

priorities for the selection of projects and programs for affected areas of land and water in need of reclamation in those States which are eligible for assistance under the provisions of titles II, III, IV, or V of his Act.

(b) In establishing Federal standards, and mining and reclamation requirements for the administration and regulation of future strip and surface mining operations in the United States, the Secretaries shall consider requirements which will reasonably assure the attainment of the following objectives:

(1) The standards shall include, but not be limited to, grading, drainage, backfillings, plantings, revegetation, and any other measures or practices deemed by the Secretaries, after consultation with appropriate advisory committees, to be necessary to carry out the purposes of this Act.

(2) No person shall be permitted to commence operations to mine by strip or surface methods without first securing a permit or license from the Secretaries.

(3) Adequate law enforcement procedures shall be provided.

(4) The posting of an appropriate performance bond shall be required, forfeiture of which may automatically involve denial of future mining permits or licenses.

(5) Surface and strip mining operations and reclamation procedures shall be required to be preplanned and approved by the Secretaries prior to issuance of a permit or license.

(6) The penalties provided herein shall apply for mining by strip or surface methods without a license or permit, and for willful refusal or failure to comply with the law, approved regulations, or the orders of a duly authorized authority.

(7) If warranted, the Secretaries may prohibit strip and surface mining in areas where reclamation is considered unfeasible because of physical considerations, such as ground-surface slope, but not limited thereto.

(8) Reclamation work shall be required to be integrated into the mining cycle, and appropriate time limits shall be established for the completion of reclamation.

(9) Periodic reports by the operator on the progress, methods, and results of reclamation efforts shall be required.

(10) Provision shall be made for the reporting and evaluation by the Secretaries of environmental changes in active and dormant strip and surface mining areas in order to provide data upon which the effectiveness of the reclamation requirements and their enforcement may be evaluated.

SEC. 102. (a) The Secretary of Agriculture and the Secretary of the Interior, after consultation with the national advisory committee established pursuant to section 6(a) of this Act, shall publish in the Federal Register rules, regulations, model standards, and reclamation requirements promulgated by them pursuant to section 101.

(b) The provisions of section 553 of title 5, United States Code, shall be applicable to the rules, regulations, model standards, and reclamation requirements promulgated pursuant to this section.

(c) Any person or operator whose application for a license or permit has been denied by the Secretaries, or whose bond has been ordered forfeited by the Secretaries, or who has otherwise been aggrieved by an action of the Secretaries pursuant to the provisions of this Act, may appeal to the Secretaries for annulment or revision of such order or action, and the Secretaries shall issue regulations for such appeals which shall include due notice and opportunity for a hearing.

(d) Any final order made by the Secretaries on appeal shall be subject to the judicial review by the United States court of appeals for the circuit in which the mine affected is located, upon the filing in such court of a notice of appeal by the operator aggrieved by such final order within twenty days from the date of the making of such final order.

(e) The applicant shall forthwith send to the Secretaries by registered mail or by certified mail a copy of such notice of appeal. Upon receipt of such copy of a notice of appeal the Secretaries shall promptly certify and file in such court a complete transcript of the record upon which the order complained of was made. The costs of such transcript shall be paid by the appellant.

(f) The court shall hear such appeal on the record made before the Secretaries, and shall permit argument, oral or written, or both, by both parties.

(g) Upon such conditions as may be required, and to the extent necessary to prevent irreparable injury, the United States court of appeals may, after due