

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 11 of the Commission's Rules)
Regarding the Emergency Alert System)
)

ORDER

Adopted: March 31, 2000

Released: April 5, 2000

By the Managing Director:

I. INTRODUCTION

1. In this Order, we revise Part 11 of the Rules governing the Emergency Alert System ("EAS") to delete certain rule provisions which are obsolete or are no longer needed. Specifically, this Order amends Part 11 to eliminate references to the EAS authenticator lists, which have been discontinued by the Commission, and to eliminate references to the weekly tests of the old Emergency Broadcast System ("EBS") Attention Signal, which broadcast stations are no longer required to conduct. This Order also makes minor editorial revisions to the Part 11 rules which reflect the shift of responsibility for the EAS from the Commission's Compliance and Information Bureau, which has been eliminated, to the recently established Enforcement Bureau.

II. DISCUSSION

2. The EAS authenticator word lists were lists of words distributed annually by the Commission to the White House Communications Agency ("WHCA"), the Federal Emergency Management Agency, and all EAS participants. The lists were used by EAS participants to authenticate national-level EAS messages prior to activation of the EAS. When the Commission adopted the EAS in 1994 to replace the EBS, broadcasters and cable operators were required to install new EAS equipment. The new equipment can process EAS messages automatically without the need for human intervention and authentication. In 1998, the Commission requested that FEMA and WHCA review the need for continued use of the authenticator lists. In a letter dated August 25, 1998, FEMA responded that the authenticator lists were no longer necessary and recommended that the lists be discontinued.¹ By public notice dated September 3, 1998, the Commission indicated that it was discontinuing use of the authenticator lists.² Accordingly, references to the EAS authenticator lists in the Part 11 rules are obsolete and can be deleted.

3. Additionally, references to the required weekly tests of the old EBS Attention Signal are deleted from the Part 11 rules because, effective January 1, 1997, broadcast stations are no longer required

¹ Letter to Frank Lucia, Director, Emergency Communications, Federal Communications Commission, from Thomas L. Forman, Director, Special Programs Division, Office of National Security Affairs, Federal Emergency Management Agency (August 25, 1998).

² See Public Notice #85382 (September 3, 1998).

to conduct those tests.³ Furthermore, this Order makes a minor editorial revision to Section 11.21 of the Rules to indicate that state and local area EAS plans must be reviewed and approved by the Chief of the Technical and Public Safety Division of the Commission's Enforcement Bureau, rather than the Chief of the Compliance and Information Bureau, prior to implementation. An editorial revision is also made to Section 11.47 of the Rules to change the reference to the FCC's EAS office to the Technical and Public Safety Division of the Enforcement Bureau. These revisions reflect the shift of responsibility for the EAS from the Commission's Compliance and Information Bureau, which has been eliminated, to the recently established Enforcement Bureau.⁴

III. PROCEDURAL MATTERS AND ORDERING CLAUSES

4. As this Order merely deletes obsolete rule provisions and makes minor editorial revisions to the rules, we find good cause to conclude that notice and comment procedures are unnecessary. These are minor and non-controversial changes in which the public is unlikely to be interested. *See* 5 U.S.C. § 553(b)(3)(B).

5. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, does not apply.

6. The actions taken herein have been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new or modified reporting and recordkeeping requirements or burdens on the public.

7. ACCORDINGLY, IT IS ORDERED that pursuant to the 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. §§ 151, 154(i) and (o), 303(r), 554(g) and 606, Section 0.231(b) of the Commission's Rules, 47 C.F.R. § 0.231(b), and 5 U.S.C. § 553(b)(3)(B), Part 11 of the Commission's Rules, 47 C.F.R. Part 11, IS AMENDED as set forth in Appendix A.

8. IT IS FURTHER ORDERED that the rule amendments set forth in Appendix A will become effective upon publication in the Federal Register.

9. IT IS FURTHER ORDERED that copies of this Order be sent to the Federal Emergency Management Agency.

10. For further information, contact Frank Lucia, FCC Enforcement Bureau, Technical and Public Safety Division, Room 7-C753, 445 12th Street, S.W., Washington, D.C., 20554, (202) 418-1160.

FEDERAL COMMUNICATIONS COMMISSION

Andrew S. Fishel
Managing Director

³ *See* 47 C.F.R. § 11.61(a)(2)(i).

⁴ *See Establishment of the Enforcement Bureau and Consumer Information Bureau*, FCC 99-172 (released October 27, 1999).

APPENDIX A

Part 11 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 11--EMERGENCY ALERT SYSTEM (EAS)

1. The authority citation for Part 11 continues to read as follows:

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

2. The Table of Contents for Part 11 is amended by removing Section 11.17.
3. Section 11.11 is amended by removing notes 4 and 5 in the Timetable for Broadcast Stations.
4. Section 11.17 is removed.
5. Section 11.21 is amended by revising the undesignated introductory text to read as follows:

§ 11.21 State and Local Area Plans and FCC Mapbook.

EAS plans contain guidelines which must be followed by broadcast and cable personnel, emergency officials and National Weather Service (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). State and local plans contain unique methods of EAS message distribution such as the use of RBDS. The plans must be reviewed and approved by the Chief, Technical and Public Safety Division, Enforcement Bureau, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.

* * * * *

6. Section 11.41 is amended by revising paragraph (c) to read as follows:

§ 11.41 Participation in EAS.

* * * * *

(c) All sources, including NN, must have immediate access to an Operating Handbook. They should contact the FCC to ensure that they are on the FCC EAS mailing list.

7. Section 11.47 is amended by revising paragraph (b) to read as follows:

§ 11.47 Optional use of other communications methods and systems.

* * * * *

(b) 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 Technical and Public Safety Division, Enforcement Bureau, or their State Emergency Communications Committee for information and guidance.

* * * * *

10. Section 11.61 is amended by removing paragraph (a)(2)(i), redesignating paragraphs (a)(2)(ii) through (a)(2)(v) as (a)(2)(i) through (a)(2)(iv), and revising paragraph (a)(6) to read as follows:

§ 11.61 Tests of EAS procedures.

(a) * * *

(6) EAS activations and special tests. The EAS may be activated for emergencies or special tests at the State or Local Area level by a broadcast station, cable system or wireless cable system instead of the monthly or weekly tests required by this section. To substitute for a monthly test, activation must include transmission of the EAS header codes, Attention Signal, emergency message and EOM code and comply with the visual message requirements in § 11.51. To substitute for the weekly test of the EAS header codes and EOM codes in paragraph (a)(2)(i) of this section, activation must include transmission of the EAS header and EOM codes. Television stations and cable systems and wireless cable systems shall comply with the aural and visual message requirements in § 11.51 of this part. Special EAS tests at the State and Local Area levels may be conducted on a daily basis following procedures in State and Local Area EAS plans.

* * * * *

11. Section 11.62 is amended by revising paragraphs (d) and (e)(2) to read as follows:

§ 11.62 Closed Circuit Tests of National Level EAS facilities.

(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.

(e) * * *

(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.