



47 C.F.R. § 4.1

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▣ General

➔ **§ 4.1 Scope, basis and purpose.**

In this part, the Federal Communications Commission is setting forth requirements pertinent to the reporting of disruptions to communications and to the reliability and security of communications infrastructures.

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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47 C.F.R. § 4.2

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➔ § 4.2 Availability of reports filed under this part.

Reports filed under this part will be presumed to be confidential. Public access to reports filed under this part may be sought only pursuant to the procedures set forth in [47 CFR § 0.461](#). Notice of any requests for inspection of outage reports will be provided pursuant to [47 CFR 0.461\(d\)\(3\)](#).

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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47 C.F.R. § 4.3

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▣ Reporting Requirements for Disruptions to Communications

➔ **§ 4.3 Communications providers covered by the requirements of this part.**

(a) Cable communications providers are cable service providers that also provide circuit-switched telephony. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering telephony.

(b) Communications provider is an entity that provides for a fee to one or more unaffiliated entities, by radio, wire, cable, satellite, and/or lightguide: two-way voice and/or data communications, paging service, and/or SS7 communications.

(c) IXC or LEC tandem facilities refer to tandem switches (or their equivalents) and interoffice facilities used in the provision of interexchange or local exchange communications.

(d) Satellite communications providers use space stations as a means of providing the public with communications, such as telephony and paging. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications. "Satellite operators" refer to entities that operate space stations but do not necessarily provide communications services directly to end users.

(e) Signaling System 7 (SS7) is a signaling system used to control telecommunications networks. It is frequently used to "set up," process, control, and terminate circuit-switched telecommunications, including but not limited to domestic and international telephone calls (irrespective of whether the call is wholly or in part wireless, wireline, local, long distance, or is carried over cable or satellite infrastructure), SMS text messaging services, 8XX number type services, local number portability, VoIP signaling gateway services, 555 number type services, and most paging services. For purposes of this rule part, SS7 refers to both the SS7 protocol and the packet networks through which signaling information is transported and switched or routed. It includes future modifications to the existing SS7 architecture that will provide the functional equivalency of the SS7 services and network elements that exist as of August 4, 2004. SS7 communications providers are subject to the provisions of this part 4 regardless of whether or not they provide service directly to end users. Also subject to part 4 of the Commission's rules are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the SS7 provider in offering SS7 communications.

(f) Wireless service providers include Commercial Mobile Radio Service communications providers that use cellular architecture and CMRS paging providers. In particular, they include Cellular Radio Telephone Service (part 22 of the Commission's Rules) providers; Personal Communications Service (PCS) (part 24) providers; those Special Mobile Radio Service (part 90) providers that meet the definition of "covered CMRS" providers pursuant to §§ 20.18(a), 52.21, and 52.31 of the Commission's rules, those private paging (part 90) providers that are treated as CMRS providers (see § 20.9 of this chapter); and narrowband PCS providers (part 24) of this chapter. Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications.

(g) Wireline communications providers offer terrestrial communications through direct connectivity, predominantly by wire, coaxial cable, or optical fiber, between the serving central office (as defined in the appendix to part 36 of this chapter) and end user location(s). Also included are affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications.

(h) Exclusion of equipment manufacturers or vendors. Excluded from the requirements of this part 4 are those equipment manufacturers or vendors that do not maintain or provide communications networks or services used by communications providers in offering communications.

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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47 C.F.R. § 4.5

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➔ **§ 4.5 Definitions of outage, special offices and facilities, and 911 special facilities.**

(a) Outage is defined as a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network.

(b) Special offices and facilities are defined as major military installations, key government facilities, nuclear power plants, and those airports that are listed as current primary (PR), commercial service (CM), and reliever (RL) airports in the FAA's National Plan of Integrated Airports Systems (NPIAS) (as issued at least one calendar year prior to the outage). The member agencies of the National Communications System (NCS) will determine which of their locations are "major military installations" and "key government facilities." 911 special facilities are addressed separately in paragraph (e) of this section.

(c) All outages that potentially affect communications for at least 30 minutes with any airport that qualifies as a "special office and facility" pursuant to the preceding paragraph shall be reported in accordance with the provisions of [§§ 4.11](#) and [4.13](#).

(d) A mission-affecting outage is defined as an outage that is deemed critical to national security/emergency preparedness (NS/EP) operations of the affected facility by the National Communications System member agency operating the affected facility.

(e) An outage that potentially affects a 911 special facility occurs whenever:

(1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or

(2) There is a loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration; or

(3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or

(4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the

ANI/ALI or location determination equipment was then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)).

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

47 C. F. R. § 4.5, 47 CFR § 4.5

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➔ **§ 4.7 Definitions of metrics used to determine the general outage-reporting threshold criteria.**

(a) Administrative numbers are defined as the telephone numbers used by communications providers to perform internal administrative or operational functions necessary to maintain reasonable quality of service standards.

(b) Assigned numbers are defined as the telephone numbers working in the Public Switched Telephone Network under an agreement such as a contract or tariff at the request of specific end users or customers for their use. This excludes numbers that are not yet working but have a service order pending.

(c) Assigned telephone number minutes are defined as the mathematical result of multiplying the duration of an outage, expressed in minutes, by the sum of the number of assigned numbers (defined in paragraph (b) of this section) potentially affected by the outage and the number of administrative numbers (defined in paragraph (a) of this section) potentially affected by the outage. "Assigned telephone number minutes" can alternatively be calculated as the mathematical result of multiplying the duration of an outage, expressed in minutes, by the number of working telephone numbers potentially affected by the outage, where working telephone numbers are defined as the telephone numbers, including DID numbers, working immediately prior to the outage.

(d) DS3 minutes are defined as the mathematical result of multiplying the duration of an outage, expressed in minutes, by the number of previously operating DS3 circuits that were affected by the outage.

(e) User minutes are defined as:

(1) Assigned telephone number minutes (as defined in paragraph (c) of this section), for telephony and for those paging networks in which each individual user is assigned a telephone number;

(2) The mathematical result of multiplying the duration of an outage, expressed in minutes, by the number of end users potentially affected by the outage, for all other forms of communications.

(f) Working telephone numbers are defined to be the sum of all telephone numbers that can originate, or terminate telecommunications. This includes, for example, all working

telephone numbers on the customer's side of a PBX, or Centrex, or similar arrangement.

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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➔ **§ 4.9 Outage reporting requirements--threshold criteria.**

(a) Cable. All cable communications providers shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage of at least 30 minutes duration that:

(1) Potentially affects at least 900,000 user minutes of telephony service;

(2) Affects at least 1,350 DS3 minutes;

(3) Potentially affects any special offices and facilities (in accordance with [paragraphs \(a\) through \(d\) of § 4.5](#)); or

(4) Potentially affects a 911 special facility (as defined in [paragraph \(e\) of § 4.5](#)), in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 911 facility as the provider's contact person for communications outages at that facility, and they shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on callers to that facility. (DS3 minutes and user minutes are defined in [paragraphs \(d\) and \(e\) of § 4.7](#).) Not later than 72 hours after discovering the outage, the provider shall submit electronically an Initial Communications Outage Report to the Commission. Not later than thirty days after discovering the outage, the provider shall submit electronically a Final Communications Outage Report to the Commission. The Notification and the Initial and Final reports shall comply with all of the requirements of [§ 4.11](#).

(b) IXC or LEC tandem facilities. In the case of IXC or LEC tandem facilities, providers must, if technically possible, use real-time blocked calls to determine whether criteria for reporting an outage have been reached. Providers must report IXC and LEC tandem outages of at least 30 minutes duration in which at least 90,000 calls are blocked or at least 1,350 DS3- minutes are lost. For interoffice facilities which handle traffic in both directions and for which blocked call information is available in one direction only, the total number of blocked calls shall be estimated as twice the number of blocked calls determined for the available direction. Providers may use historic carried call load data for the same day(s) of the week and the same time(s) of day as the outage, and for a time interval not older than 90 days preceding the onset of the outage, to estimate blocked calls whenever it is not possible to obtain real-time blocked call counts. When using

historic data, providers must report incidents where at least 30,000 calls would have been carried during a time interval with the same duration of the outage. (DS3 minutes are defined in [paragraph \(d\) of § 4.7.](#)) In situations where, for whatever reason, real-time and historic carried call load data are unavailable to the provider, even after a detailed investigation, the provider must determine the carried call load based on data obtained in the time interval between the onset of the outage and the due date for the final report; this data must cover the same day of the week, the same time of day, and the same duration as the outage. Justification that such data accurately estimates the traffic that would have been carried at the time of the outage had the outage not occurred must be available on request. If carried call load data cannot be obtained through any of the methods described, for whatever reason, then the provider shall report the outage.

(c) Satellite.

(1) All satellite operators shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, of an outage of at least 30 minutes duration that manifests itself as a failure of any of the following key system elements: One or more satellite transponders, satellite beams, inter-satellite links, or entire satellites. In addition, all Mobile-Satellite Service ("MSS") satellite operators shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, of an outage of at least 30 minutes duration that manifests itself as a failure of any gateway earth station, except in the case where other earth stations at the gateway location are used to continue gateway operations within 30 minutes of the onset of the failure.

(2) All satellite communications providers shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage of at least 30 minutes duration that manifests itself as:

(i) A loss of complete accessibility to at least one satellite or transponder;

(ii) A loss of a satellite communications link that potentially affects at least 900,000 user-minutes (as defined in [§ 4.7\(d\)](#)) of either telephony service or paging service;

(iii) Potentially affecting any special offices and facilities (in accordance with [paragraphs \(a\) through \(d\) of § 4.5](#)) other than airports; or

(iv) Potentially affecting a 911 special facility (as defined in (e) of [§ 4.5](#)), in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 911 facility as the provider's contact person for communications outages at that facility, and they shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on callers to that facility.

(3) Not later than 72 hours after discovering the outage, the operator and/or provider shall submit electronically an Initial Communications Outage Report to the Commission. Not later than thirty days after discovering the outage, the operator and/or provider shall submit electronically a Final Communications Outage Report to the Commission.

(4) The Notification and the Initial and Final reports shall comply with all of the requirements of [§ 4.11](#).

(5) Excluded from these outage-reporting requirements are those satellites, satellite beams, inter-satellite links, MSS gateway earth stations, satellite networks, and transponders that are used exclusively for intra-corporate or intra-organizational private telecommunications networks, for the one-way distribution of video or audio programming, or for other non-covered services (that is, when they are never used to carry common carrier voice or paging communications).

(d) Signaling system 7. Signaling System 7 (SS7) providers shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize an outage of at least 30 minutes duration that is manifested as the generation of at least 90,000 blocked calls based on real-time traffic data or at least 30,000 lost calls based on historic carried loads. In cases where a third-party SS7 provider cannot directly estimate the number of blocked calls, the third-party SS7 provider shall use 500,000 real-time lost MTP messages as a surrogate for 90,000 real-time blocked calls, or 167,000 lost MTP messages on a historical basis as a surrogate for 30,000 lost calls based on historic carried loads. Historic carried load data or the number of lost MTP messages on a historical basis shall be for the same day(s) of the week and the same time(s) of day as the outage, and for a time interval not older than 90 days preceding the onset of the outage. In situations where, for whatever reason, real-time and historic data are unavailable to the provider, even after a detailed investigation, the provider must determine the carried load based on data obtained in the time interval between the onset of the outage and the due date for the final report; this data must cover the same day of the week and the same time of day as the outage. If this cannot be done, for whatever reason, the outage must be reported. Justification that such data accurately estimates the traffic that would have been carried at the time of the outage had the outage not occurred must be available on request. Finally, whenever a pair of STPs serving any communications provider becomes isolated from a pair of interconnected STPs that serve any other communications provider, for at least 30 minutes duration, each of these communications providers shall submit electronically a Notification to the Commission within 120 minutes of discovering such outage. Not later than 72 hours after discovering the outage, the provider(s) shall submit electronically an Initial Communications Outage Report to the Commission. Not later than thirty days after discovering the outage, the provider(s) shall submit electronically a Final Communications Outage Report to the Commission. The Notification and the Initial and Final reports shall comply with all of the requirements of [§ 4.11](#).

(e) Wireless. All wireless service providers shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any

facilities that they own, operate, lease, or otherwise utilize, an outage of at least 30 minutes duration:

(1) Of a Mobile Switching Center (MSC);

(2) That potentially affects at least 900,000 user minutes of either telephony and associated data (2nd generation or lower) service or paging service;

(3) That affects at least 1,350 DS3 minutes;

(4) That potentially affects any special offices and facilities (in accordance with [paragraphs \(a\) through \(d\) of § 4.5](#)) other than airports through direct service facility agreements; or

(5) That potentially affects a 911 special facility (as defined in (e) of [§ 4.5](#)), in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 911 facility as the provider's contact person for communications outages at that facility, and they shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on callers to that facility. (DS3 minutes and user minutes are defined in [paragraphs \(d\) and \(e\) of § 4.7](#).) In determining the number of users potentially affected by a failure of a switch, a concentration ratio of 8 shall be applied. For providers of paging service solely, however, the following outage criteria shall apply instead of those in paragraphs (b)(1) through (b)(3) of this section. Notification must be submitted if the failure of a switch for at least 30 minutes duration potentially affects at least 900,000 user-minutes. Not later than 72 hours after discovering the outage, the provider shall submit electronically an Initial Communications Outage Report to the Commission. Not later than thirty days after discovering the outage, the provider shall submit electronically a Final Communications Outage Report to the Commission. The Notification and the Initial and Final reports shall comply with all of the requirements of [§ 4.11](#).

(f) Wireline. All wireline communications providers shall submit electronically a Notification to the Commission within 120 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage of at least 30 minutes duration that:

(1) Potentially affects at least 900,000 user minutes of either telephony or paging;

(2) Affects at least 1,350 DS3 minutes;

(3) Potentially affects any special offices and facilities (in accordance with [paragraphs \(a\) through \(d\) of § 4.5](#)); or

(4) Potentially affects a 911 special facility (as defined in [paragraph \(e\) of § 4.5](#)), in which case they also shall notify, as soon as possible by telephone or other electronic means, any official who has been designated by the management of the affected 911

facility as the provider's contact person for communications outages at that facility, and the provider shall convey to that person all available information that may be useful to the management of the affected facility in mitigating the effects of the outage on efforts to communicate with that facility. (DS3 minutes and user minutes are defined in [paragraphs \(d\) and \(e\) of § 4.7.](#)) Not later than 72 hours after discovering the outage, the provider shall submit electronically an Initial Communications Outage Report to the Commission. Not later than thirty days after discovering the outage, the provider shall submit electronically a Final Communications Outage Report to the Commission. The Notification and the Initial and Final reports shall comply with all of the requirements of [§ 4.11.](#)

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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47 C.F.R. § 4.11

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➔ **§ 4.11 Notification and initial and final communications outage reports that must be filed by communications providers.**

Notification and Initial and Final Communications Outage Reports shall be submitted by a person authorized by the communications provider to submit such reports to the Commission. The person submitting the Final report to the Commission shall also be authorized by the provider to legally bind the provider to the truth, completeness, and accuracy of the information contained in the report. Each Final report shall be attested by the person submitting the report that he/she has read the report prior to submitting it and on oath deposes and states that the information contained therein is true, correct, and accurate to the best of his/her knowledge and belief and that the communications provider on oath deposes and states that this information is true, complete, and accurate. The Notification shall provide: the name of the reporting entity; the date and time of onset of the outage; a brief description of the problem; service affects; the geographic area affected by the outage; and a contact name and contact telephone number by which the Commission's technical staff may contact the reporting entity. The Initial and Final Reports shall contain the information required in this part 4. The Initial report shall contain all pertinent information then available on the outage and shall be submitted in good faith. The Final report shall contain all pertinent information on the outage, including any information that was not contained in, or that has changed from that provided in, the Initial report. The Notification and the Initial and Final Communications Outage Reports are to be submitted electronically to the Commission.

"Submitted electronically" refers to submission of the information using Commission-approved Web-based outage report templates. If there are technical impediments to using the Web-based system during the Notification stage, then a written Notification to the Commission by email, FAX, or courier may be used; such Notification shall contain the information required. All hand-delivered Notifications and Initial and Final Communications Outage Reports, shall be addressed to the Federal Communications Commission, The Office of Secretary, Attention: Edmond J. Thomas, Chief, Office of Engineering & Technology, 236 Massachusetts Ave., NE., Suite 110, Washington, DC 20002. Electronic filing shall be effectuated in accordance with procedures that are specified by the Commission by public notice.

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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➔ **§ 4.13 Reports by the National Communications System (NCS) and by special offices and facilities, and related responsibilities of communications providers.**

Reports by the National Communications System (NCS) and by special offices and facilities (other than 911 special offices and facilities) of outages potentially affecting them (see [paragraphs \(a\) through \(d\) of § 4.5](#)) shall be made according to the following procedures:

(a) When there is a mission-affecting outage, the affected facility will report the outage to the NCS and call the communications provider in order to determine if the outage is expected to last 30 minutes. If the outage is not expected to, and does not, last 30 minutes, it will not be reported to the Commission. If it is expected to last 30 minutes or does last 30 minutes, the NCS, on the advice of the affected special facility and in the exercise of its judgment, will either:

(1) Forward a report of the outage to the Commission, supplying the information for initial reports affecting special facilities specified in this section of the Commission's Rules;

(2) Forward a report of the outage to the Commission, designating the outage as one affecting "special facilities," but reporting it at a level of detail that precludes identification of the particular facility involved; or

(3) Hold the report at the NCS due to the critical nature of the application.

(b) If there is to be a report to the Commission, an electronic, written, or oral report will be given by the NCS within 120 minutes of an outage to the Commission's Duty Officer, on duty 24 hours a day in the FCC's Communications and Crisis Management Center in Washington, DC. Notification may be served at such other facility designated by the Commission by public notice or (at the time of the emergency) by public announcement only if there is a telephone outage or similar emergency in Washington, DC. If the report is oral, it is to be followed by an electronic or written report not later than the next business day. Those providers whose service failures are in any way responsible for the outage must consult and cooperate in good faith with NCS upon its request for information.

(c) Additionally, if there is to be a report to the Commission, the communications provider will provide a written report to the NCS, supplying the information for final

reports for special facilities required by this section of the Commission's rules. The communications provider's final report to the NCS will be filed within 28 days after the outage, allowing the NCS to then file the report with the Commission within 30 days after the outage. If the outage is reportable as described in paragraph (b) of this section, and the NCS determines that the final report can be presented to the Commission without jeopardizing matters of national security or emergency preparedness, the NCS will forward the report as provided in either paragraphs (a)(1) or (a)(2) of this section to the Commission.

SOURCE: [69 FR 70338](#), Dec. 3, 2004; [69 FR 78338](#), Dec. 30, 2004, unless otherwise noted.

AUTHORITY: [47 U.S.C. 151](#), [154\(i\)](#), [154\(j\)](#), [154\(o\)](#), [218](#), [219](#), [230](#), [256](#), [301](#), [302\(a\)](#), [303\(f\)](#), [303\(g\)](#), [303\(j\)](#), [303\(r\)](#), [403](#), 621(b)(3), and 621(d), unless otherwise noted.

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▣ [Chapter II](#). Office of Science and Technology Policy and National Security Council

▣ [Part 201](#). Executive Policy ([Refs & Annos](#))

➔ **§ 201.0 Background.**

National policy with respect to the conservation, allocation and use of the Nation's telecommunications resources during crises and emergencies is set forth in [Executive Order 12472](#). The following parts of this chapter address specific responsibilities with respect to management of telecommunications resources and related procedures which bear upon provision, restoration and continuity of telecommunications services during crises and emergencies. In doing so, the chapter encompasses both national security and emergency preparedness activities, consistent with [Executive Order 12472](#). This concept of national security and emergency preparedness telecommunications services (as defined in [§ 201.2\(g\)](#)) includes crises that do not necessarily entail serious degradation of, or serious threats to, national security. It therefore is a broader concept than the term "national security emergency preparedness activities" in [Executive Order 12656](#), which concerns only national security emergencies, and preparedness activities necessarily related to such emergencies.

SOURCE: [55 FR 51056](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#)); 3 CFR, 1978 Comp., p. 158); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#)); 3 CFR, 1984 Comp., p. 193); [E.O. 12656](#), November 18, 1988 ([53 FR 47491](#)); 3 CFR, 1988 Comp., p. 585).

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47 C.F.R. § 201.1

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Title 47. Telecommunication

☞ [Chapter II](#). Office of Science and Technology Policy and National Security Council

☞ [Part 201](#). Executive Policy ([Refs & Annos](#))

➔ **§ 201.1 Authority.**

(a) Authorities and responsibilities related to and bearing upon national security and emergency preparedness telecommunications matters are set forth in:

(1) Section 706 of the Communications Act of 1934 (48 Stat. 1104, [47 U.S.C. 606](#)), as amended.

(2) The National Security Act of 1947, as amended (61 Stat. 496, [50 U.S.C. 402](#)).

(3) The Federal Civil Defense Act of 1950, as amended ([50 U.S.C. app. 2251](#) et seq.).

(4) The Disaster Relief Act of 1974 ([42 U.S.C. 5121](#) et seq.).

(5) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (90 Stat. 463, [42 U.S.C. 6611](#)).

(6) [Executive Order 12046](#), "Relating to the Transfer of Telecommunications Functions," [March 27, 1978 \(43 FR 13349\)](#); 3 CFR, 1978 Comp., p. 158).

(7) [Executive Order 12472](#), "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984 ([49 FR 13471](#)); 3 CFR, 1984 Comp., p. 193).

(b) Authorities to be exercised in the execution and performance of emergency functions are subject to the provisions of the National Emergencies Act of 1976 (90 Stat. 1255, [50 U.S.C. 1601](#)).

SOURCE: [55 FR 51056](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#)); 3 CFR, 1978 Comp., p. 158); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#)); 3 CFR, 1984 Comp., p. 193); [E.O. 12656](#), November 18, 1988 ([53 FR 47491](#)); 3 CFR, 1988 Comp., p. 585).

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47 C.F.R. § 201.2

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Title 47. Telecommunication

☞ [Chapter II](#). Office of Science and Technology Policy and National Security Council

☞ [Part 201](#). Executive Policy ([Refs & Annos](#))

➔ **§ 201.2 Definitions.**

The following definitions apply herein:

(a) Communications common carrier, specialized carrier, or carrier means any individual, partnership, association, joint stock company, trust, or corporation subject to Federal or State regulation engaged in providing telecommunications facilities or services, for use by the public, for hire.

(b) Government means Federal, State, county, municipal, and other local government authority. Specific qualification will be provided whenever reference to a particular level of government is intended.

(c) Joint Telecommunications Resources Board (JTRB) means that organization established by the Director, Office of Science and Technology Policy, pursuant to [Executive Order 12472](#) to assist the Director, OSTP, in exercising the non-wartime emergency telecommunications functions assigned by [Executive Order 12472](#).

(d) The National Communications System (NCS) means that organization established by [Executive Order 12472](#) consisting of the telecommunications assets of the entities represented on the NCS Committee of Principals and an administrative structure consisting of the Executive Agent, the NCS Committee of Principals and the Manager. The NCS Committee of Principals consists of representatives from those Federal departments, agencies or entities, designated by the President, which lease or own telecommunications facilities or services of significance to national security and emergency preparedness, and, to the extent permitted by law, other Executive entities which bear policy, regulatory or enforcement responsibilities of importance to national security and emergency preparedness telecommunications capabilities. The NCS is a confederative arrangement in which member Federal agencies participate with their owned and leased telecommunications assets to provide necessary communications services for the Federal Government, under all conditions, including nuclear war.

(e) National Coordinating Center (NCC) refers to the joint industry-government telecommunications entity established by the NCS pursuant to [Executive Order 12472](#) to assist in the initiation, coordination, restoration and reconstitution of national security and emergency preparedness telecommunications services or facilities under all conditions of crisis or emergency.

(f) National priorities means those essential actions and activities in which the government and the private sector must become engaged in the interests of national

survival and recovery.

(g) National security and emergency preparedness (NS/EP) telecommunications services, or NS/EP services, means those telecommunication services which are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international) which causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NS/EP posture of the United States.

(h) NS/EP treatment refers to the provisioning of a telecommunications service before others based on the provisioning priority level assigned by the Executive Office of the President.

(i) National Telecommunications Management Structure (NTMS) means a survivable and enduring management structure which will support the exercise of the war power functions of the President under section 706 of the Communications Act of 1934 ([47 U.S.C. 606](#)), as amended.

(j) Private sector means those sectors of non-government entities that are users of telecommunications services.

(k) Telecommunications means any transmission, emission, or reception of signs, signals, writing, images, graphics, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(l) Telecommunications resources include telecommunications personnel, equipment, material, facilities, systems, and services, public and private, wheresoever located within the jurisdiction of the United States.

(m) Wartime emergency means a crisis or event which permits the exercise of the war power functions of the President under section 706 of the Communications Act of 1934 ([47 U.S.C. 606](#)), as amended.

SOURCE: [55 FR 51056](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#); 3 CFR, 1978 Comp., p. 158); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193); [E.O. 12656](#), November 18, 1988 ([53 FR 47491](#); 3 CFR, 1988 Comp., p. 585).

47 C. F. R. § 201.2, 47 CFR § 201.2

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47 C.F.R. § 201.3

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Title 47. Telecommunication

☞ [Chapter II](#). Office of Science and Technology Policy and National Security Council

☞ [Part 201](#). Executive Policy ([Refs & Annos](#))

➔ **§ 201.3 Policy.**

(a) The Federal Government is responsible for resources mobilization, including determination of the need for and the extent of mobilization necessary in all crises and emergencies, wartime and non-wartime.

(b) The President has limited non-wartime NS/EP telecommunications functions, and wartime NS/EP functions under the Communications Act of 1934 (as amended), which have been delegated to Federal agencies under [Executive Order 12472](#). Federal, State, and local governments share the responsibility for conservation of the Nation's telecommunications resources.

(1) The achievement of survival and recovery during a crisis or emergency would establish an unavoidable interdependence between and among Federal, State, and local authorities; therefore, there should be no barriers between Federal and State levels of authorities and between State and local levels of authorities which would impede, obstruct, or otherwise hinder effective conservation and equitable allocation of telecommunications resources and services to the needs of the Nation.

(2) The Federal Government will rely upon State governments and their telecommunications management organizations for management or control of intrastate carrier services and continuity of interconnectivity with interstate carriers to assure that national objectives and priorities are properly served. Applicable regulations of the Federal Communications Commission govern the extent of the allocation of responsibility between Federal and State authorities for the management of NS/EP intrastate carrier services and the interconnectivity of intrastate services for NS/EP telecommunications functions.

(c) A system of telecommunications service priorities will be established which facilitates the provisioning and early restoration of services considered vital to national interests during those events or crises which warrant NS/EP treatment.

(d) The President is authorized during, or in anticipation of, an emergency or major disaster (as defined in the Disaster Relief Act of 1974) to establish temporary telecommunications systems and to make such telecommunications available to State and local government officials and such other persons as deemed appropriate ([42 U.S.C. 5185](#)).

(e) The President also is authorized, during war, when necessary in the interest of national defense and security, to direct or establish priorities for essential

communications with any commercial or governmental carrier and to prevent obstruction of telecommunications. The President may also suspend or amend rules and regulations, close stations and facilities, and authorize U.S. government use and control of telecommunications resources with regard to:

(1) Radio communications (during war, or Presidentially declared threat of war, public peril, disaster or national emergency or a need to preserve the neutrality of the U.S.) and

(2) Wire communications (during war or threat of war).

(f) During an attack on the United States by an aggressor nation, and in an immediate postattack period, all decisions regarding the use of telecommunications resources will be directed to the objective of national survival and recovery. In order to achieve this objective, postattack resources will be assigned to activities concerned with the maintenance and saving of lives, immediate military defense and response, and economic activities essential to continued economic survival and recovery.

(g) The Director of the Office of Science and Technology Policy will serve as the central authority to control, coordinate, and direct the activities of the Nation's telecommunications facilities, systems, and services during periods of wartime emergency as determined under section 706 of the Communications Act of 1934 ([47 U.S.C. 606](#)), as amended.

(h) Telecommunications resources of the Federal Government will be employed, as required, to best serve the continuity of government and national interests.

(i) Federal agencies will, in the development of emergency operational plans, minimize, to the extent feasible, dependence upon telecommunications services for continuity of essential operations.

SOURCE: [55 FR 51056](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#); 3 CFR, 1978 Comp., p. 158); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193); [E.O. 12656](#), November 18, 1988 ([53 FR 47491](#); 3 CFR, 1988 Comp., p. 585).

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47 C.F.R. § 202.0

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Title 47. Telecommunication

▣ [Chapter II](#). Office of Science and Technology Policy and National Security Council

▣ [Part 202](#). National Security and Emergency Preparedness Planning and Execution

[\(Refs & Annos\)](#)

➔ **§ 202.0 Objectives.**

(a) During, or in anticipation of, a non-wartime emergency or natural disaster, a telecommunications capacity must exist to provide temporary telecommunications service to State and local government officials and other persons deemed appropriate by the President.

(b) In the event of a general war and attack upon the Nation, a national telecommunications capability must exist that will support telecommunications requirements with respect to national security, survival and recovery. The development of survivable telecommunications to support essential functions (including an emergency broadcasting system), and technical compatibility of signaling methods, transmission modes, switching facilities, and terminal devices to permit exchange of communications over the surviving media of all systems, government or commercial, are crucial elements of such a national capability. In addition, a survivable national telecommunications management structure is necessary to manage initiation, coordination and restoration of telecommunications services. The management structure must include the following:

(1) Legal authority for telecommunications management.

(2) A control mechanism to manage the initiation, coordination and restoration of telecommunications services.

(3) Procedures to ensure timely damage assessment and allocation of residual resources and controlled restoration of services based on national policy/direction.

(4) The capability to execute a telecommunications recovery plan based on national policy/guidance.

(c) Notwithstanding any provision regarding NS/EP Planning and Execution, nothing in this Part shall be deemed to affect the authorities or responsibilities of the Director of the Office of Management and Budget, or any Office or official thereof; or reassign any function assigned any agency under the Federal Property and Administrative Services Act of 1949, as amended, or under any other law, or any function vested by law in the Federal Communications Commission.

SOURCE: [55 FR 51058](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#); 3 CFR, 1978 Comp., p. 158); [E.O. 11021](#), May 7, 1962 ([27 FR 4409](#); 3 CFR, 1959-1963 Comp., p. 600); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193).

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47 C.F.R. § 202.1

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Title 47. Telecommunication

▣ [Chapter II](#). Office of Science and Technology Policy and National Security Council

▣ [Part 202](#). National Security and Emergency Preparedness Planning and Execution
([Refs & Annos](#))

➔ **§ 202.1 Policies.**

(a) The telecommunications resources of the Nation will be available for government use during crises and emergencies, wartime and non-wartime, and to satisfy the needs of the public welfare and safety.

(b) The National Plan for Telecommunications Support in Non-Wartime Emergencies provides procedures for planning and using National telecommunications assets and resources in support of non-wartime emergencies, including those covered by the Disaster Relief Act of 1974, in Presidentially declared Emergencies and Major Disasters, Extraordinary Situations, and other emergencies.

(c) An NS/EP Telecommunications Service Priority (TSP) System will provide procedures to authorize priority treatment for the provisioning and restoration of NS/EP telecommunications services for wartime and non-wartime emergencies.

(d) In wartime emergencies, facilities management will remain decentralized to the extent feasible to assure continued flexibility of operational response to critical needs, subject to the management direction and overriding authority of those officials delegated to act for and with the consent of the central point of authority within the Federal Government.

(1) Federally owned, leased, and/or operated telecommunications facilities, systems, and networks will be managed during such an emergency by the agency normally controlling the facility, system, or network except that all operations will be subject to the management direction and authority of the officials delegated overall management responsibility for Federal Government systems.

(2) Facilities other than those of the Federal Government, with the exception of radio stations in the Aviation Services and certain classes of radio stations in the Maritime Services, will be managed by the authorized common carrier or other person owning and operating such facilities subject to Federal Communications Commission (FCC) guidance and direction or in accordance with State or local plans if not subject to FCC jurisdiction.

(3) Radio stations in the Aviation Services and those aboard vessels in the Maritime Service will be subject to the control of the Secretary of Defense during a national emergency.

(e) The Director of the Office of Science and Technology Policy is the single point of authority within the Federal Government for the wartime emergency functions under

section 706 of the Communications Act ([47 U.S.C. 606](#)) with respect to the allocation and use of surviving resources in support of national objectives enunciated by the President. Authority may be redelegated as necessary and when it can be exercised within boundaries established by Presidential authority.

(f) Radio frequency utilization during a wartime emergency will be in accordance with authorizations, assignments, and mobilization plans in existence at the onset of the emergency. Subject to the overriding control of the Director, OSTP, under the President's War Emergency Powers, spectrum management regarding the authorization and assignment of radio frequencies will be made by the National Telecommunications and Information Administration (NTIA) for the Federal Government, and the Director, OSTP, through the FCC, for all other entities subject to the Commission's jurisdiction. Radio stations are subject to closure if considered a threat to national security.

(g) Section 706 of the Communications Act of 1934, as amended, confers authority to the President in the matter of suspension of all rules and regulations pertaining to the use and operation of telecommunications facilities, public or private during wartime emergencies.

SOURCE: [55 FR 51058](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#); 3 CFR, 1978 Comp., p. 158); [E.O. 11021](#), May 7, 1962 ([27 FR 4409](#); 3 CFR, 1959-1963 Comp., p. 600); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193).

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☞ [Chapter II](#). Office of Science and Technology Policy and National Security Council

☞ [Part 202](#). National Security and Emergency Preparedness Planning and Execution
([Refs & Annos](#))

➔ **§ 202.2 Criteria and guidance.**

NS/EP planning in government and industry with respect to effective conservation and use of surviving telecommunications resources in a disaster, emergency or postattack period must provide for orderly and uninhibited restoration of services by the carriers and authoritative control of services allocation which will assure that priority will be afforded the most critical needs of government and the private sector with respect to these objectives.

(a) The preservation of the integrity of characteristics and capabilities of the Nation's telecommunications systems and networks during wartime or non-wartime emergencies is of the utmost importance. This can best be accomplished by centralized policy development, planning, and broad direction. Detailed operations management will remain decentralized in order to retain flexibility in the use of individual systems in responding to the needs of national security, survival and recovery. Each Federal agency responsible for telecommunications systems operations, and the carriers, are responsible for planning with respect to emergency operations. Guidance in this matter has been issued from a number of sources and contained in:

(1) Annex C-XI (Telecommunications), Federal Emergency Plan D (Classified).

(2) National Plan for Telecommunications Support in Non-wartime Emergencies.

(3) The National Communications System Management Plan for Annex C-XI (Telecommunications) Federal Emergency Plan D (Classified).

(b) The continuity of essential communications services will be maintained through the use of controls and operational procedures to assure that priority is given to vital services. NS/EP telecommunications services entail policies, procedures and responsibilities as described in parts 211 and 213 of this chapter.

(c) The Nation's telecommunications systems facilities are vulnerable to physical and radiological damage. Planning factors with respect to the resumption of services in a disaster or postattack period must consider the probable loss of facilities which formerly provided direct and/or alternate intercity services among surviving population centers. Since surviving areas and population centers would serve as the sources of support to crippled areas of the Nation, the resumption of services between and among surviving metropolitan areas will be a high priority with the carriers.

SOURCE: [55 FR 51058](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#); 3 CFR, 1978 Comp., p. 158); [E.O. 11021](#), May 7, 1962 ([27 FR 4409](#); 3 CFR, 1959-1963 Comp., p. 600); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193).

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47 C.F.R. § 202.3

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▣ [Part 202](#). National Security and Emergency Preparedness Planning and Execution
([Refs & Annos](#))

➔ **§ 202.3 Plans preparation and execution.**

Federal authority, substantive provisions, and functional responsibilities of the executive office are summarized in the following:

(a) Wartime Emergency Functions.

(1) The Assistant to the President for National Security Affairs (the National Security Advisor) shall provide general policy direction for the exercise of the war power functions of the President under section 706 of the Communications Act ([47 U.S.C. 606](#)), as amended, should the President issue implementing instructions in accordance with the National Emergencies Act ([50 U.S.C. 1601](#)).

(2) The Director of the Office of Science and Technology Policy shall direct the exercise of the war power functions of the President under section 706(a), (c)-(e) of the Communications Act ([47 U.S.C. 606](#)), as amended, should the President issue implementing instructions in accordance with the National Emergencies Act ([50 U.S.C. 1601](#)).

(b) Non-wartime Emergency Functions.

(1) The National Security Advisor shall:

(i) Advise and assist the President in coordinating the development of policy, plans, programs and standards within the Federal Government for the identification, allocation and use of the Nation's telecommunications resources by the Federal Government, and by State and local governments, private industry and volunteer organizations, upon request, to the extent practicable and otherwise consistent with the law, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law.

(ii) Provide policy oversight and direction of the activities of the NCS.

(2) The Director of the Office of Science and Technology Policy shall:

(i) Provide information, advice, guidance and assistance, as appropriate, to the President and to those Federal departments and agencies with responsibilities for the provision, management or allocation of telecommunications resources during those crises or

emergencies in which the exercise of the President's war power functions is not required or permitted by law.

(ii) Establish a Joint Telecommunications Resources Board (JTRB) to assist the Director in providing information, advice, guidance and assistance, as appropriate, to the President and to those Federal Departments and agencies with responsibilities for the provision, management, or allocation of telecommunications resources, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law.

(c) Planning and Oversight Responsibilities.

(1) The National Security Advisor shall advise and assist the President in:

(i) Coordination and development of policy, plans, programs and standards for the mobilization and use of the Nation's commercial, government, and privately owned telecommunications resources to meet national security and emergency preparedness telecommunications requirements.

(ii) Providing policy oversight and direction of the activities of the NCS; and

(iii) Providing policy oversight and guidance for the execution of the responsibilities assigned to the Federal departments and agencies by [Executive Order 12472](#).

(2) The Director of the Office of Science and Technology Policy (or a designee) shall:

(i) Advise and assist the President in the administration of a system of radio spectrum priorities for those spectrum dependent telecommunications resources of the Federal government which support national security and emergency preparedness telecommunications functions.

(ii) Certify or approve priorities for radio spectrum use by the Federal government, including the resolution of any conflicts in or among priorities under all conditions or crisis or emergency.

(3) The National Security Advisor, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall, in consultation with the Executive Agent for the NCS and the NCS Committee of Principals, determine what constitutes national security and emergency preparedness telecommunications requirements.

(4) The Director of the Office of Management and Budget, in consultation with the National Security Advisor and the NCS, will prescribe general guidelines and procedures for reviewing the financing of the NCS within the budgetary process and for preparation of budget estimates by participating agencies.

(d) Performance of essential government and public services during a national

emergency, as defined in section 706 of the Communications Act ([47 U.S.C. 606](#)), as amended, will require a means for communications between government and the private sector, communications essential to operations of elements of the national economy, and communications for national defense and civil defense purposes. The needs of the private sector and those of government should be properly coordinated to ensure that responses to each of these communities of interest, government and private sector, are appropriately balanced. For this reason, with regard to wartime emergency functions, the Director, Office of Science and Technology Policy (OSTP), has delegated the responsibility for the private sector to the Chairman, Federal Communications Commission (FCC), and responsibility for the needs of government to the Executive Agent, National Communications System (NCS). A parity of level of authority of these officials is established. They will coordinate and negotiate telecommunications conflicts with respect to the allocation and use of the Nation's telecommunications resources, reporting to the Director on unresolved issues which are within the domain of their respective responsibilities and authorities.

(e) In order to support the NS/EP telecommunications needs of the Federal government, State and local governments, private industry and volunteer organizations, under all circumstances, including those of crisis or emergency, the following functions shall be performed:

(1) The Secretary of Commerce, for all conditions of crisis or emergency, shall:

(i) Develop plans and procedures concerning radio spectrum assignments, priorities and allocations for use by Federal departments, agencies and entities; and

(ii) Develop, maintain and publish policy, plans and procedures for the control and assignment of radio frequencies, including the authority to amend, modify or revoke such assignments, in those parts of the electromagnetic spectrum allocated to the Federal Government.

(2) The Director of the Federal Emergency Management Agency shall:

(i) Plan for and provide, operate and maintain telecommunications services and facilities, as part of its National Emergency Management System, adequate to support its assigned emergency management responsibilities.

(ii) Advise and assist State and local governments and volunteer organizations, upon request and to the extent consistent with law, in developing plans and procedures for identifying and satisfying their NS/EP telecommunications requirements.

(iii) Ensure, to the maximum extent practicable, that national security and emergency preparedness telecommunications planning by State and local governments and volunteer organizations is mutually supportive of and consistent with the planning of the Federal Government.

(iv) Develop, upon request and to the extent consistent with law and in consonance with regulations promulgated by and agreements with the Federal Communications Commission, plans and capabilities for, and provide policy and management oversight of, the Emergency Broadcast System, and advise and assist private radio licensees of the Commission in developing emergency communications plans, procedures and capabilities.

(v) Act as sponsor for State and local governments' requests for telecommunications service priority (TSP) in accordance with the Federal Communications Commissions regulations and with procedures in approved NCS issuances.

(3) The Secretary of State, in accordance with assigned responsibilities within the Diplomatic Telecommunications Service, shall plan for and provide, operate and maintain rapid, reliable and secure telecommunications services to those Federal entities represented at United States diplomatic missions and consular offices overseas. This responsibility shall include the provision and operation of domestic telecommunications in support of assigned national security and emergency preparedness responsibilities.

(4) The Secretary of Defense shall:

(i) Plan for and provide, operate and maintain telecommunications services and facilities adequate to support the National Command Authorities and to execute responsibilities assigned by [Executive Order 12333](#), December 4, 1981 ([46 FR 59941](#); 3 CFR, 1981 Comp., p. 200).

(ii) Ensure that the Director of the National Security Agency provides the technical support necessary to develop and maintain plans adequate to provide for the security and protection of national security and emergency preparedness telecommunications.

(iii) Provide protection for interstate or foreign communication as directed by the President when the public interest requires under section 706(b) of the Communications Act ([47 U.S.C. 606\(b\)](#)).

(iv) In consultation with the Secretary of Transportation, develop policy, plans and procedures adequate to enable a transfer of control over radio stations in the Aviation Service and aboard vessels in the Maritime Service to the Department of Defense during a national emergency pursuant to [§ 202.1\(b\)\(3\)](#) of these regulations.

(5) The Attorney General shall, as necessary, review for legal sufficiency, including consistency with the antitrust laws, all policies, plans or procedures developed pursuant to these regulations.

(6) The Director, Central Intelligence Agency, shall plan for and provide, operate and maintain telecommunications services adequate to support the Agency's assigned responsibilities, including the dissemination of intelligence within the Federal government.

(7) Except as otherwise assigned pursuant to these regulations, the Administrator of General Services shall ensure that Federally owned or managed domestic communications facilities and services meet the NS/EP requirements of Federal civilian departments, agencies and entities. The Administrator shall perform these responsibilities consistent with policy guidance of the Director of the Office of Management and Budget.

(8) The Secretary of the Interior shall develop and execute emergency plans with respect to the administration of telecommunications activities in the territorial and trusteeship areas under the jurisdiction of the United States and within the responsibility previously assigned to him by appropriate laws and other authority.

(9) The Federal Communications Commission, consistent with its statutory authority, shall:

(i) Review the policies, plans and procedures of all entities licensed or regulated by the Commission that are developed to provide national security and emergency preparedness telecommunications services to ensure that such policies, plans and procedures are consistent with the public interest, convenience and necessity.

(ii) Perform such functions as required by law with respect to all entities licensed or regulated by the Commission, including (but not limited to) the extension, discontinuance or reduction of common carrier facilities or services; the control of common carrier rates, charges, practices and classifications; the construction, authorization, activation, deactivation or closing of radio stations, services and facilities; the assignment of radio frequencies to Commission licensees; the investigation of violations of pertinent law and regulation; and the initiation of appropriate enforcement actions.

(iii) Develop policy, plans and procedures adequate to execute the responsibilities assigned pursuant to these regulations under all conditions of crisis or emergency.

(iv) Consult as appropriate with authorized officials of the NCS to ensure continued coordination of their respective NCS activities.

(10) The National Communications System (comprised of the Executive Agent for the NCS, the NCS Committee of Principals, and the Manager, NCS) shall assist the President, the Director of the Office of Science and Technology Policy, National Security Advisor and the Director of the Office of Management and Budget in the exercise of national security and emergency preparedness telecommunications functions and responsibilities and in the coordination of the planning for and provision of national security and emergency preparedness communications for the Federal government under all circumstances, including crisis or emergency, attack, recovery and reconstitution.

(11) The Executive Agent for the NCS shall:

(i) Ensure that the NCS conducts unified planning and operations, in order to coordinate the development and maintenance of an effective and responsive capability for meeting the domestic and international national security and emergency preparedness needs of the Federal government.

(ii) Ensure that the activities of the NCS are conducted in conjunction with the emergency management activities of the Federal Emergency Management Agency.

(12) The Manager, NCS shall:

(i) Develop for consideration by the NCS Committee of Principals and the Executive Agent:

(A) A recommended evolutionary telecommunications architecture designed to meet current and future Federal government national security and emergency preparedness telecommunications requirements.

(B) Plans and procedures for the management, allocation and use, including the establishment of priorities or preferences, of Federally owned or leased telecommunications assets under all conditions of crisis or emergency.

(C) Plans, procedures and standards for minimizing or removing technical impediments to the interoperability of government-owned and/or commercially provided telecommunications systems.

(D) Test and exercise programs and procedures for the evaluation of the capability of the Nation's telecommunications resources to meet national security and emergency preparedness telecommunications requirements.

(E) Alternative mechanisms for funding, through the budget review process, NS/EP telecommunications initiatives which benefit multiple Federal departments, agencies or entities. Those mechanisms recommended by the NCS Committee of Principals and the Executive Agent shall be submitted to the Executive Office of the President.

(ii) Implement and administer any approved plans or programs as assigned, including any system of priorities and preferences for the provision of telecommunications service, in consultation with the NCS Committee of Principals and the Federal Communications Commission, to the extent practicable or otherwise required by law or regulation.

(iii) Implement, with the assistance of appropriate Federal agencies, a decentralized National Telecommunications Management Structure (NTMS) capable of functioning independently in support of appropriate authority within the terms and guidelines delineated in the White House approved Implementation Concept.

(iv) Conduct technical studies or analyses, and examine research and development programs, for the purpose of identifying, for consideration by the NCS Committee of

Principals and the Executive Agent, improved approaches which may assist Federal entities in fulfilling national security and emergency preparedness telecommunications objectives.

(v) Develop an NCS Issuance System of official documents to implement, establish, guide, describe or explain organizational responsibilities, authorities, policies and procedures.

(13) The NCS Committee of Principals shall:

(i) Serve as the forum in which each member of the Committee may review, evaluate and present views, information and recommendations concerning ongoing or prospective national security and emergency preparedness telecommunications programs of the NCS and the entities represented on the Committee.

(ii) Serve as the forum in which each member of the Committee shall report on and explain ongoing or prospective telecommunications plans and programs developed or designed to achieve national security and emergency preparedness telecommunications objectives.

(iii) Provide comments or recommendations, as appropriate, to the National Security Council, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Executive Agent, or the Manager of the NCS, regarding ongoing or prospective activities of the NCS.

(14) All Federal departments and agencies shall:

(i) Prepare policies, plans and procedures concerning telecommunications facilities, services, or equipment under their management or operational control to maximize their capability to respond to the national security and emergency preparedness needs of the Federal Government. Such plans will be prepared, and the operations will be executed, in conjunction with the emergency management activities of the Federal Emergency Management Agency, and in regular consultation with the Executive Agent for the NCS and the NCS Committee of Principals.

(ii) Cooperate with and assist the Executive Agent for the NCS, the NCS Committee of Principals, the Manager of the NCS, and other departments and agencies in the execution of the functions set forth in this regulation, furnishing them such information, support and assistance as may be required.

SOURCE: [55 FR 51058](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 61 Stat. 496 ([50 U.S.C. 401](#)); 64 Stat. 798 ([50 U.S.C. app. 2061](#)); 64 Stat. 1245 ([50 U.S.C. app. 2251](#)); 90 Stat. 463 ([42 U.S.C. 6611](#)); [E.O. 12046](#), March 27, 1978 ([43 FR 13349](#)); 3 CFR, 1978 Comp., p. 158); [E.O. 11021](#), May 7, 1962 ([27 FR 4409](#)); 3

CFR, 1959-1963 Comp., p. 600); [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193).

47 C. F. R. § 202.3, 47 CFR § 202.3

Current through June 30, 2006; 71 FR 37805



47 C.F.R. § 215.0

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

☞ [Chapter II](#). Office of Science and Technology Policy and National Security Council

☞ [Part 215](#). Federal Government Focal Point for Electromagnetic Pulse (Emp) Information ([Refs & Annos](#))

➔ **§ 215.0 Purpose and authority.**

The purpose of this part is to designate a focal point within the Federal Government for electromagnetic pulse (EMP) information concerning telecommunications. It is issued pursuant to the authority of Reorganization Plan No. 1 of 1977, 42 FR 56101, 91 Stat. 1633, as amended (5 U.S.C. appendix), Executive Order 12472, ([49 FR 13471](#); 3 CFR, 1984 Comp., p. 193), "Assignment of National Security and Emergency Preparedness Telecommunications, April 3, 1984 and Executive Order 12046, [43 FR 13349](#), "Relating to the Transfer of Telecommunications Functions," May 27, 1978, as amended by [Executive Order 12472](#).

SOURCE: [55 FR 51063](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 84 Stat. 2083, and [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#) et seq.).

47 C. F. R. § 215.0, 47 CFR § 215.0

Current through June 30, 2006; 71 FR 37805



47 C.F.R. § 215.1

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

☞ [Chapter II](#). Office of Science and Technology Policy and National Security Council

☞ [Part 215](#). Federal Government Focal Point for Electromagnetic Pulse (Emp)
Information ([Refs & Annos](#))

➔ **§ 215.1 Background.**

(a) The nuclear electromagnetic pulse (EMP) is part of the complex environment produced by nuclear explosions. It consists of transient voltages and currents which can cause malfunctioning and serious damage to electrical and electronic equipment.

(b) The Defense Nuclear Agency (DNA) is the overall technical coordinator for the Army, Navy, Air Force, and DOE laboratories on matters concerning nuclear weapons, nuclear weapons effects, and nuclear weapons testing. It acts as the focal point between the service laboratories and other agencies. The National Communications System (NCS), with the Defense Communications Agency (DCA), maintains a data base for telecommunications. DCA also provides the primary capability for the NCS to conduct telecommunications survivability studies for civil and military departments and agencies.

(c) In order to disseminate among affected Federal agencies information concerning the telecommunications effects of EMP and available protective measures, and in order to avoid duplication of research efforts, it is desirable to designate a focal point within the Federal Government for telecommunications EMP matters.

SOURCE: [55 FR 51063](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 84 Stat. 2083, and [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#) et seq.).

47 C. F. R. § 215.1, 47 CFR § 215.1

Current through June 30, 2006; 71 FR 37805



47 C.F.R. § 215.2

Code of Federal Regulations [Currentness](#)

Title 47. Telecommunication

▣ [Chapter II](#). Office of Science and Technology Policy and National Security Council

▣ [Part 215](#). Federal Government Focal Point for Electromagnetic Pulse (Emp)
Information ([Refs & Annos](#))

➔ **§ 215.2 Assignment of responsibilities.**

The Executive Agent, NCS, shall be the focal point within the Federal Government for all EMP technical data and studies concerning telecommunications. It shall provide such data and the results of such studies to all appropriate agencies requesting them. It shall coordinate and approve EMP telecommunications tests and studies, and shall keep the National Security Advisor informed regarding such tests and studies being conducted and planned.

SOURCE: [55 FR 51063](#), Dec. 11, 1990, unless otherwise noted.

AUTHORITY: 84 Stat. 2083, and [E.O. 12472](#), April 3, 1984 ([49 FR 13471](#) et seq.).

47 C. F. R. § 215.2, 47 CFR § 215.2

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