

§ 3833.1-7 Filing requirements for the maintenance fee waiver and other exceptions.

(a) If no change in status has occurred, a small miner exemption certification previously filed for the assessment year ending at noon on September 1, 1994, under the Act of October 5, 1992 (Pub. L. 102-381, 106 Stat. 1374), and the pertinent regulations in effect on August 31, 1993, will be considered a proper certification filing for a waiver of payment of the maintenance fee due on August 31, 1994.

(b) The affidavit of assessment work performed by a small miner claiming a maintenance fee waiver shall be filed with the proper BLM office pursuant to § 3833.2 and shall meet the requirements of § 3833.2-4.

(c) For mining claims and sites covered by a waiver, the filing of a waiver certification pursuant to any of paragraphs (a), (d), (e), or (f) of this section will satisfy the requirements for filing of a notice of intention to hold pursuant to § 3833.2-5, when such notice of intention to hold is otherwise required. In such a case the payment of the \$5 service charge per claim/site for processing the notice of intention to hold is due upon filing of the waiver statement.

(d) Each small miner shall file a waiver certification on or before September 1 each year to hold the claims each assessment year beginning at 12 o'clock noon on September 1 of the calendar year the certification is due, through September 1, 2004. The small miner shall document, as provided in this paragraph (d), the claimed waiver for each assessment year a small miner's waiver is claimed, certified, and attested to under penalty of 18 U.S.C. 1001. The statement shall contain:

(1) The mining claim and site names and BLM serial numbers assigned to the mining claims and sites held by the small miner;

(2) A declaration by the claimant and all related parties that they own no more than 10 mining claims and sites in total nationwide on the date the waiver statement is due;

(3) A declaration that specifies that the assessment work requirements have been or will be completed by the date the payment is due, which is each

September 1, for the assessment year just ending;

(4) The names and addresses of all owners maintaining an interest in the mining claims and sites; and

(5) The signatures of all the owners of the mining claims and sites for which a waiver is claimed.

(e) Pursuant to the Soldiers' and Sailors' Relief Act, and § 3851.6 of this title, a military person entering active service may file, or cause to be filed, in the proper BLM office, a notice of his or her entry into active military service.

(1) The filing of the notice excuses the person from performing assessment work or paying the maintenance fees until 6 months have passed from the person's release from active duty status, or until 6 months have passed after release from a military hospital, whichever is later. To be excused from paying the maintenance fee, the person cannot hold the subject claim or site with a related party, as defined in paragraph 3833.0-5(x), who does not also qualify under the Soldiers' and Sailors' Relief Act.

(2) The notice must be filed in the assessment year that the person entered active duty status, or if active duty began prior to August 30, 1994, the notice must be filed in the assessment year that he or she wishes the benefits provided in paragraph (e)(1) of this section to take effect. If the person previously filed a notice under the Soldiers' and Sailors' Relief Act to be excused from performing assessment work, and remains qualified under that Act, he or she will automatically be exempt from paying the maintenance fee.

(3) The performance of assessment work or the payment of maintenance fees shall resume in the assessment year next following the assessment year during which the person was released from active duty or a military hospital, whichever is later.

(4) The notice shall be filed as a certified statement pursuant to paragraph (d) of this section, and shall list all mining claims and sites affected by claim/site name and BLM serial number.

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