

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 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 of chapter 3A of this title, amended sections 181 and 193 of this title, and repealed subchapter VII (§141 et seq.)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.

CHAPTER 12—MULTIPLE MINERAL DEVELOPMENT OF THE SAME TRACTS

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§ 521. Mineral leasing claims

(a) Preference categories

Subject to the conditions and provisions of this chapter and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

- (1) included in a permit or lease issued under the mineral leasing laws; or
- (2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or
- (3) known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however*, That, in order to be entitled to the benefits of this chapter, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of chapter 11 of this title, an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said chapter 11 and for the purpose of obtaining the benefits thereof: *And provided further*, That in order to obtain the benefits of this chapter, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after August 13, 1954, must post on such claim in the manner

required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this chapter and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

(b) Labor and improvements

Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this chapter under the provisions of subsection (a) of this section, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this chapter.

(c) Withdrawal or reservation of lands

As to any land covered by any mining claim which is entitled to the benefits of this chapter under the provisions of subsection (a) of this section, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

(Aug. 13, 1954, ch. 730, §1, 68 Stat. 708.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Aug. 13, 1954, which enacted this chapter, amended section 1805 of Title 42, The Public Health and Welfare, and enacted provisions formerly set out as a note under section 1805 of Title 42, is popularly known as the Multiple Mineral Development Act.

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.

SEPARABILITY

Act Aug. 13, 1954, ch. 730, §13, 68 Stat. 717, provided that: "If any provision of this Act [enacting this chapter], or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable [sic], the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable [sic], shall not be affected thereby."

§ 522. Conflicting periods of location of claims

(a) If any mining claim which shall have been located subsequent to December 31, 1952, and

prior to December 11, 1953, and which shall be entitled to the benefits of this chapter, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this chapter, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this chapter, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located one hundred and twenty-one days after August 13, 1954. (Aug. 13, 1954, ch. 730, § 2, 68 Stat. 709.)

§ 523. Uranium leases

(a) Right to locate mining claims

Subject to the conditions and provisions of this chapter and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after August 13, 1954, as limited in subsection (b) of this section, the right to locate mining claims upon the lands covered by said application or lease.

(b) Priorities and conflicting rights; termination of rights

Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid on August 13, 1954 or which may acquire validity under the provisions of this chapter. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C.F.R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said thirty-day period, the owner of the uranium lease application or uranium lease upon which the location

of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Future claims on lands covered by application or lease

Except as otherwise provided in subsections (a) and (b) of this section, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

(Aug. 13, 1954, ch. 730, § 3, 68 Stat. 709.)

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.

§ 524. Reservation of minerals to United States

Every mining claim or millsite—

(1) heretofore located under the mining laws of the United States which shall be entitled to benefits under sections 521 to 523 of this title; or

(2) located under the mining laws of the United States after August 13, 1954 shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 526 of this title) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.