

Mr. UDALL. Senator, I think what I would envision, if this works out the way that I hope it would, that most of the States would pass laws similar to, let's say, the laws that Pennsylvania and Kentucky have, which are some of the more recent good laws. A few of the States may not do anything, so that we probably will have to have Federal regulations for them. The pattern of the future you might see in Pennsylvania or Kentucky right today, where the mining company wants to mine a certain area for coal and they go in, sit down with the State people, and work out a reclamation plan. The plan is approved and then they go ahead.

I was really pleased to find the Kentucky Act, after all the controversy, working as well as it is. I was there with the former Governor and the new Governor and got word from both of them that the act seemed to be functioning properly and they were both going to support it.

Senator HANSEN. Generally speaking, the approach that those States have taken is to call upon industry to submit a reclamation plan before the mining operation actually begins?

Mr. UDALL. That is the approach. That is the approach that would be envisioned.

Senator HANSEN. In some of the mining operations we have in Wyoming I have the feeling that not until extensive core drilling has been done and they have actually gotten into their operation may they be aware of the problem and of possible solutions that would suggest themselves.

What latitude would this approach offer a mining company to make an assessment after they knew better what the facts were? I am thinking, if you are talking about bedding, that may be 30 degrees and you know precisely what the picture is or if the beds that are being mined are laid down perfectly horizontally I suspect that it would be relatively easy to talk about what sort of an operation would most meaningfully and efficiently be used to accomplish a certain desired end result. But some of the coal beds, or bentonite and trona, we have in Wyoming don't always fit the patterns that would lend themselves to this sort of operation. Won't there be need, if we are going to be realistic and practical about it, to give industry some elbow room so that it might find out what the situation is, what faulting has occurred, and that sort of thing before they will be able to know precisely what can best be done?

Mr. UDALL. Senator, I think you have a sound point in that you are going to have to have enough latitude that the commonsense approach can function. If a company files an initial plan and they find different conditions so that a different solution is necessary, or some new development comes along, they could change things. I think this is a matter of administration and of drawing the initial law broadly enough that you have such latitude. I found out in Kentucky—because I talked to them about how it works—that there is a very interesting interface between the State people who are the regulators, the conservationists, and the mining companies. They educate each other as they go back and forth, with regard to what is feasible and what can and can't be done and what new conservation techniques are being developed and so on. That is as it should be.