

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

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§ 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.)

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 extension of time for period commencing July 1, 1955, to 12 o'clock noon July 1, 1958, during which labor must be performed, or improvements made pursuant to section 28 of this title, or any unpatented mining claim validated under this section and for extension of time for period commencing July 1, 1956, to 12 o'clock noon July 1, 1958, during which labor must be performed, or improvements made pursuant to section 28 of this title, on any other unpatented mining claim subject to this chapter.

§ 541b. Mining, removal, and disposal of lignite

Subject to the provisos of section 541a of this title, any mining location made under the mining laws of the United States, including chapter 12 of this title, on lands of the character described in section 541 of this title, except locations made for lands within the exterior boundaries of a prior coal prospecting permit or lease, if based upon a discovery of valuable source material in deposits other than deposits of Leasing Act minerals, shall include the right to mine, remove, and dispose of lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of source material contained in lignite, subject to the reporting and payment requirements of section 541 of this title, and subject to the provisions of the Atomic Energy Act of 1954 [42 U.S.C. 2011 et. seq.], and upon filing in the land office designated in section 541 of this title, an adequate

description of his claim or claims containing such lignite: *Provided*, That nothing in this section shall be construed to limit or restrict the rights acquired by virtue of a mining claim heretofore or hereafter located, under the 1872 Mining Act, as amended, or to impose any additional obligation with respect to the mining and removal of source material which does not occur within any seam, bed, or deposit of lignite.

(Aug. 11, 1955, ch. 795, § 3, 69 Stat. 680.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in text, is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The 1872 Mining Act, as amended, referred to in text, is act May 10, 1872, ch. 152, 17 Stat. 91, as amended. That act was incorporated into the Revised Statutes as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of this title. For complete classification of R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344 to the Code, see Tables.

§ 541c. Lands where coal deposits have been reserved to the United States

The entryman or owner of any land or the assignee of rights therein, including lands granted to States, with respect to which the coal deposits have been reserved to the United States pursuant to the provisions of section 81 of this title or sections 83 to 85 of this title, excepting lands embraced within a coal prospecting permit or lease, upon the discovery of valuable source material in lignite situated within such entered, granted, or patented lands, who, except for the reservation of coal to the United States would have the right to mine and remove such source material, shall have the exclusive right to mine, remove, and dispose of lignite containing such source material and lignite necessary to be stripped or mined in the recovery of such material, subject to the reporting and payment requirements of section 541 of this title, and subject to the provisions of the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.], upon filing in the land office designated in section 541 of this title, an adequate description sufficient to identify the land containing such lignite.

(Aug. 11, 1955, ch. 795, § 4, 69 Stat. 680.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in text, is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

§ 541d. Location of source materials by holders of coal leases

The holders of coal leases issued under the provision of the mineral leasing laws, including chapter 7 of this title, prior to August 11, 1955, or thereafter if based upon a prospecting permit issued prior to that date, upon the discovery during the term of such lease of valuable source

material in any bed or deposit of lignite situated within the leased lands, shall have the exclusive right to locate such source material under the provisions of this chapter but the mining and disposal of such source material shall be subject to the operating provisions of the lease and to the provisions of the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.]: *Provided*, That the provisions of this section shall not apply to coal prospecting, permits or leases on lands embraced within entered, granted or patented lands described in section 541c of this title.

(Aug. 11, 1955, ch. 795, § 5, 69 Stat. 680.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in text, is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

§ 541e. Definitions

As used in this chapter “mineral leasing laws” shall mean the Act of October 20, 1914 (38 Stat. 741); 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.]; 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 11, 1955, are provided in the mineral leasing laws to be disposed of thereunder; “lignite” shall mean coal classified as ASTM designation: D 388-38, according to the standards established in the American Society for Testing Materials on Coal and Coke under standard specifications for Classification of Coals by Rank, contained in public-land deposits considered as valuable under the coal-land classification standards established by the Secretary of the Interior and prescribed in section 30, Code of Federal Regulations, part 201; and “source material” shall mean uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of section 2091 of title 42 to be source material.

(Aug. 11, 1955, ch. 795, § 6, 69 Stat. 680.)

REFERENCES IN TEXT

Act of October 20, 1914, referred to in text, is act Oct. 20, 1914, ch. 330, 38 Stat. 741, known as the Alaska Coal Lands Act, which was repealed by Pub. L. 86-252, § 1, Sept. 9, 1959, 73 Stat. 490. The subject matter of this Act is generally covered by subchapters I to VII (§181 et seq.) of chapter 3A of this title. For complete classification of this Act to the Code prior to repeal, see Tables.

Act of February 25, 1920, referred to in text, is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, 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, as amended, 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, as amended, which enacted