

prepared by any members in support of, or dissenting from, any such finding or order.

(h) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all action which the Board is required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

JUDICIAL REVIEW

SEC. 15. (a) Any final order issued by the Board under Section 14: shall be subject to judicial review by the United States court of appeals for the circuit in which the state or mine affected is located, upon the filing in such court of a notice of appeals by the Secretary, or the state or operator aggrieved by such final order, within thirty days from the date of the making of such final order.

(b) The party making such appeal shall forthwith send a copy of such notice 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; 16 becomes 19.

STATEMENT OF PAUL THIELE, PRESIDENT AND CHAIRMAN OF THE BOARD, THIELE KAOLIN Co., SANDERSVILLE, GA.

Mr. Chairman and members of the committee, my name is Paul Thiele. I am President and Chairman of the Board of Thiele Kaolin Company at Sandersville, Georgia. I was a member of the Georgia Legislature Study Committee that inspected several different kinds of surface mining operations, determined that surface mining land rehabilitation was desirable, and proposed legislation. The proposed bill, with one amendment, was passed unanimously by our State Legislature.

I am a nominee for the Board that will have responsibility for adopting rules and regulations and administering the Surface Mining Land Reclamation law under the Georgia Department of Mines, Mining and Geology.

I am appearing before you today as a representative of the 50 mining companies who are members of the Mining and Quarrying Committee of the Associated Industries of Georgia. We take the position that rehabilitation of surface mined land is rightfully the responsibility of the individual states. We feel that federal legislation is unnecessary and a duplication of effort because the States and the mining operators are increasingly aware of the need to prevent pollution and to reclaim mined-out land. The mining industry has made tremendous progress in this matter during the past decade.

Senate Bill 3132 is dangerous to the welfare and security of this nation. It proposes to give near dictatorial power to one man; namely the Secretary of