles would be needed in the event primary equipment become inoperable and were alarmed by the language of this section that would require any inoperative equipment to be replaced ''immediately with equipment having at least equal capabilities.''

The only part 139 ARFF requirement that changes while the SFAR is in effect is the time period for replacing or repairing inoperable ARFF vehicles. Instead of 48 hours, the time period temporarily has been reduced. Otherwise, certificate holders would comply with part 139 as they do under normal conditions, including implementing contingency measures in the event required ARFF equipment cannot be repaired or replaced in the time specified. Such contingency measures may include lowering the ARFF index (some airport operators maintain a higher Index level than required), implementing mutual aid agreements with the local community, bringing into service older vehicles that are no longer used to meet the required ARFF Index, or closing the airport to certain air carrier operations. Further, the requirement to replace inoperative equipment immediately with the equivalent equipment is currently a requirement of part 139 and would not change under this SFAR.

In addition, part 139 allows for some flexibility in the event the certificate holder cannot maintain its ARFF index level, and this SFAR will not change this. Specifically, part 139.315(c) allows the certificate holder to serve up to four daily operations of an air carrier aircraft requiring the next higher ARFF index level before the operator is required to have more equipment or limit the operations of these larger aircraft. Also, a certificate holder may temporarily deviate from part 139 requirements in the event of an extreme emergency situation, as described under § 139.113.

Due to this confusion, a commenter interpreted the proposal to mean that a certificate holder was required to provide duplicate ARFF vehicles if a primary vehicle failed its operational readiness checks. This commenter noted that it is unlikely that sufficient redundant vehicles could be procured or leased at any price, and such new vehicles would be more likely to contain hidden computer chips and be more susceptible to Y2K problems. As such, the commenter disagreed with the FAA's conclusion that because the probability of an ARFF vehicle failing its operational readiness check is low, the expense of ARFF backup is minimal. In actuality, this commenter felt, this section would be more expensive than calculated because certificate holders would be required to purchase backup

ARFF vehicles at an average cost of $200,000 each.

The FAA disagrees and believes these concerns are the result of the commenter making an assumption that certificate holders must have ARFF vehicle backup available the instant that an ARFF vehicle fails its operational readiness check, and that an identical replacement to the vehicle is required. As explained above, the FAA did not intend that duplicate vehicles be idling next to the ARFF station during operational readiness checks, rather that the certificate holder must initiate contingency measures immediately. Several options are available for contingency measures and are currently used by certificate holders if a required ARFF vehicle becomes inoperative and cannot be repaired or replaced within 48 hours.

These contingency measures would be used until the inoperative vehicle is fixed or, in an extreme case, replaced. So the cost to repair or replace an ARFF vehicle would eventually be incurred even if the FAA did not implement this SFAR. However, if an ARFF vehicle were to fail its operational readiness check, the certificate holder will incur costs for implementing contingency measures that it would not normally incur during the 48-hour grace period. Thus an assessment of the expected cost that may be incurred should include the probability of a Y2K failure even if this probability is small.

Two commenters supported the temporary suspension of the 48-hour grace period but recommended that airport operators be required to make arrangements with local governments to ensure that backup equipment also remains operational. The FAA does not concur with this recommendation. It would be unreasonable to require certificate holders to conduct operational readiness checks on equipment that they do not own. Such backup equipment is the property of local governments, national guard units or the Department of Defense, all of which have their own efforts underway to ensure such equipment is Y2K compliant and remains operational after the date rollover to January 1, 2000.

Also, comments were received from individual operators of part 139 airports. These were very helpful in refining this section, and the FAA has adopted a modified approach to vehicle readiness as a result of their input. Primarily, these commenters were concerned that if no grace period was allowed, then certificate holders could not comply with the SFAR, as backup measures cannot be implemented immediately. For example, certificate holders relying on assistance through a mutual aid agreement need time to initiate this assistance, and emergency personnel responding need time to assemble and reposition equipment to the airport. Recommendations were made to allow certificate holders a minimum of six to eight hours to implement their ARFF contingency measures.

The FAA agrees with these concerns, and did not intend when it proposed to eliminate the grace period to mean that backup personnel and equipment must be on ready status as the certificate holder conducts required operational readiness checks of primary equipment. Instead, the FAA intended for certificate holders to implement contingency measures immediately to ensure compliance with part 139 requirements. To remedy this, the final SFAR allows certificate holders to repair or replace inoperative vehicles as soon as possible, but within four hours of completion of operational readiness checks with equipment having at least equal capabilities of inoperative equipment. If the vehicle cannot be replaced within four hours (and is needed to maintain the index for aircraft currently serving the airport), the revised section requires the certificate holder to either implement contingency measures required under new section 4 or lower the ARFF index to that corresponding to the remaining operative equipment.

Another airport operator noted that the SFAR lacks a provision that would allow certificate holders, during the effective period of the SFAR, to revert to the 48-hour grace period for repairing or replacing vehicles once these vehicles successfully pass their operational readiness checks. For example, if a certificate holder successfully conducts a operational readiness check of an ARFF vehicle on January 2 and reports this to the FAA but two days later the same vehicle breaks down due to a mechanical problem. Under the proposal, this commenter worried that such a mechanical problem would require immediate repair or replacement even though the breakdown was not Y2K related. The FAA agrees, and has added a new paragraph to this section (paragraph 5(b)) that allows the certificate holder, after complying with the section 3 reporting requirements, 48 hours to repair or replace aircraft rescue and firefighting vehicles that subsequently become inoperative.

Finally, several airport operators also raised concerns regarding the operational readiness checks of ARFF vehicles that carry dry chemical extinguishing agents. These comments are addressed under paragraph 1(c).

Section 6: Self-Inspection Requirements

Proposed section 5 (new section 6) has been shortened for clarity. The requirements of the section did not change.

Section 7: Effective Times

Proposed section 6 (new section 7) specifies all times in the SFAR are in local time at the airport.

Several comments were received regarding the requirements of this section. Some commenters agreed with the use of local time, while others recommended using Universal Time Coordinate (UTC). One commenter even suggested that required checks should commence at 1:00 a.m. local time at the International Dateline.

All these recommendations are valid. There are several different times that time-sensitive equipment could be using. For example, a date-sensitive micro-processor manufactured in California for worldwide distribution may be set to the local, Pacific time zone. Conversely, such a part manufactured for a specific airport may be set to the local time of the airport. So the uncertainty of the functionality of unknown date-sensitive systems and equipment is further complicated by the uncertainty of which time such systems and equipment are set to.

To simplify matters, the FAA has determined the final rule will continue to reference local time. At some airports, this may result in certain time-sensitive systems or equipment making the date change to January 1, 2000, prior to midnight local time, while at other airports this event may take place well after midnight local time. Nevertheless, the FAA believes using local time is the most reasonable approach for certificate holders to comply with the requirements of this SFAR.

To lessen the potential impact of varying times, the FAA is exploring the possibility of operators of certificated airports located in the South Pacific voluntarily conducting additional operational readiness checks to obtain information on the reliability of commonly used systems and equipment as soon as possible after midnight at the International Dateline. These airports will be the first part 139 certificated airports to experience the date rollover to January 1, 2000.

Such operational readiness checks will help alert the FAA, and subsequently certificate holders, of equipment and systems that are experiencing problems. Further, as the FAA receives reports from other airport

operators, both domestic airports and international airports, this information will be disseminated to those certificate holders still waiting the date rollover (see discussion under Reporting Section).

Section 8: Expiration.

Proposed section 7 (new section 8) has been shortened for clarity. The requirements of the section did not change.

Paperwork Reduction Act

Information collection requirements in the amendment to part 139 previously have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), and have been assigned OMB Control Number 2120–0063.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. And fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by private sector, or $100 million or more annually (adjusted for inflation).

In conducting these analyses, the FAA has determined that this rulemaking does not meet the standards for a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and under the Department of Transportation's Regulatory Policies and Procedures for Simplification, Analysis, and Review of Regulations (44 FR 11034, February 26, 1979) and, therefore, is not subject to review by the Office of Management and Budget. Additionally, this rule would not have a significant impact on a substantial number of small entities, would not constitute a barrier to international trade, and does not contain a significant intergovernmental or private sector mandate.

If an agency determines that the expected impact is so minimal that the rule does not warrant a full evaluation, a statement to that effect, and the basis for it, is included in the preamble to the final rule. The FAA has determined that the expected impact of this rule will be so minimal as to not warrant a full regulatory evaluation.

In summary, this SFAR establishes a one-time operational readiness check and reporting requirement that is essentially identical to the existing self-inspection requirements. The SFAR requires that certain airport operators arrange for backup ARFF services or implement contingency measures, as currently required, but in a more timely manner, if an ARFF vehicle fails its operational readiness check. Since self-inspections and reporting are already required under § 139.327(a), this regulation imposes little additional costs on airport operators. The FAA estimates that the operational readiness checks required by this rule may be completed in less than two hours, including reporting results to the FAA. In addition, the expense of complying with the ARFF backup requirement in a more timely manner is small and considered a low-probability event.

This SFAR requires airports certificated under part 139 to maintain the current ARFF Index level, reduce their ARFF Index level, or implement contingency measures, as currently required. Operators of most certificated airports are required to maintain the required ARFF Index to serve current scheduled air carrier operations. Many of these operators already have in place an ARFF backup plan. Those that do not have a backup plan can, on short notice, make such arrangements, at a nominal cost. Such contingency measures may include lowering the ARFF Index (some airport operators maintain a higher ARFF Index level than required), implementing mutual aid agreements with the local community, bringing into service older vehicles that are no longer used to meet the required ARFF Index, or closing the airport to certain air carrier operations. Further, the requirement to replace inoperative equipment immediately with equivalent equipment is currently a requirement of part 139 and would not change under this SFAR.

An economic impact could occur in the following scenario. For those operators of certificated airports that are required to meet a specified ARFF Index, this rule does not allow the currently permitted 48-hour grace period to repair or replace inoperative ARFF equipment. Rather, this time period has been temporarily reduced to 4 hours in which the certificate holders must implement ARFF backup measures, as described above. Using this scenario, the rule could result in ARFF costs equal to the 44-hour expense of providing these backup ARFF measures.

In such an event, the cost of maintaining an airport's current ARFF Index for 44 hours is very low in terms of overall airport expenses. For such an expense to occur, all of the following conditions must be met:

1. A vehicle necessary to maintain the ARFF Index does not pass the Y2K operational readiness check.

2. No other ARFF equipment is readily available to maintain the ARFF Index.

3. Air carrier aircraft serving the airport on that day do not allow the airport operator to temporarily step down to a lower ARFF Index.

The probability of a series of connected events in which each event must occur is calculated by multiplying across all events the probability assigned to each event. In this case, the probability of the first event (a required ARFF vehicle does not pass the Y2K operational readiness check) is multiplied by the probability assigned to the second, and then multiplied by the probability of the third event. If the probability of just two events each equal 10 percent, the probability assigned to an airport incurring an ARFF expense resulting from this rule cannot be higher than one percent. Thus, while an ARFF expense can occur, the expected likelihood is thought to be very low.

The FAA has determined that it is unlikely that all three events will occur. However, in the event an airport does incur the cost of having backup ARFF vehicles available, only 44 hours of that cost is attributable to this rule because the current rule imposes the same requirement after a 48-hour grace period. The cost for an airport that might need to provide a backup vehicle could be zero, if the vehicle is obtained from other fire units of the airport owner, or from other local governments through a mutual aid agreement. Accordingly, the costs that an airport operator may incur to obtain the services of one or more backup ARFF

vehicles is expected to be very small. Finally, if the ARFF Index level is affected, an airport operator may choose to accept a lower ARFF Index level temporarily, with no effect on scheduled service, if aircraft currently used for scheduled service at the airport do not require the higher index. Thus the FAA expects this element of the rule to be minimal.

The benefit of the rule is that it provides assurances that airport operator's preparations for the date rollover have been effective and that compliance with part 139 requirements is not compromised due to the January 1, 2000 date rollover. In the unlikely event that this date rollover will interrupt systems that are used to comply with part 139, the rule will ensure an early knowledge of such interruption and facilitate immediate action to maintain safety.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (the Act), as amended, establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule would have a significant economic impact on a substantial number of small entities. If the determination is that it would, the agency must prepare a Regulatory Flexibility Analysis (RFA) as described in the Act. However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, § 605(b) of the Act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

As detailed above in the regulatory evaluation summary there are two costs that may be incurred. First, the inspection costs are expected to be minimal as the expected inspection time is thought to be two hours or less. Second, the probability that the requirement may impose an ARFF cost is expected to be very low.

Of the 568 civilian certificated airports, 177 meet the criteria for small entities. At least 135 of those 177 airports are approved for air carrier operations using mutual aid, or have other arrangements that do not require the airport operator to have ARFF equipment on the airport to meet a particular index requirement. These airports will not be financially affected by the reduction of the 48-hour ARFF grace period. The remaining 42 airports that are considered small entities must comply with ARFF Index requirements of part 139 and potentially could be affected by the SFAR. The expected ARFF cost that this rule could impose on these 42 airports is expected to be minimal.

The rule will allow airport operators only 4 hours, versus the currently permitted 48-hour grace period, to repair or replace inoperative ARFF equipment or implement contingency measures. Thus, using this scenario, the rule could impose an ARFF cost equal to a 44-hour expense to implement ARFF backup measures, as described above in the Regulatory Evaluation Summary.

Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

The rule will not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries, or the import of foreign goods and services into the United States.

Federalism Implications

The regulations herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule will not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), codified as 2 U.S.C. 1501–1571, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year.

Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This rule does not contain a Federal intergovernmental or private sector mandate that exceeds $100 million in any one year. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) P.L. 94–163, as amended (43 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 139

Air carriers, Airports, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 139 of Title 14, Code of Federal Regulations as follows:

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

1. The authority citation for part 139 continues to read as follows:

Authority: 49 U.S.C 106(g), 40113, 44701–44706, 44709, and 44719.

2. Part 139 is amended by adding Special Federal Aviation Regulation No. 85 to read as follows:

SFAR 85—YEAR 2000 AIRPORT SAFETY INSPECTIONS

1. *Operational readiness check requirements.* (a) Unless otherwise authorized by the Administrator, each certificate holder shall conduct an operational readiness check of each piece of equipment and system described in paragraph (b) of this section to verify that compliance with part 139 requirements has not been affected by the date change to January 1, 2000. The operational readiness checks shall demonstrate that the equipment and system is sufficiently operational to continue to support the certificate holder's compliance with the requirements of part 139.

(b) The operational readiness checks required by paragraph (a) of this section shall include a check of—

(1) Each lighting system and lighted sign system;

(2) Each system used to notify aircraft rescue and firefighting units during an emergency;

(3) Each aircraft rescue and firefighting vehicle identified in the Airport Certification Manual or Airport Certification Specifications;

(4) Each radio used to communicate with Air Traffic Control and aircraft;

(5) Each radio used for communication between aircraft rescue and firefighting vehicles and fire dispatch or command;

(6) Each system used by airport operations and maintenance personnel for internal airport communications;

(7) Each piece of motorized equipment used to remove snow and ice from movement areas;

(8) Each system used to transmit airfield condition information to air carriers, including the system used to issue a NOTAM; and

(9) Any other system or piece of equipment that the Administrator determines, after consultation with the certificate holder, is used to support the holder's compliance with part 139 requirements, and is critical to the safety and efficiency of aircraft operations.

(c) The operational readiness check of each aircraft rescue and firefighting vehicle shall include starting the vehicle and driving the vehicle at speeds typically used to respond to an emergency. In addition, the operational readiness check of each vehicle that carries AFFF and water fire extinguishing agent shall include dispensing of this agent.

2. *Schedule.* (a) Except as provided in paragraph (b) of this section, after midnight December 31, 1999, each certificate holder shall complete the operational readiness checks required by section 1 of this SFAR, as follows:

(1) By 2:00 a.m. on January 1, 2000, if the first air carrier operation is scheduled to occur at or before 3:00 a.m. on this date.

(2) At least one hour before the first air carrier operation is scheduled to occur, if the operation is scheduled to occur after 3:00 a.m. on January 1, 2000.

(b) For an airport where air carrier operations are scheduled to occur on January 1, 2000, each certificate holder shall have until 1:00 p.m. on January 1, 2000, to complete the required operational readiness checks of lighting and lighted sign systems, and motorized snow and ice removal equipment that are in use on 12:00 a.m. on January 1, 2000.

(c) All required operational readiness checks shall be completed before January 5, 2000, whether or not the airport has served air carrier operations from January 1 through January 4, 1999.

3. *Reporting Requirements.* (a) Each certificate holder shall report the results of its operational readiness checks to the Regional Airports Division Manager. This report shall include—

(1) A confirmation that the systems and equipment specified under section 1(b) are functioning as required under part 139;

(2) A description of any changes to ARFF Index level required under § 139.315;

(3) Any failure of part 139 systems and equipment specified under section 1(b) and the subsequent contingency measure implemented; and

(4) Any limitations or reductions in part 139 measures that would place a restriction on air carrier operations, including a notice of closure.

(b) The report required by paragraph (a) of this section shall be submitted no later than one hour following the completion of operational readiness checks required by section 1 of this SFAR. For systems and equipment described in section 2(b), a report on the required operational readiness checks shall be submitted no later than one hour following the completion of those checks.

(c) This reporting requirement is in addition to the notification requirements of part 139.

4. *Contingency measures.* Except as provided in section 5, the certificate holder shall implement contingency measures, if necessary, to remain compliant with part 139 in the event that a system or piece of equipment required to be checked under this SFAR becomes inoperative due to the date change to January 1, 2000.

5. *Vehicle readiness.* (a) Except as provided in paragraph (b) of this section, until January 5, 2000, each vehicle required under § 139.317 that becomes inoperative shall be replaced as soon as possible with equipment having at least equal capabilities, notwithstanding § 139.319(h)(3). A vehicle is considered inoperative if it cannot perform as required by § 139.319(h)(1). In any event, the vehicle must be replaced with four hours of failure to pass its operational readiness check. If the vehicle cannot be replaced within four hours, the certificate holder shall—

(1) Implement contingency measures required under section (4); or

(2) Limit air carrier operations on the airport to those compatible with the ARFF Index corresponding to the remaining operative rescue and firefighting equipment.

(b) Any ARFF vehicle that subsequently becomes inoperative after the certificate holder complies with the reporting requirements of section 3(a), may be replaced, as provided in § 139.319(h)(3), if the vehicle:

(1) Passed the operational readiness check required by section 1, or

(2) Is a replacement vehicle provided in accordance with paragraph (a) of this section.

6. *Self-inspection requirements.* Operational readiness checks conducted in compliance with this SFAR may be used to fulfill applicable part 139 self-inspection requirements.

7. *Effective times.* All of the times described in this SFAR are in the local time of the airport.

8. *Expiration.* This SFAR expires on January 5, 2000.

Issued in Washington, DC, on October 28, 1999.

Jane F. Garvey,

Administrator.

[FR Doc. 99–28616 Filed 11–2–99; 8:45 am]

BILLING CODE 4910–13–P