

and that the Lessee intends to resume mining operations with respect to such pile or pit.

SECTION 3161.4-10 DECISION OF AUTHORIZED OFFICER REQUIRING COMPLIANCE; TIME PERIOD FOR COMPLIANCE

Lessee shall not conduct cross country travel, construct roads, drill holes, or make excavations which are not in accordance with good and miner-like prospecting, development and mining operations.

SECTION 3161.4-9 COMPLIANCE WITH WATER POLLUTION, WATER USE, MINING SAFETY STATUTES AND REGULATIONS

Lessee shall conduct all prospecting, development and mining operations in accordance with all applicable statutes and reasonable regulations pertaining to water pollution, water use, and mining safety in effect as of the date of the lease.

SECTION 3161.4-10 DECISION OF AUTHORIZED OFFICER REQUIRING COMPLIANCE; TIME PERIOD FOR COMPLIANCE

With respect to leases and permits which are subject to the provisions of Sections 3161.4-5, 3161.4-6, 3161.4-7 and 3161.4-8, in the event that the authorized officer determines that the Lessee is not conducting prospecting, development or mining operations in accordance with the provisions of said Sections, said officer shall, prior to the commencement of any action under Section 3165.2 of these regulations, issue a decision setting forth the manner in which the Lessee is failing to comply with the provisions of said sections, the action which should be taken by the Lessee to rectify such a failure and to comply with said regulations together with the time period within which such action should be taken. The time period designated shall be long enough to allow the Lessee in the exercise of reasonable diligence to rectify any failure to comply as designated in said decision. In the event that the Lessee takes such action as is necessary to comply with said regulations within the time period designated by said officer or within the time period designated in any decision rendered on appeal, the Lesser shall not proceed with action pursuant to Section 3165.2 as to any failure designated.

SECTION 3161.5-1 RIGHT OF APPEAL; HEARING

Any Lessee may appeal any decision issued pursuant to the regulations contained in this part. Such an appeal shall be governed by the regulations set forth in Part 1840 except as modified by Sections 3161.5-2 and 3161.5-3. Hearings conducted pursuant to such appeal shall be governed by Part 1850.

SECTION 3161.5-2 DECISION ON APPEAL: DESIGNATION OF TIME PERIOD FOR COMPLIANCE

Any decision of the director or secretary requiring the Lessee to perform certain acts relative to his prospecting, development, mining, conservation or reclamation operations shall specify the time period within which such action should be taken, and the time period designated shall be long enough to allow the Lessee, in the exercise of reasonable diligence, to perform the required acts.

SECTION 3161.5-3 DECISION MADE EFFECTIVE DURING APPEAL: RIGHT TO JUDICIAL REVIEW

Any decision requiring the Lessee to perform or refrain from performing certain acts relative to his prospecting, development, mining, conservation or reclamation operations shall be considered a final decision so as to be agency action subject to judicial review under Section 10(c) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), if it has been made effective pending a decision on appeal.

EXHIBIT E

SUMMARY OF STATEMENT OF PHOSPHATE LANDS CONFERENCE

(Response to proposed rulemaking published July 20, 1967, relating to reclamation of surface mixed lands)