

**§ 3809.434**

**43 CFR Ch. II (10–1–02 Edition)**

**§ 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 applicability 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—
(a) Your operations constitute casual use,.	You do not have to provide any financial guarantee.
(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 operations. For more information, see §§3809.551 through under a 3809.573.