

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
NATIONWIDE PROGRAMMATIC)	
AGREEMENT REGARDING THE)	WT Docket No. 03-128
SECTION 106 NATIONAL HISTORIC)	
PRESERVATION ACT REVIEW PROCESS)	
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ERRATA

Adopted: June 27, 2003

Released: July 1, 2003

By the Deputy Chief, Commercial Wireless Division:

These errata make the following changes to the *Notice of Proposed Rulemaking*, In The Matter of Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, FCC 03-125, released on June 9, 2003.

1. Paragraph 5 is amended to read as follows:

Finally, in conjunction with the proposed execution of the Nationwide Agreement, we propose to revise Section 1.1307(a)(4) of our rules.¹ Under Section 1.1307(a)(4), applicants are required to evaluate whether their proposed facilities may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places and, if so, to file an Environmental Assessment and obtain a Finding of No Significant Impact (or procure completion by the Commission of an Environmental Impact Statement) prior to construction.² The Note to Section 1.1307(a)(4) provides guidance as to how applicants should perform this evaluation consistent with the NHPA. In order to make clear that the procedures in the Nationwide Agreement will be binding on applicants, and that non-compliance with these procedures would subject a party to potential enforcement action by the Commission, we propose to amend Section 1.1307(a)(4) by deleting the Note and adding the following language to the text:

¹ 47 C.F.R. § 1.1307(a)(4).

² *Id.*; see also 47 C.F.R. §§ 1.1308, 1.1311.

The National Register is updated and re-published in the FEDERAL REGISTER each year in February. To ascertain whether a proposed action may affect properties that are listed or eligible for listing in the National Register of Historic Places, an applicant shall follow the procedures set forth in the rules of the Advisory Council on Historic Preservation, 36 C.F.R. Part 800, as modified and supplemented by the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, Appendix B to Part 1 of this Chapter, and the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission, Appendix C to Part 1 of this Chapter.

2. Appendix C (“Proposed Rules”) is amended to read:

Subpart I of Part 1 of 47 CFR is proposed to be amended as follows:

Revise § 1.1307(a)(4) to read as follows:

§1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

(a)* * *

(4) Facilities that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places. (See 16 U.S.C. 470w(5); 36 CFR 60 and 800.) The National Register is updated and re-published in the FEDERAL REGISTER each year in February. To ascertain whether a proposed action may affect properties that are listed or eligible for listing in the National Register of Historic Places, an applicant shall follow the procedures set forth in the rules of the Advisory Council on Historic Preservation, 36 C.F.R. Part 800, as modified and supplemented by the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, Appendix B to Part 1 of this Chapter, and the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission, Appendix C to Part 1 of this Chapter.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey S. Steinberg
Deputy Chief,
Commercial Wireless Division
Wireless Telecommunications Bureau