

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## 25 CFR Part 261

RIN 1076-AD10

## Preservation of Antiquities

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is deleting from the Code of Federal Regulations those regulations that provide Bureau-specific procedures for the issuance and administration of archaeological permits under the Antiquities Act of 1906. These regulations have been superseded by regulations which cover BIA issuance and administration of such permits under the more comprehensive, Archaeological Resources Protection Act of 1979.

**EFFECTIVE DATE:** July 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donald R. Sutherland on (202) 208-4791.

**SUPPLEMENTARY INFORMATION:** This rule deletion is parallel to uniform regulations in 43 CFR part 3, which set procedures for the issuance and administration of permits under the Antiquities Act of 1906 (16 U.S.C. 432).

For example, the "field officer in charge" in 43 CFR part 3 becomes the "Superintendent" in 25 CFR part 261, and permits in part 261 are issued by the "Departmental Consulting Archaeologist" instead of the "the Secretary having jurisdiction."

Most of the permitting once done under the Antiquities Act is now done under the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470mm). The only use for a permit under the older act is for the excavation of archaeological sites that are less than 100 years old. These are not covered under the more recent act. On those rare occasions, the Bureau can follow the regulations in 43 CFR part 3.

No comments were received on the Proposed Rule, which was published November 29, 1994, in the **Federal Register**.

The Department of the Interior has determined that this rule does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

The Department of the Interior has determined that this rule is not a significant regulatory action under Executive Order 12866, and therefore will not require the approval of the Office of Management and Budget.

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as it removes obsolete federal procedures that, in turn, pertain solely to the issuance and administration of permits for archeological research.

In accordance with E.O. 12630, the Department has determined that this rule does not have significant takings implications.

The Department has determined that this rule does not have significant federalism effects. There are no information collection requirements in 25 CFR part 261.

The primary author of this document is Donald R. Sutherland, Archaeologist, Environmental Services Staff, Office of Trust Responsibilities, Bureau of Indian Affairs.

**List of Subjects in 25 CFR Part 261**

Historic preservation, Indians—lands.

For the reasons set out in the preamble, part 261 of Title 25, Chapter I of the Code of Federal Regulations is removed.

Dated: June 6, 1995.

**Ada E. Deer,**

*Assistant Secretary—Indian Affairs.*

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