

| If you have an approved plan of operations on January 20, 2001  | Then—  |
|---|--|
| <p>(b) <i>Existing facility.</i> You subsequently propose to modify your plan of operations by modifying an existing facility, such as expansion of a waste rock repository, leach pad, or impoundment; layback of a mine pit; or widening of a road.</p> | <p>The plan contents requirements (§3809.401) and performance standards (§3809.420) of this subpart apply to the modified portion of the facility, unless you demonstrate to BLM's satisfaction it is not practical to apply them for economic environmental, safety, or technical reasons. If you make the demonstration, the plan content requirements (43 CFR 3809.1-5) and performance standards (43 CFR 3809.1-3(d) and 3809.2-2) that were in effect immediately before January 20, 2001 apply to your modified facility. (See 43 CFR parts 1000-end, revised as of Oct. 1, 2000.)</p> |

**§ 3809.434 How does this subpart apply to pending modifications for new or existing facilities?**

(a) This subpart applies to modifications pending before BLM on January 20, 2001 to construct a new facility, such as a waste rock repository, leach pad, drill site, or access road; or to modify an existing mine facility such as expansion of a waste rock repository or leach pad.

(b) All provisions of this subpart, except plan content (§3809.401) and performance standards (§§3809.415 and 3809.420) apply to any modification of a plan of operations that was pending on January 20, 2001. See §3809.505 for appli-

cability of financial guarantee requirements.

(c) If your unapproved modification of a plan of operations is pending on January 20, 2001, then the plan content requirements (§3809.1-5) and the performance standards (§§3809.1-3(d) and 3809.2-2) that were in effect immediately before January 20, 2001 apply to your modification of a plan of operations. (See 43 CFR parts 1000-end, revised as of Oct. 1, 2000).

(d) If you want this subpart to apply to your pending modification of a plan of operations, where not otherwise required, you may choose to have this subpart apply.

FINANCIAL GUARANTEE REQUIREMENTS—GENERAL

**§ 3809.500 In general, what are BLM's financial guarantee requirements?**

To see generally what BLM's financial guarantee requirements are, follow this table:

| If—  | Then—  |
|--|--|
| <p>(a) Your operations constitute casual use..</p> | <p>You do not have to provide any financial guarantee.</p> |

| If—  | Then—   |
|--|---|
| (b) You conduct operations under a notice or a plan of operations. | You must provide BLM or the State a financial guarantee that meets the requirements of this subpart before starting operations. For more information, see §§ 3809.551 through 3809.573. |

**§ 3809.503 When must I provide a financial guarantee for my notice-level operations?**

To see how this subpart applies to your notice, follow this table:

| If—  | Then—   |
|--|---|
| (a) Your notice was on file with BLM on January 20, 2001.  | You do not need to provide a financial guarantee unless you modify the notice or extend the notice under § 3809.333.  |
| (b) Your notice was on file with BLM before January 20, 2001 and you choose to modify your notice as required by this subpart on or after that date. | You must provide a financial guarantee before you can begin operations under the modified notice. If you modify your notice, you must post a financial guarantee for the entire notice. |
| (c) You file a new notice on or after January 20, 2001.  | You must provide a financial guarantee before you can begin operations under the notice.  |

**§ 3809.505 How do the financial guarantee requirements of this subpart apply to my existing plan of operations?**

For each plan of operations approved before January 20, 2001, for which you or your predecessor in interest posted a financial guarantee under the regulations in force before that date, you must post a financial guarantee according to the requirements of this subpart no later than November 20,

2001, at the local BLM office with jurisdiction over the lands involved. You do not need to post a new financial guarantee if your existing financial guarantee satisfies this subpart. If you are conducting operations under a plan of operations approved before January 20, 2001, but you have not provided a financial guarantee, you must post a financial guarantee under § 3809.551 by September 13, 2001.

[66 FR 32575, June 15, 2001]

**§ 3809.551 What are my choices for providing BLM with a financial guarantee?**

You must provide BLM with a financial guarantee using any of the 3 options in the following table: