

Dated: October 9, 2003.

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Assistant Secretary of the Interior.

PART 3710—PUBLIC LAW 167; ACT OF JULY 23, 1955

- 1. Add an authority citation for part 3710 to read as follows:

Authority: 30 U.S.C. 22 *et seq.*; 30 U.S.C. 611–615; 43 U.S.C. 1201; 43 U.S.C. 1740.

- 2. Remove subpart 3711 in its entirety.

PART 3730—PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS: GENERAL

- 3. Revise the authority citation for part 3730 to read as follows:

Authority: 30 U.S.C. 22 *et seq.*; 30 U.S.C. 28f–k; 30 U.S.C. 621–625; 43 U.S.C. 1201; 43 U.S.C. 1740; 43 U.S.C. 1744.

Subpart 3734—Location and Assessment Work

- 4. Amend § 3734.1 as follows:
 - a. By removing in the first sentence of paragraph (a) the citation “§§ 3833.1, 3833.3, 3833.4, and 3833.5 of this title” and adding in its place the citation “part 3833 of this chapter”;
 - b. By removing in the first sentence of paragraph (a) the citation “subpart 3833” and substituting the citation “part 3830”;
 - c. By removing in the second sentence of paragraph (a) the citation “§ 3833.5(c)” and adding in its place the words “part 3833”;
 - d. By revising paragraph (c) to read as follows:

§ 3734.1 Owner of claim to file notice of location and assessment work.

* * * * *

(c) The owner of any unpatented mining claim, mill site, or tunnel site located on land described in § 3730.0–1 of this chapter may either:

(1) Perform and record annual assessment work if the owner qualifies as a small miner under part 3835 of this chapter; or

(2) Pay an annual maintenance fee of \$100 per unpatented mining claim, mill site, or tunnel site in lieu of the annual assessment work or notice of intention to hold, under subpart 3834 of this chapter.

PART 3810—LANDS AND MINERALS SUBJECT TO LOCATION

- 5. The authority citation for part 3810 continues to read as follows:

Authority: 30 U.S.C. 22 *et seq.*; 43 U.S.C. 1201; 43 U.S.C. 1740.

Subpart 3812—Minerals Under the Mining Laws [Removed]

- 6. Remove subpart 3812 in its entirety.

PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

- 7. Revise the authority citation for part 3820 to read as follows:

Authority: 30 U.S.C. 22 *et seq.*; 43 U.S.C. 1201; 43 U.S.C. 1740; 62 Stat. 162.

Subpart 3821—O and C Lands

§ 3821.2 [Amended]

- 8. Amend § 3821.2 as follows:
 - a. By removing in the first sentence the citations “§§ 3833.1, 3833.3, 3833.4, and 3833.5” and adding in their place the citation “part 3833 of this chapter”;
 - b. By removing from the first sentence the citation “subpart 3833 of this title” and adding in its place the citation “parts 3830 through 3839 of this chapter”; and
 - c. By removing from the second sentence the phrase “3833.5 of this title” and adding in its place the phrase “part 3833 of this chapter.”
- 9. Revise § 3821.3 to read as follows:

§ 3821.3 Requirement for filing statement of assessment work.

The owner of an unpatented mining claim, mill site, or tunnel site located on O and C lands may either:

(a) Perform and record proof of annual assessment work if qualified as a small miner under part 3835 of this chapter; or

(b) Pay an annual maintenance fee of \$100 per unpatented mining claim, mill site, or tunnel site under part 3834 of this chapter.

- 10. Revise part 3830 to read as follows:

PART 3830—LOCATING, RECORDING, AND MAINTAINING MINING CLAIMS OR SITES; GENERAL PROVISIONS

Subpart A—Introduction

Sec.

3830.1 What is the purpose of parts 3830–3839?

3830.2 What is the scope of parts 3830–3839?

3830.3 Who may locate mining claims?

3830.5 Definitions.

Subpart B—Providing Information to BLM

3830.8 How will BLM use the information it collects and what does it estimate the burden is on the public?

3830.9 What will happen if I record a document with BLM that I know contains false, erroneous, or fictitious information or statements?

Subpart C—Mining Law Minerals

3830.10 Locatable minerals.

3830.11 Which minerals are locatable under the General Mining Law?

3830.12 What are the characteristics of a locatable mineral?

Subpart D—BLM Service Charge and Fee Requirements

3830.20 Payment of service charges, location fees, initial maintenance fees, annual maintenance fees, and oil shale fees.

3830.21 What are the different types of service charges and fees?

3830.22 Will BLM refund service charges or fees?

3830.23 What types of payment will BLM accept?

3830.24 How do I make payments?

3830.25 When do I pay for recording a new notice or certificate of location for a mining claim or site?

Subpart E—Failure To Comply With These Regulations

3830.90 Failure to comply with these regulations.

3830.91 What happens if I fail to comply with these regulations?

3830.92 What special provisions apply to oil placer mining claims?

3830.93 When are defects curable?

3830.94 How do I cure a defect in my compliance with parts 3830–3839?

3830.95 What if I pay only part of the service charges, location fees, or first-year maintenance fees for newly-recorded claims or sites?

3830.96 What if I pay only part of the service charges and fees for oil shale claims or previously-recorded mining claims or sites?

3830.97 What if I pay only part of the service charges for a notice of intent to locate mining claims on SRHA lands?

Subpart F—Appeals

3830.100 How do I appeal a final decision by BLM?

Authority: 43 U.S.C. 2, 1201, 1740, 1744; 30 U.S.C. 22 *et seq.*; 30 U.S.C. 611; 31 U.S.C. 9701; 43 U.S.C. 1457, 1474; 18 U.S.C. 1001, 3571; 43 U.S.C. 1212; 115 Stat 414; 44 U.S.C. 3501 *et seq.*; 30 U.S.C. 242.

Subpart A—Introduction

§ 3830.1 What is the purpose of parts 3830–3839?

In this part 3830, references to “these regulations” are references to parts 3830 through 3839 of this chapter.

(a) These regulations describe the steps you, as a mining claimant, must take regarding mining claims or sites on the Federal lands under Federal law, to—

(1) Locate (see part 3832 of this chapter);

(2) Maintain (see parts 3834 through 3836 of this chapter);

(3) Amend (see part 3833, subpart B, of this chapter); and

(4) Transfer (see part 3833, subpart C, and part 3835, subpart B, of this chapter) mining claims or sites on the Federal lands under Federal law.

(b) These regulations apply to—