

information and services; rules, regulations and procedures, technical information, and manpower and material. Included are system components used by the DoD.

National emergency. A condition declared by the President or the Congress by virtue of powers previously vested in them that authorize certain emergency actions to be undertaken in the national interest. Actions to be taken may include partial, full, or total mobilization of national resources.

Navigational aids (NAVAIDs). Aids to navigation, including but are not limited to, Global Positioning System (GPS), Tactical Air Navigation (TACAN), VHF Omnidirectional range (VOR), VHF Omnidirectional range/Tactical Air Navigation (VORTAC), Radar, and Long Range Navigation (LORAN). GPS also includes its Federal government-provided augmentations, *i.e.*, the FAA Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS), United States Coast Guard (USCG) Maritime Differential GPS (MDGPS) and USCG Nationwide Differential GPS (NDGPS).

North American Aerospace Defense Command (NORAD). A combined military command established by the Governments of Canada and the United States responsible for North American aerospace warning and control. Headquartered in Colorado Springs, CO, NORAD is subdivided into three geographic regions: Alaska NORAD Region (ANR), Canadian NORAD Region (CANR) and the CONUS NORAD Region (CONR).

Security assurance check. Measures taken by DoD/DHS, as appropriate, to ensure aircraft, cargo and crew security has not been compromised by hostile organizations or individuals who are or may be engaged in espionage, sabotage, subversion, terrorism or other criminal activities.

Security control authorization (SCA). Authorization for an EATPL category eight aircraft to take off when ESCAT has been implemented, which will be coordinated between DHS and the appropriate military authority.

Special Use Airspace (SUA). Airspace of defined dimensions identified by an area on the surface of the earth where-

in activities must be confined because of their nature, and/or wherein limitation may be imposed upon aircraft operations that are not part of those activities. Types of special use airspace include Military Operations Areas, Prohibited Areas, Restricted Areas and Warning Areas.

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§ 245.6 Abbreviations and acronyms.

AADC—Area Air Defense Commander
 ADE—Air Defense Emergency
 ADIZ—Air Defense Identification Zone
 ADLO—Air Defense Liaison Officer
 AMC—Air Mobility Command
 ANR—Alaska NORAD Region
 AOR—Area of Responsibility
 ARTCC—Air Route Traffic Control Center
 ATC—Air Traffic Control
 ATCSCC—Air Traffic Control System Command Center
 CARDA—Continental U.S. Airborne Reconnaissance for Damage Assessment
 CDS—Chief of the Defence Staff (Canada)
 CERAP—Center-RAPCON
 CJCS—Chairman, Joint Chiefs of Staff
 CONR—CONUS NORAD Region
 CONUS—Continental United States
 CRAF—Civil Reserve Air Fleet
 DEN—Domestic Event Network
 DHS—Department of Homeland Security
 DND—Department of National Defence (Canada)
 DoD—Department of Defense
 DOT—Department of Transportation
 EATPL—ESCAT Air Traffic Priority List
 E.O.—Executive Order
 ESCAT—Emergency Security Control of Air Traffic
 FAA—Federal Aviation Administration
 IFR—Instrument Flight Rules
 LEA—Law Enforcement Agencies
 LIFE GUARD—Civilian air ambulance flights
 LNO—Liaison Officer
 MEDEVAC—Medical air evacuation flight
 NAS—National Airspace System
 NEADS—Northeast Air Defense Sector (NORAD)
 NORAD—North American Aerospace Defense Command

PACAF—Pacific Air Forces
 SCA—Security Control Authorization
 SEADS—Southeast Air Defense Sector (NORAD)
 SUA—Special Use Airspace
 TSA—Transportation Security Administration
 USNORTHCOM—U.S. Northern Command
 USPACOM—U.S. Pacific Command
 VFR—Visual Flight Rules
 WADS—Western Air Defense Sector (NORAD)

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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. 13286, Amendment of E.O. 13276, 13274, 13271, 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.

(i) DoD Directive 5030.19,¹ “DoD Responsibilities on Federal Aviation and

National Airspace System Matters,” outlines DoD/ NORAD responsibilities for the development of plans and policies in concert with the DOT, FAA and USCG for the establishment of a system for identification and emergency security control of air traffic.

§ 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.

¹Copies may be obtained at <http://www.dtic.mil/whs/directives/corres/dir2.html>.