

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Parts 3730, 3820, 3830, and 3850****[WO-620-1430-00-24 1A]****RIN 1004-AD31****Location, Recording, and Maintenance of Mining Claims or Sites****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Interim final rule.

SUMMARY: The Bureau of Land Management (BLM) is promulgating this rule to amend regulations on locating, recording, and maintaining mining claims or sites. In this rule, BLM amends the regulations to respond to a recent law that continues to require claimants to pay location and maintenance fees on unpatented mining claims or sites and to provide annual maintenance fee waivers to small miners until September 30, 2001. BLM collected these fees and provided for waivers under the existing regulations based on a previous law that expired on September 30, 1998. The new law—

Moves the annual payment and waiver filing deadline from August 31 to September 1 to coincide with the beginning of the assessment year;

Allows time to cure a small miner waiver application defect; and

Allows maintenance fee payment after the payment deadline instead of forfeiting a claim or site in an incurable waiver.

The interim final rule is necessary to implement and publicize the changes made by Congress. Elsewhere in this issue of the **Federal Register** appears a proposed rule that makes these changes and also reorganizes and simplifies the regulations on locating and maintaining mining claims and sites.

DATES: The interim final rule is effective August 27, 1999. If you wish to comment on the interim final rule, you should submit your comments by October 26, 1999. In developing a final rule, BLM may not consider comments postmarked or received in person or by electronic mail after this date.

ADDRESSES: You may mail comments to Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, DC 20240. You may also hand-deliver comments to BLM at Room 401, 1620 L Street, NW, Washington, DC. For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section under **PUBLIC**

COMMENT PROCEDURES and “Electronic access and filing address.”

FOR FURTHER INFORMATION CONTACT: Roger Haskins in the Solid Minerals Group at (202) 452-0355 or Ted Hudson in Regulatory Affairs at (202) 452-5042. For assistance in reaching the above contacts, individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-(800) 877-8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Interim Final Rule
- IV. Procedural Matters

I. Public Comment Procedures*General Comment Procedures*

Comments on the interim final rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, your comments should refer to the specific section or paragraph of the interim final rule that you are addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives after the close of the comment period (see **DATES**.) or comments delivered to an address other than those listed above (see **ADDRESSES**.).

BLM will make your comments, including your name and address, available for public review at the “L Street” address listed in **ADDRESSES** above during regular business hours (7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays). BLM will also post all comments on its home page (<http://www.blm.gov>) at the end of the comment period.

Under certain conditions, BLM can keep your personal information confidential. You must prominently state your request for confidentiality at the beginning of your comment. BLM will consider withholding your name, street address, and other identifying information on a case-by-case basis to the extent allowed by law. BLM will make available to the public all submissions from organizations and businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

Electronic Access and Filing Address

You may view an electronic version of this interim final rule at BLM’s Internet home page: www.blm.gov. You may also comment via the Internet to: WOCComment@blm.gov. Please also

include “Attention: AD31” and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452-5030.

Comments on Rule Format

We also welcome your comments on how we could make this interim final rule easier to understand, including answers to the following questions:

- Are the requirements clearly stated?
- Does it contain unclear technical language or jargon?
- Does the format aid or reduce its clarity?
- Would it be easier to understand if it were divided into more sections?
- Is the description in the “supplementary information” section helpful?

Please send format comments to the Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C St., NW, Washington, DC 20240, or e-mail them to Execsec@ios.doi.gov.

II. Background

We explain the role of BLM in administering the mining law, the regulatory context for this rule, and the types of claims and sites that you may locate (legally establish) on public lands, in a related proposed rule appearing elsewhere in this issue of the **Federal Register**.

Since 1992, Congress has passed three short-term laws requiring claimants to pay various fees when locating, recording, and maintaining mining claims or sites on public lands. As the collector of the fees, BLM has implemented each of these laws by amending its regulations. This rule implements the third of these short-term laws—the Interior and Related Agencies Appropriation Act for Fiscal Year 1999 (the FY99 Act) (section (e) of Pub. L. 105-277, 112 Stat. 2681-232, 2681-235, 30 U.S.C. 28f-28k), enacted on October 21, 1998. Before that, on August 10, 1993, Congress enacted Pub. L. 103-66, 107 Stat. 405, 30 U.S.C. 28f-k, which required claimants to pay a \$25 one-time location fee and a \$100 annual maintenance fee per claim or site, and added qualifiers for small miner waivers. To implement the 1993 Act, BLM published a rule amending 43 CFR parts 3730, 3821, 3833, and 3850 on August 30, 1994, at 59 FR 44857. The 1993 Act expired on September 30, 1998. The FY99 Act renewed and modified somewhat the provisions of the 1993 Act.

Earlier, on October 5, 1992, Congress enacted Pub. L. 102-381, 106 Stat. 1374, 1378-1379, which required claimants to

pay mining claim rental fees of \$100 per claim or site and provided exemptions for claimants with approved notices or plans of operations for actual exploration work or mineral production. To implement this Act, BLM published a rule amending 43 CFR parts 3730, 3821, 3833, and 3850 on July 15, 1993, at 58 FR 38197. The Act expired on September 30, 1994, and was superseded by the 1993 Act.

The successive statutes also changed some of the pertinent terminology: Rental fees in the 1992 Act became maintenance fees in the 1993 Act, and exemptions became waivers.

III. Discussion of Interim Final Rule

Why the Rule Is Being Published on an Interim Final Basis

BLM is adopting this interim final rule solely to implement the requirements of the Interior and Related Agencies Appropriation Act for Fiscal Year 1999 (the FY99 Act), section (e) of Pub. L. 105-277, 112 Stat. 2681-232, 2681-235, 30 U.S.C. 28f-28k, enacted by Congress on October 21, 1998. We are not making any other changes in this rule.

The Department of the Interior for good cause finds under 5 U.S.C. 553(b)(3)(B) that notice and public procedure for this rule are unnecessary and that this rule may properly take effect upon publication. The reasons are as follows:

- This rule merely codifies procedural changes required by Congress;
- There is insufficient time for a public comment period and preparation of a final rule before the time when the procedural requirements must be in place. This rule affects payments that are due to BLM by September 1, 1999.
- Publishing the regulations in final form gives the public extra time to get accustomed to the new procedures and deadlines before their implementation on September 1, 1999.
- On this same date, we are publishing a proposed rule with a 60-day comment period reorganizing the mining law regulations relating to location and maintenance of mining claims. That proposed rule also includes the same regulatory changes included here. If comments on the proposed rule reveal the need for changes in the regulation text, we will make the changes when finalizing the proposed rule.

Nevertheless, this interim final rule also includes opportunity for public comment. Comments raising urgent concerns about this rule may cause us to make changes in a separate final rule

before the more comprehensive rulemaking effort also initiated today is completed.

We also determine under 5 U.S.C. 553(d) that there is good cause to place the rule into effect on the date of publication. First, the matters addressed in the rule are required by statute. Second, the payments this rule affects are due to BLM by September 1, 1999. Therefore, the public needs certainty in advance of that date to make its payments properly.

Changes Made by the FY99 Act in BLM's Current Requirements

The FY99 Act does not change the requirements for all claimants to pay a one-time \$25 location fee and a \$100 annual maintenance fee, or the provision for small miner and other waivers. BLM had collected these fees and waivers under the Interior and Related Agencies Appropriations Act for Fiscal Year 1994 (Pub. L. 103-66; 107 Stat. 405), which expired on September 30, 1998. The FY99 Act extends BLM's authority from October 1, 1998, to September 30, 2001. This rule reflects this extension.

The Act makes two important changes. First, it moves the annual payment deadline from August 31 to September 1, which is the first day of the assessment year.

Second, the FY99 Act gives claimants more time to cure defective small miner waiver applications. Under existing BLM practice, if you, as a claimant, filed a waiver application on time but received notification that the waiver was defective, you had 30 days after the notification date to cure the defect, if it was curable. You also had the option of paying the maintenance fee instead of curing the defect as long as the payment deadline had not passed. If the payment deadline had passed and you failed to cure the defect within 30 days, you forfeited the claims or sites. Since waiver applications and maintenance fees are both due on the same date, claimants rarely had the option of paying the maintenance fee instead of curing the defect. Therefore, if the defect was incurable, you generally forfeited the claims or sites.

Under the FY99 Act, you have 60 days instead of 30 days after receiving written notification from BLM to cure a defective small miner waiver application. The FY99 Act also gives you the option to pay the maintenance fee instead of curing the defect during this 60-day period, regardless of whether the payment deadline has passed.

Organization of the Interim Final Rule

This interim final rule amends the existing regulations. It contains only the specific amendments required by the FY99 Act. Except for new § 3833.4-1, which includes the new provision on curing defects in waiver requests, all of the amendments appear as line-by-line edits. While this presentation may be somewhat harder to follow, especially if you do not have a current Code of Federal Regulations containing the existing regulations being amended, we have chosen this method to make it clear that we are not making changes beyond those called for by Congress in the FY99 Act.

The only changes we have made in these line-by-line edits are—

- Changes in citations and authorities to reflect the new statute;
- Changes in filing deadlines from August 31 to September 1; and
- Changes in the expiration date of the regulations from 1998 to 2001.

In new § 3833.4-1 you will find the only new provisions required by the FY99 Act. The FY99 Act gives you 60 days instead of 30 days to cure defective small miner waiver applications if BLM receives them by the payment deadline. The FY99 Act also gives you the same 60 days to pay the maintenance fee if the defective small miner waiver application is incurable. Section 3833.4-1 is added to implement these changes.

V. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, BLM has determined that this rule is not a significant regulatory action. The Office of Management and Budget (OMB) makes the final determination under Executive Order 12866.

- The rule will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These changes do not significantly change the substance of current mining claim administration within BLM. The annual revenue received from the collection of the congressionally mandated oil shale, maintenance, and location fees has averaged \$32 million since August of 1993. This rule will not change the fee amounts and thus will not have a significant impact on fees collected.

- This rule will not create inconsistencies with other agencies'

actions. It does not change the relationships of BLM to other agencies and their actions.

- This rule will not materially affect entitlements, grants, loan programs, or the rights and obligations of their recipients. The rule does not address any of these programs.

- This rule will not raise novel legal or policy issues because it makes no major substantive changes in the regulations. The Constitutionality of the rental and maintenance fees has been challenged in the Federal Courts. The Courts have consistently upheld the 1992 and 1993 Acts and their implementing regulations.

Regulatory Flexibility Act

We certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The rule will not have an impact because the fees paid by small entities will not change. Deadlines for paying them and complying with other regulatory requirements are relaxed somewhat. A final Regulatory Flexibility Analysis is not required, and a Small Entity Compliance Guide is not required.

For the purposes of this section a "small entity" is an individual, limited partnership, or small company, at "arm's length" from the control of any parent companies, with fewer than 500 employees or less than \$5 million in revenue. This definition accords with Small Business Administration regulations at 13 CFR 121.201.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- Does not have an annual effect on the economy of \$100 million or more. As explained in section 1 above, the revised regulations will not materially alter current BLM policy or the fees paid by mining claimants.

- Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The changes implemented by this rule are likely to leave all other economic aspects of BLM unaffected.

- Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

- This rule will not "significantly or uniquely" affect small governments. A Small Government Agency Plan is unnecessary.

- This rule will not produce a Federal mandate of \$100 million or greater in any year. It is not a "significant regulatory action" under the Unfunded Mandates Reform Act. The changes implemented in this rule do not require anything of any non-Federal governmental entity.

Executive Order 12630, Takings

In accordance with Executive Order 12630, the rule does not have takings implications. A takings implication assessment is not required. This rule does not substantially change BLM policy. Nothing in this rule constitutes a taking. The Federal Courts have heard a number of suits challenging the imposition of the rental and maintenance fees as a taking of a right, or, alternatively, as an unconstitutional tax. The Courts have upheld the 1992 and 1993 Acts and the BLM rules as a proper exercise of Congressional and Executive authorities.

Executive Order 12612, Federalism

In accordance with Executive Order 12612, BLM finds that the rule does not have significant Federalism effects. A Federalism assessment is not required. This rule does not change the role or responsibilities between Federal, State, and local governmental entities, nor does it relate to the structure and role of States or have direct, substantive, or significant effects on States.

Executive Order 12988, Civil Justice Reform

In accordance with Executive Order 12988, BLM finds that the rule does not unduly burden the judicial system and therefore meets the requirements of sections 3(a) and 3(b)(2) of the Order. BLM consulted with the Department of the Interior's Office of the Solicitor throughout the drafting process.

Paperwork Reduction Act

The Office of Management and Budget has approved the information collection requirements in the interim final rule under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, and has assigned clearance number 1004-0114.

This rule does not require a new information collection approval under the Paperwork Reduction Act. However, the existing OMB approval of the information collection under ICB 1004-

0114 expires in September 1999.

Therefore, BLM is applying for renewal of the approval at this time, using a proposed rule published elsewhere in this issue of the **Federal Register** as an opportunity to notify the public.

National Environmental Policy Act

We have analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 318 DM 2.2(g) and 6.3(D). Since no substantial changes are proposed, this rule does not constitute a major Federal action significantly affecting the quality of the human environment.

Because this rule does not substantially change BLM's overall management objectives or environmental compliance requirements, it would have no impact on, or only marginally affect, the following critical elements of the human environment as defined in Appendix 5 of the BLM National Environmental Policy Act Handbook (H-1790-1): Air quality, areas of critical environmental concern, cultural resources, Native American religious concerns, threatened or endangered species, hazardous or solid waste, water quality, prime and unique farmlands, wetlands, riparian zones, wild and scenic rivers, environmental justice, and wilderness.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have considered the impact of this rule on the interests of Tribal governments. Because this rule does not specifically involve Indian reservation lands, government-to-government relationships will remain unaffected.

The principal author of this interim final rule is Ted Hudson in the Regulatory Affairs Group, assisted by Roger Haskins in the Solid Minerals Group, Washington Office, BLM.

List of Subjects

43 CFR Part 3730

Administrative practice and procedure; Mines; Public lands-mineral resources; Reporting and record keeping requirements; Surety bonds.

43 CFR Part 3820

Mines; Monuments and memorials; National forests; National parks; Public lands-mineral resources; Reporting and record keeping requirements; Surety bonds; Wilderness areas.

43 CFR Part 3830

Maintenance fees; Mines; Public lands—mineral resources; Reporting and record keeping requirements.

43 CFR Part 3850

Mines; Public lands—mineral resources.

For the reasons stated in the preamble, and under the authority of section (e) of the Act of October 21, 1998 (P.L. 105-277; 112 Stat. 2681-232, 2681-235); sections 441 and 2478 of the Revised Statutes, as amended (43 U.S.C. 1201 and 1457); section 2319 of the Revised Statutes, as amended (30 U.S.C. 22); sections 310 and 314 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1740 and 1744); and the Act of April 16, 1993 (43 U.S.C. 299(b)); parts 3730, 3810, 3820, 3830, 3840, and 3850, Groups 3700 and 3800, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended on an interim basis as follows:

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

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

Authority: 69 Stat. 681, 30 U.S.C. 621-625; 43 U.S.C. 1701 *et seq.*; 30 U.S.C. 28f-28k, as amended.

2. Amend section 3730.0-9 by revising the last sentence of paragraph (a) to read as follows:

§ 3730.0-9 Information collection.

(a) * * * A response is required to obtain a benefit in accordance with the Act of August 11, 1955 (30 U.S.C. 621-625), section 314 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1744), and 30 U.S.C. 28f-28k, as amended by the Act of October 21, 1998 (112 Stat. 2681-232, 2682-235).

* * * * *

PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

3. The authority citation for part 3820 continues to read as follows:

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

Subpart 3821—O and C Lands

4. Revise section 3821.0-3 to read as follows:

§ 3821.0-3 Authority.

The authorities for the regulations in this subpart are the Act of April 8, 1948 (62 Stat. 162); Section 314 of the Federal Land Policy and Management Act of

1976 (43 U.S.C. 1744); and 30 U.S.C. 28f-28k, as amended by the Act of October 21, 1998 (112 Stat. 2681-232, 2681-235).

PART 3830—LOCATION OF MINING CLAIMS

5. The authority citation for part 3830 is revised to read as follows:

Authority: 30 U.S.C. 22, 28, and 28f-k; 43 U.S.C. 299 and 1201; 31 U.S.C. 9701; 16 U.S.C. 1901, 1907; 43 U.S.C. 1740 and 1744; 30 U.S.C. 242; 50 U.S.C. Appendix 565; 112 Stat. 2861-235.

§ 3833.0-3 [Amended]

6. Amend § 3833.0-3 as follows:

a. Remove from the first sentence of paragraph (a) the phrase “the Act of August 10, 1993 (30 U.S.C. 28f-k, 107 Stat. 405),” and add in its place the phrase “30 U.S.C. 28f-k, as amended by the Act of October 21, 1998 (112 Stat. 2681-235),”

b. Remove from the first sentence of paragraph (e) the phrase “Sections 10101-10106 of the Act of August 10, 1993 (Pub. L. 103-66, 107 Stat. 405) require”, and add in its place the phrase “The Act of October 21, 1998 (112 Stat. 2681-232, 2681-235, 30 U.S.C. 28f-28k) requires”; and

c. Remove from the third sentence of paragraph (e) the phrase “the Act of August 10, 1993,” and add in its place the phrase “30 U.S.C. 28f.”

§ 3833.0-5 [Amended]

7. Amend § 3833.0-5 as follows:

a. Remove from the second sentence of paragraph (o) the phrases “December 30, 1999,” and “the Act of August 10, 1993,” and add in their places, respectively, the phrases “December 30, 2002,” and “the Act of October 21, 1998,”

b. Remove from the first sentence of paragraph (v) the phrase “the Act of August 10, 1993 (Pub. L. 103-66, 107 Stat. 312)” and add in its place the phrase “30 U.S.C. 28f, as amended by the Act of October 21, 1998 (112 Stat. 2681-235);”

c. Remove from the second sentence of paragraph (v) the phrase “September 29, 1998” and add in its place the phrase “September 29, 2001”;

d. Remove from the first sentence of paragraph (w) the phrases “the Act of August 10, 1993,” and “September 30, 1998”, and add in their places, respectively, the phrases “30 U.S.C. 28g, as amended by the Act of October 21, 1998,” and “September 30, 2001”; and

e. Remove from the first sentence of paragraph (y) the phrase “the Act of August 10, 1993,” and add in its place the phrase “30 U.S.C. 28g, as amended by the Act of October 21, 1998.”

§ 3833.0-9 [Amended]

8. Amend § 3833.0-9 by removing from the last sentence of paragraph (a) the phrase “the Act of April 16, 1993 (Public Law 103-23, 107 Stat. 60), and the Act of August 10, 1993 (Public Law 103-66, 30 U.S.C. 28f-k, 107 Stat. 405)” and adding in its place the phrase “43 U.S.C. 299, and 30 U.S.C. 28f-k, as amended by the Act of October 21, 1998 (112 Stat. 2681-235).”

§ 3833.1-3 [Amended]

9. Amend § 3833.1-3 by removing from each place it appears in paragraph (c)(2) the phrase “August 31” and adding in its place the phrase “September 1.”

§ 3833.1-4 [Amended]

10. Amend § 3833.1-4 by removing from paragraph (b) the phrase “September 30, 1998” and adding in its place the phrase “September 30, 2001.”

11. Amend § 3833.1-5 as follows:

a. Remove from the last sentence of the introductory text the phrases “the Act of August 10, 1993,” and

“September 1, 1999” and add in their places, respectively, the phrases “30 U.S.C. 28f” and “September 1, 2002,”

b. Remove from each place it appears in paragraph (a)(1) the phrases “an August 31” and “August 31,” and add in place thereof the phrase “September 1,”

c. Remove from the first sentence of paragraph (b) the phrases “the Act of August 10, 1993” and “August 31” and add in their places, respectively, the phrases “30 U.S.C. 28f” and “September 1”;

d. Revise the second sentence of paragraph (b) to read as set forth below; and

e. Remove from paragraph (e) the phrase “December 31” and add in its place the phrase “December 30.”

§ 3833.1-5 Maintenance Fees.

* * * * *

(b) * * * The payments are due on each September 1 through September 1, 2001. * * *

12. Amend § 3833.1-6 as follows:

§ 3833.1-6 [Amended]

a. Remove from the section heading the phrase “Act of August 10, 1993” and add in its place the phrase “30 U.S.C. 28f”, and remove from the section heading the phrase “applicable from 12 o'clock noon on September 1, 1993, until 12 o'clock noon September 1, 1999”;

b. Remove from the first sentence of paragraph (a)(1) the phrase “August 31” and add in its place the phrase “September 1”;

c. Remove from the second sentence of paragraph (b) the phrase "August 31" and add in its place the phrase "September 1";

d. Remove from paragraph (d)(2) the phrase "August 31 immediately preceding" and add in its place the phrase "September 1 at the beginning of"; and

e. Remove from the third sentence of paragraph (e) the phrase "August 31" and add in its place the phrase "September 1."

§ 3833.1–7 [Amended]

13. Amend § 3833.1–7 as follows:

a. In paragraph (d) remove the first sentence, and remove from the second sentence the phrases "August 31" and "August 31, 1998", and add in their places, respectively, the phrases "September 1" and "September 1, 2002", and remove the word "thereafter"; and

b. In paragraph (d)(3) remove the phrase "August 31" and add in its place the phrase "September 1."

§ 3833.2–3 [Amended]

14. Amend § 3833.2–3 as follows:

a. Remove from the section heading the phrase "the Act of August 10, 1993" and add in its place "the Act of October 21, 1998";

b. Remove from paragraph (d) the phrases "Act of August 10, 1993," "September 1, 1999," and "December 30, 2000," and add in their places, respectively, the phrases "30 U.S.C. 28f," "September 1, 2002," and "December 30, 2003"; and

c. Remove from paragraph (e) the phrases "September 1, 1998," "September 29, 1998," and "September 1, 1999", and add in their places, respectively, the phrases "September 1, 2001," "September 29, 2001," and "September 1, 2002."

§ 3833.4 [Amended]

15. Amend § 3833.4 by removing from paragraph (a)(1) the phrase "August 31" and add in its place the phrase "September 1."

16. Add § 3833.4–1 to read as follows:

§ 3833.4–1 Curing defective waivers.

(a) If BLM finds a defect in a waiver request, BLM will send a notice to the claimant by certified mail—return

receipt requested, to the address given on the waiver request.

(b) The claimant must cure the defective waiver or pay the annual maintenance fees within 60 days of receiving BLM notification of the defects. Otherwise the claims covered by the defective waiver are forfeited.

PART 3850—ASSESSMENT WORK

17. The authority citation for part 3850 continues to read as follows:

Authority: 30 U.S.C. 22 et seq.; 30 U.S.C. 28–28k; 50 U.S.C. Appendix 565; 107 Stat. 405.

Subpart 3851—Assessment Work: General

17. Amend § 3851.3 by removing from the first sentence of paragraph (c) the phrase "Act of August 10, 1993" and add in its place the phrase "30 U.S.C. 28f."

Dated: July 26, 1999.

Sylvia V. Baca,

Acting Assistant Secretary of the Interior.

[FR Doc. 99–21910 Filed 8–25–99; 8:45 am]

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