

tion 7152(b) of Title 42 was repealed by Pub. L. 97-100, title II, § 201, Dec. 23, 1981, 95 Stat. 1407, and functions of Secretary of Energy returned to Secretary of the Interior. See House Report No. 97-315, pp. 25, 26, Nov. 5, 1981.

STUDY OF COAL LEASES BY DIRECTOR OF THE OFFICE OF TECHNOLOGY ASSESSMENT

Pub. L. 94-377, § 10, Aug. 4, 1976, 90 Stat. 1090, provided that the Director of the Office of Technology Assessment conduct a complete study of coal leases entered into by the United States under sections 201, 202, and 202a of this title, which study was to include an analysis of all mining activities, present and potential value of these leases, receipts to the Federal Government from these leases, and recommendations as to the feasibility of the use of deep mining technology in leased areas, with the results of his study to be submitted to Congress within one year after Aug. 4, 1976.

COAL MINING ON AREAS OF NATIONAL PARK, WILDLIFE, WILDERNESS PRESERVATION, TRAIL, SCENIC RIVERS, SYSTEMS NOT AUTHORIZED

Pub. L. 94-377, § 16, Aug. 4, 1976, 90 Stat. 1092, provided that: "Nothing in this Act [see Short Title of 1976 Amendment note under section 181 of this title], or the Mineral Lands Leasing Act [this chapter] and the Mineral Leasing Act for Acquired Lands [section 351 et seq. of this title] which are amended by this Act, shall be construed as authorizing coal mining on any area of the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, the National System of Trails, and the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act [section 1276(a) of Title 16, Conservation]."

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

**§ 201-1. Repealed. Pub. L. 94-377, § 5(a), Aug. 4, 1976, 90 Stat. 1086**

Section, Pub. L. 88-526, § 2(c), (d), Aug. 31, 1964, 78 Stat. 710, permitted the entering into of contracts for collective prospecting, development or operation of coalfields by lessees for the purpose of conserving natural resources.

SAVINGS PROVISION

Pub. L. 94-377, § 5(a), Aug. 4, 1976, 90 Stat. 1086, provided that the repeal of this section is subject to valid existing rights.

**§ 201a. Repealed. June 3, 1948, ch. 379, § 8, 62 Stat. 291**

Section, act Mar. 9, 1928, ch. 159, § 1, 45 Stat. 251, related to extension of coal prospecting permits.

**§ 201b. Omitted**

CODIFICATION

Section, act Mar. 9, 1928, ch. 159, § 2, 45 Stat. 251, provided for extension of coal permits already expired for a period of two years from Mar. 9, 1928.

**§ 202. Common carriers; limitations of lease or permit**

No company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of this chapter for any coal deposits except for its own

use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold under permit or lease more than ten thousand two hundred and forty acres in the aggregate nor more than one permit or lease for each two hundred miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

Nothing in this section and section 201 of this title shall preclude such a railroad of less than two hundred miles in length from securing one permit or lease thereunder but no railroad shall hold a permit or lease for lands in any State in which it does not operate main or branch lines.

(Feb. 25, 1920, ch. 85, § 2(c), 41 Stat. 438; June 13, 1944, ch. 244, 58 Stat. 275; June 3, 1948, ch. 379, § 1, 62 Stat. 289.)

CODIFICATION

Section is comprised of subsec. (c) of section 2 of act Feb. 25, 1920, as amended by section 1 of act June 3, 1948. Subsecs. (a) and (b) of section 2 of act Feb. 25, 1920, are classified to section 201 of this title. Subsec. (d) of said section 2, as added by Pub. L. 94-377, § 5(b), Aug. 4, 1976, 90 Stat. 1086, is classified to section 202a of this title.

AMENDMENTS

1948—Act June 3, 1948, reenacted this section without change except to make it subsec. (c) of section 2 of act Feb. 25, 1920.

1944—Act June 13, 1944, inserted "more than ten thousand two hundred and forty acres in the aggregate nor" before "more than one permit", substituted "railroad lines served or to be served from such coal deposits" for "railroad line within the State in which such property is situated," and prohibited a railroad from holding a permit or lease for lands in any State in which it did not operate main or branch lines.

**§ 202a. Consolidation of coal leases into logical mining unit**

**(1) Approval by Secretary; public hearing; definition**

The Secretary, upon determining that maximum economic recovery of the coal deposit or deposits is served thereby, may approve the consolidation of coal leases into a logical mining unit. Such consolidation may only take place after a public hearing, if requested by any person whose interest is or may be adversely affected. A logical mining unit is an area of land in which the coal resources can be developed in an efficient, economical, and orderly manner as a unit with due regard to conservation of coal reserves and other resources. A logical mining unit may consist of one or more Federal leaseholds, and may include intervening or adjacent lands in which the United States does not own the coal resources, but all the lands in a logical mining unit must be under the effective control of a single operator, be able to be developed and operated as a single operation and be contiguous.

**(2) Mining plan; requirements**

(A) After the Secretary has approved the establishment of a logical mining unit, any min-

ing plan approved for that unit must require such diligent development, operation, and production that the reserves of the entire unit will be mined within a period established by the Secretary which shall not be more than forty years.

(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

- (i) will ensure the maximum economic recovery of a coal deposit; or
- (ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resource.

### (3) Conditions for approval

In approving a logical mining unit, the Secretary may provide, among other things, that (i) diligent development, continuous operation, and production on any Federal lease or non-Federal land in the logical mining unit shall be construed as occurring on all Federal leases in that logical mining unit, and (ii) the rentals and royalties for all Federal leases in a logical mining unit may be combined, and advanced royalties paid for any lease within a logical mining unit may be credited against such combined royalties.

### (4) Amendment to lease

The Secretary may amend the provisions of any lease included in a logical mining unit so that mining under that lease will be consistent with the requirements imposed on that logical mining unit.

### (5) Leases issued before date of enactment of this Act

Leases issued before the date of enactment of this Act may be included with the consent of all lessees in such logical mining unit, and, if so included, shall be subject to the provisions of this section.

### (6) Lessee required to form unit

By regulation the Secretary may require a lessee under this chapter to form a logical mining unit, and may provide for determination of participating acreage within a unit.

### (7) Required acreage

No logical mining unit shall be approved by the Secretary if the total acreage (both Federal and non-Federal) of the unit would exceed twenty-five thousand acres.

### (8) Acreage limitations for coal leases not waived

Nothing in this section shall be construed to waive the acreage limitations for coal leases contained in section 184(a) of this title.

(Feb. 25, 1920, ch. 85, §2(d), as added Pub. L. 94-377, §5(b), Aug. 4, 1976, 90 Stat. 1086; amended Pub. L. 109-58, title IV, §433, Aug. 8, 2005, 119 Stat. 761.)

#### REFERENCES IN TEXT

The date of enactment of this Act, referred to in par. (5), probably means the date of enactment of Pub. L. 94-377, which was approved Aug. 4, 1976.

This section, referred to in pars. (5) and (8), is section 2 of act Feb. 25, 1920, as amended, which is comprised of subsecs. (a) to (d). Subsecs. (a) and (b) of section 2 are classified to section 201 of this title, subsec. (c) of section 2 is classified to section 202 of this title, and

subsec. (d) of section 2, as added by section 5(b) of Pub. L. 94-377, is classified to this section.

#### CODIFICATION

Section is comprised of subsec. (d) of section 2 of act Feb. 25, 1920, as added by Pub. L. 94-377. Subsecs. (a) and (b) of said section 2 are classified to section 201 of this title. Subsec. (c) of said section 2 is classified to section 202 of this title.

#### AMENDMENTS

2005—Par. (2). Pub. L. 109-58 designated existing provisions as subpar. (A) and added subpar. (B).

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-58 applicable with respect to any coal lease issued before, on, or after Aug. 8, 2005, see section 438 of Pub. L. 109-58, set out as a note under section 201 of this title.

## § 203. Additional lands or deposits

### (a) In general

(1) Except as provided in paragraph (3), on a finding by the Secretary under paragraph (2), any person, association, or corporation holding a lease of coal lands or coal deposits under the provisions of this chapter may with the approval of the Secretary of the Interior,<sup>1</sup> secure modifications of the original coal lease by including additional coal lands or coal deposits contiguous or cornering to those embraced in the lease.

(2) A finding referred to in paragraph (1) is a finding by the Secretary that the modifications—

(A) would be in the interest of the United States;

(B) would not displace a competitive interest in the lands; and

(C) would not include lands or deposits that can be developed as part of another potential or existing operation.

(3) In no case shall the total area added by modifications to an existing coal lease under paragraph (1)—

(A) exceed 960 acres; or

(B) add acreage larger than that in the original lease.

### (b) Terms and conditions

The Secretary shall prescribe terms and conditions which shall be consistent with this chapter and applicable to all of the acreage in such modified lease except that nothing in this section shall require the Secretary to apply the production or mining plan requirements of sections 202a(2) and 207(c) of this title.

### (c) Royalties

The minimum royalty provisions of section 207(a) of this title shall not apply to any lands covered by this modified lease prior to a modification until the term of the original lease or extension thereof which became effective prior to the effective date of this Act has expired.

(Feb. 25, 1920, ch. 85, §3, 41 Stat. 439; Pub. L. 94-377, §13(b), Aug. 4, 1976, 90 Stat. 1090; Pub. L. 95-554, §3, Oct. 30, 1978, 92 Stat. 2074; Pub. L. 109-58, title IV, §432, Aug. 8, 2005, 119 Stat. 760.)

#### REFERENCES IN TEXT

Sections 202a(2) and 207(c) of this title, referred to in subsec. (b), was in the original "section 2(d)(2) and 7(c)

<sup>1</sup> So in original. The comma probably should not appear.