

SECTION 3161.4-3 ACCEPTANCE OR REJECTION OF CONSERVATION AND RECLAMATION
PLAN: APPEAL BY LESSEE

(a) Upon determination by the authorized officer that a conservation and reclamation plan or any amended plan submitted by Lessee pursuant to Section 3161.4-2 meets the requirements of Sections 3161.4-5 and 3161.4-6, said officer shall deliver to the Lessee in writing a notice of acceptance of the conservation and reclamation plan and thereafter said plan shall govern and determine the nature and extent of the conservation and reclamation obligations of Lessee for compliance with the provisions of Sections 3161.4-5 and 3161.4-6.

(b) Upon determination by the authorized officer that a conservation and reclamation plan or amended plan referred to in Section 3161.4-2 herein fails to fulfill the requirements of Sections 3161.4-5 and 3161.4-6 of these regulations, he shall deliver to the Lessee in writing a notice of rejection of the conservation and reclamation plan and shall set forth in said notice of rejection the manner in which the plan fails to fulfill said requirements and shall stipulate the corrective requirements necessary to comply with said regulations. Upon receipt of said notice of rejection the Lessee may submit amended plans. Upon further determination by the authorized officer that an amended plan does not fulfill the requirements of the regulations, he shall deliver to the Lessee in writing a notice of rejection of the amended conservation and reclamation plan, and shall set forth in said notice of rejection the manner in which such amended plan fails to fulfill said requirements and shall stipulate the requirements necessary to comply with said regulations.

(c) The authorized officer shall deliver to the Lessee within thirty (30) days after the receipt of any conservation and reclamation plan or amended conservation and reclamation plan the notice of rejection or notice of acceptance of said plan as the case may be, provided, however, that if the authorized officer fails to deliver a notice of acceptance or notice of rejection within said time period, the plan submitted shall be deemed to comply with the regulations, and Lessee may commence and conduct his mining operations on the phosphate mine panel covered by such plan as if a notice of acceptance of said plan had been received from the authorized officer.

(d) Lessee may at any time after the receipt of a notice of rejection of a conservation and reclamation plan or amended conservation and reclamation plan deliver to the authorized officer in writing a notice of intent to appeal the determination of the authorized officer that a given plan or amended plan does not meet the requirements of the regulations, whereupon the authorized officer shall within thirty (30) days from the date of the receipt of said notice of intent to appeal, issue and deliver to the Lessee a written decision formally rejecting the said plan or amended plan, which decision shall set forth in detail the reasons for such rejection and the factual findings upon which such rejection is based together with the action which must be taken by the Lessee in order to comply with said regulations. Lessee may then appeal such decision as hereinafter provided.

SECTION 3161.4-4 CHANGES IN APPROVED PLAN; ACCEPTANCE OR REJECTION OF SUPPLEMENTAL PLAN; APPEAL BY LESSEE; EMERGENCY PROCEDURES

(a) In the event that circumstances arise which the Lessee believes require a change in an approved conservation and reclamation plan, including any amended conservation and reclamation plan, then the Lessee may submit to the authorized officer a supplemental plan setting forth the proposed changes and stating the reasons therefor. Upon determination by the authorized officer that a supplemental conservation and reclamation plan or any amended supplemental plan submitted by Lessee meets the requirements of Sections 3161.4-5 and 3161.4-6 herein, said officer shall deliver to the Lessee in writing a notice of acceptance of said supplemental plan and thereafter said supplemental plan shall govern and determine the nature and extent of the conservation and reclamation obligations of the Lessee for compliance with the provisions of Sections 3161.4-5 and 3161.4-6.

(b) Upon determination by the authorized officer that a supplemental conservation and reclamation plan fails to fulfill the requirements of Sections 3161.4-5 and 3161.4-6 of these regulations, he shall deliver to the Lessee in writing a notice of rejection of the supplemental conservation and reclamation plan and shall set forth in said notice of rejection the manner in which said plan fails to fulfill said requirements and shall stipulate the corrective requirements necessary to comply with said regulations. Upon receipt of said notice of