

1, pursuant to Executive orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act [30 U.S.C. 181 et seq.], will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit or lease until such time as the Secretary designates in an order published in the Federal Register: *And provided further*, That the Secretary may at any time as a condition to continued mineral operations require the entryman, locator, permittee or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

(Aug. 13, 1954, ch. 730, § 9, 68 Stat. 715.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Mineral Leasing Act, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, which is classified generally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

#### § 530. Definitions

As used in this chapter “mineral leasing laws” shall mean the Act of February 25, 1920 (41 Stat. 437) [30 U.S.C. 181 et seq.]; the Act of April 17, 1926 (44 Stat. 301) [30 U.S.C. 271 et seq.]; the Act of February 7, 1927 (44 Stat. 1057) [30 U.S.C. 281 et seq.]; Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.]; and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; “Leasing Act minerals” shall mean all minerals which, upon August 13, 1954, are provided in the mineral leasing laws to be disposed of thereunder and all geothermal steam and associated geothermal resources which, upon the effective date of the Geothermal Steam Act of 1970, are provided in that Act to be disposed of thereunder; “Leasing Act operations” shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; “mining operations” shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; “Leasing Act operator” shall mean any party who shall conduct Leasing Act operations; “mining operator” shall mean any party who

shall conduct mining operations; “Atomic Energy Act” shall mean the Act of August 1, 1946 (60 Stat. 755), as amended [42 U.S.C. 2011 et seq.]; “Atomic Energy Commission” shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; “fissionable source material” shall mean uranium, thorium, and all other materials referred to in section 5(b)(1) of the Atomic Energy Act, as amended, as reserved or to be reserved to the United States; “uranium lease application” shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; “uranium lease” shall mean a uranium mining lease issued by said Commission with respect to any such lands; and “person” shall mean any individual, corporation, partnership, or other legal entity.

(Aug. 13, 1954, ch. 730, §11, 68 Stat. 716; Pub. L. 91-581, §26, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(24), Aug. 8, 2005, 119 Stat. 673.)

#### Editorial Notes

##### REFERENCES IN TEXT

Act of February 25, 1920, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§181 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 181 of this title and Tables.

Act of April 17, 1926, referred to in text, is act Apr. 17, 1926, ch. 158, 44 Stat. 301, which is classified generally to subchapter VIII (§271 et seq.) of chapter 3A of this title. For complete classification of this Act to the Code, see Tables.

Act of February 7, 1927, referred to in text, is act Feb. 7, 1927, ch. 66, 44 Stat. 1057, which enacted subchapter IX (§281 et seq.) of chapter 3A of this title, amended sections 181 and 193 of this title, and repealed subchapter VII (§141 et seq.) of chapter 3 of this title. For complete classification of this Act to the Code, see Tables.

The Geothermal Steam Act of 1970, referred to in text, is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, which is classified principally to chapter 23 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The effective date of the Geothermal Steam Act of 1970, referred to in text, probably means the date of enactment of Pub. L. 91-581, which was approved Dec. 24, 1970.

The Atomic Energy Act, referred to in text, is a reference to the Atomic Energy Act of 1946 (act Aug. 1, 1946, ch. 724, 60 Stat. 755), prior to its complete amendment and revision by act Aug. 30, 1954, ch. 1073, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For further details, see Codification note set out under sections 1801 to 1819 of Title 42 and Short Title note set out under section 2011 of Title 42. For complete classification of this Act to the Code, see Tables.

Section 5(b)(1) of the Atomic Energy Act, as amended, referred to in text, was formerly classified to section 1805(b)(1) of Title 42 and defined “source material”. The term is defined in section 11(z) of the Atomic Energy Act of 1954, as amended, which is classified to section 2014(z) of Title 42.

## AMENDMENTS

2005—Pub. L. 109-58 amended directory language of Pub. L. 91-581, §26. See 1970 Amendment note below.

1970—Pub. L. 91-581, §26, as amended by Pub. L. 109-58, redefined “mineral leasing laws” to exclude “the Act of October 20, 1914” and to include “Geothermal Steam Act of 1970” and “Leasing Act minerals” to include “all geothermal steam and associated geothermal resources which, upon the effective date of the Geothermal Steam Act of 1970, are provided in that Act to be disposed of thereunder”.

**Statutory Notes and Related Subsidiaries**

## TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

**§ 531. Approval of United States officials**

Nothing in this chapter shall be construed to waive, amend, or repeal the requirement of any provision of any law for approval of any official of the United States whose approval prior to prospecting, exploring, or mining would be required.

(Aug. 13, 1954, ch. 730, §12, 68 Stat. 717.)

**CHAPTER 12A—ENTRY AND LOCATION ON COAL LANDS ON DISCOVERY OF SOURCE MATERIAL**

Sec.

- 541. Entry and location; filing of copy of notice of mining location; report and payment for lignite mined; mineral patents; reservation of minerals to United States.
- 541a. Claims located prior to May 25, 1955; extralateral rights; amended notice of mining location.
- 541b. Mining, removal, and disposal of lignite.
- 541c. Lands where coal deposits have been reserved to the United States.
- 541d. Location of source materials by holders of coal leases.
- 541e. Definitions.
- 541f. Disbursement of moneys.
- 541g. Rules and regulations.
- 541h. Savings provisions.
- 541i. Withdrawal of lands from entry; expiration of claims.

**§ 541. Entry and location; filing of copy of notice of mining location; report and payment for lignite mined; mineral patents; reservation of minerals to United States**

Subject to the conditions and provisions of this chapter and to any valid intervening rights acquired under the laws of the United States, public lands of the United States classified as or known to be valuable for coal subject to disposition under the mineral leasing laws and which are open to location and entry subject to the conditions and provisions of chapter 12 of this title, unless embraced within a coal prospecting permit or lease, shall also be open to location and entry under the mining laws of the United States upon the discovery of a valuable source material occurring within any seam, bed, or deposit of lignite in such lands: *Provided*, That a copy of the notice of any mining location made for source material occurring in any such bed, seam, or deposit, shall be filed for record in the

land office of the Bureau of Land Management for the State in which the claim is situated within ninety days after the date of its location: *Provided further*, That the claimant to any such mining location shall report annually to the Mining Supervisor of the Geological Survey the amount of lignite mined or stripped in the recovery of such valuable source material during each calendar year and tender payment to him of 10 cents per ton thereon. Any mineral patents issued hereunder shall be made subject to the recording and payment requirements of this section and shall contain a reservation to the United States of all Leasing Act minerals owned by the United States other than lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of such material. Mining claims located and mineral patents issued under the provisions of this chapter shall not include rights to lignite not containing valuable source material except to the extent it may be necessary to mine or strip such lignite in order to mine the source material and, with respect to lode claims, shall not include extralateral rights. For all purposes of this chapter “source material” and “lignite” shall have the meanings given in section 541e of this title.

(Aug. 11, 1955, ch. 795, §1, 69 Stat. 679.)

**§ 541a. Claims located prior to May 25, 1955; extralateral rights; amended notice of mining location**

Any mining claim located in a manner prescribed by the mining laws of the United States upon lands of the character described in section 541 of this title, prior to May 25, 1955, if based upon a discovery of valuable source material contained in lignite shall be effective to the same extent as if such lands at the time of location, and at all times thereafter, had not been classified as or known to be valuable for coal subject to disposition under the mineral leasing laws, subject, however, to the provisions of section 541 of this title: *Provided*, That no extralateral rights shall attach to any mining location validated under this section: *And provided further*, That the locator or locators of such a mining claim shall, not later than one hundred and eighty days from and after August 11, 1955, post on the claim and file for record in the office where the notice or certificate of location is of record, an amended notice of the mining location stating that such amended notice is filed pursuant to the provisions of this chapter and for the purpose of obtaining the benefits thereof; and that a copy of said amended notice is, within the said one-hundred-and-eighty-day period, filed in the land office of the Bureau of Land Management for the State in which the mining location is situated, and the mining locator thereafter complies with the requirements of this chapter.

(Aug. 11, 1955, ch. 795, §2, 69 Stat. 679.)

**Statutory Notes and Related Subsidiaries**

## EXTENSION OF TIME FOR ANNUAL ASSESSMENT WORK

Act June 29, 1956, ch. 478, 70 Stat. 438, as amended by Pub. L. 85-68, June 29, 1957, 71 Stat. 226, provided for ex-