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Mark E. Konrad (520) 882-1220

August 6, 1999

Via E-Mail: 9-NPRM-CMTS@faa.gov

U. S . Department of Transportation Dockets
Docket No. FAA-1999-5924 -7
400 Seventh Street, SW, Room Plaza 401
Washington, DC 10590
(in triplicate)

Re: Tucson International Airport Comment re Proposed Rule for Year 2000 Airport Safety Inspections, Regulatory Docket No. FAA-1999-5924, Published at 64 FR 37026.

To Whom It May Concern:

This letter is to provide written comments to the Federal Aviation Administration's ("FAA") Proposed Rule for Year 2000 Airport Safety Inspections, Regulatory Docket No. FAA-1999-5924, 64 FR 37026 (the "Proposed Rule"), on behalf of Tucson International Airport ("TIA").

Initially, TIA would point out that it has no objection to the reasoning behind the Proposed Rule. TIA believes it is important to conduct appropriate Y2K testing and to assure that all airports are safe on January 1, 2000. Indeed, even without the Proposed Rule, as part of its overall Y2K planning and preparation, TIA is anticipating having key personnel on site during the rollover and will be inspecting key equipment to assure that no Y2K issues affect TIA. This being said, TIA also believes that the Proposed Rule could be improved in several significant ways.

First, the notice provisions contained in Proposed Rule do not provide sufficient detail. In particular, under subsection 2 of the Proposed Rule it states that "[n]o later than one hour following completion of testing required under paragraph 1 of this SFAR, each certificate holder shall report the results of each test to the Regional Airports Division Manager." There

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are several practical problems posed by this subsection. First of all, at the present time there are 566 different certificated airports. Logistically speaking, it may be difficult for the FAA to field calls from all 566 airports regarding their test results. Moreover, during the early morning hours of January 1, 2000, vast numbers of business and individuals throughout the country will more than likely be testing their telecommunications and other equipment for Y2K issues. Simply put, these and other unforeseen issues associated with the Year 2000 may make it difficult for TIA and other airports to report their test results to the FAA on January 1, 2000. Accordingly, TIA would suggest that the FAA consider such difficulties and take the necessary steps to assure that airports are able to communicate their test results to the FAA. TIA would also recommend that the FAA precisely delineate what test information it expects the airports to report and to allow airports several alternatives for reporting such information.

Second, the Proposed Rule is unclear regarding precisely what type of testing will be required on January 1, 2000. In several areas in the Proposed Rule, the FAA makes clear that the Proposed Rule "would not require new inspections or reports." Elsewhere in the rule, however, the FAA states that "special testing" will be required. Given these mixed messages, it is not entirely clear how January 1, 2000 testing will differ from traditional Part 139 inspections. In addition, not knowing what type of testing will be required or exactly which items it will have to test, it is impossible for TIA to comment on whether or not there will be any difficulty in accomplishing the proposed Y2K testing within the strict time limitations imposed by the Proposed Rule. Based on this, TIA feels that additional information should be provided on the specific testing desired by the FAA. TIA would also suggest providing this information with enough lead time so that it and other airports can provide meaningful feedback to the FAA on such tests and so that such testing can be incorporated into existing contingency plans.

Finally, while TIA feels that appropriate Y2K testing should be required of it and other airports, little is accomplished by setting up unrealistic time tables for testing and reporting. Accordingly, TIA would recommend that the FAA lengthen the time to test and report to more than simply one hour to two hours. TIA would suggest a 6 hour window of time would be more appropriate. By the same token, rather than suspending the 48 hour grace period for ARFF vehicles, TIA would suggest that you simply require airports to provide adequate back up plans for such vehicles prior to January 1, 2000. Such planning could and should be done well before January 1, 2000, and would more effectively accomplish the FAA's stated goal of making sure that airports have "a backup plan for ARFF coverage." See 64 FR, at 37028.

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In sum, while TIA certainly agrees with FAA's objective of maintaining airport safety on or after January 1, 2000, TIA believes that the Proposed Rule needs to better explain what is expected of airports and to impose more realistic and less onerous criteria to achieve those expectations. If you have any questions or comments regarding this letter, please do not hesitate to contact me at (520) 882-1220.

Sincerely,

SNELL & WILMER L.L.P.



Mark E. Konrad

cc: Thomas O'Sullivan
Marjorie Perry (via e-mail)