

§ 63.3

36 CFR Ch. I (7–1–02 Edition)

with the request, the Keeper of the National Register will provide to the State Historic Preservation Officer a copy of the request and will ask for his opinion on the property. If the Keeper does not receive the State Historic Preservation Officer's response within three weeks of the State Historic Preservation Officer's receipt of a letter from the Keeper requesting an opinion, the Keeper will proceed with the determination and will inform the agency that the State Historic Preservation Officer did not give an opinion. If the Keeper of the National Register determines that documentation submitted with the request is not sufficient to make a professional evaluation of the significance of the property, he will advise the agency in writing of the additional information needed. The Keeper of the National Register will respond to the agency's request within 45 days of receipt of documentation on the property requested by the Keeper.

§ 63.3 Procedures to be applied when the Agency and the State Historic Preservation Officer agree a property is eligible.

If during the consultation described in § 63.2(c), both the agency and the State Historic Preservation Officer agree that a property meets the Criteria, the Federal agency or the State Historic Preservation Officer shall forward to the Keeper of the National Register (a) a letter signed by the agency stating that the agency and the State Historic Preservation Officer agree that the property is eligible for inclusion in the National Register, and (b) a statement signed by the State Historic Preservation Officer that in his opinion the property is eligible for the National Register. Either the letter or the statement must contain substantive information on the property, including a description, specific boundaries, its significance under National Register Criteria, and an explanation of why the property is eligible for listing in the National Register. The Keeper of the National Register shall give written notice of his determination to both the agency and the State Historic Preservation Officer within 10 working days of receipt. If the property has not been accurately identified and evalu-

ated, the Keeper will inform the agency and the State Historic Preservation Officer within 10 working days and will recommend that the agency follow the process set forth at § 63.2. Notwithstanding such recommendation, the Federal agency or the Keeper of the National Register may consider the property eligible for the purpose of obtaining the Advisory Council on Historic Preservation's comments. Documentation concerning properties determined eligible for the National Register shall be kept on file by the agency and the State Historic Preservation Officer.

§ 63.4 Other properties on which determinations of eligibility may be made by the Secretary of the Interior.

(a) The Keeper of the National Register will make determinations of eligibility on properties nominated by Federal agencies under section 2(a) of Executive Order 11593 prior to returning the nominations for such properties to the agency for technical or professional revision or because of procedural requirements. Such determinations of eligibility will be made only if sufficient information exists to establish the significance of the property and its eligibility for the National Register.

(b) Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the FEDERAL REGISTER.

(c) If necessary to assist in the protection of historic resources, the Keeper, upon consultation with the appropriate State Historic Preservation Officer and concerned Federal agency, if any, may determine properties to be eligible for listing in the National Register under the Criteria established by 36 CFR part 60 and shall publish such determinations in the FEDERAL REGISTER. Such determinations may be made without a specific request from the Federal agency or, in effect, may reverse findings on eligibility made by a Federal agency and State Historic