Subpart C—The ESCAT Plan

§ 245.8 Purpose.

This part establishes responsibilities, procedures, and instructions for the security control of civil and military air traffic in order to provide effective use of airspace under various emergency conditions.

§ 245.9 Authority.

(a) E.O. 12656, 18 November 1988, which assigns emergency preparedness functions to Federal departments and agencies.

(b) E.O. 13074, Amendment to E.O. 12656, February 9, 1998.

(c) E.O. 13236, Amendment of E.O. 13276, 13274, 13260, 13257, 13254, and 13231, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security, February 28, 2003.

(d) Title 10 U.S.C.—Armed Forces.

(e) Title 49 U.S.C., Subtitle VII—Aviation Programs.

(f) Communications Act of 1934, as amended.

(g) Aviation and Transportation Security Act of 2001 (Pub. L. 107–71), establishes the TSA and transfers civil aviation security responsibilities from FAA to TSA.

(h) Homeland Security Act of 2002 (Pub. L. 107–296), establishes DHS and transfers the transportation security functions of the DOT and Secretary of Transportation and the TSA to DHS.


§ 245.10 Scope.

This part applies to all U.S. territorial airspace and other airspace over which the FAA has air traffic control jurisdiction by international agreement.

§ 245.11 General description of the ESCAT plan.

The part defines the authorities, responsibilities, and procedures to identify and control air traffic within a specified air defense area during air defense emergencies, defense emergency, or national emergency conditions.

(a) For the purpose of this part, the appropriate military authorities are as follows:

(1) Contiguous 48 U.S. states, including Washington, DC; Alaska; and Canada—Commander NORAD or individual NORAD Region/Sector commanders.

(2) Hawaii, Guam, Wake Island, other U.S. Pacific Territories, and Pacific oceanic airspace over which FAA has air traffic control jurisdiction by international agreement—Commander, U.S. Pacific Command (USPACOM) or designated AADC.

(3) Puerto Rico and U.S. Virgin Islands—Commander, NORAD.

(b) This part provides for security control of both civil and military air traffic. It is intended to meet threat situations such as:

(1) An emergency resulting in the declaration of an Air Defense Emergency by the appropriate military authority. Under this condition, NORAD and USPACOM Commanders have authority to implement ESCAT and may consider executing this part.

(2) An adjacent Combatant Command is under attack and an Air Defense Emergency has not yet been declared. Under these conditions, NORAD and USPACOM Commanders may direct implementation of ESCAT for their own AORs individually, if airspace control measures are warranted and agreed upon by DoD/DHS/DOT.

(3) Emergency conditions exist that either threaten national security or national interests vital to the U.S., but do not warrant declaration of Defense Emergency or Air Defense Emergency. Under these conditions, NORAD and USPACOM Commanders may direct implementation of ESCAT for their own AORs individually, if airspace control measures are warranted and agreed upon by DoD/DHS/DOT.

§ 245.12 Amplifying instructions.

(a) Prior to any formal ESCAT implementation, the appropriate military
authority will consult with DOT through the FAA Administrator and
DHS through the TSA Administrator to discuss the air traffic management,
airspace and/or security measures required. Every effort will be made to ob-
tain the approval of the Secretary of Defense prior to ESCAT declaration,
time and circumstance permitting. Any ESCAT implementation will be
passed as soon as possible through the Chairman of the Joint Chiefs of Staff
to the Secretary of Defense.

(b) ESCAT may be implemented in phases to facilitate a smooth transi-
tion from normal air traffic identification and control procedures to the
more restrictive identification and control procedures specific to the situ-
atation.

(c) Once ESCAT is implemented, the appropriate military authority will
consult regularly with DOT (through the FAA Administrator) and DHS
(through the TSA Administrator) as appropriate, regarding any changes in
the air traffic management, airspace, and/or security measures required.

(d) Interference with normal air traf-

(c) The rules/procedures governing
special use airspace (SUA) will remain
in effect until notified by the appro-

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special use airspace (SUA) will remain
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(h) Flight operations vital to national
defense, as determined by appropriate
military commanders, will be given
priority over all other military and
civil aircraft.

(j) Prior to or subsequent to the de-
claration of an Air Defense Emergency,
Defense Emergency, or National Emer-
gency, there may be a requirement to
disperse military aircraft for their pro-
tection. If such dispersal plans are im-
plemented when any part of this part
has been placed in effect, operations
will be in accordance with the require-
ments of that portion of the ESCAT
plan that is in effect. If any part of the
ESCAT plan is ordered while dispersal
is in progress, dispersal operations will
be revised as required to comply with
ESCAT.

(k) Direct communications are au-

(l) To ensure implementation actions
can be taken expeditiously, ESCAT
tests will be conducted periodically,
but at least annually in accordance
with §245.31 of this part.

(m) The area of responsibility of the
appropriate military authority does
not always align with ARTCC bound-
aries, especially in the NORAD area
where one ARTCC’s boundaries may lie
within two or more CONUS NORAD
Sectors. For NORAD and USPACOM,
the FAA ARTCCs/CERAPs are aligned
as follows:

<table>
<thead>
<tr>
<th>Command/region/sector</th>
<th>ARTCC’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONR South East Air Defense Sector (SEADS)</td>
<td>Atlanta, Fort Worth, Houston, Indianapolis, Jacksonville, Kansas City, Memphis, Miami, Washington, San Juan CERAP</td>
</tr>
<tr>
<td>CONR North East Air Defense Sector (NEADS)</td>
<td>Boston, Chicago, Cleveland, Minneapolis, New York, Indianapolis, Kansas City, Atlanta, Memphis, Washington</td>
</tr>
<tr>
<td>CONR Western Air Defense Sector (WADS)</td>
<td>Albuquerque, Denver, Los Angeles, Oakland, Salt Lake City, Seattle, Fort Worth, Houston, Kansas City, Minneapolis</td>
</tr>
<tr>
<td>ANR (Alaskan NORAD Region)</td>
<td>Anchorage</td>
</tr>
</tbody>
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(b) The NORAD and USPACOM Commanders will:
(1) Establish the military requirements for ESCAT.
(2) Implement the plan as appropriate by declaring ESCAT (including the timing and scope) within their AOR.
(3) Terminate the plan as appropriate by discontinuing ESCAT (including the timing and scope) within their AOR.
(4) Coordinate with the Secretary of Defense or his designee, the CJCS, other Combatant Commands, the Department of Transportation, the Department of Homeland Security and the Canadian Minister of National Defence, as appropriate, regarding procedures for ESCAT implementation.

(b) The DOT (through the FAA Administrator) will:
(1) Establish the necessary FAA directives/plans including special ATC procedures to implement this part.
(2) Maintain liaison with Combatant Commands whose AORs include FAA areas of authority through the appropriate LNO, or FAA ADLO offices.
(3) Administer this part in accordance with established requirements.
(4) Ensure authorized FAA ADLO positions at NORAD facilities are staffed.
(5) Publish a common use document describing ESCAT and its purpose for use by civil aviation.
(6) Ensure FAA participation with the Combatant Commands in the testing of this part.
(7) Ensure the FAA Air Traffic Organization Service Units will:
(i) Disseminate information and instructions implementing this part within their AORs.
(ii) Place in effect procedures outlined in this part.
(iii) Assist appropriate military authorities in making supplemental agreements to this part as may be required.
(iv) Ensure each ARTCC/CERAP has a plan for diverting or landing expeditiously all aircraft according to the ESCAT priorities imposed upon implementation of ESCAT. Ensure a review and verification of the diversion plan is accomplished each calendar year.
(v) Ensure the ATCSCC/ARTCC/CERAPs will:
(i) Participate with Combatant Commanders in the training/testing of this part at all operational level.
(ii) Ensure dissemination of information and instructions implementing this part within their AORs.
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