insular Affairs of the united states house of representatives and not less than 30 nor more than 60 days shall be provided for the submittal of written comments on the proposed boundaries.

(2) the proposed boundary and any comments received thereon shall be submitted to the associated director for national register programs, NPS, who may approve the boundary without reference to the advisory board or the secretary.

(3) NPS will provide written notice of the approved boundary to the same parties specified in paragraph (d)(1) of this section and by publication in the federal register.

(4) Management of the activities described in paragraphs (d)(1), (2), and (3) of this section is handled by the national register of historic places, NPS. [address: national register of historic places, national park service, department of the Interior, washington, DC 20240].

(e) a technical correction to a boundary may be approved by the chief, history division, without Advisory Board review or secretarial approval. NPS will provide notice, in writing, of any technical correction in a boundary to the same parties specified in (d)(1).

§ 65.9 withdrawal of national historic landmark designation.

(a) national historic landmarks will be considered for withdrawal of designation only at the request of the owner or upon the initiative of the secretary.

(b) Four justifications exist for the withdrawal of National Historic Landmark designation:

(1) The property has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed, or such qualities were lost subsequent to nomination, but before designation;

(2) Additional information shows conclusively that the property does not possess sufficient significance to meet the national historic landmark criteria;

(3) Professional error in the designation; and

(4) Prejudicial procedural error in the designation process.

(c) Properties designated as National Historic Landmarks before December 13, 1980, can be designdated only on the grounds established in paragraph (a)(1) of this section.

(d) The owner may appeal to have a property designdated by submitting a request for designdation and stating the grounds for the appeal as established in subsection (a) to the chief, history division, national park service, department of the Interior, washington, DC 20240. An appellant will receive a response within 60 days as to whether NPS considers the documentation sufficient to initiate a restudy of the landmark.

(e) The Secretary may initiate a restudy of a National Historic Landmark and subsequently a proposal for withdrawal of the landmark designation as appropriate in the same manner as a new designation as specified in § 65.5(c) through (h). Proposals will not be submitted to the Advisory Board if the grounds for removal are procedural, although the Board will be informed of such proposals.

(f)(1) The property will remain listed in the National Register if the Keeper determines that it meets the National Register criteria for evaluation in 36 CFR 60.4, except if the property is re-designated on procedural grounds.

(2) Any property from which designation is withdrawn because of a procedural error in the designation process shall automatically be considered eligible for inclusion in the National Register as a National Historic Landmark without further action and will be published as such in the federal register.

(g)(1) The National Park Service will provide written notice of the withdrawal of a National Historic Landmark designation and the status of the National Register listing, and a copy of the report on which those actions are based to (i) the owner(s); (ii) the appropriate State official; (iii) the chief elected local official; (iv) the Members of Congress who represent the district and State in which the landmark is located; and (v) if the landmark is located on an Indian reservation, the chief executive officer of the Indian tribe. In the case of a landmark with
more than 50 owners, the general no-
tice specified in §65.5(d)(3) will be used.

(2) Notice of withdrawal of designa-
tion and related National Register list-
ing and determinations of eligibility
will be published periodically in the
FEDERAL REGISTER.

(b) Upon withdrawal of a National
Historic Landmark designation, NPS
will reclaim the certificate and plaque,
if any, issued for that landmark.

(i) An owner shall not be considered
as having exhausted administrative
remedies with respect to dedesignation
of a National Historic Landmark until
after submitting an appeal and receiv-
ing a response from NPS in accord with
these procedures.

§ 65.10 Appeals for designation.

(a) Any applicant seeking to have a
property designated a National His-
toric Landmark may appeal, stating
the grounds for appeal, directly to the
Director, National Park Service, De-
partment of the Interior, Washington,
DC 20240, under the following cir-
cumstances:

Where the applicant—
(1) Disagrees with the initial decision
of NPS that the property is not likely
to meet the criteria of the National
Historic Landmarks Program and will
not be submitted to the Advisory
Board; or

(2) Disagrees with the decision of the
Secretary that the property does not
meet the criteria of the National His-
toric Landmarks Program.

(b) The Director will respond to the
appellant within 60 days. After review-
ing the appeal the Director may:

(1) Deny the appeal;

(2) Direct that a National Historic
Landmark nomination be prepared and
processed according to the regulations
if this has not yet occurred; or

(3) Resubmit the nomination to the
Secretary for reconsideration and final
decision.

(c) Any person or organization which
supports or opposes the consideration
of a property for National Historic
Landmark designation may submit an
appeal to the Director, NPS, during the
designation process either supporting
or opposing the designation. Such ap-
peals received by the Director before
the study of the property or before its
submission to the National Park Sys-
tem Advisory Board will be considered
by the Director, the Advisory Board
and the Secretary, as appropriate, in
the designation process.

(d) No person shall be considered to
have exhausted administrative rem-
edies with respect to failure to des-
ignate a property a National Historic
Landmark until he or she has compiled
with the procedures set forth in this
section.

PART 67—HISTORIC PRESERVATION
CERTIFICATIONS PURSUANT TO
SEC. 48(g) AND SEC. 170(h) OF
THE INTERNAL REVENUE CODE OF
1986

Sec. 67.1 Sec. 48(g) and Sec. 170(h) of the Internal

67.2 Definitions.

67.3 Introduction to certifications of signifi-
cance and rehabilitation and information
collection.

67.4 Certifications of historic significance.

67.5 Standards for Evaluating Significance
within Registered Historic Districts.

67.6 Certifications of rehabilitation.

67.7 Standards for Rehabilitation.

67.8 Certifications of statutes.

67.9 Certifications of State or local historic
districts.

67.10 Appeals.

67.11 Fees for processing rehabilitation cer-
tification requests.

AUTHORITY: Sec. 101(a)(1) of the National
470a–1(a)(170 ed.), as amended; Sec. 48(g) of
the Internal Revenue Code of 1986 (90 Stat.
1519, as amended by 100 Stat. 2085) 26 U.S.C.
48(g); and Sec. 170(h) of the Internal Revenue

SOURCE: 54 FR 6771, Feb. 26, 1990, unless
otherwise noted.

§ 67.1 Sec. 48(g) and Sec. 170(h) of the

(a) Sec. 48(g) of the Internal Revenue
Code of 1986, 90 Stat. 1519, as amended
by 100 Stat. 2085, and Sec. 170(h) of the
1519, as amended by 100 Stat. 2085;
require the Secretary to make
certifications of historic district stat-
utes and of State and local districts,