

review should not take place in the local district court rather than in the court of appeals?

Mr. DAVISON. I would concur that this is probably more convenient for the operators.

Senator METCALF. It isn't such a problem for many of the people. You go up into New York City and the U.S. district court is on one side of the street and the circuit court of appeals is on the other, but in Idaho and Montana it is a lot easier to go over to Butte or Helena or down to Boise than it is to go to San Francisco and we very seldom have the court sitting even as far north as Seattle.

So that in most of these cases the law questions can be decided at the local level. I am convinced that there should be judicial review but I am thinking of probably local review.

Mr. DAVISON. We have no particular feeling on it. We simply followed the Mine Safety Act in that regard.

Senator METCALF. Thank you very much for a very helpful statement and my commendation to your industry.

Mr. DAVISON. Thank you.

Senator METCALF. This will be the last witness this morning and the committee will reconvene after the recess at 1:30. The first witnesses are Mr. Emigh, Mr. Power, and Mr. Olsen, who will be followed by Mr. Leirfallom and then we are going to move Mr. Zeigler at the request of Senator McGovern up to be the third witness.

(Whereupon, at 12:05 p.m., the committee recessed to reconvene at 1:30 p.m., the same day.)

AFTER RECESS

(The committee reconvened at 1:30 p.m., Senator Lee Metcalf presiding.)

Senator METCALF. The committee will be in order.

I had hoped that our two distinguished colleagues from Idaho, who are members of the committee, would be here to introduce our next speaker. Senator Church had asked me to call him when Dr. Emigh, Mr. Power, and Mr. Olsen came on and Senator Jordan, I know, wanted to be here.

However, I regret that they are not here. I know that they are detained on business. I know that both Senator Church and Senator Jordan had a meeting scheduled because they were unable to attend the meeting of the Northwest rivers and harbors group, which I just left.

I am pleased to introduce an old friend, a friend who appeared at hearings before the Interior Committee of the House when I was a member over there and who has appeared several times since I have been in the Senate.

Dr. Emigh, and your group, thank you very much. Senator Church is here now.

Senator CHURCH. Thank you, Mr. Chairman. I am sorry to be delayed.

Senator METCALF. You are recognized.

Senator CHURCH. I just wanted to say that, because I have been chairing another committee hearing, which is occurring simultaneously, one of the problems we have here in the Senate, I haven't been