

the opening paragraphs of this section in list form with handy cross-references.

#### *Section 3830.2 What Is The Scope of These Regulations?*

We added paragraph (c) in the final rule, derived from old section 3833.0–1(e). It reminds you that BLM is not the official recording office for ancillary documents related to mining claims, such as liens, wills, judgments, grubstake contracts, or leases. You should file such documents locally according to state law.

One comment suggested removing reference to units of the National Park System, since National Park lands are included in Federal lands. In response to the comment, we have amended the provision to make it clear that these regulations do not authorize location of new mining claims on any Federal lands withdrawn from the operation of the General Mining Law.

#### *Section 3830.3 Who May Locate Mining Claims?*

One comment suggested combining proposed paragraphs (a) and (b). We did not adopt the proposal, because we felt the section was clear as written. Two comments suggested changes to clarify proposed paragraph (c). We rewrote the paragraph to make it clear that various kinds of business entities that have been organized under the laws of any state may locate claims and sites.

#### *Section 3830.5 Definitions.*

Many comments addressed this section. The majority of them suggested language changes in the proposed definitions. We adopted some of these suggestions in order to clarify the meaning and intent of certain definitions. Other suggestions we rejected, because the definitions at issue have been established by longstanding practice and case law. Several comments requested that we add new definitions to the section. After careful consideration, we agreed to add several definitions that we felt were necessary to the proper administration of these regulations or to clarify certain concepts or requirements that occur in these regulations. We added definitions for “discovery,” “final certificate,” “nonmineral land,” and “recording.”

One comment questioned the meaning of the term “holder” as used in various provisions in the proposed rule. To avoid confusion, we have substituted the defined term “claimant” in each such instance.

One comment suggested amending the definition of “Federal lands” by removing the exclusion of National Park System lands. We have removed the

exclusion, but have added a sentence to section 3830.3 stating that these regulations do not authorize the location of any mining claims or sites on Federal lands that are closed to mineral entry, including units of the National Park System.

One comment suggested that we add a provision to the definition of “mineral materials” to make it clear “that mineral materials cannot be sold from NPS lands” by adding the phrase “\* \* \* from Forest Service and BLM lands \* \* \*” to the definition. The change is not necessary. The phrase “sold under the Mineral Materials Act” is itself limiting, since that Act says that nothing in the Act applies to lands in any national park or national monument. Further, expressly stating such a limitation here would go beyond the scope of a definition by including regulatory requirements.

One comment stated that we should amend the definition of “patent” as proposed to make it clear that issuing a patent does not always convey full fee simple title. We agree that Congress requires the surface of some lands to be reserved in mineral patents and have revised the definition to reflect this possibility.

One comment suggested that we add a definition for “withdrawn lands” to this section. The writer stated that such a definition would be helpful because the term appears so often in the regulations, and offered a definition. We have not adopted the suggestion in this final rule because the rule text does not use the term. Instead, the rule uses the phrase “closed to mineral entry,” which is defined.

One comment suggested adding definitions for “monument” and “discovery monument,” saying that the physical process of staking a claim is not sufficiently described in these regulations. We have not added this definition because the term “discovery monument” is used only once in the rule and refers to a type of monument that may be used to anchor metes and bounds descriptions of mining claims. Discovery monuments are no longer required by many states to mark the position of a claimant’s discovery point. Parties who are interested in learning more about the physical process for staking mining claims or sites should consult applicable state law and may visit or contact a local BLM office for further information.

One comment addressed the definitions of “filed” and “filing period,” stating that they were internally inconsistent. We have revised the definition of “filed” to include a postmark rule under which BLM will

accept a document as timely filed if the document you mailed was postmarked before the due date and BLM received the document within 15 days after the due date. Another comment questioned the effect if a document is postmarked on time, but still not received by 15 days after you posted it because the BLM office was not open on the 15th day because of a holiday or other circumstance. In this case, under 43 CFR 1822.14, the grace period ends on the next official business day.

Several comments suggested removing the definition of “filing period” because the term does not appear in the regulations. We have removed the definition in the final rule, but explained the 15-day grace period or postmark rule in the definition of “filed.”

Several comments addressed the definition of “segregation.” One suggested that we add that segregation ends when the land becomes open to mineral entry. We have not adopted this change. Doing so would merely describe the effect of ending segregation, not the event that ends segregation. Another comment stated that the definition conflicts with the regulations on segregating and opening public lands. We have amended the definition to make it clear that segregation ends when the statutory period of segregation ends or when BLM causes an administrative segregation to end under section 2091.2–2. However, in the case of Stockraising Homestead Act lands, we still use the notation rule and so mark the official records as to when the land is closed and opened.

One comment suggested that we amend the definition of “control” by removing language allowing BLM to consider facts other than whether a person is an officer, director, or majority shareholder in determining control. We have not adopted this recommendation. This definition tracks the statutory definition in 30 U.S.C. 28f(d)(2). We have removed from the definition of “control” the reference to publicly traded companies or corporations (which did not appear in the previous definition). The same principles of control apply to all companies, whether publicly traded or not.

One comment recommended changes in the definition of “copy of the official record” to make it cover documents that have not yet been recorded in the local jurisdiction recording office. Other comments preferred to remove the definition altogether, because the term appears only once in the regulations and could be explained thoroughly in that context. We have adopted this latter suggestion in the final rule. Our