

*Cancelled
See 91-44*

AC NO: 00-40

DATE: 10/3/73



ADVISORY CIRCULAR

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

SUBJECT: EMERGENCY LOCATOR TRANSMITTER REGULATIONS
IN FAR 91.52(a)(2)

1. **PURPOSE.** This advisory circular discusses the relationship between FAR 91.52(a)(2) and Section 601(d) of the Federal Aviation Act of 1958 (as amended) and how that relationship affects those who might wish to petition the FAA for an exemption from FAR 91.52(a)(2).
2. **REFERENCES.** FAR 91.52(a)(2); Section 601(d) of the Federal Aviation Act of 1958 (as amended).
3. **BACKGROUND.** FAR 91.52(a)(2) prohibits the operation, after December 30, 1973, of various classes of U.S. registered airplanes unless they are equipped with an emergency locator transmitter (ELT). This regulation, among others, was adopted by the Administrator to implement Section 601(d) of the Federal Aviation Act of 1958 (as amended). Section 601(d) was added to Title VI of the Act by means of Public Law 91-596, which was enacted by the Congress on December 29, 1970. With respect to effective date and to classes of airplanes covered, FAR 91.52(a)(2) conforms to Section 601(d) of the Act.
4. **DISCUSSION.** The Federal Aviation Act of 1958 (as amended) does not authorize the Administrator to grant exemptions from Section 601(d). It follows that the Administrator cannot grant an exemption from those provisions in FAR § 91.52(a)(2) that conform to corresponding provisions in Sec. 601(d) of the Act, including among others the provisions establishing the December 30, 1973, effective date and the classes of airplanes that must be ELT-equipped. Such relief can be provided by Act of Congress only. Operators affected by FAR 91.52(a)(2), and other interested persons, should take note of this regulatory situation.

C. R. Melugin Jr.

C. R. MELUGIN, JR.
Acting Director, Flight Standards Service

Initiated by: AFS-45