



Aviation Group Client Update

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FCC SEEKS COMMENTS ON ELT PROPOSED RULES

Last week, the FCC issued a [Notice](#) requesting public comment on issues regarding 121.5 MHz emergency locator transmitters (ELTs). ELTs are radiobeacons that alert search and rescue personnel that an aircraft has crashed and identify the location of the aircraft and any survivors.

On [March 29, 2011](#), in response in part to international Cospas-Sarsat satellite system's cessation of monitoring 121.5 MHz, the FCC amended 47 C.F.R. Section 87.195 to prohibit certification, manufacture, importation, sale or use of 121.5 MHz ELTs. The FAA asked for a stay (i) because these ELTs can be useful without satellite monitoring and (ii) because of uncertainty regarding the costs and availability of replacements. Effective March 29, 2011, the FCC [stayed](#) the amendment.

Since issuing the stay, the FCC has determined that it is not economically or technologically feasible to retrofit 121.5 MHz ELTs to transmit a 406 MHz distress alert, but that the safety benefits of 406 MHz ELTs outweigh the cost of replacing 121.5 MHz ELTs. The FCC now seeks public comment on its proposal to eliminate 121.5 MHz ELTs, including comment on:

1. How best to minimize the economic impact of migrating to 406 MHz ELTs.
2. Alternatives to these proposals, including those that may minimize any economic impact on small entities. Commenters may advocate for an immediate prohibition on the use of 121.5 MHz ELTs, for different transition periods, or for grandfathering the continued use of 121.5 MHz ELTs already installed on aircraft for a period of limited duration (including a specific date for the period to end), for indefinite grandfathering of installed 121.5 MHz ELTs until the end of the equipment's useful life, or for taking no action at all on 121.5 MHz ELTs.
3. The FCC's proposal to amend § 87.147(b) of the Commission's rules to remove an obsolete cross-reference to subpart N of part 2 of the FCC's rules.

Procedurally, this is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the FCC's rules.

Comments are due on or before **March 1, 2013**. Reply comments are due on or before **March 18, 2013**. If you have any questions regarding ELTs or if you would like assistance in the preparation or submission of comments, please contact our office.

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