



Federal Communications Commission
Washington, D.C. 20554

June 22, 2009

DA 09-1380

Mr. Robert Scoble
General Manager Aircraft Inspection and Regulatory Control
United Airlines
San Francisco International Airport
MOC – SFOIQ, Building 15
San Francisco, CA 94128

Re: “Request for an interim variance to FCC Rule 47 CFR 87.199(f) requirement for a clearly discernable permanent plate or label”

Dear Mr. Scoble,

We have before us your letter, dated September 24, 2008, requesting a temporary waiver of Section 87.199(f) of the Commission's Rules, 47 C.F.R. 87.199(f), regarding the plan of United Airlines (United) to install labels on its 406 MHz emergency locator transmitters (ELTs). For the reasons that follow, we grant the waiver request to the extent indicated below.

By way of background, 406 MHz ELTs are radio beacons that are activated either manually or automatically, and used as alerting and locating aids in aviation distress situations. *See* 47 C.F.R. § 87.5. Each 406 MHz ELT is programmed with a unique identification code, and must be registered with the National Oceanographic and Atmospheric Administration (NOAA). *See* 47 C.F.R. § 87.199(e), (f). Up-to-date registration information enables rescue personnel to quickly verify that a received alert involves an actual distress situation, and aids in ascertaining the identity and location of the parties in distress. Because of the importance of this information, Section 87.199(f) specifically requires that every 406 MHz ELT, in addition to bearing the label required by the Commission's equipment certification rules, 47 C.F.R. §§ 2.925, 2.926, “be provided on the outside with a clearly discernable permanent plate or label” containing the unit's identification code and reminding the user that it must be registered with NOAA. *See* 47 C.F.R. § 87.199(f).

You indicate that United learned during a quality assurance audit that some of its 406 MHz ELTs did not have the label required by Section 87.199(f). You state that these 406 MHz ELTs are in fact properly registered with NOAA. You also report that United is working with its supplier to obtain labels for the 406 MHz ELTs, and you seek a waiver of Section 87.199(f), to the extent necessary, to permit United to install the missing labels at each beacon's next maintenance visit or removal from service, or prior to any transfer to another owner. You state that this plan could take up to five years to complete. You propose to attach the labels in this manner in order to avoid the possibility that the identification code might otherwise be recorded on the label incorrectly by maintenance personnel unfamiliar with the equipment.

Under the circumstances presented, we find your proposal for bringing the beacons into compliance with Section 87.199(f) to be acceptable. Within five years, United will install the missing labels, either at each beacon's next maintenance visit or removal from service, or prior to any transfer to another owner. Because United's 406 MHz ELTs already are properly registered with NOAA, the primary purpose of the rule is being served. We do not believe that it is necessary to require that the 406 MHz ELTs be brought into immediate compliance with the labeling requirement if doing so carries a risk of mislabeling the beacons. We reserve discretion to seek further information regarding United's progress in bringing the beacons into compliance, and to make further inquiry (and to pursue any appropriate action) regarding the manufacturer's compliance with the Commission's Rules.

Accordingly, pursuant to the authority contained in Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331, the request for waiver of Section 87.199(f) of the Commission's Rules, 47 C.F.R. 87.199(f), IS GRANTED to the extent indicated above, for a period of five years from the date of this letter.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau