

## § 3598.5

### § 3598.5 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in part 4 of this title. Orders issued under § 3598.4(c) of this title shall be effective during the pendency of any appeal.

### Subpart 3599—Late Payment or Underpayment of Charges

#### § 3599.1 Late payment or underpayment charges.

(a) The failure to make timely or proper payments of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection by the Minerals Management Service (MMS) of the amount past due plus a late payment charge. Exceptions to this late payment charge may be granted when estimated payments have already been made timely and otherwise in accordance with instructions provided by MMS to the payor. However, late payment charges assessed with respect to any Indian lease, permit, or contract shall be collected and paid to the Indian or tribe to which the overdue amount is owed.

(b) Late payment charges are assessed on any late payment or underpayment from the date that the payment was due until the date on which the payment is received in the appropriate MMS accounting office. Payments received after 4 p.m. local time on the date due will be acknowledged as received on the following workday.

(c) Late payment charges are calculated on the basis of a percentage assessment rate. In the absence of a specific lease, permit, license, or contract provision prescribing a different rate, this percentage assessment rate is prescribed by the Department of the Treasury as the "Treasury Current Value of Funds Rate."

(d) This rate is available in the Treasury Fiscal Requirements Manual Bulletins that are published prior to the first day of each calendar quarter for application to overdue payments or underpayments in that new calendar quarter. The rate is also published in the Notices section of the FEDERAL REGISTER and indexed under "Fiscal

## 43 CFR Ch. II (10–1–06 Edition)

Service/Notices/Funds Rate; Treasury Current Value."

(e) Late payment charges apply to all underpayments and payments received after the date due. These charges include rentals; production, minimum, or advance royalties; assessments for liquidated damages; administrative fees and payments by purchaser of royalty taken-in-kind or any other payments, fees, or assessments that a lessee/operator/permittee/payor/or purchaser of royalty taken-in-kind is required to pay by a specified date. The failure to pay past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings.

[47 FR 22528, May 25, 1982. Redesignated at 48 FR 36588, Aug. 12, 1983. Redesignated at 51 FR 15212, Apr. 22, 1986]

### Group 3600—Mineral Materials Disposal

NOTE: The information collection requirements contained in parts 3600, 3610 and 3620 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004-0103. The information is being collected to allow the authorized officer to determine if the applicant is qualified to purchase or have free use of mineral materials on the public lands. The obligation to respond is required to obtain a benefit.

### PART 3600—MINERAL MATERIALS DISPOSAL

#### Subpart 3601—Mineral Materials Disposal; General Provisions

##### FUNDAMENTAL PROVISIONS

- Sec.
- 3601.1 Purpose.
  - 3601.3 Authority.
  - 3601.5 Definitions.
  - 3601.6 Policy.
  - 3601.8 Public availability of information.
  - 3601.9 Information collection.

##### LIMITATIONS ON DISPOSAL OF MINERAL MATERIALS

- 3601.10 Limitations on BLM's discretion to dispose of mineral materials.
- 3601.11 When will environmental considerations prevent BLM from disposing of mineral materials?
- 3601.12 What areas does BLM exclude from disposal of mineral materials?

## Bureau of Land Management, Interior

## Pt. 3600

3601.13 How can I obtain mineral materials from Federal lands that have been withdrawn to aid a function of another Federal agency or of a State or local government agency?

3601.14 When can BLM dispose of mineral materials from unpatented mining claims?

### RIGHTS OF PURCHASERS AND PERMITTEES

3601.20 Rights of parties.

3601.21 What rights does a person have under a materials sales contract or use permit?

3601.22 What rights remain with the United States when BLM sells or issues a permit for mineral materials?

### PRE-APPLICATION SAMPLING AND TESTING

3601.30 Pre-application activities—how and when may I sample and test mineral materials?

### MINING AND RECLAMATION PLANS

3601.40 Mining and reclamation plans.

3601.41 What information must I include in my mining plan?

3601.42 What information must I include in my reclamation plan?

3601.43 What is the process for BLM to approve my mining and reclamation plans?

3601.44 How and when may my mining or reclamation plan be modified?

### CONTRACT AND PERMIT ADMINISTRATION

3601.50 Administration of sales contracts and free use permits.

3601.51 How will BLM inspect my operation?

3601.52 After I finish my operations, when must I remove improvements and equipment?

### CONTRACT AND PERMIT CANCELLATION

3601.60 Cancellation.

3601.61 When may BLM cancel my contract or permit?

3601.62 Cancellation procedure.

### UNAUTHORIZED USE

3601.70 Unauthorized use.

3601.71 What constitutes unauthorized use?

3601.72 What are the consequences of unauthorized use?

### APPEALS

3601.80 How do I appeal a final decision by BLM?

## Subpart 3602—Mineral Materials Sales

### APPLICATIONS

3602.10 Applying for a mineral materials sales contract.

3602.11 How do I request a sale of mineral materials?

3602.12 How does the mineral materials sales process affect other users of the same public lands?

3602.13 How does BLM measure and establish the price of mineral materials?

3602.14 What kind of financial security does BLM require?

3602.15 What will happen to my bond if I transferred all of my interests or operations to another bonded party?

### ADMINISTRATION OF SALES

3602.20 Administration of mineral materials sales.

3602.21 What payment terms apply to my mineral materials sales contract?

3602.22 When will a contract terminate?

3602.23 When will BLM make refunds or allow credits?

3602.24 When may I assign my materials sales contract?

3602.25 What rights and responsibilities does my assignee assume?

3602.26 If I assign my contract, when do my obligations under the contract end?

3602.27 When will BLM extend the term of a contract?

3602.28 What records must I maintain and how long must I keep them?

3602.29 How will BLM verify my production?

### NONCOMPETITIVE SALES

3602.30 Noncompetitive sales.

3602.31 What volume limitations and fees generally apply to noncompetitive mineral materials sales?

3602.32 What volume and other limitations pertain to noncompetitive sales associated with public works projects?

3602.33 How will BLM dispose of mineral materials for use in developing Federal mineral leases?

3602.34 What is the term of a noncompetitive contract?

### COMPETITIVE SALES

3602.40 Competitive sales.

3602.41 When will BLM sell mineral materials on a competitive basis?

3602.42 How does BLM publicize competitive mineral materials sales?

3602.43 How does BLM conduct competitive mineral materials sales?

3602.44 How do I make a bid deposit?

3602.45 What final steps will BLM take before issuing me a contract?

3602.46 What is the term of a competitive contract?

3602.47 When and how may I renew my competitive contract and what is the fee?

3602.48 What may BLM require when renewing my contract?

3602.49 When will BLM issue a non-renewable contract?

**§ 3601.1**

**Subpart 3603—Community Pits and  
Common Use Areas**

DISPOSAL OF MATERIALS—COMMUNITY PITS  
AND COMMON USE AREAS

- 3603.10 Disposal of mineral materials from community pits and common use areas.
- 3603.11 What rights pertain to users of community pits?
- 3603.12 What rights pertain to users of common use areas?
- 3603.13 What price does BLM charge under materials sales contracts for mineral materials from community pits and common use areas?
- 3603.14 What plans do I need to prepare to mine or remove mineral materials from a community pit or common use area?

RECLAMATION

- 3603.20 Reclamation.
- 3603.21 What reclamation requirements pertain to community pits and common use areas?
- 3603.22 What fees must I pay to cover the cost of reclamation of community pits and common use areas?

**Subpart 3604—Free Use of Mineral  
Materials**

OBTAINING FREE USE PERMITS

- 3604.10 Permits for free use of mineral materials.
- 3604.11 How do I apply for a free use permit?
- 3604.12 Who may obtain a free use permit?
- 3604.13 When will BLM decline to issue a free use permit to a qualified applicant?

ADMINISTRATION OF FREE USE

- 3604.20 Administration of free use permits.
- 3604.21 What is the term of a free use permit?
- 3604.22 What conditions and restrictions pertain to my free use permit?
- 3604.23 When and how may I assign my free use permit?
- 3604.24 Who may remove materials on my behalf?
- 3604.25 What bond requirements pertain to free use permits?
- 3604.26 When will BLM cancel my permit?
- 3604.27 What rights does a free use permit give me against other users of the land?

AUTHORITY: 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1201, 1701 *et seq.*; Sec. 2, Act of September 28, 1962 (Pub. L. 87-713, 76 Stat. 652).

SOURCE: 66 FR 58901, Nov. 23, 2001, unless otherwise noted.

**43 CFR Ch. II (10-1-06 Edition)**

**Subpart 3601—3601—Mineral Ma-  
terials Disposal; General Pro-  
visions**

FUNDAMENTAL PROVISIONS

**§ 3601.1 Purpose.**

The regulations in this part establish procedures for the exploration, development, and disposal of mineral material resources on the public lands, and for the protection of the resources and the environment. The regulations apply to permits for free use and contracts for sale of mineral materials.

**§ 3601.3 Authority.**

(a) BLM's authority to dispose of sand, gravel, and other mineral and vegetative materials that are not subject to mineral leasing or location under the mining laws is the Act of July 31, 1947, as amended (30 U.S.C. 601 *et seq.*), commonly referred to as the Materials Act. This authority applies to sale and free use of these materials. BLM's authority to allow removal of limited quantities of petrified wood from public lands without charge is section 2 of the Act of September 28, 1962 (Pub. L. 87-713, 76 Stat. 652).

(b) Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1732) provides the general authority for BLM to manage the use, occupancy, and development of the public lands under the principles of multiple use and sustained yield in accordance with the land use plans that BLM develops under FLPMA.

(c) Section 304 of FLPMA (43 U.S.C. 1734) and the Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701) authorize the U.S. Government to collect fees and to require reimbursement of its costs.

**§ 3601.5 Definitions.**

As used in this part the term:

*Act* means the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, *et seq.*).

*BLM* means the Bureau of Land Management.

*Common use area* means a generally broad geographic area from which BLM