

Appendix A—Prescribed Maximum per diem Rates for Conus

1. Appendix A to chapter 301-7 is amended by removing the corresponding lodging and M&IE rates for Cleveland, Ohio, and inserting in their places the following entry:

Appendix A to Chapter 301—Prescribed Maximum per diem Rates for Conus

	* * * * *			
Cleveland	Cuyahoga	86	38	124
	* * * * *			

Dated: May 7, 1997.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 97-16317 Filed 6-20-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 11**

[FO Dockets 91-171/91-301; FCC 97-196]

Emergency Broadcast/Alert System

AGENCY: Federal Communications Commission.

ACTION: Final rule; Extension of compliance deadline.

SUMMARY: This *Order* extends the deadline for cable TV systems to comply with the Federal Communications Commission's (FCC) Emergency Alert System (EAS) rules. In 1994, the FCC adopted rules replacing the Emergency Broadcast System (EBS) with EAS, and requiring cable TV systems to participate in EAS by July 1, 1997. However, the FCC is reviewing issues relating to cable TV's participation in EAS. Therefore, the compliance date for cable TV systems to install and operate EAS equipment is extended until a new compliance date is established by the FCC.

DATES: The Commission will publish a document at a later date establishing a compliance date.

FOR FURTHER INFORMATION CONTACT: Frank Lucia, Director, Emergency Communications, Compliance and Information Bureau, (202) 418-1220.

SUPPLEMENTARY INFORMATION:

1. In its *Report and Order and Further Notice of Proposed Rule Making (First R&O)*, 59 FR 67090 (December 28, 1994),¹ the Commission adopted rules

replacing the Emergency Broadcast System (EBS) with the Emergency Alert System (EAS). The EAS incorporates new equipment and procedures that provide an efficient digital signalling protocol and automation of many of the prior manual EBS functions. The *First R&O* also established rules to implement § 624(g) of the Communications Act,² which provides in pertinent part that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system. * * *"³ The *First R&O*, accordingly, required all cable systems, irrespective of size, to participate in the EAS by July 1, 1997.⁴

2. As a result of the Commission's concern about the possible adverse financial impact this action could have on small cable systems, we sought comment in the *Further Notice of Proposed Rule Making* on whether the Communications Act permits the Commission to exempt small cable systems from participating in EAS or to establish a special waiver policy for small cable systems. Additionally, in response to the *First R&O*, we received comments from the hearing-impaired community contending that the requirements adopted were inadequate to provide satisfactory emergency service to hearing impaired individuals.⁵ In a *Memorandum Opinion and Order*, 60 FR 55996 (November 6, 1995), that addressed petitions for reconsideration of the *First R&O*, we deferred consideration of the

Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, FO Docket 91-171/91-301, 10 FCC Rcd 1786 (1994).

² Section 624(g) was added to the Communications Act in the Cable Act of 1992. See Cable Television Consumer Protection and Competition Act of 1992, Public Law 102-385, § 16(b), 106 Stat. 1460, 1490 (1992) (hereafter Cable Act of 1992). The Cable Act of 1992 required cable systems to participate in the EAS by adding §§ (g) to § 624 of the Communications Act of 1934, 47 U.S.C. § 544(g).

³ Section 624(g) of the Communications Act of 1934, as amended, 47 U.S.C. § 544(g). This provision remained unchanged by subsequent amendments to the Communications Act. See generally Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56 (1996) (revising the cable regulatory requirements but leaving requirements of § 624(g) unchanged).

⁴ *First R&O* at ¶ 58.

⁵ See Comments of Self Help for Hard of Hearing People California, February 9, 1995; Comments of Self Help for Hard of Hearing People, Inc., February 21, 1995; and Comments of the National Association of the Deaf, Television for All, Telecommunications for the Deaf, Inc., and the National Center for Law and Deafness, February 20, 1995.

issues raised by the hearing-impaired community until the *Second Report and Order*.⁶

3. The Commission has not yet reached a decision regarding the participation by small cable systems or the requests by the hearing-impaired community. Should the Commission ultimately decide to amend the participation in the EAS by small cable systems or to address concerns of the hard of hearing, some cable systems could be irreparably harmed by application of § 11.11 of the Commission's Rules, 47 CFR 11.11, prior to our action in the *Second Report and Order*. Therefore, on our own motion and in the public interest, we are extending the compliance date, previously July 1, 1997, for all cable systems to install and operate EAS equipment so that compliance with § 11.11 of the Commission's Rules will not be required until a date to be specified by the Commission in a subsequent *Report and Order* in this proceeding.

4. Accordingly, it is hereby ordered, pursuant to § 1.103(a) of the Commission's Rules, 47 CFR 1.103(a), that the compliance date of § 11.11 of the Commission's Rules, which requires all cable systems to install and operate EAS equipment, is Extended until a new compliance date is established by the Commission.⁷ Federal Communications Commission.

William F. Caton,

Acting Secretary.

List of Subjects in 47 CFR Part 11

Radio, Television.

Accordingly, 47 CFR Part 11 is amended as follows:

PART 11—EMERGENCY ALERT SYSTEM (EAS)

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

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

2. The following note is added at the end of § 11.11:

§ 11.11 The Emergency Alert System (EAS).

* * * * *

Note: Compliance by Cable Systems with the July 1, 1997 date specified in this section is extended until a date to be specified by the Commission and published in the **Federal Register**.

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⁶ *Memorandum Opinion and Order*, 10 FCC Rcd 11494, pg. 1, n. 3 (1995).

⁷ To implement the change in the compliance date, 47 CFR Part 11 is amended as set forth below.

¹ *Report and Order and Further Notice of Proposed Rule Making*, Amendment of Part 73,