

notice to be mailed by registered mail or by certified mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

**(b) Failure to file verified statement**

If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section shall fail to file a verified statement, as above provided, within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 524 of this title, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

**(c) Hearings**

If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where the lands in question or parts thereof are located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under the mining claim as to Leasing Act minerals, then no subsequent proceedings under this section shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

**(d) Request for copy of notice**

Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

**(e) Failure to deliver or mail copy of notice**

If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

(Aug. 13, 1954, ch. 730, §7, 68 Stat. 711; Pub. L. 86-507, §1(25), June 11, 1960, 74 Stat. 201.)

**Editorial Notes**

AMENDMENTS

1960—Subsec. (a). Pub. L. 86-507 inserted "or by certified mail" after "registered mail" in two places in last paragraph.

**§528. Waiver and relinquishment of mineral rights**

The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals.

The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 524 of this title and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

(Aug. 13, 1954, ch. 730, § 8, 68 Stat. 715.)

#### § 529. Helium lands subject to entry

Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 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, as amended, 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, 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.

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.