

NRSC

Procedures

Manual

(Adopted on January 14, 2010)

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NRSC PROCEDURES MANUAL

1 OBJECTIVE & SCOPE

The objective of the NRSC is to serve as an industry-wide standards-setting body for technical aspects of terrestrial over-the-air radio broadcasting systems in the United States. The following activities fall within the scope of the NRSC:

- To investigate and recommend methods of improving the transmission and reception of the AM and FM radio broadcasting services;
- To review the performance and compatibility of all components of the radio transmission system from program sources to receiving environment;
- To develop guidelines and voluntary industry standards;
- To publish reports detailing technical work or studies relating to radio transmission systems;
- To consider questions of radio signal specifications and overall system considerations.

2 DEFINITIONS

CEA	Consumer Electronics Association.
Formulating Group	An NRSC Subcommittee with responsibility for formulation of standards, guidelines, and reports.
Guidelines Proposal	A document that is submitted for ballot/public review prior to approval as a guideline.
Meeting	Includes face-to-face meetings, audio-or video- teleconferences.
Member (CEA)	An eligible company that has paid current membership dues to CEA.
Member (Formulating Group)	A company, government agency or liaison representative that has requested membership in an NRSC committee or subcommittee, complied with the appropriate eligibility criteria in Section 5, and received confirmation of appointment. NOTE: To hold voting status, formulating group members shall have paid appropriate fees either through CEA or NAB membership dues or through formulating group participation fees, and acquired and maintained voting rights.
Member (NAB)	A full member (in good standing) of the National Association of Broadcasters.
NAB	National Association of Broadcasters
NRSC Guideline	A document that states specifications or criteria within terrestrial radio broadcast systems that are not strictly necessary for effective implementation and interoperability, but that the NRSC has determined to be advisable and may improve the efficiency of implementation or reduce the probability of implementation errors. An NRSC Guideline may specify preferred methodology for implementation and operation and may recommend a choice from among alternatives.
NRSC Report	A document that describes the results of technical work, including technology surveys and evaluations, which is of benefit to the radio broadcast industry.

NRSC reports may be either strictly informational or may include recommendations for further action, including development of NRSC Standards or Guidelines.

- NRSC Standard** A document that establishes engineering and technical requirements for processes, procedures, practices or methods that have been produced by consensus. NRSC Standards may also be established for selection, application or performance criteria for material. (Note: Throughout this manual, the term “standard” refers generically to documents that may be titled as either “Standard” or “Specification.”)
- Representative** An individual, designated by a member of a formulating group or subelement, to participate in that formulating group or subelement, on the member’s behalf.
- Standards Proposal** A document that is submitted for ballot/public review prior to approval as a standard.
- Subelement group (of a Subcommittee)** A Working group, Task group, or other such group formed by a subcommittee with the goal of performing a specific task or achieving a specific goal.

3 NORMATIVE REFERENCE LIST

These procedures contain provisions that, through reference in the text, constitute normative references of these procedures. At the time of publication, the editions indicated were valid. All standards are subject to revision, and parties to agreements based on these procedures are encouraged to investigate the possibility of applying the most recent editions of the standards.

- [1] CEA EP-23-K Procedures for the Development and Coordination of American National Standards, January 2002
- [2] CEA Legal Guides (current version)
- [3] Robert’s Rules of Order, 10th Edition

3.1 Normative Reference Acquisition

CEA:

- [1] Consumer Electronics Association, 1919 South Eads Street, Arlington, VA 22202, Phone 703-907-7421; Fax 703-907-4190; Internet: <http://www.CE.org>
- [2] CEA Legal Guides: <http://www.ce.org>

Robert’s Rules of Order:

- [3] www.robertsrules.com/

4 ORGANIZATION

4.1 NRSC Committee Organization Elements

4.1.1 NRSC Executive Committee

The NRSC Executive Committee consists of the NAB Science & Technology Senior VP, the CEA Technology & Standards VP, and the Co-Chairs of the NRSC. The Executive Committee may:

- Consider and make final decisions on all votes and recommendations made by the NRSC full

- committee;
- Act as a procedural review body for all standards and guidelines approved by NRSC subcommittees;
- Initiate standards and guidelines development projects when it deems them necessary and appropriate to the goals of the NRSC;
- Form subcommittees when it deems them necessary and appropriate to the goals of the NRSC.

4.1.2 NRSC Subcommittee

NRSC subcommittees will be formed when it is desirable to divide responsibility for the subject matter falling within the scope of the NRSC. Subcommittees are the formulating groups within the NRSC and have the responsibility for formulation of standards, guidelines, and reports. Subcommittees have no fixed term of existence and are intended to continue to exist until there is no need. The Co-Chairs of the NRSC may dissolve the subcommittee when it is no longer required.

4.1.3 Working Group

Working groups are established by an NRSC subcommittee for specific purposes, such as (but not limited to) developing a draft of a specific NRSC Standard, NRSC Guideline, or NRSC Report and are to be dissolved by the Co-Chairs of the parent body when their function is no longer required. The Co-Chairs of the working group are appointed by the Co-Chairs of the parent body.

4.1.4 Task Group

Task groups are ad hoc bodies that are formed by a subcommittee, or working group to address a specific problem as part of the larger body. Task groups do not have a standard- or guideline-formulating mission. They are dissolved by the Co-Chairs of the parent body when the purpose for which they were formed has been completed. Appointment of task group Co-Chairs and dissolution of the task group are functions of the Co-Chairs of the parent body.

4.1.5 Joint Committees

In some instances, NRSC formulating groups may engage in joint efforts with other organizations.

If the other organization is also a standards developing organization, then a determination shall be made upon initiation of the effort concerning which organization's standardization procedures shall govern, which organization shall be responsible for maintaining committee membership information, and which organization shall provide other secretariat services for the effort. As an alternative, the NRSC and the other organization may agree to rotate responsibility in these areas.

If the other organization is not a standards developing organization, then any standardization activity shall be conducted in accordance with the procedures contained in this manual.

NOTE: For purposes of fee assessment, if any (see Section 5.2), for joint committees or subcommittees, companies or individuals holding membership in either organization shall be considered members.

4.1.6 Steering Committees

A Steering Committee is a group, formed by an NRSC subcommittee, empowered with the responsibility of making interim decisions for a subcommittee, between meetings of that subcommittee, or when it is

otherwise necessary for decisions to be made but impractical or impossible for the subcommittee to do so. A Steering Committee will typically be composed of the NRSC Co-Chairs, relevant subcommittee Co-Chairs, relevant working group and/or task group Co-Chairs, NRSC staff, and other technical experts as may be deemed necessary and appropriate. Any actions taken by a Steering Committee will be reported back to the parent subcommittee no later than the next meeting of that subcommittee.

4.2 Appointment of Co-Chairs

The Chair of the NRSC full committee shall be appointed jointly by the CEA Technology & Standards VP and the NAB Science & Technology Senior VP. At their option, they may decide to appoint Co-Chairs, with one being appointed by CEA and one by NAB.

Subcommittee Co-Chairs shall be appointed by the NRSC Co-Chairs and NRSC staff, with approval from the CEA Technology & Standards VP and the NAB Science & Technology Senior VP who, at their option, may direct appointment of Co-Chairs, with one being approved by CEA and one by NAB.

Appointment as Co-Chair attaches to a specific individual rather than a company. There are no limits on the length of time an individual can serve as committee or subcommittee Co-Chair; however, each appointment as Co-Chair is subject to annual reaffirmation.

4.3 Responsibilities of Co-Chairs

The Co-Chairs of a committee, subcommittee, working group or task group are responsible for the conduct of group activities in accordance with the procedures prescribed in this Manual and the CEA Legal Guides, and consistent with the committee scope. Additionally, each Co-Chair is responsible for overseeing subelements operating under that group's auspices.

Co-Chairs of NRSC groups are encouraged to obtain representation of affected interest categories under their jurisdiction and to avoid domination by any one group. In defining the interest categories appropriate to a standards activity, consideration shall be given to at least the following: producer; user; and general interest. Producers are formulating group members that supply consumer electronics equipment. Users are members that utilize consumer electronics equipment to provide services to an end user. General Interest members are neither producers nor users. This category includes, but is not limited to, regulatory agencies.

5 MEMBERSHIP ELIGIBILITY CRITERIA

Membership in the NRSC full committee and its subcommittees, working groups, etc., is open to organizations with a direct and material interest in a matter within the respective jurisdiction of these groups. Membership in CEA or NAB is not a requirement for participation. Government representatives may also participate as described in Section 5.1.2, and liaison representatives may participate as described in Section 5.1.3. Any disputes pertaining to membership eligibility shall be resolved by the CEA Technology & Standards VP and the NAB Science & Technology Senior VP, or their respective designees.

Participating individuals should be technical personnel. Under some circumstances, eligibility for membership may be limited by circumstances beyond CEA's and NAB's control, such as government regulations, etc. Any questions concerning eligibility shall be referred to CEA and NAB staff.

Any company or organization desiring to participate on a formulating group shall notify CEA and NAB staff in writing. CEA and/or NAB staff will then inform the party of the fees involved, if any, and the procedure to follow for participation. The requirements to maintain voting rights will also be provided.

For a formulating group to work effectively, all interest categories should be represented, and no interest category shall be intentionally excluded. Because standards development depends on consensus rather than the will of a majority, participation in the consensus-building process is of far greater significance than the final act of voting in a formulating group.

5.1 Member Organizational Types

Formulating group member organizations may be companies, government agencies, trade associations, professional societies or technical institutions.

5.1.1 Companies

Membership in the NRSC full committee and its subcommittees is vested in companies/organizations requesting membership regardless of CEA or NAB membership. All companies not members of CEA nor NAB will be charged a non-member participation fee per formulating group (i.e. subcommittee) per year. Companies that are not members of any NRSC subcommittee may request membership in the NRSC full committee, and all companies not members of CEA nor NAB will be charged an annual non-member participation fee.

A company is placed on a subcommittee list (and considered a subcommittee member) upon written request, including the rationale for participation, on company letterhead stationary, and upon satisfactory payment of the non-member participation fee, if required.

A company is placed on the NRSC full committee list and exercises full NRSC full committee membership privileges either by becoming a member of an NRSC subcommittee, or by requesting membership in the NRSC full committee in writing, including the rationale for participation, on company letterhead stationary. There are no attendance requirements for participation in the activities of the NRSC full committee.

Companies that have met eligibility and fee requirements shall designate appropriate participating representatives (as shown on the formulating group list) to receive committee information. Representatives who attend a formulating group meeting are considered to be acting for their respective companies/organizations in developing an industry position on issues before such formulating groups. Any company/organization is limited to one vote on any single formulating group.

5.1.2 Government Entities

CEA and NAB desire and encourage the active participation in its activities of all parties having a direct and material interest in its standards, guidelines, and reports, including U.S. federal, state, and local government entities when they have a direct and material interest.

Contribution to NRSC projects may take the form of liaison with appropriate formulating groups, participation in the open balloting of proposals, or active participation in formulating groups.

Agencies at all levels of U.S. federal, state, and local government are encouraged to observe standards development activities when they have a direct and material interest in the standards work and are willing and able to commit to full and consistent participation. When a government entity chooses to participate in a formulating group as an observer, entitling those representatives to all formulating group-related correspondence, all fees are waived. The level of active participation by such government representatives will be reviewed periodically, and the representatives may be removed for non-participation.

When a U.S. government department or independent agency requests voting status on a formulating

group, such status will be granted and fees waived. The number of such memberships shall be limited to not more than 10% of the total voting membership on any formulating group.

5.1.3 Liaison Organizations

Formulating group Co-Chairs may appoint liaison representatives from other trade associations, professional societies or technical institutions, such as universities and independent research centers, when appropriate. Liaison arrangements are usually made on a reciprocal basis. A liaison representative has full privileges of participation in formulating group activities and may be designated as an observer or voting member at the discretion of the CEA Technology & Standards VP, and the NAB Science & Technology Senior VP. Non-member participation fees will be waived when a reciprocal arrangement exists.

5.2 Fees

All companies/organizations requesting membership in the NRSC full committee or an NRSC subcommittee that are neither CEA nor NAB members will be charged a non-member participation fee per formulating group (i.e. subcommittee) per year. The CEA Technology & Standards VP and NAB Science & Technology Senior VP may, on a case-by-case basis, elect to waive this fee.

Any fees paid for membership in the NRSC full committee will be credited towards the required fees for a subcommittee membership, should a full committee-only member elect to join a subcommittee. This crediting of the full committee membership fee will only apply towards the first subcommittee joined.

6 VOTING

Any employee or representative of a formulating group member may be designated by their organization to exercise formulating group membership privileges, including voting, on behalf of that organization. Only one such representative may vote, per the requirements of Section 5.1.1 above. It is the organization's responsibility to coordinate its vote. A majority of those voting¹ shall determine the outcome of all votes, except where otherwise noted in this manual. For example, a two-thirds majority is required to adopt an NRSC Standard or NRSC Guideline.

6.1 Obtaining Voting Status

To obtain voting status on a formulating group, a member shall be represented at two consecutive meetings and be present at the third consecutive meeting. Voting privileges are obtained at the beginning of the third consecutive meeting. If no representative of that member is present at the third meeting, voting privileges will not be granted.

This rule does not apply to voting in the first two meetings of a newly created formulating group. All members of the new formulating group shall have voting rights at the first two meetings. At the third meeting, companies that were NOT represented at both of the first two formulating group meetings shall lose their voting rights. Thereafter, normal rules for obtaining voting rights apply. This rule does not apply to votes taken within the NRSC full committee at any time.

6.2 Maintenance of Voting Status

¹ To calculate a vote tally: #Yes/(#Yes + #No)

Maintenance of voting status depends upon the formulating group member's active participation in the work program.

The criterion for removal of a formulating group member from voting status is the member's absence from two consecutive meetings. Attendance shall be determined by the attendance roster for each meeting, as reflected in the Minutes of that meeting. A copy of the formulating group list with present attendance information and voting status shall be reflected in the Minutes of each meeting of the group. Failure to return a ballot shall count as an absence from a meeting; however, returning a ballot does not count towards maintenance of voting status.

When a member holding voting status in a formulating group has gone unrepresented for two consecutive meetings, voting privileges are automatically revoked.

CEA or NAB staff shall notify the member of its failure to meet minimum participation requirements and shall remove the member and its representative(s) from the voting membership. On a case-by-case basis, the Co-Chairs and CEA and NAB staff may excuse failure to attend, for cause, as requested in writing prior to the meeting. CEA or NAB staff shall note in the Minutes that an absence was excused.

Reinstatement of voting privileges requires a resumption of active participation in the formulating group's work by the member, and occurs after attendance at two consecutive meetings. Voting privileges are reinstated at the beginning of the third consecutive meeting. If no representative of that member is present at the third meeting, voting privileges will not be reinstated.

Formulating group Co-Chairs, with the assistance of CEA and NAB staff, are required to enforce the rules governing maintenance of voting status.

The rules described in this section (6.2) do not apply to voting within the NRSC full committee. All NRSC member companies or organizations who have paid their non-member participation fee (if required) and otherwise fulfill the requirements for membership as described in Section 5.1 will automatically maintain full voting status for votes taken within the NRSC full committee. All votes taken by the NRSC full committee are subject to final review and ratification by the NRSC Executive Committee.

6.3 Multiple Votes

No individual may vote or cast a ballot on behalf of more than one formulating group member. No proxy or absentee ballots will be allowed. Members who are unable to participate in formulating group meetings may provide nonbinding comments in advance of the meeting. Such comments shall not be counted as attendance at a meeting.

6.4 Voting by proponent partners/investors

During NRSC activities in which competing technologies are being tested and evaluated (whether or not those activities are expected to result in the development of a standard), NRSC members shall inform CEA and NAB staff of any substantial partnerships with or substantial investment interests they have in the proponent technology being offered to the NRSC for consideration.

In those instances where such partnership or investment interests exist, NRSC members so involved will be considered representatives of the proponent company for voting purposes on any vote which has a bearing upon the NRSC's evaluation of those technologies. This means that during any applicable vote, the NRSC's "One Company (Organization)/One Vote Rule" (see Section 9.11) will apply to the proponent (if the proponent is an NRSC member) and their NRSC member partner/investors, such that only one vote may be cast on behalf of these parties.

7 OPERATIONS

7.1 General

Development of NRSC Standards, Guidelines, Reports, and other NRSC activities is conducted through its formulating groups and subelements with the assistance of CEA and NAB staff. Efforts shall be made to encourage member participation, conduct the work of these groups in an efficient fashion, and maintain due process.

It is the responsibility of the formulating group Co-Chairs to maximize productivity during each meeting. This includes following the agenda, and keeping discussion on point. Meetings may be conducted on a formal or informal basis, at the discretion of the Co-Chairs.

When any formulating group or subelement has become inactive, the group's continued existence shall be reviewed by the parent body.

Every effort shall be made to conduct the business of formulating groups via electronic means. In most cases, this means distributing correspondence and other relevant information via e-mail or facsimile. When standards- or guidelines-related information is distributed via e-mail:

- a single identifiable master copy of an electronic document shall be maintained, either by CEA or NAB staff or a designated document custodian;
- CEA or NAB staff shall maintain adequate records and audit trails of electronic ballot distributions, similar to those maintained for hard copy distributions.

7.2 Meetings

CEA and NAB recognize the resources, both time and financial, associated with participation in standards development efforts. To ensure continued progress, while minimizing costs, efforts should be made to conduct standardization activities via e-mail or teleconference.

When face-to-face meetings are scheduled, formulating groups and Co-Chairs should consider location convenience, travel and other meeting costs, as well as appropriateness of facilities, when recommending meeting locations. Every effort should be made to secure a member as a meeting host. Except in unusual or extenuating circumstances, provisions should be made to allow those members unable to travel to the meeting location to attend by teleconference. Potential face-to-face meeting locations, and associated requirements, include:

- NAB conference rooms. NAB conference rooms are available on a space available basis, and NAB staff will ensure that appropriate arrangements are made;
- CEA conference rooms. CEA conference rooms are available on a space available basis, and CEA staff will ensure that appropriate arrangements are made;
- Company facilities. Companies hosting such meetings may underwrite reasonable costs associated with the meeting. Gifts and other promotional items of value should not be given to attendees. Requirements for security clearances for attendees should be minimized or avoided;
- Hotels or other commercial properties. When it is necessary to schedule a meeting that involves costs to the NRSC, only NAB and CEA staff (as appropriate) shall contract with a hotel for meeting room space and related services. In addition, the sponsoring company(ies) should work in conjunction with the Co-Chairs and CEA and NAB staff to ensure that notices and facilities are appropriate for the group.

7.2.1 Notices

Every effort should be made to provide notice of a subcommittee or NRSC full committee meeting to members sufficiently in advance to allow maximum member participation. This meeting notice shall

include the phone and email contacts of the subcommittee or NRSC full committee Co-Chairs and responsible NRSC staff. A meeting notice should also be posted to the NRSC web site, and should include a preliminary agenda.

In the case of face-to-face formulating group meetings, CEA or NAB staff should issue meeting notices at least four weeks prior to the meeting date. The phone number and physical address of the meeting location shall also be included.

In the case of audio or video teleconferences, or virtual meetings, CEA or NAB staff should issue meeting notices at least one week prior to the meeting date.

7.2.2 Agendas

The formulating group or subelement Co-Chairs are responsible for generating the agenda and providing it to CEA or NAB staff in sufficient time for advance distribution. The formulating group or subelement shall draft a tentative agenda for the following meeting during the current meeting. The agenda shall include, at a minimum, the following elements:

- Time and place of the meeting or teleconference;
- Determination of whether a quorum is present (when appropriate);
- Any proposed voting items identified at the time the agenda is issued;
Note: Whether or not voting items are listed on the proposed agenda, a subcommittee or subelement may vote, provided: 1) a quorum is present; 2) the action that is the subject of the vote falls within the formulating group's or subelement's scope and authority; and 3) the action is in compliance with CEA Legal Guides. For votes on standards or guidelines, the provisions of Section 9.4.2 also apply.
- Significant items to be discussed;
- Determination of the next meeting date.

Participants, chairs and staff are encouraged to make reasonable efforts to identify agenda items prior to the start of meeting, and present those to participants in advance of a meeting. If a voting item is not included on the published agenda prior to a meeting, and a formulating group wishes to add a voting item to the agenda during the meeting, then:

- A quorum shall be present during the meeting;
- Two thirds of the voting members shall accept the voting item before it may be placed on the agenda for consideration; and,
- Two thirds of the voting members shall agree to the proposed action for the voting item to pass.

Note: If the proposed voting item is a vote on a standard, then the provisions of Section 9.4.2 also apply.

7.2.3 Quorum

For the purpose of conducting business at a formulating group meeting, a quorum consisting of a majority of formulating group members who have voting rights is required to take final action.

If a quorum is not present, no final action may be taken. While discussion may take place, and those present may make recommendations and develop material, such recommendations are subject to subsequent affirmation by a quorum of the formulating group.

7.2.4 Meeting Cancellation

CEA and NAB staff may cancel a scheduled meeting if:

- it is anticipated, with cause, that there will be no quorum for conducting business due to insufficient attendance;

- no Co-Chair or acting Chair will be available to conduct the meeting; or,
- an emergency or act of nature precludes attendance.

7.2.4.1 Notice of Cancellation

Notice of cancellation of a meeting shall be announced 14 days prior to the date of a face-to-face meeting, or one day prior to a teleconference date, except in cases of cancellation due to an emergency or act of nature. It is recommended that the latest technology be employed to expedite notice of cancellation of a meeting, for example, e-mail or telefacsimile.

7.2.4.2 Remedies for a Substitute Meeting

To expedite necessary group business, the Co-Chairs, in concert with designated CEA and NAB staff, may set and announce a new meeting date (with a revised agenda). The substitute meeting may take the form of a face-to-face meeting, a teleconference or virtual meeting, or the group may conduct its business by correspondence.

7.2.5 Conduct

Meetings shall be conducted in a manner accommodating due process considerations, the need to expedite the work of NRSC formulating groups, efforts to use group member and staff resources efficiently, and relevant legal considerations as defined in the current CEA Legal Guides. Formal meetings shall be conducted following Robert's Rules of Order.

General Guides Applicable to all CEA Activities shall be printed on the reverse side of the attendance roster distributed during each face-to-face meeting (see Annex A). Each attendee is requested to sign the attendance roster and thereby attest to familiarity with and adherence to these guides. For other meetings, appropriate electronic alternatives may be adopted with the approval of the CEA Technology & Standards VP and the CEA General Counsel, and the NAB Science & Technology Senior VP and the NAB General Counsel.

7.2.5.1 Patent Policy

Reasonable efforts shall be made to notify participants that they are required to identify relevant patents at the earliest point in standards development. These efforts shall include a call for intellectual property (IP) proffers on all draft standards. In addition, calls for disclosure may be made during meetings. Requirements in NRSC standards that are known to call for use of a patented item or process may not be considered by formulating groups unless all of the relevant technical information covered by the patent or pending patent is known to the formulating group, and the responsible Co-Chairs and CEA and/or NAB Engineering staff have received a statement from the patent applicant or holder indicating compliance with the NRSC intellectual property rights policy by stating one of the following:

- 1) a license shall be made available without charge to applicants desiring to use the patent for the purpose of implementing the standard(s) under reasonable terms and conditions that are demonstrably free of any unfair discrimination, or
- 2) a license shall be made available with charge to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

In either event, the statements from the patent holders shall be submitted to the CEA and NAB General Counsels for review. Neither CEA nor NAB have the expertise to evaluate each patent, application or license, and relies on the applicant's or holder's statement.

7.2.5.2 Copyrighted Material

If, in developing an NRSC Standard, Guideline, or Report, a formulating group proposes to incorporate verbatim material from a publication copyrighted by another organization, it shall obtain written permission from the owner of the copyright for the NRSC to reprint the material, forward the letter granting permission to the CEA and NAB staff, and include an appropriate reference to such permission in the standard as a footnote.

If a formulating group proposes to incorporate verbatim material, in whole or in part, from an ISO/IEC standard, the Co-Chairs shall consult appropriate CEA and NAB staff for appropriate procedures and further details.

7.2.5.3 Audio/Video Recording

Audio or video recording of any portion of a meeting shall not be permitted by attendees under any circumstances, so as to foster open and uninhibited discussion among participants.

7.2.6 Minutes/Report

An NAB or CEA staff person, or their designee, shall at each meeting or teleconference serve as recording secretary for that meeting. The Minutes should include, at a minimum:

- a list of all individuals (and their respective affiliations) present;
- for formulating group meetings, an indication of whether the members of the group are present or absent, and their voting status for this meeting;
- for formulating group meetings, an indication of whether or not a quorum is present;
- a statement of all significant matters discussed, including any actions taken and with any reasons for such actions;
- a list of action items developed at the meeting and assigned individual(s); and
- references to where all documents discussed at the meeting have been archived.

Where votes are taken, the vote tallies, at a minimum, shall be recorded.

Those providing reports or making presentations during a meeting are encouraged to provide an electronic version of this information to the recording secretary on-site, or immediately following the meeting. This practice facilitates electronic distribution of Minutes.

To ensure that the business of a formulating group is conducted as efficiently as possible, Minutes should be drafted within two weeks after a meeting. Minutes should be approved first by responsible CEA and NAB staff, and the CEA and NAB Legal Counsels and then by the Co-Chairs, prior to distribution. If the Co-Chairs' approval is not forthcoming prior to distribution, Minutes shall reflect this information.

Upon approval, NRSC full committee, subcommittee, working group and task group meeting minutes shall be posted on the restricted access portion of the NRSC web page and notification shall be sent to the appropriate group. The NAB Science & Technology Senior VP and the CEA Technology & Standards VP shall review and approve any information regarding standards activities in the NRSC and its subcommittees and working groups before such information is distributed to any outside organization (see also Section 7.4). This does not include the distribution of information within the NRSC and its subcommittees and working groups or the normal procedures for creating standards under the NRSC Procedures Manual.

7.2.7 Attendance by non-members

Attendance at NRSC full committee, subcommittee, or other sub-group or working group meetings is open to all but members of the press.

7.2.8 Attendance by members of the press

In order to foster open and uninhibited discussions, representatives of the working press (including electronic media) are not permitted to attend any NRSC meetings.

7.3 Program of Work

Formulating group members should make every effort to maximize member participation and move a group's work toward completion, while observing the principles of due process. It is the responsibility of the Co-Chairs and CEA and NAB staff to ensure that the progress of a formulating group's program of work is monitored periodically, that formulating group resources are sufficient to accomplish this program of work, and that all formulating group members are encouraged to contribute.

7.3.1 Scope Identification

When a subcommittee, working group or task group is initiated, its scope shall be clearly defined by its parent body. Revisions in a formulating group's scope require the approval of the Co-Chairs of the parent body, and should be affirmed as soon as practical by the parent body.

7.3.2 Project Initiation

NRSC projects will usually culminate in the drafting of an NRSC Standard, Guideline, or Report. While it is useful to consider at the onset which of these outcomes is most likely, it is ultimately up to the formulating group to decide for each project which is most appropriate, and in some cases it will not be possible to make this determination until the project has reached an advanced stage. For example, in a project involving testing and evaluation of a new technology, it may not be possible to know whether that technology is a good candidate for standardization until testing is completed.

When it is not practical or possible to develop an NRSC Standard, formulating groups should consider whether the industry would benefit from development of an NRSC Guideline. While Guidelines do not establish specific and necessary normative requirements as do Standards, they can serve to guide the Industry as to preferred approaches or techniques.

The NRSC does not encourage or exclude the possibility of multiple standards for the same purpose. The CEA Legal Guides identify the purpose of standards as follows:

“CEA standards are designed to serve the public interest by eliminating misunderstandings between manufacturers and purchasers, facilitating interchangeability and improvement of products, and assisting the purchaser in selecting and obtaining with minimum delay the proper product for this particular need. Existence of such standards shall not in any respect preclude any member or non-member of CEA from manufacturing or selling products not conforming to such standards. [CEA Legal Guides, Part II, Section B]

In general, the marketplace is best served when one standard is recognized for a specific purpose. The use of one standard can reduce consumer confusion and contribute to economies of scale as well as

competition among users. However, situations may occur in which more than one standard covering one technical area becomes possible. These situations might result, for example, from a new technology in which more than one approach are supported.

When one or more formulating group(s) is considering the development of duplicative standards, several factors should be considered:

- Is there significant provider/user support for each of the proposed standards?
- How much overlap of purpose will result from separate standards (e.g., will there be uniqueness in application? Are there unique groups of potential users and/or providers?)
- Is the nature of the standard such that the standards accomplish the same purpose, do not increase confusion or reduce economies of scale (e.g., a measurement procedure)?
- Is it best to permit independent development of duplicative standards first, then to harmonize them after they are compelled, perhaps resulting in a better, more comprehensive standard?

With respect to harmonization, formulating groups, and where appropriate, their parent body should always attempt harmonization whenever possible.

When a subcommittee or subelement wishes to begin a project expected to result in development of an NRSC Standard or Guideline, the Co-Chairs of the parent body shall concur in the recommendation. The following information shall be presented for review:

- 1) a proposed project title;
- 2) a proposed scope for the proposed standard or guideline;
- 3) a justification and/or an explanation of the need for the proposed standard or guideline;
- 4) identification of the stakeholders likely to be directly impacted by the standard or guideline;
- 5) an initial listing of individuals committed to active participation in the project;
- 6) a work plan, including a proposed timeline for completion and an estimate of necessary formulating group and budgetary resources (if any); and,
- 7) a listing of related standards or guidelines, if any, and evaluation of potential scope conflicts (if any).

7.3.3 Project Monitoring

At a minimum, every two years each formulating group shall review the progress of the projects under its auspices. This review shall include those standards or guidelines due for reaffirmation, revision or rescission, as well as any standards that are approaching their five year life-span. Formulating groups should consider the extent of their current program of work, and evaluate proposed work items, in light of the formulating group and staff resources available to accomplish such work, and the extent of industry need for such work.

7.3.4 Project Completion/Removal

Every two years, or at other times, a formulating group may elect to recommend the deletion of an item from its program of work. Such recommendations shall be affirmed by a quorum of the parent body.

7.4 Correspondence

The Co-Chairs or the cognizant CEA and NAB staff should initiate all correspondence with a CEA or NAB organizational unit or an external organization.

When the Co-Chairs communicate with a formulating group, efforts should be made to clarify whether the Co-Chairs are communicating in the capacity of Co-Chairs, or representing an individual company. When the Co-Chairs communicate as Co-Chairs, the correspondence:

- shall be on NRSC letterhead (for hard copy correspondence); or

- shall clearly indicate that it is from the Co-Chairs (for electronic correspondence);
- shall be co-signed (in addition to the signature of the Co-Chairs) by an NAB Science & Technology and a CEA Technology & Standards staff person.

In addition, prior to NRSC letterhead use by non-CEA or non-NAB employees, such as Co-Chairs, the substantive content of the communication shall first be approved by the department head or the cognizant CEA and NAB staff member (as appropriate).

It is the responsibility of cognizant CEA and NAB staff to maintain appropriate records of organizational group activities.

7.5 Legal Guidance

The CEA Legal Guides shall govern all standards development activities conducted by NRSC formulating groups. Copies of the CEA Legal Guides are available on request from CEA Technology & Standards staff or on the CEA web site (www.ce.org). Annex A contains an excerpt from the CEA Legal Guides.

8 NRSC STANDARDS, GUIDELINES AND REPORTS

8.1 NRSC Standards

An NRSC Standard is a document that establishes engineering and technical requirements for processes, procedures, practices or methods that have been adopted by consensus. NRSC Standards may also be established for selection, application and performance criteria for material. An NRSC Standard is normative in nature, however usage of NRSC Standards is voluntary.

The development process for an NRSC Standard is described in Section 9. NRSC Standards are subject to a five-year review cycle.

8.2 NRSC Guidelines

An NRSC Guideline is document that states specifications or criteria within terrestrial radio broadcast systems that are not strictly necessary for effective implementation and interoperability, but that the NRSC has determined to be advisable and may improve the efficiency of implementation or reduce the probability of implementation errors. An NRSC Guideline is informative, not normative, in nature.

The development process for an NRSC Guideline is the same as that for an NRSC Standard which is described in Section 9. As with NRSC Standards, NRSC Guidelines are subject to a five-year review cycle.

8.3 NRSC Reports

An NRSC Report is a document that describes the results of technical work, including technology surveys and evaluations, which are of benefit to the radio broadcast industry. NRSC reports may be either strictly informational or may include recommendations for further action, including development of NRSC Standards or Guidelines.

The development process for an NRSC Report is less formal than that for an NRSC Standard or Guideline. NRSC Reports are typically developed within a subelement of a formulating group, but only formulating groups may adopt NRSC Reports, by majority vote in accordance with NRSC voting procedures.

9 DEVELOPMENT OF NRSC STANDARDS AND GUIDELINES

The NRSC Standards and NRSC Guidelines development process is defined in this section and displayed in Figure 1 of the NRSC Procedures Manual.

9.1 Project Initiation

The provisions of Section 7.3.2 concerning project initiation apply to all standards and guidelines projects. A two-thirds majority vote of members present at an NRSC full committee meeting may recommend the development of a technical standards or guidelines proposal. Upon final direction from the NRSC executive committee, the NRSC Co-Chairs shall refer such work to the appropriate subcommittee.

9.2 Preparation

When initiating a standards or guidelines project, it is often helpful to accomplish the following tasks early in the process:

- Identify and involve likely participants as early in the process as possible.
- Review the project time line and agree, as a group, to milestones.
- Review basic NRSC document development procedures, including such items as the importance of separating “personal” from “company” positions, elements of due process and group operating procedures.
- Obtain relevant IPR and copyright releases.
- Assign a project editor and writers for each section of the draft.
- Establish a regular meeting schedule.

9.2.1 Normative References

Documents included in the Normative References section of a draft standard shall include reference to a specific version with a date. The citation shall provide sufficient information for reviewers/users to locate and acquire the document. If a document is included in the normative references section of a draft standard, either:

- a) the document shall be publicly available, free or at a reasonable cost; or
- b) where documents are not publicly available, a copy of the document shall be provided to CEA and NAB staff with appropriate authorization from the developer/copyright holder to distribute the document freely to reviewers of the standard.

NOTE: In b) above, the document shall be maintained in appropriate NRSC files for the published life of that revision of the standard.

9.2.2 Bibliography References

Documents that provide developmental or other informative information to reviewers of a draft standard or guideline, or users of a standard or guideline, may be included in a bibliography section. The citation shall provide sufficient information for reviewers/users to locate and acquire the document.

9.3 Draft Development and Review

The draft development and review process is conducted on an informal basis. The purpose of this process is to ensure that a document submitted for vote to the formulating group and, where appropriate, the committee Co-Chairs, reflects resolution of outstanding comments to the extent practical.

9.3.1 Formulating Group Review

A comment period (pre-vote) (CPP) is required prior to submission of a draft for vote by the formulating group. During a CPP, formulating group members are asked to submit written technical or editorial comments accompanied by suggested alternative language. The first CPP shall be a minimum of 14 days. Subsequent CPPs shall be a minimum of 7 days.

During the initial CPP, all sections of the document are subject to review and written comment. During subsequent CPPs, only those portions of the draft that have been the subject of previous comment, with or without revision, are subject to review and written comment. Those portions of the draft that are subject to review and comment shall be clearly indicated.

9.3.2 Response to CPP Comments

Comments submitted during the CPP are subject to comment resolution. If NRSC members' comments are accepted and reflected in a subsequent draft, distribution of a subsequent version of the document, either for informal review or for ballot, is sufficient acknowledgment of the comment. All comments submitted during the CPP shall be addressed before proceeding to 14-Day draft.

If NRSC members' comments are not accepted, the comments shall be addressed in one of the following ways, under direction of the formulating group Co-Chairs:

- Legal concerns are referred to CEA and NAB General Counsel for response;
- Document development process concerns are addressed by CEA or NAB staff;
- Scope concerns are addressed with appropriate formulating group and CEA and NAB staff input;
- Editorial or technical concerns receive a response indicating the reason for non-acceptance; and
- Vague comments are returned to the respondent requesting expeditious clarification.

Copies of all acknowledgments and correspondence with originators of comments shall be maintained by CEA and NAB staff for the published life of that version of the standard.

9.4 Release for Formulating Group Vote

A draft document may be released for formulating group vote either via ballot or for vote during a formulating group meeting (see Sections 9.4.1 and 9.4.2).

9.4.1 Ballot

If a draft document is to be submitted for ballot to the formulating group, the formulating group should indicate its consensus (either as a result of an informal review or during a formulating group meeting).

Note: At the formulating group Co-Chairs' discretion, the Co-Chairs may submit the proposed standard or guideline document to CEA and NAB staff for ballot without specific formulating group action. Examples include cases where a quorum is not present at a formulating group meeting, where the formulating group has not met, or, in general, where such action is necessary to expedite the standards/guidelines development

process.

Subsequently, the proposed NRSC Standard or NRSC Guideline shall be forwarded to CEA and NAB staff for release.

Upon review of the proposed standard or guideline document by CEA and NAB staff, a ballot will be added to the document and the ballot will be circulated for vote to all formulating group members, both voting and non-voting, with a minimum response period of thirty days (in cases where this is the first formulating group ballot on a proposed standard) or fifteen days (in cases where a proposed standard is being rebaloted).

Note: At the discretion of the formulating group Co-Chairs, the balloting period may be extended for an additional two weeks to achieve response from a quorum of voting formulating group members. If a quorum of voting formulating group members does not respond by the end of this two week period, the ballot fails, and the document may be resubmitted, with or without revision for ballot, or the project may be eliminated.

CEA and/or NAB staff shall provide written acknowledgment of ballot receipt, either:

- a) to individual balloters, as their ballots are received; or
- b) to the formulating group as a whole following the ballot closing date.

Note: In the event of a dispute concerning receipt date, it is the responsibility of the balloter to provide evidence that the ballot was sent prior to the closing date. Examples of this evidence may include, an email return receipt, or a fax confirmation sheet showing the date.

To encourage intra-company coordination, CEA or NAB staff shall also forward a list of formulating group members, and their individual representatives, receiving a copy of the ballot, indicating formulating group members' voting status.

Note: For ballot purposes, quorum shall be determined based on the number of voting members of a formulating group as of the date the ballot closes.

If all votes are accounted for prior to official closing date, the ballot shall be considered closed.

9.4.2 Meeting Vote

If a formulating group elects to vote on a proposed NRSC Standard or NRSC Guideline during a formulating group meeting, then it is highly desirable that this voting item be included when the agenda for the subject formulating group meeting is developed. As an alternative, the voting item shall be included on a subsequent, revised agenda circulated to formulating group members a minimum of 14 days prior to the subject formulating group meeting.

In addition, a draft of the proposed NRSC Standard or NRSC Guideline highlighting revisions proposed subsequent to the draft's last circulation to the formulating group shall be forwarded to formulating group members a minimum of 14 days prior to the formulating group meeting. This is known as the 14-day draft period.

Draft NRSC Standards or NRSC Guidelines presented to a formulating group for adoption, revision, reaffirmation, or withdrawal shall have completed at least one comment period (pre-vote) and at least one 14-day draft prior to the date of the vote.

9.5 Voting Options

Formulating group members and, where appropriate, the committee Co-Chairs have three options when

voting on a draft document as indicated in Sections 9.4.1 (ballot) and 9.4.2 (meeting vote).

9.5.1 NRSC Standard and NRSC Guideline Voting Options

Where the draft document is a proposed NRSC standard or NRSC Guideline:

- Yes: Indicating approval of the substance of the draft;
- No: Indicating disapproval of the substance of the draft; and
- Abstain: Indicating acknowledgement of the vote and expressing no opinion regarding the outcome.

Note: written comments are solicited during CPP. See Section 9.3.1.

9.6 Voting Tally

If the voting tally indicates that:

- A quorum of voting subcommittee group members has responded (this is not required for an NRSC full committee vote); and
- 2/3 or more of those voting² approve (see exceptions below); and
- the subcommittee Co-Chairs approves to publish

then the document is accepted and submitted for further processing as an NRSC standard or NRSC Guideline.

9.7 Reballotting

In either of the following cases:

- A quorum of voting subcommittee group members does not vote (this does not apply to an NRSC full committee vote); OR
- Less than 2/3 of those voting³ approve

the draft document shall be processed as indicated:

If a quorum of subcommittee group members does not vote, then the document shall be:

- revised and resubmitted for vote (see Section 9.4); OR
- resubmitted for vote without change (see Section 9.4); OR
- the project shall be eliminated.

If less than the required number of approval votes is received, then the document shall be:

- revised and resubmitted for vote (see Section 9.4); OR
- the project shall be eliminated.

9.8 Approval Requirements

Following approval, and with approval to publish from the committee Co-Chairs, the draft standard may be forwarded to the NRSC Executive Committee for subsequent approval. The NRSC Executive Committee may review and approve all Standards Proposals for publication as NRSC standards, acting as a procedural review body.

² See footnote 1.

³ See footnote 1.

As a final step before publication, the draft standard shall be referred to NAB and CEA legal counsel for final procedural due process review and approval.

9.9 Reaffirmation, Revision, or Rescission of Standards and Guidelines

Not later than five years after the publication date of an NRSC Standard or NRSC Guideline, or after the date of its latest revision or reaffirmation, a formulating group (the one that created the standard or, if it is no longer in existence, another formulating group identified by the NRSC) shall initiate action to:

- reaffirm that a review resulted in a decision that the technical content is valid and does not need change;
- revise the standard or guideline to incorporate additional language or delete language that will change its technical content or meaning; or
- rescind the standard or guideline following determination that the technical content is no longer of value.

Note: Reaffirmation, revision and rescission require that a proposal be developed and processed in the same manner as that of a new proposed NRSC standard or guideline.

9.9.1 Procedures to Initiate Action

Since NRSC rules require that NRSC Standards and NRSC Guidelines must be revisited every five years, approximately one year before the anniversary date CEA and/or NAB staff will notify the formulating group Co-Chairs that the formulating group shall undertake reaffirmation, revision, or rescission of the standard or guideline. Where appropriate, the Co-Chairs will be provided with a summary of all comments not incorporated into the standard during its previous development period.

9.9.2 Procedures for Revision

The process for revising an NRSC Standard or an NRSC Guideline is similar to the development of a new standard or guideline in that consensus shall be reached on changes to the technical content or meaning of the standard or guideline. Usually the revision takes the form of a complete revision and reissuance of the standard or guideline.

Note: When additional technical requirements need to be added to an existing standard or guideline without changing the previously published requirements or recommendations, or when only one or two portions of a large existing standard or guideline need to be revised, a formulating group may propose an addendum instead of a complete revision. When the standard or guideline is next revised, the addendum is incorporated in the revision.

When a revision of an NRSC Standard or NRSC Guideline is approved, it will be reprinted with the same NRSC number, but with a suffix revision letter. The date carried on the front cover of the revised standard or guideline will be the date of the revision. When issued, an addendum will carry the same number as the standard or guideline, followed by a dash and a numerical suffix.

9.9.3 Procedures for Reaffirmation

A formulating group or the formulating group Co-Chairs shall recommend reaffirmation of an NRSC Standard or NRSC Guideline if it finds the technical content is still valid and does not require change. Reaffirmation shall be accompanied without any substantive change to the main text of the standard or guideline.

Reaffirmation requires that the procedures for the development of a new NRSC standard or guideline be followed (for example, CPP and 14-day draft).

9.9.4 Procedures for Rescission

A formulating group or the formulating group Co-Chairs shall recommend rescission of an NRSC Standard or NRSC Guideline if it determines that the standard or guideline is no longer required to meet the purpose for which it was written.

Rescission requires that the procedures for the development of a new NRSC standard or guideline be followed (for example, CPP and 14-day draft).

9.10 Consensus Development

NRSC Standards and NRSC Guidelines shall be produced by consensus, i.e. work shall continue until substantial agreement is reached by the formulating group members. Although unanimity is desirable, it is not required to produce a work product. Consensus is achieved through a process of discussion, correspondence, draft contributions, and revision, all leading to the final result.

9.11 One Company (Organization)/One Vote Rule

NRSC policy limits voting on standards and guidelines to one vote per company or organization. When like votes (all yes or all no) are received from more than one individual representing the same company or organization, they shall be counted as one vote. When unlike votes (yes and no) are received from more than one individual representing the same company or organization, the formulating group Co-Chairs or a designated representative shall contact the company or organization, and request that they consolidate and resolve their differing votes and comments, withdrawing the ballots which do not represent the consolidated company or organization position.

Should the company or organization fail to consolidate its vote, then the company's or organization's votes shall be counted as one vote determined by the majority of votes (yes or no) cast by the company or organization representatives, or as an abstention if the number of yes and no votes cast by the company or organization representatives is equal.

9.12 Editorial Changes in an Approved Standard or Guideline

Full editorial privilege shall be accorded to the CEA and NAB staff. Editorial revisions may be incorporated into an NRSC standard or NRSC Guideline following vote without further formulating group review. Editorial revisions following the vote shall not be substantive. A substantive change is one that directly and materially affects the use of the standard or guideline.

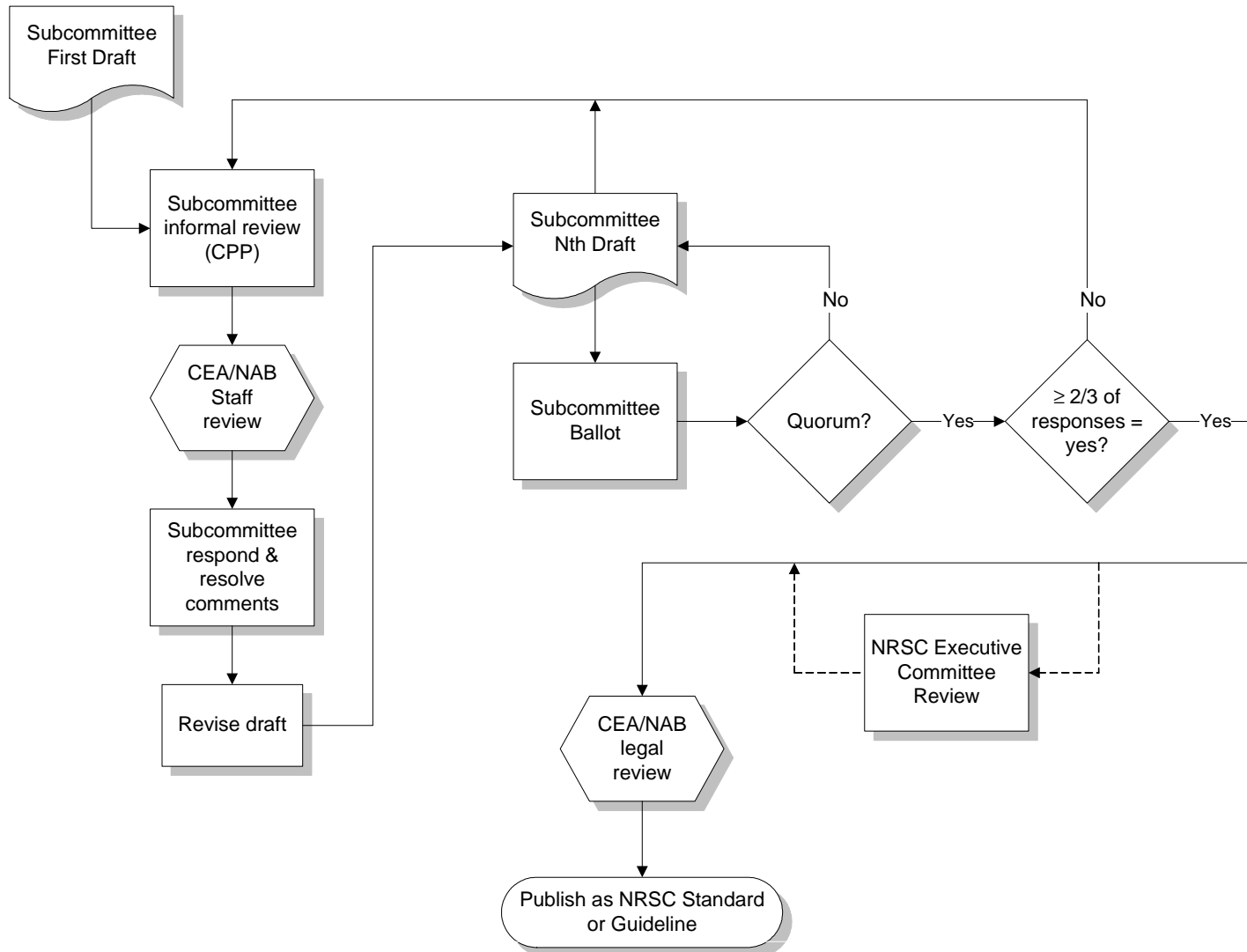


Figure 1. NRSC Standards and Guidelines Development Process

10 APPEALS

All appeals related to NRSC Standards, NRSC Guidelines, and NRSC Reports are initially directed to the CEA and NAB Staff. The provision for appeals is important for the protection of all parties involved within the NRSC document development process. An appeals mechanism safeguards both those who are directly and or materially affected by the process and the standards developing organization. The following appeals procedures shall be used for actions taken within the NRSC for the development of these NRSC documents.

10.1 Right of Appeal

Persons who have directly and or materially affected interests and who have been or will be adversely affected by an NRSC Standard, Guideline, or Report within the NRSC jurisdiction have the right to appeal substantive or procedural actions or inactions of the NRSC, NRSC formulating groups, working groups or the CEA and/or NAB staff.

The burden of proof to show an adverse effect shall be on the appellant. Appeals shall be directed to the CEA Technology & Standards Vice President and NAB Science & Technology Senior Vice President in accordance with the appeals procedure as defined in this section.

10.2 Criteria for Appeals Mechanism

The following general criteria are encompassed in these appeals procedures:

- a) Appeals shall be addressed promptly and a decision made expeditiously;
- b) The right of the involved parties to present their cases shall not be denied;
- c) These procedures shall provide for participation by appealing parties without imposing an undue burden on them;
- d) Consideration of appeals shall be fair and unbiased and shall fully address the concerns expressed; and
- e) Records of appeals shall be kept and made available upon request. The NRSC may levy an appropriate charge to cover the cost of reproduction, handling, and distribution for requests received from other than the involved parties.

10.3 Appeals Procedures

10.3.1 Complaints

The appellant shall file a written complaint with the CEA Technology & Standards Department and NAB Science & Technology Department (attn. Vice President and Senior Vice President, respectively) within 10 calendar days after the date of notification of the action being appealed or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the section(s) of the NRSC rules or the document(s) that are at issue, action(s) or instances of inaction that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

10.3.2 Response

Within 10 calendar days after receipt of the complaint, the respondent (formulating or working group Co-Chairs or CEA Technology & Standards Department or NAB Science & Technology Department representative) shall respond in writing to the appellant, specifically addressing each allegation of fact in

the complaint to the extent of the respondent's knowledge.

10.3.3 Hearing

If the appellant and the respondent are unable to resolve the written complaint informally, the CEA Technology & Standards Department Vice President and the NAB Science & Technology Department Senior Vice President shall schedule a hearing with an appeals panel on a date agreeable to all participants but within 14 calendar days of receipt of the response, giving at least 7 calendar days notice.

10.3.4 Appeals Panel

The appeals panel shall consist of three individuals who have knowledge of NRSC processes, who are deemed able to render impartial consideration of the issues under appeal and who knowingly and in good faith will not be materially or directly affected by any decision made or to be made in the dispute. CEA Technology & Standards Vice President shall select one panelist, NAB Science & Technology Senior Vice President shall select one panelist and the appellant shall choose the third panelist from a list of potential candidates suggested by CEA and NAB.

10.3.5 Summary Disposition

If two members of the appeals panel determine, on the basis of the complaint and the response, that the appeal is frivolous on its face, the appeal shall be dismissed with a statement of the reasons therefore. Such determination may be made by email or teleconference prior to the convening of the appeals hearing. In the event that the appeals panel elects to summarily dismiss the appeal prior to the convening of the appeals hearing, then the hearing need not be convened.

10.3.6 Conduct of Hearing

The appeals panel shall convene by teleconference or in CEA or NAB offices unless another mutually agreed site is selected. The appeals panel shall select a presiding officer from among its three members.

The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The CEA Technology & Standards Department and NAB Science & Technology Department has the burden of demonstrating that the NRSC entity in question acted in compliance with its operating procedures, and/or that the requested remedial action would be ineffective or detrimental. Each party may adduce other pertinent arguments, and members of the appeals panel may address questions to individuals.

10.3.7 Decision

The decision shall be arrived at by agreement of a majority of the appeals panel. The appeals panel shall render its decision in writing within 14 calendar days, stating findings of fact and conclusions, with reasons therefore, based on a preponderance of the evidence. A record of the appeals shall be kept by the NRSC Sponsors and made available to the involved parties.

Consideration may be given to the following positions, among others, in formulating the decision:

- a) Finding for the appellant, remanding the action to the responsible NRSC entity with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) Finding for the respondent with a specific statement of the facts that demonstrates fair and suitable treatment of the appellant and the appellant's objections;
- c) Finding that new, substantive evidence has been introduced, and remanding the entire action to the responsible NRSC entity for appropriate reconsideration.

If, for whatever reason(s), the appellant chooses to forego the process detailed above, the NRSC

Sponsors shall maintain all documents pertaining to NRSC attempts to resolve the matter at hand. These documents may be used in any further appeals proceedings.

10.3.8 Actions Pending Appeal Resolution

While an appeal is pending, no action shall be taken to publish the document. The formulating group may continue, however, the development process to remedy defects in or improve the quality of the document, subject to normal approval process.

ANNEX A EXCERPT FROM CEA LEGAL GUIDES (MANDATORY)

PART I GENERAL GUIDES APPLICABLE TO ALL CEA ACTIVITIES

This PART I includes general guides applicable to all Consumer Electronics Association activities. They are required to be read and followed by all members of CEA and staff, chairmen and members of all committees, sections, divisions, and other CEA-sponsored groups.

Section A. IMPROPER ACTIVITIES AND PROGRAMS

CEA activities or programs relating to any of the following subjects are improper and are not permitted:

(1) Restraint of Trade Agreements. The establishment of prices, production quotas, or uniformity of conduct, the allocation of customers or markets, standard terms or conditions of sale, boycotts, or other competitive restraints are improper activities. Therefore, any activities within, or in conjunction with, CEA meetings relating to any of these matters are improper and committee chairmen, staff, and participants should take affirmative action to assure that no such discussions are initiated or pursued.

(2) Prices and Pricing Policies. Any consideration or discussion of product prices or industry pricing policies is improper and therefore not permitted. This applies to all discussions and casual remarks relating to individual company prices, changes in prices, or general price levels whether involving formal or informal exchanges between participating representatives. Such discussions are improper and must be avoided.

(3) Terms and Conditions of Purchase and Sale. Any discussion at, or in conjunction with, CEA meetings of terms and conditions of purchase and sale, including but not limited to warranty and warranty periods, discounts, allowances, or terms of credit, or the formulation of uniform or standard terms and conditions of purchase for sale, uniform basing points or zoning prices, or the recommendation thereof for voluntary use by the membership also is improper and is prohibited. It is usually proper, however, to discuss and propose comments and recommendations to Government agencies relating general contract provisions, or modifications thereof, or other procurement practices or policies proposed or adopted by such agencies.

(4) Costs. Programs or activities involving the exchange of information relating to individual company costs of production or distribution and any formulas for computing such costs are improper. Discussions at CEA meetings of industry costs are normally not permitted.

(5) Future Plans. Programs involving the exchange of company information relating to future plans affecting the design, research and development, production, and distribution or marketing of products are also improper. Any discussion at CEA meetings relating to such programs are not permitted.

(6) Boycotting Customers or Products. Any activity involving the black-listing or boycotting of customers, competitors, suppliers, or others or establishment or patterns of uniform dealing is improper. Therefore, there shall be no activities relating to any form of boycotting or any activity which may be interpreted as such.

Section B. PROCEDURES FOR CONDUCTING ACTIVITIES

(1) Notices and Agendas. Notices and agendas for CEA meetings shall be prepared in advance and distributed prior to the date of the meeting. Agendas shall not include any subjects which are stated as improper for consideration or discussion under the rules established in these Legal Guides. All agendas otherwise shall be in conformity with rules established by the General Counsel or shall be specifically approved by him. Whenever feasible, background information which would be helpful in the consideration of items on the agenda should be distributed in advance of meetings.

(2) Conduct of Meetings. All meetings shall be conducted in such a way as to assure ample opportunity and freedom in the exchange of ideas and an equal voice in all decisions. Committee chairmen and CEA staff personnel shall make sure that all actions and discussions at meetings are kept within the bounds of proper CEA activity. Committee chairmen should immediately rule out or order discussion deemed improper or questionable under the policies set forth herein until the propriety of such discussion has been determined by the General Counsel. If any doubt exists concerning the propriety of a program, either from a legal or policy point of view, it shall not become final or effective until after review by the General Counsel. Committee chairmen should follow the published agenda and not depart therefrom except for a good and legitimate reason, in which event the minutes should record the

reasons for such departure.

(a) Voting in Committees. All Committees shall adopt rules consistent with these Guides to insure that each company represented shall be entitled to vote in a manner which will give equal weight to the vote of each company represented on the Committee, regardless of the number of representatives from any one company, if there should be more than one.

(3) Preparation and Review of Minutes. Detailed minutes of all meetings shall be taken and recorded. Minutes shall include the time and place of the meeting, a list of all committee members and non-members attending, a statement of all matters discussed and actions taken with appropriate reasons therefore, and a record of all voting.

All minutes of meetings shall be approved by the General Counsel before distribution. Upon approval, they should be distributed to all members of the committee and any other CEA members desiring or requesting copies.