

SYSTEM LOCATION:

Bureau of Health Professions (BHP),
Health Resources and Services
Administration (HRSA), 5600 Fisheries
Lane, Room 8A-35, Rockville, Maryland
20857.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Health
Professions, HRSA, 5600 Fishers Lane,
Room 8A-35, Rockville, Maryland
20857.

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[FR Doc. 94-28585 Filed 12-27-94; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Public Health Service (PHS),
Department of Health and Human
Services (HHS).

ACTION: Publication of minor changes to
systems of records notices.

SUMMARY: The Food and Drug
Administration (FDA) is publishing this
document in accordance with Office of
Management and Budget Circular No.
A-130, Appendix I, "Federal Agency
Responsibilities for Maintaining
Records about Individuals."

SUPPLEMENTARY INFORMATION: FDA has
completed the annual review of its
systems of records and is publishing
below (1) a table of contents which lists
all active systems of records in FDA,
and (2) minor changes which affect the
public's right or need to know.

Dated: November 9, 1994.

James A. O'Hara III,

Associate Commissioner for Public Affairs.

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- 09-10-0002 Regulated Industry Employee
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OC

Minor alterations have been made to
the following system notices;

09-10-0002

SYSTEM NAME:

Regulated Industry Employee
Enforcement Records, HHS/FDA/OC.
The system location and system
manager(s) portions have been revised
to include the addition of a system
location and system manager in the
Office of Criminal Investigations.

SYSTEM LOCATION:

FDA Employees:
Administrative Services Branch (HFA-
210), 5600 Fishers Lane, Rockville,
MD 20857
Investigations Operations Branch (HFC-
132), 5600 Fishers Lane, Rockville,
MD 20857
Office of Criminal Investigations (HFC-
300), 7500 Standish Place, Suite
250N, Rockville, MD 20855
Administrative, Investigations, and
Compliance Branches at Field/District
Offices. For the location of Field/District
Offices, see Appendix A.
For the location of Federal Records
Centers, see Appendix B.

SYSTEM MANAGER(S) AND ADDRESS:

The policy coordinating official for
this system of records is also the system
manager for the Investigations
Operations Branch.
Chief, Administrative Services Branch
(HFA-210), 5600 Fishers Lane,
Rockville, MD 20857
Assistant to the Director, Investigations
Operations Branch (HFC-132), Office
of Regulatory Affairs, 5600 Fishers
Lane, Rockville, MD 20857
Director, Office of Criminal
Investigations, Office of Regulatory
Affairs (HFC-300), 7500 Standish
Place, Suite 250N, Rockville, MD
20855
Administrative, Investigative and
Compliance Branches at Field/District
Offices, see Appendix A.

09-10-0005

SYSTEM NAME:

State Food and Drug Official File,
HHS/FDA/ORA. The system location
and system manager(s) portions have
been revised to reflect new locations
and system managers for this system.

SYSTEM LOCATION:

Regional Food and Drug Offices (See
Appendix A).

SYSTEM MANAGER(S) AND ADDRESS:

Regional Food and Drug Directors
(See Appendix A for Address).

09-10-0009

SYSTEM NAME:

Special Studies and Surveys on FDA-
Regulated Products, HHS/FDA/OM. The
system location and system manager(s)
portions have been revised to reflect
current location and organizational
changes.

SYSTEM LOCATION:

Division of Contracts and
Procurement Management, Office of
Contracts and Grants Management, 5600
Fishers Lane, Park Building, Room 3-
32, Rockville, MD 20857.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Contracts and
Procurement Management (HFA-510),
5600 Fishers Lane, Park Building,
Room 3-32, Rockville, MD 20857.
Office of Epidemiology and Biostatistics
(HFD-700), Rockville, MD 20857

09-10-0013

SYSTEM NAME:

Employee Conduct Investigative
Records, HHS/FDA/OC. The system
notice has been revised to reflect
transfer of responsibility for
maintenance of this system from the
Division of Ethics and Program
Integrity, Office of Management to the
Office of Internal Affairs, Office of the
Commissioner.

SYSTEM LOCATION:

Office of Internal Affairs (HF-9),
Office of the Commissioner, 1801
Rockville Pike, Suite 405, Rockville, MD
20852.

SYSTEM MANAGER(S) AND ADDRESS:

Special Agent in Charge, Office of
Internal Affairs (HFD-9), Office of the
Commissioner, 1801 Rockville Pike,
Suite 405, Rockville, MD 20852.

09-10-0017

SYSTEM NAME:

Epidemiology Research Studies of the
Center for Devices and Radiological
Health, HHS/FDA/CDRH. The system
location and system manager portions
have been revised to reflect current
locations and organizational changes.

SYSTEM LOCATION:

Epidemiology Branch (HFZ-541),
Division of Postmarket Surveillance,
Center for Devices and Radiological

Health, 1350 Piccard Drive, Rockville, MD 20850.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Epidemiology Branch (HFZ-541), Division of Postmarket surveillance, Center of Devices and Radiological Health, 1350 Piccard Drive, Rockville, MD 20850.

09-10-0018

SYSTEM NAME:

Employee Identification and Security Card Key Records, HHS/FDA/OC. The system location and system manager(s)

portions have been revised to reflect current location.

SYSTEM LOCATION:

Personal Property Management Section, Services Unit (HFA-227), 5600 Fishers Lane, Rockville, MD 20857
Metropolitan Office Services Unit (HFA-216), 200 C Street, SW., Washington, DC 20204
Physical Security Staff (HFA-204), 7500 Standish Place, MPN, Rm. N-378, Rockville, MD 20855.

Administrative Branch at Field/District Offices. For the location of

Field/District Offices, see Appendix A to system notice 09-10-0002, Regulated Industry Employee Enforcement Records, HHS/FDA/OC.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Services Branch (HFA-210), 5600 Fishers Lane, Rockville, MD 20857

Chief, Physical Security Staff (HFA-204), 7500 Standish Place, MPN II, Rm. N-378, Rockville, MD 20855.

[FR Doc. 94-28383 Filed 12-27-94; 8:45 am]

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Register

Wednesday
December 28, 1994

Part V

Federal Communications Commission

47 CFR Part 0 et al.
Emergency Broadcast System, Final
Rules and Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 11, 73, and 76

[FO Docket No. 91-171/91-301, FCC 94-288]

Emergency Broadcast System

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This *Report and Order* replaces the current Emergency Broadcast System (EBS) with an Emergency Alert System (EAS) to alert the public of emergencies. This *Report and Order* requires broadcast stations and many cable TV systems to participate, creates a new generation of alerting equipment and streamlines operational procedures for system participants. Furthermore, the *R&O* removes the Part of the FCC's rules concerning EBS in its entirety and incorporates it into a new Part of the FCC's Code of Federal Regulations. The purpose of the rules in this part is to prescribe how communication services such as broadcasting, cable, and other public service providers will function under the technical standards and operational procedures of the new System.

EFFECTIVE DATE: January 27, 1995.

FOR FURTHER INFORMATION CONTACT:

Dr. Helena Mitchell or Frank Lucia, Compliance and Information Bureau, (202) 418-1220.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in FO Docket 91-171/91-301, adopted November 10, 1994, and released December 9, 1994.

The full text of this Commission *Report and Order*, which is in the same document as a *Further Notice of Proposed Rulemaking*, is available for inspection and copying during normal business hours in the FCC's Public Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554. The complete text of the *Report and Order* also may be purchased from the Commission's duplication contractor, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Synopsis of Report and Order

The Federal Communications Commission (FCC) adopted a *Report and Order* to create a new Emergency Alert System (EAS) to replace the more than 40 year old Emergency Broadcast System (EBS). EBS was no longer able to accommodate advances in communications. The advent of digital

technology and the expansion of cable, satellite, microwave distribution, and fiber optics, very few of which currently participate in the EBS, will enable the new system to offer better and faster alerting to the public.

The *Report and Order* removes Subpart G, Part 73, of the FCC's rules concerning EBS in its entirety, and incorporates it into a new Part 11 of the rules dealing with EAS. 47 CFR Subpart G, Part 73, and Part 11. The rule changes are provided at the end of this synopsis.

Furthermore, the *Report and Order* requires participation by broadcast stations and cable systems in the new EAS, and encourages voluntary participation by others. Cable systems must participate, and the *Further Notice of Proposed Rulemaking* asks for comments regarding whether a defined class of smaller systems should be exempted from participation. Cable systems will for the first time be required to participate in the emergency alerting process because numerous Americans now depend on cable for news and information and because Congress has directed the Commission to ensure that cable subscribers have access to emergency information on the same basis as broadcast viewers and listeners. Most Americans receive one or both of these sources. The *Report and Order* requires broadcast stations and cable systems to install and operate new equipment for national alerts, while relaxing certain equipment requirements for noncommercial educational Class D FM stations and low power television stations. Other transmission media, such as satellite, telephone, paging and public service providers, are also encouraged to participate.

Technically, the new equipment will have many advanced features currently unavailable with the EBS, such as multiple monitoring of alerting sources, ability to operate by remote control, compatibility with other communications media, the option for automated operation, and the ability to target emergency specific information to exact geographic areas that are at risk. Operationally, EAS will allow audiences to receive quick and accurate access to emergency information. Unlike the old EBS, the new equipment and procedures will also minimize the risk of failure or confusion due to human error.

The new equipment can be programmed to provide automatic alerts for specific types of emergencies such as tornadoes or nuclear accidents. Automatic interrupt capability will allow immediate suspension of programming and will transmit both

national EAS alerts as well as state or local emergency alerts. Broadcast stations and cable systems can choose when they want their programming interrupted automatically, as, for example, when they are operating unattended.

The new digital EAS equipment will allow participants to relay news of emergencies only to affected geographic areas so that unaffected areas are not alarmed. The new equipment also allows for coding to identify special kinds of alerts, such as for power outages, nuclear power plant incidents, and release of harmful chemicals.

The new equipment will also be capable of monitoring several sources of emergency information, such as broadcast stations or emergency management offices. This multiple input system replaces the old single station "daisy chain" system of monitoring in which emergency messages were relayed from one station to another. The multiple input system is significantly more reliable because stations are not dependent on one station to receive an emergency alert.

In addition, the new technology will make it possible to transmit emergency information to the public regardless of listening or viewing habits. It will no longer be necessary to be watching broadcast television or listening to the radio in order to receive an emergency alert. Specially equipped consumer end products, such as televisions, car radios, pagers, CD players and other devices will be able to receive an EAS alert and provide a warning even when the device is shut off.

The new EAS will have other capabilities. The EAS protocol can be used to develop alert messages in the primary language of the station's or cable channel's programming, thus increasing the chance that the listening public will comprehend emergency information.

New operational procedures will enhance the public's ability to receive emergency information. For example, the new rules require visual alerts on television stations and participating cable systems which will quickly provide the hearing impaired with emergency information. Piercing tones will alert the blind or preoccupied listener.

New testing procedures can assure the equipment is functioning properly without causing the public to "tune out." All EAS participants have the option to continue weekly tests with on-air messages or to perform three of the four weekly tests during the month unobtrusively. Such testing will be almost unnoticeable to the listener. A

monthly on-air test will still be required, however. During the monthly on-air test, each State or local Emergency Communications Committee will develop a script and test the system as if it were an actual alert. A shorter EAS two-tone signal lasting only 8 seconds can be used. During an actual emergency, however, a longer tone of up to 25 seconds is encouraged to attract the blind and hard-of-hearing. A new rule also prohibits false or misleading use of the EAS two-tone or alert codes.

The standard protocol for the activation of the EAS is compatible with the new digitized NOAA Weather Radio (NWR) system. Each year there are several hundred lives lost, several thousand injuries sustained and billions of dollars in property damaged due to weather related and man-made emergencies. EAS will continue to work with the National Weather Service to provide emergency weather information to the public more quickly while at the same time complementing the NWR.

The FCC will terminate the Emergency Broadcast System Advisory Committee and the National Business and Industry Advisory Council which had served the old EBS. In its stead, the FCC will establish a smaller National Advisory Committee (NAC) to provide coordination and direction in the implementation of the new rules and regulations for the EAS. The NAC will advise the Commission on EAS policies, rules, and procedures. It will develop training and education initiatives to explain the EAS to participants and the public. It will be comprised of volunteer government and industry personnel who will be appointed by the Commission for two-year terms.

The cost to broadcasters of the new EAS devices is comparable to the cost of replacing existing EBS equipment which is nearing the end of its useful operational life. The EAS devices will have significantly more features than the old equipment and will be much cheaper to operate. Cost to cable systems is expected to be higher, but they will have an extended time to implement EAS.

In designing a timetable for the system, the Commission balanced the lead time needed by industry to begin the new service against the need to ensure the public's safety. Both radio and television broadcasters will be required to replace EBS equipment with EAS equipment by July 1, 1996 in accordance with the following timetable: (1) Existing EBS decoders at broadcast stations must be modified by July 1, 1995 to be capable of decoding a shortened, eight second version of the two-tone alerting signal currently used

in the EBS; (2) after July 1, 1995, stations may transmit the shortened two-tone attention signal for not less than eight seconds nor more than 25 seconds; (3) use of the new EAS digital equipment is optional until July 1, 1996 for broadcast stations and mandatory thereafter; (4) key EAS sources are advised to begin using the new digital signal as soon as equipment is available; (5) after July 1, 1997, the two-tone signal may be used only as an audio alert signal to announce to the public either the monthly test or actual emergency messages; and (6) Class D FM and low power television stations must have decoders according to the timetable used by broadcasters. There will be a one year overlap between the old EBS and new EAS equipment to ensure that the new system is effective before the older EBS two-tone signalling technique used to alert stations is retired. Because cable is a new entrant, cable systems will have until July 1, 1997, to install the new equipment.

The following is a summary of other features of the Emergency Alert System.

- EAS will utilize a standard, non-proprietary protocol that includes a digital header code, the Attention Signal, the emergency message, and an End Of Message (EOM) code.
- It will be permissible to transmit only the header and EOM coded for state and local emergencies.
- The protocol can be received by any radio or television receiver.
- The protocol can be sent on transmission systems such as, but not limited to, radio and television stations, cable systems, satellite, computer networks, and paging systems.
- The new equipment may combine decoder and encoder functions in a single unit.
- The equipment can be controlled from a remote location.
- Broadcast station and cable system owners can program the equipment to interrupt their programming in the event of specific codes contained in EAS messages. Codes can, for example, be matched for the message Originator (who), Event (what) and Location (where).
- All EAS messages will have Universal Coordinated Time (UTC) codes to assure that expired messages are not transmitted.
- Specially equipped radios, televisions and other consumer products can be turned on and off by the EAS protocol to receive emergency messages.
- The existing State and Local Emergency Communications Committees can create their own monthly test announcements.

• EAS state and local plans will need to be created to reflect the new capabilities of equipment for multiple monitoring and identification of EAS sources.

• The rules prohibit false use of the EAS protocol.

• The rules employ new and more easily understandable terminology for use by EAS participants.

In the same document as the *Report and Order*, the Commission issued a *Further Notice of Proposed Rulemaking* asking for comments related to whether the Multipoint Distribution Service (MDS), Satellite Master Antenna TV (SMATV) systems and Video Dial Tone should also be required to participate in EAS. Comments were also sought on several cable related issues. This *Further Notice of Proposed Rulemaking* is summarized elsewhere in the *Federal Register*.

The Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. Section 603, the *Report and Order* contained a final regulatory flexibility analysis. The analysis concluded that the new EAS will be a significant improvement over EBS in providing emergency messages to the public. There were no comments submitted in response to the initial Regulatory Flexibility Analysis.

Legal Basis

The *Report and Order* is issued under authority contained in Sections 1, 4 (i) and (o), 303(r), 624(g) and 706 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154 (i) and (o), 303(r), 544(g) and 606.

List of Subjects

47 CFR Part 0

Delegation of authority, Organization and functions (Government agencies)

47 CFR Part 11

Emergency alert system

47 CFR Part 73

Radio broadcasting, Television broadcasting

47 CFR Part 76

Cable television

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Parts 0, 11, 73 and 76 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.182 is amended by revising the heading and paragraph (d) to read as follows:

§ 0.182 Chief, Compliance and Information Bureau.

* * * * *

(d) Provides administrative support for the National Advisory Committee (NAC).

* * * * *

3. Section 0.183 is revised to read as follows:

§ 0.183 Emergency Communications Administration.

The Compliance and Information Bureau coordinates the National Security and Emergency Preparedness (NSEP) activities of the Federal Communications Commission including Continuity of Government Planning, the Emergency Alert System (EAS) and other functions as may be delegated during a national emergency or activation of the President's war emergency powers as specified in section 706 of the Communications Act; maintains liaison with FCC Bureaus/ Offices, and other government agencies, the telecommunications industry and FCC licensees on NSEP matters; and, as requested, represents the Commission at NSEP meetings and conferences.

§ 0.284 [Amended]

4. Section 0.284 is amended by removing paragraph (a)(4) and redesignating paragraphs (a)(5) through (a)(10) as (a)(4) through (a)(9), respectively.

5. Section 0.311 is amended by revising paragraphs (g) and (h) to read as follows:

§ 0.311 Authority delegated.

* * * * *

(g) The Chief, Compliance and Information Bureau is delegated authority to grant waivers of the requirements of Part 11 of this Chapter to participants required to install, operate or test Emergency Alert System (EAS) equipment. The Chief, Compliance and Information Bureau is

further authorized to delegate this authority. Waiver requests must be made in writing and forwarded to the FCC's EAS office 1919 M Street, NW Washington, DC 20054. Such requests must state the reason why the waiver is necessary and provide sufficient information such as, statements of fact regarding the financial status of the broadcast station, the number of other broadcast stations providing coverage in its service area or the likelihood of hazardous risks to justify a grant of the waiver.

(h) The Chief, Compliance and Information Bureau is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to broadcast stations or other entities participating in the Emergency Alert System (EAS) for national defense purposes. The Chief, Compliance and Information Bureau is authorized to delegate this authority.

PART 11—EMERGENCY ALERT SYSTEM (EAS)

6. A new Part 11 is added to read as follows:

Part 11—[Added]

Subpart A—General

Sec.

- 11.1 Purpose.
- 11.11 The Emergency Alert System (EAS).
- 11.12 Two-tone Attention Signal Encoder and Decoder.
- 11.13 Emergency Action Notification (EAN) and Emergency Action Termination (EAT).
- 11.14 EAN Network and Primary Entry Point (PEP) System.
- 11.15 EAS Operating Handbook.
- 11.16 National Control Point Procedures.
- 11.17 Authenticator Word Lists.
- 11.18 EAS Designations.
- 11.19 EAS Non-participating National Authorization Letter.
- 11.20 State Relay Network.
- 11.21 State and Local Area Plans and FCC Mapbook.

Subpart B—Equipment Requirements

- 11.31 EAS protocol.
- 11.32 EAS Encoder.
- 11.33 EAS Decoder.
- 11.34 Acceptability of the equipment.
- 11.35 Equipment operational readiness.

Subpart C—Organization

- 11.41 Participation in EAS.
- 11.42 Participation by communications common carriers.

- 11.43 National level participation.
- 11.44 EAS message priorities.
- 11.45 Prohibition of false or deceptive EAS transmissions.
- 11.46 EAS public service announcements.

Subpart D—Emergency Operations

- 11.51 EAS code and Attention Signal Transmission requirements.
- 11.52 EAS code and Attention Signal Monitoring requirements.
- 11.53 Dissemination of Emergency Action Notification.
- 11.54 EAS operation during a National Level emergency.
- 11.55 EAS operation during a State or Local Area emergency.

Subpart E—Tests

- 11.61 Tests of EAS procedures.
- 11.62 Closed Circuit Tests of National Level EAS facilities.

Authority: 47 U.S.C. 151, 154 (i) and (o), 303(r), 544(g) and 606.

Subpart A—General

§ 11.1 Purpose.

This part contains rules and regulations providing for an Emergency Alert System (EAS). The EAS provides the President with the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency. The rules in this part describe the required technical standards and operational procedures of the EAS for AM, FM and TV broadcast stations, cable systems and other participating entities. The EAS may be used to provide the heads of State and local government, or their designated representatives, with a means of emergency communication with the public in their State or Local Area.

§ 11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of broadcast networks; cable networks and program suppliers; AM, FM and TV broadcast stations; Low Power TV (LPTV) stations; cable systems; and other entities and industries operating on an organized basis during emergencies at the National, State, or local levels. It requires that at a minimum all participants use a common EAS protocol, as defined in § 11.31, to send and receive emergency alerts in accordance with the effective dates in the following tables:

TIMETABLE—BROADCAST STATIONS

Requirement	Until 7/1/95	7/1/95	7/1/96	7/1/97
Two-tone encoder timing ...	20-25 seconds	8-25 seconds	8-25 seconds	8-25 seconds. ¹
Two-tone decoder timing ...	8-16 seconds required	All decoders at 3-4 seconds.	3-4 seconds	Two-tone decoder no longer used.
Digital decoder and encoder.	3-4 seconds optional	Use is optional	Use is required	Use is required.

¹ Two-tone signal used only to provide audio alert to audience before EAS emergency messages and required monthly test.

CABLE SYSTEMS

Requirement	Until 7/1/97	7/1/97 ²
Two-tone signal from storage device ¹ .	Use is optional, 8-25 seconds.	Use is required, 8-25 seconds.

CABLE SYSTEMS—Continued

Requirement	Until 7/1/97	7/1/97 ²
Digital decoder and encoder.	Use is optional.	Use is required. ²

¹ Two-tone signal used only to provide audio alert to audience before EAS emergency messages and required monthly test.

² On this date, subject cable systems shall provide: (1) a video message on all channels or other alerting techniques to hearing impaired and deaf subscribers, (2) an audio message and video interruption on all channels, and (3) a video message on at least one channel to all subscribers.

NOTE: Class D FM and low power TV stations are not required to have two-tone or digital encoders. LPTV stations that operate as television broadcast translator stations are exempt from the requirement to have EAS equipment.

EAS TIMETABLE AND REQUIREMENTS

Requirement	AM	FM	FM class D	TV	LPTV ¹
Broadcast stations					
Two-tone decoder (until 7/1/97)	Y	Y	Y	Y	Y
Two-tone encoder	Y	Y	N	Y	N
Digital decoder (7/1/96)	Y	Y	Y	Y	Y
Digital encoder (7/1/96)	Y	Y	N	Y	N
Audio message (7/1/96)	Y	Y	Y	Y	Y
Video message (7/1/96)				Y	Y

¹ LPTV stations that operate as television broadcast translator stations are exempt from the requirement to have EAS equipment.

CABLE SYSTEMS

Requirement	
Two-tone decoder	N
Two-tone encoder	N
Digital decoder (7/1/97)	Y
Digital encoder (7/1/97)	Y
Audio message on all channels (7/1/97)	Y ²
Video interruption on all channels, video message on one channel (7/1/97)	Y ³

² Shall transmit two-tone signal, but it may be from a storage device.

³ Shall provide video on all channels or other alerting techniques to certified hearing impaired and deaf subscribers.

(b) Class D non-commercial educational FM stations as defined in § 73.506 of this chapter and LPTV stations as defined in § 74.701(f) of this chapter are not required to comply with § 11.32. LPTV stations that operate as television broadcast translator stations, as defined in § 74.701(b) of this chapter are not required to comply with the requirements of this part.

(c) Organizations using other communications systems or technologies such as, Direct Broadcast Satellite (DBS), low earth orbit satellite systems, paging, computer networks,

etc. may join the EAS on a voluntary basis by contacting the FCC. Organizations that choose to voluntarily participate must comply with the requirements of this part.

§ 11.12 Two-tone Attention Signal Encoder and Decoder.

Existing two-tone Attention Signal Encoder and Decoder equipment type accepted for use as Emergency Broadcast System equipment under Part 73 may be used by broadcast stations until July 1, 1997, provided that such equipment meets the requirements of §§ 11.32(a)(9) and 11.33(b). Effective July 1, 1997, the two-tone Attention Signal Decoder will no longer be required and the two-tone Attention Signal will be used to provide an audio alert.

§ 11.13 Emergency Action Notification (EAN) and Emergency Action Termination (EAT).

(a) The Emergency Action Notification (EAN) is the notice to all broadcast stations, subject cable systems, other regulated services of the FCC, participating industry entities, and to the general public that the EAS has been activated for a national emergency.

(b) The Emergency Action Termination (EAT) is the notice to all broadcast stations, subject cable systems, other regulated services of the FCC, participating industry entities, and to the general public that the EAN has terminated.

§ 11.14 EAN Network and Primary Entry Point (PEP) System.

(a) The EAN network is a dedicated communications service connecting industry networks, wire services and common carriers with government activation points. It is used to distribute EAN and EAT messages. The industry control locations retransmit the EAN message, the Presidential message, and the EAT message on their facilities to their affiliates.

(b) The PEP system is a nationwide network of broadcast stations connected with government activation points. It can also be used to distribute EAN and EAT.

§ 11.15 EAS Operating Handbook.

The EAS Operating Handbook states in summary form the actions to be taken by personnel at broadcast stations, and other participating entities upon receipt of an EAN, subject cable systems and other participating entities upon receipt

of an EAN, an EAT, tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations, monitoring guidelines, and EAS message examples. A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty and be immediately available to staff responsible for authenticating messages and initiating actions.

§ 11.16 National Control Point Procedures.

The National Control Point Procedures are written instructions issued by the FCC to national level EAS control points. They are for use by the participating radio and television networks, cable networks and program suppliers, common carriers and wire services. The procedures are divided into sections as follows:

(a) National Level EAS Activation. This section contains the activation and termination instructions for Presidential messages.

(b) EAS Test Transmissions. This section contains the instructions for testing the EAS at the National level.

(c) National Information Center (NIC). This section contains instructions for distributing United States Government official information messages after completion of the National Level EAS activation and termination actions.

§ 11.17 Authenticator Word Lists.

There are three lists issued by the FCC annually. The lists are to be used by EAS participants to ensure that the National level alerts and tests are legitimate. The lists must be used in accordance with directions in the EAS Operating Handbook and the National Control Point Procedures. LPTV stations do not receive authenticator lists.

(a) Red Envelope Authenticator List. This list is used for authentication purposes in accordance with instructions in the EAS Operating Handbook and National Control Point Procedures. It is issued to all broadcast stations and specified control points of the radio and television networks, cable networks and program suppliers, common carriers, wire services and other specified entities. A current copy of this list must be located in the pocket on the inside front cover of the EAS Operating Handbook. This list should be opened only to authenticate receipt of an EAN message and an EAT message from the above control points. The FCC may request immediate return of the Red Envelope at any time.

(b) White Envelope Authenticator List. This list is used for caller identification purposes in accordance

with instructions in the National Control Point Procedures. It is issued only to specified control points.

(c) NIC Authenticator List. This booklet is used for authentication purposes in accordance with instructions in the National Control Point Procedures. It is issued only to participating control points.

§ 11.18 EAS Designations.

(a) National Primary (NP) is a source of EAS Presidential messages.

(b) Local Primary (LP) is a source of EAS Local Area messages. An LP source is responsible for coordinating the carriage of common emergency messages from sources such as the National Weather Service or local emergency management offices as specified in its EAS Local Area Plan. If it is unable to carry out this function, other LP sources in the Local Area may be assigned the responsibility as indicated in State and Local Area Plans. LP sources are assigned numbers (LP-1, 2, 3, etc.) in the sequence they are to be monitored by other broadcast stations in the Local Area.

(c) State Primary (SP) is a source of EAS State messages. These messages can originate from the Governor or a designated representative in the State Emergency Operating Center (EOC) or State Capital. Messages are sent via the State Relay Network.

(d) State Relay (SR) is a source of EAS State messages. It is part of the State Relay Network and relays National and State common emergency messages into Local Areas.

(e) Participating National (PN) sources transmit EAS National, State or Local Area messages. The EAS transmissions of PN sources are intended for direct public reception.

(f) Non-participating National (NN) sources have elected not to participate in the National level EAS and hold an authorization letter to that effect. Upon activation of the national level EAS, NN sources are required to broadcast the EAS codes, Attention Signal, the sign-off announcement in the EAS Operating Handbook and then stop operating. All NN sources are required to comply with § 11.51, § 11.52 and § 11.61. They may transmit EAS State or Local Area messages at any time without prior notice.

§ 11.19 EAS Non-participating National Authorization Letter.

This authorization letter is issued by the FCC to broadcast station licensees. It states that the licensee has agreed to go off the air during a national level EAS message. This authorization will remain in effect through the period of

the initial license and subsequent renewals from the time of issuance unless returned by the holder or suspended, modified or withdrawn by the Commission.

§ 11.20 State Relay Network.

This network is composed of State Relay (SR) sources, leased common carrier communications facilities or any other available communication facilities. The network distributes State EAS messages originated by the Governor or designated official. In addition to EAS monitoring, satellites, microwave, FM subcarrier or any other communications technology may be used to distribute State emergency messages.

§ 11.21 State and Local Area Plans and FCC Mapbook.

EAS plans contain guidance for broadcast personnel, emergency officials and NWS personnel to activate the EAS. The plans include the EAS header codes and messages that will be transmitted by key EAS sources (NP, LP, SP and SR).

(a) The State plan contains procedures for State emergency management and other State officials, the NWS, broadcast personnel to transmit emergency information to the public during a State emergency using the EAS.

(b) The Local Area plan contains procedures for local officials or the NWS to transmit emergency information to the public during a local emergency using the EAS. Local plans may be a part of the State plan. A Local Area is a geographical area of contiguous communities or counties that may include more than one state.

(c) The FCC Mapbook is based on the above plans. It organizes all broadcast stations and cable systems according to their State, EAS Local Area and EAS designation.

Subpart B—Equipment Requirements

§ 11.31 EAS protocol.

(a) The EAS uses a four part message for an emergency activation of the EAS. The four parts are: Preamble and EAS Header Codes; audio Attention Signal; message; and, Preamble and EAS End Of Message (EOM) Codes.

(1) The Preamble and EAS Codes must use Audio Frequency Shift Keying at a rate of 520.83 bits per second to transmit the codes. Mark frequency is 2083.3 Hz and space frequency is 1562.5 Hz. Mark and space time must be 1.92 milliseconds. Characters are ASCII seven bit characters as defined in ANSI X3.4-1977.

(2) The Attention Signal must be made up of the fundamental frequencies of 853 and 960 Hz. The two tones must

be transmitted simultaneously. The Attention Signal must be transmitted after the EAS header codes.

(3) The message may be audio, video or text.

(b) The ASCII dash and plus symbols are required and may not be used for any other purpose. Unused characters must be ASCII space characters. FM or TV call signs must use a backslash ASCII character (/) in lieu of a dash.

(c) The EAS protocol, including any codes, must not be amended, extended or abridged without FCC authorization. The EAS protocol and message format are specified in the following representation. Examples are also provided in the EAS Operating Handbook.

[PREAMBLE] ZCZC-ORG-EEE-
PSSCCC+TTTT+JJJHHMM-LLLLLLLLL-
(one second pause)
[PREAMBLE] ZCZC-ORG-EEE-
PSSCCC+TTTT+JJJHHMM-LLLLLLLLL-
(one second pause)
[PREAMBLE] ZCZC-ORG-EEE-
PSSCCC+TTTT+JJJHHMM-LLLLLLLLL-
(at least a one second pause)
(transmission of 8 to 25 seconds of Attention
Signal)
(transmission of audio, video or text
messages)

(at least a one second pause)

[PREAMBLE] NNNN

(one second pause)

[PREAMBLE] NNNN

(one second pause)

[PREAMBLE] NNNN

(at least one second pause)

[PREAMBLE] This is a consecutive string of bits (sixteen bytes of AB hexadecimal [8 bit byte 10101011]) sent to clear the system, set AGC and set asynchronous decoder clocking cycles. The preamble must be transmitted before each header and End Of Message code. ZCZC- This is the identifier, sent as ASCII characters ZCZC to indicate the start of ASCII code.

ORG- This is the Originator code and indicates who originally initiated the activation of the EAS. These codes are specified in paragraph (d) of this section.

EEE- This is the Event code and indicates the nature of the EAS activation. The codes are specified in paragraph (e) of this section. The Event codes must be compatible with the codes used by the NWS Weather Radio Specific Area Message Encoder (WRSAME).

PSSCCC- This is the Location code and indicates the geographic area affected by the EAS alert. There may be 31 Location codes in an EAS alert. There may be 31 Location codes in an EAS alert. The Location code uses the Federal Information Processing System (FIPS) numbers as described by the U.S. Department of Commerce in National Institute of Standards and Technology publication 772. Each state is assigned an SS number as specified in paragraph (f) of this section. Each county is assigned a CCC number. A CCC number of 000 refers to an entire State or Territory. P defines county subdivisions as follows: 0=all or an

unspecified portion of a county, 1=Northwest, 2=North Central, 3=Northeast, 4=West Central, 5=Central, 6=East Central, 7=Southwest, 8=South Central, 9=Southeast. Other numbers may be designated later for special applications. The use of county subdivisions will probably be rare and generally for oddly shaped or unusually large counties. Any subdivisions must be defined and agreed to by the local officials prior to use.

+TTTT- This indicates the valid time period of a message in 15 minute segments up to one hour and then in 30 minute segments beyond one hour; i.e., +0015, +0030, +0045, +100, +0430 and +0600.

JJJHHMM- This is the day in Julian Calendar days (JJJ) of the year and the time in hours and minutes (HHMM) when the message was initially released by the originator using 24 hour Universal Coordinated Time (UTC). These codes must remain unchanged for retransmitted messages.

LLLLLLLL- This is the call sign or other identification of the broadcast station, or NWS office transmitting or retransmitting the message. These codes will be automatically affixed to all outgoing messages by the EAS encoder.

NNNN- This is the End of Message (EOM) code sent as a string of four ASCII N characters.

(d) The only originator codes are:

Originator	ORG code
Broadcast station or cable system	EAS
Civil authorities	CIV
Emergency Action Notification Network	EAN
National Weather Service	WXR
Primary Entry Point System	PEP

(e) The following Event (EEE) codes are presently authorized:

Nature of activation	Event codes
National Codes:	
Emergency Action Notification (National only)	EAN
Emergency Action Termination (National only)	EAT
National Information Center	NIC
National Periodic Test	NPT
Required Monthly Test	RMT
Required Weekly Test	RWT
Local Codes:	
Administrative Message	ADR
Blizzard Warning	BZW
Civil Emergency Message	CEM
Evacuation Immediate	EVI
Flash Flood Statement	FFS
Flash Flood Warning	FFW
Flash Flood Watch	FFA
Flood Statement	FLS
Flood Warning	FLW
Flood Watch	FLA
High Wind Warning	HWW
High Wind Watch	HWA
Hurricane Statement	HLS
Hurricane Warning	HUW

Nature of activation	Event codes
Hurricane Watch	HUA
Practice/Demo Warning	DMO
Severe Thunderstorm Warning	SVR
Severe Thunderstorm Watch	SVW
Severe Weather Statement	SVS
Special Weather Statement	SPS
Tornado Warning	TOR
Tornado Watch	TOA
Tsunami Warning	TSW
Tsunami Watch	TSA
Winter Storm Warning	WSW
Winter Storm Watch	WSA

(f) The State and Territory FIPS number codes (SS) are as follows. County FIPS numbers (CCC) are contained in the State EAS Mapbook.

State	FIPS #
AL	01
AK	02
AZ	04
AR	05
CA	06
CO	08
CT	09
DE	10
FL	12
GA	13
HI	15
ID	16
IL	17
IN	18
IA	19
KS	20
KY	21
LA	22
ME	23
MD	24
MA	25
MI	26
MN	27
MS	28
MO	29
MT	30
NE	31
NV	32
NH	33
NJ	34
NM	35
NY	36
NC	37
ND	38
OH	39
OK	40
OR	41
PA	42
RI	44
SC	45
SD	46
TN	47
TX	48
UT	49
VT	50
VA	51
WA	53
WV	54
WI	55
WY	56

District of Columbia—11

Terr.	FIPS #
AS	60
PR	72
FM	64
PW	70
GU	66
UM	74
MH	68
VI	78
MP	69

§ 11.32 EAS Encoder.

(a) EAS Encoders must at a minimum be capable of encoding the EAS protocol described in § 11.31 and providing the EAS code transmission requirements described in § 11.51. EAS encoders must additionally provide the following minimum specifications:

(1) Encoder programming. Access to encoder programming shall be protected by a lock or other security measures and be configured so that authorized personnel can readily select and program the EAS Encoder with Originator, Event and Location codes for either manual or automatic operation.

(2) Inputs. The encoder shall have two inputs, one for audio messages and one for data messages (RS-232C with standard protocol and 1200 baud rate).

(3) Outputs. The encoder shall have two outputs, one audio port and one data port (RS-232C with standard protocol and 1200 baud rate).

(4) Calibration. EAS Encoders must provide a means to comply with the modulation levels required in § 11.51(f).

(5) Day-Hour-Minute and Identification Stamps. The encoder shall affix the JJJHHMM and LLLLLLLL codes automatically to all initial messages.

(6) Program Data Retention. Program data and codes shall be retained even with the power removed.

(7) Indicator. An aural or visible means that it activated when the Preamble is sent and deactivated at the End of Message code.

(8) Spurious Response. All frequency components outside 200 to 4000 Hz shall be attenuated by 40 dB or more with respect to the output levels of the mark or space frequencies.

(9) Attention Signal generator. The encoder must provide an attention signal that complies with the following:

(i) Tone Frequencies. The audio tones shall have fundamental frequencies of 853 and 960 Hz and not vary over ± 0.5 Hz.

(ii) Harmonic Distortion. The total harmonic distortion of each of the audio tones may not exceed 5% at the encoder output terminals.

(iii) Minimum Level of Output. The encoder shall have an output level

capability of at least +8 dBm into a 600 Ohm load impedance at each audio tone. A means shall be provided to permit individual activation of the two tones for calibration of associated systems.

(iv) Time Period for Transmission of Tones. The encoder shall have timing circuitry that automatically generates the two tones simultaneously for a time period of not less than 8 nor longer than 25 seconds. NOTE: Prior to July 1, 1995, the Attention Signal must be at least 20 and not more than 25 seconds.

(v) Inadvertent activation. The switch used for initiating the automatic generation of the simultaneous tones shall be protected to prevent accidental operation.

(vi) Indicator Display. The encoder shall be provided with a visual and/or aural indicator which clearly shows that the Attention Signal is activated.

(b) Operating Temperature and Humidity. Encoders shall have the ability to operate with the above specifications within an ambient temperature range of 0 to +50 degrees C and a range of relative humidity of up to 95%.

(c) Primary Supply Voltage Variation. Encoders shall be capable of complying with the requirements of this section during a variation in primary supply voltage of 85 percent to 115 percent of its rated value.

(d) Testing Encoder Units. Encoders not covered by § 11.34(e) of this part shall be tested in a 10 V/m minimum RF field at an AM broadcast frequency and a 0.5 V/m minimum RF field at an FM or TV broadcast frequency to simulate actual working conditions.

§ 11.33 EAS Decoder.

(a) An EAS Decoder must at a minimum be capable of decoding the EAS protocol described in § 11.31, provide the EAS monitoring functions described in § 11.52, and the following minimum specifications:

(1) Inputs. Decoders must have the capability to receive at least 2 audio inputs from EAS monitoring assignments, and one data input (RS-232C with standard protocol and 1200 baud rate). The data input may be used to monitor other communications modes such as Radio Broadcast Data System (RBDS), NWR, satellite, public switched telephone network, or any other source that uses the EAS protocol.

(2) Valid codes. There must be a means to determine if valid EAS header codes are received and to determine if preselected header codes are received.

(3) Storage. Decoders must provide the means to:

(i) Record and store at least two minutes of audio or text messages.

(ii) Store at least 10 preselected header codes for comparison with incoming header codes. A non-preselected header code that is manually transmitted must be stored for comparison with later incoming header codes. The header codes of the last ten received valid messages which still have valid time periods must be stored for comparison with the incoming valid header codes of later messages. The header codes will be deleted from storage as their valid time periods expire.

(4) Display. A visual message shall be developed from any valid EAS header codes received. The message will include the Originator, Event, Location, the valid time period of the message and the local time the message was transmitted. The message shall be in the primary language of the broadcast station or cable system and be fully displayed on the decoder and readable in normal light and darkness.

(5) Indicators. EAS Decoders must have a distinct aural or visible means to show that it is activated when:

(i) any valid EAS header codes are received as specified in § 11.33(a)(10).

(ii) preprogrammed header codes, such as those selected in accordance with § 11.52(d) are received.

(iii) a signal is present at each audio input that is specified in § 11.33(a)(1).

(6) Program Data Retention. The program data must be retained even with power removed.

(7) Outputs. Decoders shall have the following outputs: a data port or ports (RS-232C with standard protocol and 1200 baud rate) where received valid EAS header codes and received preselected header codes are available; one audio port that is capable of monitoring each decoder audio input; and, an internal speaker to enable personnel to hear audio from each input.

(8) Decoder Programming. Access to decoder programming shall be protected by a lock or other security measures and be configured so that authorized personnel can readily select and program the EAS Decoder with preselected Originator, Event and Location codes for either manual or automatic operation.

(9) Reset. There shall be a method to automatically or manually reset the decoder to the normal monitoring condition. If an end of message code (EOM) is not received for an EAS message, operators shall be able to select an automatic reset time which may not be less than two minutes. Messages received with the EAN Event codes

shall disable the reset function so that lengthy audio messages can be handled. The last message received with valid header codes shall be displayed as required by § 11.33(a)(4) of this section before the decoder is reset.

(10) Message Validity. An EAS Decoder must provide error detection and validation of the header codes of each message to ascertain if the message is valid. Header code comparisons may be accomplished through the use of a bit-by-bit compare or any other error detection and validation protocol. A header code must only be considered valid when two of the three headers match exactly. Duplicate messages must not be relayed automatically.

(11) A header code with the EAN Event code specified in § 11.31(c) that is received through either of the two audio inputs must override all other EAS messages.

(b) Attention Signal. EAS Decoders at broadcast stations shall have detection and activation circuitry that will demute a receiver upon detection of the two audio tones of 853 Hz and 960 Hz. To prevent false responses, decoders designed to use the two tones for broadcast receiver demuting shall comply with the following:

(1) Time Delay. A minimum time delay of 8 but not more than 16 seconds of tone reception shall be incorporated into the demuting or activation process to insure that the tones will be audible for a period of at least 4 seconds. After July 1, 1995, the time delay shall be 3–4 seconds.

(2) Operation Bandwidth. The decoder circuitry shall not respond to tones which vary more than ± 0.5 Hz from each of the frequencies, 853 Hz and 960 Hz.

(3) Reset Ability. The decoder shall have a means to manually or automatically reset the associated broadcast receiver to a muted state.

(c) Decoders shall be capable of operation within the tolerances specified in this section as well as those in §§ 11.32(b), (c) and (d).

§ 11.34 Acceptability of the equipment.

(a) An EAS Encoder used for generating the EAS codes and the Attention Signal must be Certified in accordance with the procedures in Part 2, Subpart J, of this chapter. The data and information submitted must show the capability of the equipment to meet the requirements of this Part as well as the requirements contained in Part 15 of this chapter for digital devices.

(b) Decoders used for the detection of the EAS codes and receiving the Attention Signal must be Certified in accordance with the procedures in Part

2, Subpart J, of this chapter. The data and information submitted must show the capability of the equipment to meet the requirements of this Part as well as the requirements contained in Part 15 of this chapter for digital devices.

(c) The functions of the EAS decoder, Attention Signal generator and receiver, and the EAS Encoder specified in §§ 11.31, 11.32 and 11.33 may be combined and notified as a single unit provided that the unit complies with all specifications in this rule section.

(d) Manufacturers must include instructions and information on how to install, operate and program an EAS Encoder, EAS Decoder, or combined unit and a list of all State and county FIPS numbers with each unit sold or marketed in the U.S.

(e) Waiver requests of the Certification requirements for EAS Encoders or EAS Decoders which are constructed for use at a broadcast station or subject cable system, but are not offered for sale will be considered on an individual basis in accordance with Part 1, Subpart G, of this chapter.

§ 11.35 Equipment operational readiness.

(a) Broadcast stations and subject cable systems are responsible for ensuring that EAS Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS is installed so that the monitoring and transmitting functions are available during the times the broadcast station or cable system is in operation. Additionally, broadcast stations and subject cable systems must determine the cause of any failure to receive the required tests or activations specified in §§ 11.61(a) (1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 of this chapter, cable system record in § 76.305 of this chapter indicating reasons why any tests were not received.

(b) If the EAS Encoder or EAS Decoder becomes defective the broadcast station or subject cable system may operate without the defective equipment pending its repair or replacement for a period not in excess of 60 days without further FCC authority. Entries shall be made in the broadcast station log or subject cable system records showing the date and time the equipment was removed and restored to service. For personnel training purposes, the required monthly test script must still be transmitted even though the equipment for generating the EAS message codes, Attention Signal and EOM code is not functioning.

(c) An informal request may be made to the Engineer-in-charge of the FCC

field office serving area in which the broadcast station or subject cable system is located for additional time to complete repairs to the defective equipment. These requests must explain what steps have been taken to repair or replace the defective equipment, the alternative procedures being used while the defective equipment is out of service, and when the defective equipment will be repaired or replaced.

Subpart C—Organization

§ 11.41 Participation in EAS.

(a) All broadcast stations and cable systems specified in § 11.11 are categorized as Participating National (PN) sources unless authorized by the FCC to be Non-Participating National (NN) sources.

(b) A broadcast station or cable system may submit a written request to the FCC asking to be a Non-Participating National (NN) source. The FCC may then issue a Non-participating National Authorization letter. NN sources must go off the air during a national EAS activation.

(1) Any existing station that is a Non-participating National (NN) source under § 11.18(f) that wants to become a Participating National (PN) source in the national level EAS must submit a written request to the FCC.

(2) NN sources may voluntarily participate in the State and Local Area EAS. Participation is at the discretion of broadcast station and cable system management and will be in accordance with the provisions of State and Local Area EAS Plans.

(c) All sources, including NN, must have immediate access to an EAS Operating Handbook and a Red Envelope Authenticator List and be placed on the EAS mailing list maintained by the FCC.

§ 11.42 Participation by communications common carriers.

(a) During activation of the National level EAS, communications common carriers which have facilities available in place may, without charge, connect:

(1) An originating source from the nearest service area to a selected Test Center and then to the radio and television broadcast networks, and cable networks and program suppliers for the duration of the emergency, provided an Emergency Action Notification is issued by the White House and the originating source has a local channel from the originating point to the nearest service area.

(2) An independent broadcast station to the radio and television broadcast networks, and cable networks and

program suppliers provided the station has in service a local channel from the station's studio or transmitter directly to the broadcast source.

(b) Upon receipt of the Emergency Action Termination, the common carriers shall disconnect the originating source and the participating independent stations and restore the networks and program suppliers to their original configurations.

(c) During a National level EAS Closed Circuit Test, common carriers which have facilities in place may, without charge, connect an originating source from the nearest service area to a selected Test Center and then to the radio networks and, if participating, any television networks and cable networks and program suppliers. Independent stations will not be connected during the test unless authorized by the FCC. Upon test termination, participants shall be restored to their original configurations.

(d) A common carrier rendering free service shall file with the FCC, on or before July 31st and January 31st of each year, reports covering the six months ending on June 30th and December 31st respectively. These reports shall state what free service was rendered under this rule and the charges in dollars which would have accrued to the carrier for this service if charges had been collected at the published tariff rates if such carriers are required to file tariffs.

§ 11.43 National level participation.

The industry entities voluntarily participating in the national level EAS are:

- (a) Radio Networks.
 - (1) ABC.
 - (2) Associated Press (APR).
 - (3) CBS.
 - (4) CNN.
 - (5) Jones Satellite Audio.
 - (6) Moody Broadcasting Network.
 - (7) Mutual Broadcasting System (MBS).
 - (8) MUZAK.
 - (9) NBC.
 - (10) National Public (NPR).
 - (11) Unistar.
 - (12) United Press International (UPI).
 - (13) USA.
- (b) Television Networks.
 - (1) ABC.
 - (2) CBS.
 - (3) FOX.
 - (4) NBC.
 - (5) PBS.
 - (c) Cable Program Suppliers.
 - (1) Cable News Network (CNN) and CNN Headline News.
 - (2) Cinemax.
 - (3) Disney Channel.

(4) Entertainment and Sports Programming Network (ESPN).

(5) Home Box Office (HBO).

(6) Movie Channel.

(7) MTV.

(8) The Nashville Network.

(9) Nickelodeon.

(10) Showtime.

(11) VH-1.

(12) Weather Channel.

(d) Wire Services.

(1) Associated Press (AP).

(2) Reuters.

(3) United Press International (UPI).

(e) Common Carriers.

(1) American Telephone and Telegraph (AT&T).

(2) [Reserved]

(f) Entities that wish to voluntarily participate in the national level EAS may submit a written request to the FCC.

§ 11.44 EAS message priorities.

(a) A national activation of the EAS for a Presidential message with the Event code EAN as specified in § 11.31 must take priority over any other message and preempt it if it is in progress.

(b) EAS participants should transmit other EAS messages in the following order: first, Local Area Messages; second, State Messages; and third, National Information Center (NIC) Messages.

(c) Key EAS sources (NP, LP, SP and SR) and Participating National (PN) sources that remain on the air during a National emergency must carry Presidential Messages "live" at the time of transmission or immediately upon receipt. Activation of the National level EAS must preempt State and Local Area EAS operation.

(d) During a national emergency, the radio and television broadcast network program distribution facilities must be reserved exclusively for distribution of Presidential Messages. NIC messages received from national networks which are not broadcast at the time of original transmission must be recorded locally by LP sources for transmission at the earliest opportunity consistent with the message priorities in paragraph (b) of this section.

§ 11.45 Prohibition of false or deceptive EAS transmissions.

No person may transmit or cause to transmit the EAS codes or Attention Signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test of the EAS. Broadcast station licensees should also refer to § 73.1217 of this chapter.

§ 11.46 EAS public service announcements.

Broadcast stations may use Public Service Announcements or obtain commercial sponsors for announcements, informercials, or programs explaining the EAS to the public. Such announcements and programs may not be a part of alerts or tests, and may not simulate or attempt to copy alert tones or codes.

Subpart D—Emergency Operations

§ 11.51 EAS code and Attention Signal Transmission requirements.

(a) Broadcast stations must transmit, either automatically or manually, national level EAS messages and required tests by sending the EAS header codes, Attention Signal, emergency message and End of Message (EOM) using the EAS Protocol. The Attention Signal must precede any emergency audio message. After July 1, 1997, the shortened Attention Signal may only be used as an audio alert signal and the EAS codes will become the minimum signalling requirement for National level messages and tests.

(b) Broadcast stations may transmit only the EAS header codes and the EOM code without the Attention Signal and emergency message for State and local emergencies. Television stations and cable systems should ensure that pauses in video programming before EAS message transmission do not cause television receivers to mute EAS audio messages.

(c) Effective July 1, 1996, all radio and television stations shall transmit EAS messages in the main audio channel.

(d) By the above date, television stations shall transmit a visual message containing the Originator, Event, Location and the valid time period of an EAS message. If the message is a video crawl, it shall be displayed at the top of the television screen or where it will not interfere with other visual messages.

(e) Class D non-commercial educational FM stations as defined in § 73.506 of this chapter and low power TV stations as defined in § 74.701(f) of this chapter are not required to have equipment capable of generating the EAS codes and Attention Signal specified in § 11.31.

(f) Broadcast stations may additionally transmit EAS messages through other communications means other than the main audio channel. For example, FM stations may transmit the EAS codes on subcarriers including 57 kHz using the RBDS standard produced by the National Radio Systems Committee (NRSC) and television

stations may use subsidiary communications services.

(g) Broadcast stations are responsible for ensuring that the equipment for generating the EAS codes and the Attention Signal shall modulate a broadcast station transmitter so that the signal broadcast to other broadcast stations and cable systems alerts them that the EAS is being activated or tested at the National, State or Local Area level. The minimum level of modulation for EAS codes, measured at peak modulation levels using the internal calibration output specified in § 11.32(a)(4) shall modulate the transmitter at no less than 80% of full channel modulation limits. Measured at peak modulation levels, each of the Attention Signal tones shall be calibrated separately to modulate the transmitter at no less than 40%. These two calibrated modulation levels shall have values that are within 1 dB of each other.

(h) Effective July 1, 1997, cable systems shall transmit EAS audio messages in the same order specified in paragraph (a) of this section. The Attention Signal may be produced from a storage device. Additionally, subject cable systems must:

(1) Install, operate, and maintain equipment capable of generating the EAS codes. The modulation levels for the EAS codes and Attention Signal for cable systems shall comply with the aural signal requirements in § 76.605 of this chapter. This will provide sufficient signal levels to operate cable subscriber television or radio receivers equipped with EAS decoders and to audibly alert subscribers.

(2) Provide a video interruption and an audio EAS message on all channels. The audio message must state which channel is carrying the visual EAS message.

(3) Subject cable systems shall transmit a visual EAS message on at least one channel. The message shall contain the Originator, Event, Location and the valid time period of the EAS message. If the visual message is a video crawl, it shall be displayed at the top of the subscriber's television screen or where it will not interfere with other visual messages.

(4) Cable systems shall provide a method to alert hearing impaired or deaf subscribers to EAS messages. Methods may include: a box that displays EAS messages and activates other alerting mechanisms or lights; visual messages on all channels; etc.

(5) Cable systems may elect not to interrupt EAS messages from broadcast stations based on a written agreement between all concerned.

(i) Other technologies and public service providers, such as DBS, low earth orbiting satellites, etc., that wish to participate in the EAS may contact the FCC's EAS office or their State Emergency Communication Committee for information and guidance.

(j) If manual interrupt is used as specified in paragraph (l) of this section, EAS Encoders must be located so that station or cable staff, at normal duty locations, can initiate the EAS code and Attention Signal transmission.

(k) Broadcast stations or cable systems that are co-owned and co-located with a combined studio or control facility (such as an AM and FM licensed to the same entity and at the same location or a cable headend serving more than one system) may provide the EAS transmitting requirements contained in this section for the combined station or cable system with one EAS Encoder. The requirements of § 11.32 must be met for both the broadcast station and cable system.

(l) Broadcast stations and cable systems are required to transmit all received EAS messages in which the header code contains the Event codes for Emergency Action Notification (EAN), Emergency Action Termination (EAT), and Required Monthly Test (RMT), with the accompanying location codes for their State and State/county. These EAS messages shall be retransmitted unchanged except for the LLLLLLLL- code which identifies the broadcast station or cable system retransmitting the message. See § 11.31(c). If an EAS source originates any EAS messages with the above Event codes, it must include the location codes for the State and counties in its service area. When transmitting the required weekly test, broadcast stations and subject cable systems will use the event code RWT. The location codes will be the state and county for the broadcast station city of license or subject cable system community. Other location codes may be included upon approval of station or cable system management approval. EAS code requirements and examples are provided in the EAS Operating Handbook. Operations may be conducted automatically or manually.

(1) Automatic interrupt of programming and transmission of EAS messages is required when facilities are unattended and must include a permanent record that contains at a minimum the following information: Originator, Event, Location and valid time period of the message. The decoder performs the functions necessary to determine which EAS messages are

automatically transmitted by the encoder.

(2) Manual interrupt of programming and transmission of EAS messages may be used. EAS messages with the EAN and EAT Event codes must be transmitted immediately and Monthly EAS test messages within 15 minutes. All actions must be logged or recorded.

(m) Broadcast stations and cable systems may employ a minimum delay feature, not to exceed 15 minutes, for automatic interrupt of EAS codes but not for the EAN Event which must be transmitted immediately.

(n) Either manual or automatic operation of EAS equipment may be used at broadcast stations or cable systems that use remote control. If manual operation is used, an EAS decoder must be located at the remote control location and directly monitor the signals of the two assigned EAS sources. If direct monitoring of the assigned EAS sources is not possible at the remote location, automatic operation is required. If automatic operation is used, the remote control location may be used to override the transmission of an EAS message. Broadcast stations and cable systems may change back and forth between automatic and manual operation.

§ 11.52 EAS code and Attention Signal Monitoring requirements

(a) Before July 1, 1997, broadcast stations must be capable of receiving the Attention Signal required by § 11.32(a)(9) and emergency messages of other broadcast stations during their hours of operation. Effective July 1, 1996, all broadcast stations must install and operate during their hours of operation, equipment capable of receiving and decoding, either automatically or manually, the EAS header codes, emergency messages and EOM code. The effective date for subject cable systems is July 1, 1997. NOTE: after July 1, 1997, the two-tone Attention Signal will not be used to actuate two-tone decoders but will be used as an aural alert signal.

(b) If manual interrupt is used as specified in § 11.51(l)(2), decoders must be located so that operators at their normal duty stations at broadcast stations and cable systems can be alerted immediately when EAS messages are received.

(c) Broadcast stations or cable systems that are co-owned and co-located with a combined studio or control facility, (such as an AM and FM licensed to the same entity and at the same location or a cable headend serving more than one system) may provide the EAS monitoring requirements contained in

this section for the combined station or cable system with one EAS Decoder. The requirements of § 11.33 must be met for the combined station or cable system.

(d) Broadcast stations and subject cable systems must monitor the two EAS sources assigned in accordance with the monitoring priorities in the EAS Operating Handbook. The off-air monitoring assignments of each broadcast station and cable system are specified in the State EAS Plan and FCC Mapbook.

(1) If the required EAS sources cannot be received, alternate arrangements or a waiver may be obtained by written request to the FCC's EAS office. In an emergency, a waiver may be issued over the telephone with a follow up letter to confirm temporary or permanent reassignment.

(2) Broadcast station and cable system management will determine which header codes will automatically interrupt their programming for State and Local Area emergency situations affecting their audiences.

(e) A broadcast station or cable system is required to interrupt normal programming either automatically or manually when it receives an EAS message in which the header code contains the Event codes for Emergency Action Notification (EAN), Emergency Action Termination (EAT), or Required Monthly Test (RMT) for its State or State/county location.

(1) *Automatic* interrupt of programming is required when facilities are unattended. Automatic operation must provide a permanent record of the EAS message that contains at a minimum the following information: Originator, Event, Location and valid time period of the message.

(2) *Manual* interrupt of programming and transmission of EAS messages may be used. EAS messages with the EAN Event code must be transmitted immediately and Monthly EAS test messages within 15 minutes. All actions must be logged or recorded. Decoders must be programmed for the EAN and EAT Event header codes for EAS National level emergencies and the RMT and RWT Event header codes for required monthly and weekly tests, with the appropriate accompanying State and State/county location codes.

§ 11.53 Dissemination of Emergency Action Notification.

Initiation of the EAN by any one of the following sources is sufficient to begin the emergency actions in § 11.54.

(a) **National Level.** The EAN is issued by the White House. The EAN message is sent from an origination point to

control points of the participating radio and television networks, cable networks and program suppliers, wire services, communications common carriers and other entities. It is then disseminated via:

(1) Radio and television broadcast networks to all affiliates with the use of internal alerting facilities.

(2) Cable networks and program suppliers to cable systems and subscribers.

(3) Wire services to all subscribers (AM, FM, TV, LPTV and other stations).

(4) Off-air monitoring of EAS sources.

(b) State level and Local Area levels. EAN dissemination arrangements at these levels originate from State and local governments in accordance with State and Local Area plans.

(c) Broadcast stations must, prior to commencing routine operation or originating any emissions under program test, equipment test, experimental, or other authorizations, determine whether the EAS has been activated by any of the following methods:

(1) Monitor the radio and TV networks and cable systems.

(2) Check the wire services.

(3) Monitor the assigned EAS sources.

§ 11.54 EAS operation during a National Level emergency.

(a) The EAS Operating Handbook summarizes the procedures to be followed upon receipt of a National level EAN or EAT Message.

(b) Immediately upon receipt of an EAN message, broadcast stations and cable systems must:

(1) Monitor the radio and television networks, cable networks and program suppliers, and wire services for further instructions.

(2) Verify the authenticity of the EAN message with the current Red Envelope Authenticator List (broadcast stations only).

(3) Monitor the two EAS sources assigned in the State or Local Area plan or FCC Mapbook for any further instructions.

(4) Discontinue normal programming and follow the transmission procedures in the appropriate section of the EAS Operating Handbook. Announcements may be made in the same language as the primary language of the station.

(i) Key EAS sources (National Primary (NP), Local Primary (LP), State Primary (SP), State Relay (SR) and Participating National (PN) sources) follow the transmission procedures and make the announcements in the National Level Instructions of the EAS Operating Handbook.

(ii) Non-participating National (NN) sources follow the transmission

procedures and make the sign-off announcement in the EAS Operating Handbook's National Level Instructions section for NN sources. After the sign-off announcement, NN sources are required to remove their carriers from the air and monitor for the Emergency Action Termination message. NN sources using automatic interrupt under § 11.51(l)(1) must transmit the header codes, Attention Signal, sign-off announcement and EOM code after receiving the appropriate EAS header codes for a national emergency.

(5) After completing the above transmission procedures, key EAS and Participating National sources must transmit a common emergency message until receipt of the Emergency Action Termination Message. Message priorities are specified in § 11.44. If LP or SR sources of a Local Area cannot provide an emergency message feed, any source in the Local Area may elect to provide a message feed. This should be done in an organized manner as designated in State and Local Area EAS Plans.

(6) The Standby Script shall be used until emergency messages are available. The text of the Standby Script is in the EAS Operating Handbook's section for Participating sources.

(7) TV broadcast stations shall display an appropriate EAS slide and then transmit all EAS announcements visually and aurally as specified in § 73.1250(h) of this chapter.

(8) Announcements may be made in the same language as the primary language of the station.

(9) Broadcast Stations in the International Broadcast Service must cease broadcasting immediately upon receipt of an Emergency Action Notification and must maintain radio silence until an EAT is issued. Such stations may be issued an emergency authorization by the FCC with concurrence of the Director, Office of Science and Technology Policy, to transmit Federal government broadcasts or communications.

(10) Broadcast stations may transmit their call letters and cable systems may transmit the names of the communities they serve during an EAS activation. EAS State and Local Area identifications must be given as provided in State and Local Area EAS plans.

(11) All broadcast stations and cable systems operating and identified with a particular Local Area must transmit a common national emergency message until receipt of the Emergency Action Termination.

(12) Broadcast stations, except those holding an EAS Non-participating

National Authorization letter, are exempt from complying with § 73.62 and § 73.1560 of this chapter (operating power maintenance) while operating under this part.

(13) National Primary (NP) sources must operate under the procedures in the National Control Point Procedures.

(14) The time of receipt of the EAS and Emergency Action Termination messages shall be entered in the broadcast station logs (as specified in § 73.1820 and § 73.1840 of this chapter), or the cable system records (as specified in § 76.305 of this chapter).

(c) Upon receipt of an Emergency Action Termination Message, broadcast stations and cable systems must follow the termination procedures in the EAS Operating Handbook.

(d) Broadcast stations and cable systems originating emergency communications under this section shall be considered to have conferred rebroadcast authority, as required by Section 325(a) of the Communications Act of 1934, 47 U.S.C. § 325(a), to other participating broadcast stations and cable systems.

§ 11.55 EAS operation during a State or Local Area emergency.

(a) The EAS may be activated at the State or Local Area levels by broadcast stations and cable systems at their discretion for day-to-day emergency situations posing a threat to life and property. Examples of natural emergencies which may warrant activation are: tornadoes, floods, hurricanes, earthquakes, heavy snows, icing conditions, widespread fires, etc. Man-made emergencies may include: toxic gas leaks or liquid spills, widespread power failures, industrial explosions, and civil disorders.

(b) EAS operations must be conducted as specified in State and Local Area EAS Plans. The plans must list all authorized entities participating in the State or Local Area EAS.

(c) Immediately upon receipt of a State or Local Area EAS message, participating broadcast stations and cable systems must do the following:

(1) State Relay (SR) sources monitor the State Relay Network or follow the State EAS plan for instructions from the State Primary (SP) source.

(2) Local Primary (LP) sources monitor the Local Area SR sources or follow the State EAS plan for instructions.

(3) Participating National (PN) and Non-participating National (NN) sources monitor the Local Area LP sources for instructions.

(4) Broadcast stations and cable systems participating in the State or

Local Area EAS must discontinue normal programming and follow the procedures in the State and Local Area Plans. Television stations must comply with § 11.54(b)(7). Broadcast stations providing foreign language programming shall comply with § 11.54(b)(8).

(5) Upon completion of the State or Local Area EAS transmission procedures, resume normal programming until receipt of the cue from the SR or LP sources in your Local Area. At that time begin transmitting the common emergency message received from the above sources.

(6) Resume normal operations upon conclusion of the message.

(7) The times of the above EAS actions must be entered in the broadcast station or cable system records as specified in § 11.54(b)(15). FCC Form 201 may be used to report EAS activations.

(8) Use of the EAS codes or Attention Signal automatically grants rebroadcast authority as specified in § 11.54(d).

Subpart E—Tests

§ 11.61 Tests of EAS procedures.

(a) Tests shall be made at regular intervals as indicated below. Additional tests may be performed anytime. EAS activations and special tests may be performed in lieu of required tests as specified in paragraph (a)(6) of this section. All tests will conform with the procedures in the EAS Operating Handbook.

(1) Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code.

(i) Effective July 1, 1996, AM, FM and TV stations.

(ii) Effective July 1, 1997, cable systems.

(iii) Tests in odd numbered months shall occur between 8:30 a.m. and local sunset. Tests in even numbered months shall occur between local sunset and 8:30 a.m. They will originate from Local or State Primary sources. Time and script content will be developed by State Emergency Communications Committees in cooperation with affected broadcast stations, cable systems, and other participants. Script content can be in the primary language of the broadcast station or cable system. These monthly tests must be transmitted within 15 minutes of receipt by broadcast stations and cable systems in an EAS Local Area or State. Class D non-commercial educational FM and LPTV stations need to transmit only the test script.

(2) Required Weekly Tests:

(i) Attention Signal. Until July 1, 1996, broadcast stations must conduct

tests of the Attention Signal and Test Script at least once a week at random days and times between 8:30 a.m. and local sunset. Class D non-commercial educational FM and LPTV stations do not need to transmit the Attention Signal. Script content can be in the primary language of the station.

(ii) EAS Header Codes and EOM Codes:

(A) Effective July 1, 1996, AM, FM and TV stations must conduct tests of the EAS header and EOM codes at least once a week at random days and times.

(B) Effective July 1, 1997, subject cable systems must conduct tests of the EAS header and EOM codes at least once a week at random days and times.

(iii) Class D non-commercial educational FM and LPTV stations are not required to transmit this test but must log receipt.

(iv) The EAS weekly test is not required during the week that a monthly test is conducted.

(3) Periodic Wire Service Tests. AP, Reuters and UPI shall separately conduct test transmissions to broadcast stations and cable systems on their wire networks. Tests may occur no more than once a month at random times selected by the wire services. These tests shall conform with the procedures in the EAS Operating Handbook and the National Control Point Procedures.

(4) Weekly Emergency Action Notification (EAN) network transmissions. Tests of the National level interconnection facilities shall be conducted on a random basis once each week. They shall originate from the Federal government over a dedicated network to specified control points of the radio and television networks, cable networks and program suppliers, wire services, common carriers and other organizations. The tests shall conform with the National Control Point Procedures.

(5) Periodic National Tests. National Primary (NP) sources shall participate in tests as appropriate. The FCC may request a report of these tests.

(6) EAS activations and special tests. The EAS may be activated at the State or Local Area level by a broadcast station or cable system in lieu of the monthly or weekly tests required by this section. Such activation must include transmission of the EAS header codes, Attention Signal, emergency message and EOM code for substitution of the monthly test. Activation must include transmission of the Attention Signal and emergency message for substitution of the weekly test in paragraph (a)(2)(i) of this section. Activation must include transmission of the EAS header and EOM codes for substitution of the

weekly test in paragraph (a)(2)(ii) of this section. Television stations and cable systems shall comply with the visual message requirements in § 11.51 of this part. Special EAS tests at the State and Local Area levels may be conducted on a day-to-day basis following procedures in State and Local Area EAS plans.

(b) Entries shall be made in the broadcast station or cable system records as specified in § 11.54(b)(14) concerning EAS tests received and transmitted.

§ 11.62 Closed Circuit Tests of National Level EAS facilities.

(a) Closed Circuit Tests (CCT) of National Level EAS facilities shall be conducted on a random or scheduled basis not more than once a month and not less than once every three months. Test times will be selected by the White House in coordination with participating industry personnel, the Federal Emergency Management Agency (FEMA), and the FCC. The FCC will notify the participating networks, wire services, cable networks and program suppliers and common carriers of the selected time window for the test at least four working days (holidays excluded) before the test.

(b) The EAS Operating Handbook and National Control Point Procedures contain the CCT procedures.

(c) The control points of the participating radio and television networks, cable networks and program suppliers, wire services and common carriers will receive notification of a CCT by a "Closed Circuit Test Activation Message".

(d) Test announcements will originate from a point selected by the White House with program feed circuitry connected to the telephone company Toll Test Center at points coordinated for each test. Participating common carriers will connect, as required, the facilities of the radio networks and other test participants. Telephone companies are not authorized to add any participating independent broadcast stations unless authorized by the FCC. Authentication will be provided to the Toll Test Center or other program entry location responsible for test arrangements. Authentication used in the CCT Message will be the test words on the outside of the Red Envelope Authenticator List.

(e) CCT procedures for radio network affiliates, wire service subscribers, and, if participating, television network affiliates and cable systems are as follows:

(1) Notification of a CCT will be disseminated as specified in § 11.53

(a)(1) and (a)(3) and the EAS Operating Handbook.

(2) Recipients immediately monitor their radio network, and if participating, their television network or cable system, and check their wire service for the receipt of the CCT Activation Message. Verify authenticity using the current Red Authenticator List.

(3) Continue to monitor for the CCT audio talkup and program.

(4) Enter the time of receipt of the CCT message in the broadcast station log or cable system records.

(5) The CCT terminates on the following aural closing cue in the text of the test program: "This concludes the Closed Circuit Test of the EAS."

(6) Following the closing cue, wire service subscribers will receive a "Closed Circuit Test Termination Message". Record the time of receipt as indicated above.

(f) The FCC may request a CCT report in a prescribed format.

PART 73—RADIO BROADCAST SERVICES

7. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334.

8. Part 73, Subpart G, is amended by removing §§ 73.901 through 73.962, revising the subpart heading, removing all centered headings and adding Section 73.900 to read as follows:

Subpart G—Emergency Broadcast System

§ 73.900 Cross references.

The Emergency Broadcast System (EBS) rules have been renamed the Emergency Alert System (EAS) and revised. The new EAS rules are contained in a new Part 11. Equipment type accepted for EBS use under the old Subpart G rules may continue to be used at broadcast stations until July 1, 1996, provided that it meets all applicable requirements of Part 11.

Old section	New section
73.901	11.1
73.902	11.1
73.903	11.11
73.904	Removed
73.905	11.13
73.906	11.12
73.907	11.13
73.908	11.15
73.909	11.16
73.910	11.17
73.912	11.43
73.913	11.18
73.914	11.19
73.915	11.19
73.916	11.19
73.917	11.19

Old section	New section
73.918	11.19
73.919	11.20
73.920	11.21(b)
73.921	11.21
73.922	11.44
73.926	11.41
73.927	11.42
73.931	11.14, 11.53
73.932	11.35, 11.51, 11.52
73.933	11.54
73.935	11.55
73.936	11.55
73.937	11.55
73.940	11.32
73.941	11.33
73.942	11.34
73.943	11.34
73.961	11.61
73.962	11.62

9. Section 73.1207 is amended by revising paragraph (b)(1) and adding a new paragraph (c)(4) to read as follows:

§ 73.1207 Rebroadcasts.

* * * * *

(b) * * *

(1) Stations originating emergency communications under a State EAS plan are considered to have conferred rebroadcast authority to other participating stations.

* * * * *

(c) * * *

(4) Emergency communications originated under a State EAS plan.

* * * * *

10. Section 73.1250 is amended by revising paragraph (c) and revising the last sentence of paragraph (h) to read as follows:

§ 73.1250 Broadcasting emergency information.

* * * * *

(c) If the Emergency Alert System (EAS) is activated for a national emergency while a Local Area or State emergency operation is in progress, the national level EAS operation must take precedence. If, during the broadcasting of Local Area or State emergency information, the EAS codes or Attention Signal described in § 11.12 of this chapter are used, the broadcasts are considered as being carried out under a Local Area or State EAS plan.

* * * * *

(h) * * * However, when an emergency operation is being conducted under a national, State or Local Area Emergency Alert System (EAS) plan, emergency information shall be transmitted both aurally and visually unless only the EAS codes are transmitted as specified in § 11.51 of this chapter.

11. Section 73.1820 is amended by revising paragraph (a)(1)(iii) to read as follows.

§ 73.1820 Station log.

(a) * * *

(1) * * *

(iii) An entry of each test and activation of the Emergency Alert System (EAS) pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook. Stations may keep EAS data in a special EAS log which shall be maintained at a convenient location; however, this log is considered a part of the station log.

* * * * *

12. Section 73.3549 is amended by revising the heading and the first sentence to read as follows.

§ 73.3549 Requests for extension of authority to operate without required monitors, indicating instruments, and EAS encoders and decoders.

Requests for extension of authority to operate without required monitors, transmission system indicating instruments, or encoders and decoders for monitoring and generating the EAS codes and Attention Signal should be made to the Engineer in Charge of the Field Office in which the station is operating. * * *

* * * * *

13. Section 73.4097 is amended by revising the heading to read as follows:

§ 73.4097 EBS (now EAS) attention signals on automated programming systems.

* * * * *

14. The alphabetical index following Part 73 is amended by removing the entries for "EBS (Emergency Broadcast System)," "EBS signal tests—automated systems," and "Emergency information,

Broadcasting," and adding the following entries:

ALPHABETICAL INDEX—PART 73

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E

* * * * *

EAS (Emergency Alert System)—11.1–11.62

EAS signal test—automated systems—73.4097(*)

* * * * *

Emergency Alert System (EAS)—11.1–11.62

PART 76—CABLE TELEVISION SERVICE

15. The authority Citation for Part 76 continues to read:

Authority: Sec. 2, 3, 4, 301, 303., 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309; 532; 533; 535; 542; 543; 552; 554, as amended, 106 Stat. 1460.

16. Section 76.3 is amended by adding a new entry in numerical order to read as follows:

§ 76.3 Other pertinent rules.

* * * * *

Part 11—Emergency Alert System (EAS)

* * * * *

17. Section 76.5 is amended by adding a new paragraph (qq) to read as follows:

§ 76.5 Definitions.

* * * * *

(qq) Emergency Alert System (EAS). The EAS is composed of broadcast networks; cable networks and program suppliers; AM, FM and TV broadcast stations; Low Power TV (LPTV) stations;

subject cable systems; and other entities and industries operating on an organized basis during emergencies at the National, State, or local levels.

18. Section 76.301 is revised to read as follows:

§ 76.301 Copies of rules.

The operator of a cable television system shall have a current copy of Part 76 and, if subject to the Emergency Alert System (EAS) rules contained in Part 11 of this chapter, an EAS Operating Handbook, and is expected to be familiar with the rules governing cable television systems and the EAS. Copies of the Commission's Rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at nominal cost. Copies of the EAS Operating Handbook may be obtained from the Commission's EAS staff, in Washington, DC.

19. Section 76.305 is amended by adding a new paragraph (a)(1) and adding and reserving paragraph (a)(2) to read as follows:

§ 76.305 Records to be maintained locally by cable system operators for public inspection.

(a) * * *

(1) A record shall be kept of each test and activation of the Emergency Alert System (EAS) procedures pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook. These records shall be kept for three years.

(2) [Reserved]

* * * * *

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