

2. Provision for a meaningful advisory board procedure which would insure adequate operator representation in the development of all requirements which would be imposed upon their individual segment of the industry;

3. Provide for meaningful and independent review of all decisions by the Secretary which affect the rights and/or obligations of mine operators and the individual states; and

4. A requirement that inspectors be qualified, both by education and practical mining experience, to capably carry out any responsibilities which might be entrusted to them.

If the Committee wishes, NCSA would be pleased to furnish the Committee or its staff with further details as to these more technical and procedural aspects in which we believe these proposals to be deficient.

CONCLUSION

For the foregoing reasons, National Crushed Stone Association is vigorously opposed to the enactment of S. 3132 or any similar bill which would provide for Federal regulation of stone producers' operations or reclamation practices.

(Subsequent to the hearing, the following additional information was received:)

NATIONAL CRUSHED STONE ASSOCIATION,
Washington, D.C., May 1, 1968.

Re hearings on S. 3132 and similar bills.

Hon. LEE METCALF,
Senate Committee on Interior and Insular Affairs,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR METCALF: In the questioning which followed NCSA's testimony this morning, interest was shown in our position concerning the difficulty of securing the performance bond which S. 3132 would require operators to post as one of several conditions for permission to either commence or continue operations.

This difficulty arises from the fact that the bill, as drafted, does not make clear what is meant by the term "reclamation." Indeed, the limited definition which is provided could be construed to mean "return to original condition." The costs of such a requirement, particularly as applied to stone quarries, would not only be completely out of any reasonable proportion to the price which stone producers receive for their products, they would be impossible of any reasonable estimate prior to the fact. Since the costs of performing the reclamation work could not be estimated prior to the fact, bonding companies would clearly not be willing to give financial assurance that the work would be performed.

We recognize, of course, that Secretary Udall and members of the Committee have indicated that it is not intended that "return to original condition" would always be required. This intention, we submit, should be carefully spelled out in the bill itself so as to clearly preclude attempts being made at some future time to impose such a requirement upon stone producers.

We trust that this explanation satisfactorily answers the questions raised by Senator Anderson, and we would request that this letter be placed in the record at the conclusion of our testimony. If you wish, we would be pleased to develop these points in more detail.

Very truly yours,

JOHN P. FRAWLEY.

NATIONAL CRUSHED STONE ASSOCIATION,
Washington, D.C., May 24, 1968.

Subject S. 3132 and similar bills.

Hon. LEE METCALF,
Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR METCALF: At the conclusion of National Crushed Stone Association's testimony before the Committee, you indicated that the Committee might give consideration to the possibility of exempting stone quarries and other deep pit operations of a similar nature from the provisions of the legislative proposals contained in S. 3132 and similar bills.