



Federal Communications Commission

Washington, D.C. 20554

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Small Entity Compliance Guide

Review of Part 87 of the Commission's Rules Concerning the Aviation Radio Service

FCC 18-155

WT Docket No. 01-289

Released November 9, 2018

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the revised rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation. The FCC will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or it may clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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I. OBJECTIVES OF THE PROCEEDING

In the *Fourth Report and Order* in WT Docket No. 01-289, the Commission adopted rules to phase out Emergency Locator Transmitters (ELTs) that send a distress alert on frequency 121.5 MHz (121.5 MHz ELTs). ELTs are radio beacons that are carried on board aircraft and triggered in the event of a crash or other unplanned downing. For years, ELTs operated only at 121.5 MHz, with their transmissions monitored by an international satellite-based system (the Cospas-Sarsat system) that could determine their location over most of the world's major air and sea travel paths. Now, however, the Cospas-Sarsat system limits tracking of ELTs to a newer type operating primarily at 406 MHz, thus eroding the utility of the 121.5 MHz ELTs as an effective locating aid. By accelerating the transition to 406 MHz ELTs with the rule changes adopted in the *Fourth Report and Order*, the Commission will enhance the ability of search and rescue personnel to locate and bring aid to the victims of plane crashes.

II. COMPLIANCE REQUIREMENTS

In the *Fourth Report and Order* the Commission amended its rules and policies to discontinue the certification of new ELTs that operate only on the 121.5 MHz frequency. The Commission also prohibited the manufacture, importation, and sale of 121.5 MHz ELTs.

- **Certification. (47 CFR § 87.195)**
The revised Part 87 discontinues certification of new 121.5 MHz ELTs as of the effective date of the *Fourth Report and Order*.
- **Manufacture, Importation, and Sale. (47 CFR § 87.195)**
The revised Part 87 prohibits the manufacture, importation, and sale of 121.5 MHz ELTs, beginning six months after the effective date of the *Fourth Report and Order*.
- **Use.**
The revised Part 87 does not prohibit the continued use of existing 121.5 MHz ELTs. Aircraft owners and operators may continue to use existing equipment until the end of its useful life.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Fourth Report and Order* did not create any new recordkeeping or reporting requirements.

IV. IMPLEMENTATION DATE

The final rules adopted in the *Fourth Report and Order* shall become effective thirty (30) days after publication of the text or summary thereof in the Federal Register.

V. INTERNET LINKS

A copy of the *Fourth Report and Order*, is available at:
<https://docs.fcc.gov/public/attachments/FCC-18-155A1.docx>
<https://docs.fcc.gov/public/attachments/FCC-18-155A1.pdf>
<https://docs.fcc.gov/public/attachments/FCC-18-155A1.txt>