

have upon competition and the economics of operation within our industry.

We very respectfully suggest that, in view of the fact that the Congress expressly directed that specific consideration be given to these precise questions, the failure to do so requires that these recommended proposals be returned to the Department of the Interior for compliance with the congressional mandate.

In any event, whether this is done or not, we submit that examination of these questions demonstrates plainly that stone quarries cannot be subjected to the type of reclamation regulation visualized by these proposals and still survive as viable competitive businesses.

These then are the reasons why NCSA is opposed to the enactment of these proposals. They demonstrate, we believe, why these proposals would not be a realistic or a desirable method of securing the reclamation of mined land and why they would have a disastrous impact upon the crushed stone industry.

Thank you very much for this opportunity to testify before your committee. If there are any questions, we will do our best to answer them.

Senator METCALF. Do you have a statement, Mr. Carter?

Mr. CARTER. No, I do not.

Senator METCALF. Mr. Bucy?

Mr. BUCY. No, sir.

Senator METCALF. Senator Anderson.

Senator ANDERSON. I take it you are not wildly enthusiastic about this bill, are you?

Mr. FRAWLEY. No, sir.

Senator ANDERSON. In your statement you say:

I would say here that just how any bonding company, in these circumstances, could be persuaded to issue such a performance bond completely eludes us.

Have you discussed this with the bonding industry?

Mr. FRAWLEY. Yes, sir, this was discussed with bonding companies in connection with the consideration of reclamation legislation in Pennsylvania. Their answer is this: "How can we bond something that will not be reclaimed until 20 or 30 years from now?"

Senator ANDERSON. Is reclamation a new concept to the stone industry?

Mr. FRAWLEY. The kind proposed in this bill is new to the stone industry, sir.

Senator ANDERSON. Don't you have to comply with any laws such as those that govern the coal mining industry?

Mr. FRAWLEY. I don't know about the coal mine phase of it, sir.

Senator METCALF. If the Senator will yield, in many States you have to get a bond to guarantee recapping of oil wells and drilled water wells and sometimes the recapping would be 10 or 20 years in the future.

Mr. FRAWLEY. Yes, sir. However, with respect to stone quarries, the bonding companies say, "Well, just how are you going to back-fill? Where are you going to get the material to fill this big hole?"

Senator METCALF. Mr. Frawley, if the Senator will yield to me, I think that you have stretched your statement to the ridiculous. You know, and I know, and every person in this room knows that reclamation of an open pit mine or a rock quarry does not mean