PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU INVITES COMMENT ON DRAFT ENVIRONMENTAL NOTICE REQUIREMENTS AND INTERIM PROCEDURES AFFECTING THE ANTENNA STRUCTURE REGISTRATION PROGRAM

WT Docket No. 08-61
WT Docket No. 03-187

Comment Date: [30 days after publication in the Federal Register]

In this Public Notice, we invite comment, pursuant to the rules of the Council on Environmental Quality (CEQ), on draft rules and interim procedures designed to ensure that the environmental effects of proposed communications towers, including their effects on migratory birds, are fully considered prior to construction. These draft rules and procedures are intended to further the Commission's implementation of the National Environmental Policy Act (NEPA)[1] while preserving the ability of communications providers rapidly to offer innovative and valuable services to the public.

Under CEQ's rules, before adopting procedures implementing NEPA an agency must publish its draft procedures in the Federal Register for comment, and CEQ must determine that the procedures conform with NEPA and CEQ's regulations.[2] We issue this Public Notice in order to seek public comment in compliance with those requirements.[3]

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[1] 42 U.S.C. § 4321 *et seq.*

[2] 40 C.F.R § 1506.6(a) (agencies shall "[m]ake diligent efforts to involve the public in preparing and implementing their ... [NEPA] procedures"); 40 C.F.R § 1507.3(a) ("Each agency shall consult with [CEQ] while developing its procedures and before publishing them in the Federal Register for comment. ... The procedures shall be adopted only after an opportunity for public review and after review by [CEQ] for conformity with [NEPA] and [CEQ's] regulations."); *see also* Memorandum from Nancy H. Sutley, Chair, Council on Environmental Quality, to Heads of Federal Departments and Agencies, "Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act," dated November 23, 2010, at 10-12, http://ceq.hss.doe.gov/ceq_regulations/NEPA_CE_Guidance_Nov232010.pdf.

[3] Notice and comment regarding these draft rules and procedures is not required under the Administrative Procedure Act because the draft rules would change only the Commission's procedures governing the submission of certain applications. *See* 5 U.S.C. § 553(b)(A), providing an exception for "rules of agency ... procedure" to the requirement that federal agencies prior to the adoption of a rule must provide the public with notice and the opportunity to comment. For the same reason, the draft rules do not require the preparation of a Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 603.

The draft rules and procedures respond to the decision of the Court of Appeals for the District of Columbia Circuit in *American Bird Conservancy v. FCC*.[4] In *American Bird Conservancy*, the court held that the Commission's current antenna structure registration (ASR) procedures impermissibly fail to offer members of the public a meaningful opportunity to request an Environmental Assessment (EA) for proposed towers that the Commission considers categorically excluded from review under NEPA.[5] The notification process included within the draft rules would address that holding of the court. The draft procedures also include provisions consistent with a Memorandum of Understanding among representatives of communications providers, tower companies, and conservation groups.[6]

Under the draft rules and procedures attached to this Public Notice:

- Prior to the filing of an ASR application for a new antenna structure, members of the public would be given an opportunity to comment on the environmental effects of the proposed construction. The applicant would provide notice of the proposal to the local community, and the Commission would post information about the proposal on its website. Commission staff would consider any comments received from the public to determine whether an EA is required for the tower.

- EAs for those registered towers that require EAs would be filed and considered by the Commission prior to the filing of an ASR application. Those EAs are currently filed at the same time as either the ASR application or a service-specific license or permit application.

- On an interim basis pending completion of the ongoing programmatic environmental analysis of the ASR program, an EA would be required to be filed for each proposed registered tower more than 450 feet in height to address its potential impact on migratory birds. Staff would review the EA to determine whether the tower would have a significant environmental impact.

Ex Parte Presentations. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.

Comment Filing Procedures. Interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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[4] 516 F.3d 1027 (D.C. Cir. 2008) (*American Bird Conservancy*).

[5] *Id.* at 1035 (*citing* NEPA, 42 U.S.C. § 4321 *et seq.*).

[6] Memorandum of Understanding Concerning Interim Antenna Structure Registration Standards, submitted May 4, 2010 (MOU). The MOU is signed by the Infrastructure Coalition, consisting of CTIA—The Wireless Association, the National Association of Broadcasters, PCIA—The Wireless Infrastructure Association and the National Association of Tower Erectors, and by the Conservation Groups, consisting of the American Bird Conservancy, Inc., Defenders of Wildlife, and the National Audubon Society.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://fjallfoss.fcc.gov/ecfs2/ or the Federal eRulemaking Portal: http://www.regulations.gov.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

  Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Parties should send a copy of each filing to the Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to mania.baghdadi@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Filings and comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

Availability of Documents: Comments and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, S.W., CY-A257, Washington, D.C., 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

Wireless Telecommunications Bureau contact: Mania K. Baghdadi at (202) 418-2133 or by e-mail: mania.baghdadi@fcc.gov.

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Attachment
Draft Rules

Part 1 of the Commission's Rules is amended as follows:

PART 1 – PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. § 79 et seq.; 47 U.S.C. §§ 151, 154(j), 160, 201, 225, and 303.

2. Section 1.61 is amended by revising paragraph (a)(2) to read as follows:

§ 1.61 Procedures for handling applications requiring special aeronautical study.

(a) *****

(2) In accordance with § 1.1307 and § 17.4(c) of this chapter, the Bureau will address any environmental concerns prior to processing the registration.

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3. Section 1.923 is amended by revising paragraphs (d) and (e) to read as follows:

§ 1.923 Content of applications.

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(d) *Antenna Structure Registration.* Owners of certain antenna structures must notify the Federal Aviation Administration and register with the Commission as required by Part 17 of this chapter. Applications proposing the use of one or more new or existing antenna structures must contain the FCC Antenna Structure Registration Number(s) of each structure for which registration is required. To facilitate frequency coordination or for other purposes, the Bureau shall accept for filing an application that does not contain the FCC Antenna Structure Registration Number so long as (1) the antenna structure owner has filed an antenna structure registration application (FCC Form 854); (2) the antenna structure owner has provided local notice and the Commission has posted notification of the proposed construction on its website pursuant to § 17.4(c)(3) and (4) of this chapter; and (3) the antenna structure owner has obtained a Determination of No Hazard to Aircraft Navigation from the Federal Aviation Administration. In such instances, the applicant shall provide the FCC Form 854 File Number on its application. Once the antenna structure owner has obtained the Antenna Structure Registration Number, the applicant shall amend its application to provide the Antenna Structure Registration Number, and the Commission shall not grant the application before the Antenna Structure Registration Number has been provided. If registration is not required, the applicant must provide information in its application sufficient for the Commission to verify this fact.

(e) *Environmental Concerns.*

(1) Environmental processing shall be completed pursuant to the process set forth in § 17.4(c) of this chapter for any facilities that use one or more new or existing antenna structures for which a new or amended registration is required by Part 17 of this chapter. Environmental review by the Commission must be completed prior to construction.

(2) For applications that propose any facilities that are not subject to the process set forth in § 17.4(c) of this chapter, the applicant is required to indicate at the time its application is filed whether or not a Commission grant of the application for those facilities may have a significant environmental effect as defined by § 1.1307 of this chapter. If the applicant answers affirmatively, an Environmental Assessment, required by §1.1311 of this chapter, must be filed with the application and environmental review by the Commission must be completed prior to construction.

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4. Section 1.929 is amended by revising paragraph (a)(4) to read as follows:

§ 1.929 Classification of filings as major or minor.

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(a)*****

4) Application or amendment requesting authorization for a facility that may have a significant environmental effect as defined in § 1.1307 of this chapter, unless the facility has been determined not to have a significant environmental effect through the process set forth in § 17.4(c) of this chapter.

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5. Section 1.934 is amended by adding a new paragraph (g) to read as follows:

§ 1.934 Defective applications and dismissal.

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(g) *Dismissal for failure to pursue environmental review.* The Commission may dismiss license applications (FCC Form 601) associated with proposed antenna structure(s) subject to § 17.4(c) of this chapter, if pending more than 60 days and awaiting submission of an Environmental Assessment or other environmental information from the applicant, unless the applicant has provided an affirmative statement reflecting active pursuit during the previous 60 days of environmental review for the proposed antenna structure(s). To avoid potential dismissal of its license application, the license applicant must provide updates every 60 days unless or until the applicant has submitted the material requested by the Bureau.

6. Section 1.1307 is amended by adding a note to paragraph (d) that reads as follows:

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

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(d) *****

Note to paragraph (d). Pending a final determination as to what, if any, permanent measures should be adopted specifically for the protection of migratory birds, the Bureau shall require an Environmental Assessment for an otherwise categorically excluded action involving a new or existing antenna structure, for which an antenna structure registration application (FCC Form 854) is required under Part 17 of this chapter, if the proposed antenna structure will be more than 450 feet in height above ground level (AGL) and involves either: (1) construction of a new antenna structure; (2) modification or replacement of an existing antenna structure involving a substantial increase in size as defined in §

I(C)(1)-(3) of Appendix B to Part 1 of this chapter; or (3) addition of lighting or adoption of a less preferred FAA Lighting Style as defined in § 17.4(c)(1)(C) of this chapter. The Bureau shall consider whether to require an EA for other antenna structures subject to § 17.4(c) of this chapter in accordance with § 17.4(c)(8) of this chapter. An Environmental Assessment required pursuant to this note will be subject to the same procedures that apply to any Environmental Assessment required for a proposed tower or modification of an existing tower for which an antenna structure registration application (FCC Form 854) is required, as set forth in § 17.4(c) of this chapter.

Part 17 of the Commission's Rules is amended as follows:

PART 17 – CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

1. The authority citation for Part 17 continues to read as follows:

Authority: §§ 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303, Interpret or apply §§ 301, 309, 48 Stat. 1081, 1085, as amended; 47 U.S.C. §§ 301, 309.

2. Section 17.4 is amended by revising paragraph (c) to read as follows:

§ 17.4 Antenna structure registration.

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(c) Each prospective applicant must complete the environmental notification process described in this paragraph, except as specified in paragraph (c)(1) of this section.

(1) *Exceptions from the environmental notification process.* Completion of the environmental notification process is not required when FCC Form 854 is submitted solely for the following purposes:

(A) For notification only, such as to report a change in ownership or contact information, or the dismantlement of an antenna structure;

(B) For a reduction in height of an antenna structure or an increase in height that does not constitute a substantial increase in size as defined in § I(C)(1)-(3) of Appendix B to Part 1 of this chapter, provided that there is no construction or excavation more than 30 feet beyond the existing antenna structure property;

(C) For removal of lighting from an antenna structure or adoption of a more preferred FAA Lighting Style. For this purpose FAA Lighting Styles are ranked as follows (with the most preferred lighting style listed first and the least preferred listed last): FAA Style B (L-856), FAA Style D (L-865), FAA Style E (L-864/L-865/L-810), FAA Style C (L-856/L-865), FAA Style F (L-856 Day/L-864 Night and L-810) and FAA Style A (L-864/L-810). A complete description of each FAA Style and the manner in which it is to be deployed can be found at FAA, U.S. Dept. of Transportation, Advisory Circular: Obstruction Marking and Lighting, AC 70/7460-1K (Feb. 1, 2007);

(D) For replacement of an existing antenna structure at the same geographic location that does not require an Environmental Assessment (EA) under Sections 1.1307(a)-(d) of this chapter, provided the new structure will not use lights if the previous structure was unlighted, the new structure will not use a less preferred FAA Lighting Style, there will be no substantial increase in size as defined in § I(C)(1)-(3) of Appendix B to Part 1 of this chapter, and there will be no construction or excavation more than 30 feet beyond the existing antenna structure property;

(E) For any other change that does not alter the physical structure, lighting, or geographic location of an existing structure; or

(F) For construction, modification, or replacement of an antenna structure on federal land where another federal agency has assumed responsibility for evaluating the potentially significant environmental

effect of the proposed antenna structure on the quality of the human environment and for invoking any required environmental impact statement process, or for any other structure where another federal agency has assumed such responsibilities pursuant to a written agreement with the Commission. *See* § 1.1311(e) of this chapter.

(2) *Commencement of the environmental notification process.* The prospective applicant shall commence the environmental notification process by filing information about the proposed antenna structure with the Commission. This information shall include, at a minimum, all of the information required on FCC Form 854 regarding ownership and contact information, geographic location, and height, as well as the type of structure and anticipated lighting. The Wireless Telecommunications Bureau may utilize a partially completed FCC Form 854 to collect this information.

(3) *Local notice.* The prospective applicant must provide local notice of the proposed new antenna structure or modification of an existing antenna structure through publication in a newspaper of general circulation or other appropriate means, such as through the public notification provisions of the relevant local zoning process. The local notice shall contain all of the descriptive information as to geographic location, configuration, height and anticipated lighting specifications reflected in the submission required pursuant to paragraph (c)(2) of this section. It must also provide information as to the procedure for interested persons to file Requests for environmental processing pursuant to §§ 1.1307(c) and 1.1313(b) of this chapter, including any assigned file number.

(4) *National notice.* On or after the local notice date provided by the prospective applicant, the Commission shall post notification of the proposed construction on its website. This posting shall include the information contained in the initial filing with the Commission or a link to such information. The posting shall remain on the Commission's website for a period of 30 days.

(5) *Requests for environmental processing.* Any Request filed by an interested person pursuant to §§ 1.1307(c) and 1.1313(b) of this chapter must be received by the Commission no later than 30 days after the proposed antenna structure goes on notice pursuant to paragraph (c)(4) of this section. The Wireless Telecommunications Bureau shall establish by Public Notice the process for filing Requests for environmental processing and responsive pleadings consistent with the following provisions.

(A) *Service and pleading cycle.* The interested person or entity shall serve a copy of its Request on the prospective ASR applicant pursuant to § 1.47 of this chapter. Oppositions may be filed no later than 10 days after the time for filing Requests has expired. Replies to oppositions may be filed no later than 5 days after the time for filing oppositions has expired. Oppositions shall be served upon the Requester, and replies shall be served upon the prospective applicant.

(B) *Content.* An Environmental Request must state why the interested person or entity believes that the proposed antenna structure or physical modification of an existing antenna structure may have a significant impact on the quality of the human environment for which an Environmental Assessment must be considered by the Commission as required by § 1.1307 of this chapter, or why an Environmental Assessment submitted by the prospective ASR applicant does not adequately evaluate the potentially significant environmental effects of the proposal. The Request must be submitted as a written petition filed either electronically or by hard copy setting forth in detail the reasons supporting Requester's contentions.

(6) *Amendments.* The prospective applicant must file an amendment to report any substantial change in the information provided to the Commission. An amendment will not require further local or national notice if the only reported change is a reduction in the height of the proposed new or modified antenna structure; if proposed lighting is removed or changed to a more preferred FAA Lighting Style as set forth in paragraph (c)(1)(C) of this section; or if the amendment reports only administrative changes that are not subject to the requirements specified in this paragraph. All other changes to the physical structure, lighting, or geographic location data for a proposed registered antenna structure require additional local and national notice and a new period for filing Requests pursuant to paragraphs (c)(3), (c)(4), and (c)(5) of this section.

(7) *Environmental Assessments.* If an Environmental Assessment (EA) is required under § 1.1307 of this chapter, the antenna structure registration applicant shall attach the EA to its environmental submission, regardless of any requirement that the EA also be attached to an associated service-specific license or construction permit application. The EA may be provided either with the initial environmental submission or as an amendment. If the EA is submitted as an amendment, the Commission shall post notification on its website for another 30 days pursuant to paragraph (c))(4) of this section and accept additional Requests pursuant to paragraph (c)(5) of this section. However, additional local notice pursuant to paragraph (c)(3) of this section shall not be required unless information has changed pursuant to paragraph (c)(6) of this section. The applicant shall serve a copy of the EA upon any party that has previously filed a Request pursuant to paragraph (c)(5) of this section.

(8) *Disposition.* The processing Bureau shall resolve all environmental issues before the tower owner, or the first tenant licensee acting on behalf of the owner, may complete the antenna structure registration application. In a case where no EA is submitted, the Bureau shall notify the applicant whether an EA is required under § 1.1307(c) or (d) of this chapter. In a case where an EA is submitted, the Bureau shall either grant a Finding of No Significant Impact (FONSI) or notify the applicant that the proposal may have a significant environmental impact and further environmental processing is required pursuant to § 1.1308 of this chapter. Upon filing the completed antenna structure registration application, the applicant shall certify that the construction will not have a significant environmental impact, unless an Environmental Impact Statement is prepared pursuant to § 1.1314 of this chapter.

(9) *Transition rule.* An antenna structure registration application that is pending with the Commission as of [INSERT EFFECTIVE DATE OF RULE] shall not be required to complete the environmental notification process set forth in this paragraph. However, if such an application is amended in a manner that would require additional notice pursuant to paragraph (c)(6) of this section, then such notice shall be required.

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PART 22 – PUBLIC MOBILE SERVICES

1. The authority citation for Part 22 continues to read as follows:

Authority: 47 U.S.C. §§ 154, 222, 303, 309 and 332.

2. Section 22.143 is amended by revising paragraph (d)(4) to read as follows:

<u>§ 22.143 Construction prior to grant of application.</u>

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(d)*****

(4) For any construction or alteration that would exceed the requirements of § 17.7 of this chapter, the licensee has notified the appropriate Regional Office of the Federal Aviation Administration (FAA Form 7460-1), secured a valid FAA determination of "no hazard," and received antenna height clearance and obstruction marking and lighting specifications (FCC Form 854R) from the FCC for the proposed construction or alteration.

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PART 24 – PERSONAL COMMUNICATION SERVICES

1. The authority citation for Part 24 continues to read as follows:

Authority: 47 U.S.C. §§ 154, 301, 302, 303, 309 and 332.

2. Section 24.2 is amended by revising paragraphs (b) and (f) to read as follows:

§ 24.2 Other applicable rule parts.

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(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental requirements that, together with the procedures specified in § 17.4(c) of this chapter, if applicable, must be complied with prior to the initiation of construction. Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

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(f) *Part 17.* This part contains requirements for the construction, marking and lighting of antenna towers, and the environmental notification process that must be completed before filing certain antenna structure registration applications.

PART 25 – SATELLITE COMMUNICATIONS

1. The authority citation for Part 25 continues to read as follows:

Authority: 47 U.S.C. §§ 701-744. Interprets or applies Sections 4, 301, 302, 303, 307, 309, and 332 of the Communications Act, as amended, 47 U.S.C. § 154, 301, 302, 303, 307, 309, and 332.

2. Section 25.113 is amended by revising paragraph (a) to read as follows:

§ 25.113 Station licenses and launch authority

(a) Construction permits are not required for satellite earth stations. Construction of such stations may commence prior to grant of a license at the applicant's own risk. Applicants must comply with the provisions of 47 C.F.R. § 1.1312 relating to environmental processing prior to commencing construction. Applicants filing applications that propose the use of one or more new or existing antenna structures requiring registration under Part 17 of this chapter must also comply with any applicable environmental notification process specified in § 17.4(c) of this chapter.

3. Section 25.115 is amended by revising paragraph (c)(2)(vi)(A)(*4*) to read as follows:

§ 25.115 Applications for earth station authorizations.

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(c)(2)(vi)(A) ****

(*4*) The applicant has determined that the facility(ies) will not significantly affect the environment as defined in § 1.1307 of this chapter after complying with any applicable environmental notification procedures specified in § 17.4(c) of this chapter.

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PART 27 – MISCELLANEOUS WIRELESS COMMUNICATION SERVICES

1. The authority citation for Part 27 continues to read as follows:

Authority: 47 U.S.C. §§ 154, 301, 302, 303, 307, 309, 332, 336 and 337.

2. Section 27.3 is amended by revising paragraphs (b) and (f) to read as follows:

§ 27.3 Other applicable rule parts.

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(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; competitive bidding procedures; and the environmental requirements that, together with the procedures specified in § 17.4(c) of this chapter, if applicable, must be complied with prior to the initiation of construction. Subpart F includes the rules for the Wireless Telecommunications Services and the procedures for filing electronically via the ULS.

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(f) *Part 17.* This part contains requirements for the construction, marking and lighting of antenna towers, and the environmental notification process that must be completed before filing certain antenna structure registration applications.

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PART 80 – STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

Authority: 47 U.S.C. §§ 154, 303, 307(e), 309, and 332.

2. Section 80.3 is amended by revising paragraphs (b) and (e) to read as follows:

§ 80.3 Other applicable rule parts of this chapter.

(b) *Part 1.* This part includes rules of practice and procedure for license applications, adjudicatory proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental processing requirements that, together with the procedures specified in § 17.4(c) of this chapter, if applicable, must be complied with prior to the initiation of construction. Subpart Q of Part 1 contains rules governing competitive bidding procedures for resolving mutually exclusive applications for certain initial licenses.

(e) *Part 17.* This part contains requirements for the construction, marking and lighting of antenna towers, and the environmental notification process that must be completed before filing certain antenna structure registration applications.

PART 87 – AVIATION SERVICES

1. The authority citation for Part 87 continues to read as follows:

Authority: 47 U.S.C. §§ 154, 303, and 307(e).

2. Section 87.3 is amended by revising paragraphs (b) and (e) to read as follows:

§ 87.3 Other applicable rule parts.

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(b) *Part 1* contains rules of practice and procedure for license applications, adjudicatory proceedings, rule making proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental processing requirements that, together with the procedures specified in § 17.4(c) of this chapter, if applicable, must be complied with prior to the initiation of construction.

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(e) *Part 17* contains requirements for construction, marking and lighting of antenna towers, and the environmental notification process that must be completed before filing certain antenna structure registration applications.

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PART 90 – PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: 47 U.S.C. §§ 154(i), 11, 303(g), 303(r) and 332(c)(7).

2. Section 90.5 is amended by revising paragraphs (b) and (f) to read as follows:

§ 90.5 Other applicable rule parts.

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(b) *Part 1* includes rules of practice and procedure for the filing of applications for stations to operate in the Wireless Telecommunications Services, adjudicatory proceedings including hearing proceedings, and rule making proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental processing requirements that, together with the procedures specified in § 17.4(c) of this chapter, if applicable, must be complied with prior to initiating construction.

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(f) *Part 17* contains requirements for construction, marking and lighting of antenna towers, and the environmental notification process that must be completed before filing certain antenna structure registration applications.

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3. Section 90.129 is amended by revising paragraph (g) to read as follows:

§ 90.129 Supplemental information to be routinely submitted with applications.

(g) The environmental assessment required by §§ 1.1307 and 1.1311 of this chapter, if applicable. If an application filed under this part proposes the use of one or more new or existing antenna structures that require registration under Part 17 of this chapter, any required environmental assessment should be submitted pursuant to the process set forth in § 17.4(c) of this chapter rather than with the application filed under this part.