

of appeal, by registered mail or by certified mail, to the other party and to the Board. Upon receipt of such copy of a notice of appeal the Board 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 party making the appeal.

(c) The court shall hear such appeal on the record made before the Board, and shall permit argument, oral or written or both, by both parties. The court shall permit such pleadings in addition to the pleadings before the Board, as it deems to be required or as provided for in the Rules of Civil Procedure governing appeals in such court.

(d) 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 notice to and hearing of the parties to the appeal, issue all necessary and appropriate process to postpone the effective date of the final order of the Board or to grant such other relief as may be appropriate pending final determination of the appeal.

(e) The United States court of appeals may affirm, annul, or revise the final order of the Board, or it may remand the proceeding to the Board for such further action as it directs. The findings of the Board as to facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The decision of a United States court of appeals on an appeal from the Board shall be final, subject only to review by the Supreme Court as provided in section 1254 of title 28 of the United States Code."

Sections 13 through 16 of the present Act (S. 3132) should be renumbered respectively:

- 13 becomes 16;
- 14 becomes 17;
- 15 becomes 18, and
- 16 becomes 19.

Senator METCALF. Thank you very much, Mr. Davison. Senator Jordan?

Senator JORDAN. Thank you, Mr. Davison. I expect your industry is by far the largest in point of location of sites throughout the country. Every community has a sand and gravel operation.

Mr. DAVISON. Yes, sir.

Senator JORDAN. You are more widespread than any other industries that have had witnesses that have appeared before us. I am pleased to see that you are doing some work in reclamation and research and reclamation on your own behalf.

I just hope that it continues because there is so much to be done and such a broad area that requires work to be done, spread out as you are in many communities in every State.

I have no questions, Mr. Chairman.

Senator METCALF. I certainly concur, Mr. Davison, with Senator Jordan's commendation. These are most impressive documents.

Mr. DAVISON. Thank you, sir.

Senator METCALF. The work that you have done demonstrates imagination and it is heartening to know that that is being done by your industry.

I also thank you for a rather comprehensive suggestion for amendments in the event this legislation is passed. I think that most of us in the Congress are committed to the principle of judicial review and we write it into bills that are sent up from the administration without it.

I will confess that I was one of the authors of the Mine Safety Act and we put in that Review Board. Just now I think we should go into an intervening board which would be necessary in some of these cases and I do want to ask you a question. I wonder if the initial judicial