

land, the surface of which is owned by the United States of America and managed by the United States Forest Service. Tract 574 contains 1,045.3 acres and is situated seven miles west of Hillsboro, West Virginia on the waters of Hills Creek and the waters of Robins Run, a tributary of Spring Creek. The second tract, known as the Killingsworth Tract, contains 179 acres and is situated on the headwaters of Spruce Run, a tributary of the Greenbrier River. Both properties are located on Briery Knob. They each were mined during the 1940's by surface mining methods. A face-up area for an underground coal mine under permit by the West Virginia Department of Energy is located on Tract 574.

In order to establish that the requester has VER for surface coal mining on the properties in question, OSM must first determine that the requester has demonstrated all necessary rights to surface mine the coal. On November 17, 1989, the U.S. Department of Agriculture (USDA) Forest Service advised OSM of the USDA Office of General Counsel's opinion that "\* \* \* the owners did not reserve the right to remove the coal by surface mining when these lands were acquired by the United States." This opinion was reaffirmed on February 6, 1991, subsequent to Mr. Van Gilder's acquisition of the coal and his VER determination request. On April 23, 1991, OSM informed Mr. Van Gilder that the agency could not consider his request to be administratively complete in light of "\* \* \* the unresolved difference of opinion concerning the nature of the property rights you possess."

In December, 1995, Mr. Helmick filed an action in the United States District Court for the Northern District of West Virginia, claiming that his mineral interests had been taken without just compensation when the Forest Service determined that Mr. Van Gilder's interest in the tract did not include the right to conduct surface mining. *Helmick v. United States*, No. 95-0115 (N.D. W.Va.) After the Government filed a motion to dismiss for failure to state a claim on February 15, 1996, Mr. Helmick amended his complaint by adding the Department of the Interior as a party, by eliminating his claim of a taking under the Tucker Act, and by substituting three new counts seeking to review "agency action" under the APA. On September 8, 1997, the court in *Helmick* ordered the Secretary of the Interior to render a final VER determination by December 6, 1997.

In order to comply with the Court's order, and because of the time that has passed since OSM's last administrative

action in this matter, OSM believes it is appropriate to reopen the administrative record to allow all interested persons to provide any additional factual information as to whether the requester has the property right to mine by the proposed method, and as to whether the requester has VER under the applicable standards. If OSM determines that Walter D. Helmick has VER, he may apply to the West Virginia Department of Energy for a permit authorizing the surface and auger mining of coal on the two tracts in question. If it is determined that Mr. Helmick does not have VER, no surface or auger mining will be permitted.

Dated: October 9, 1997.

**Allen D. Klein,**

*Regional Director, Appalachian Regional Coordinating Center.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-758 (Final)]

### Collated Roofing Nails From Korea

**AGENCY:** United States International Trade Commission, Commerce.

**ACTION:** Termination of investigation.

**SUMMARY:** On October 1, 1997, the Department of Commerce published notice in the **Federal Register** of a negative final determination of sales at less than fair value in connection with the subject investigation (62 FR 51420). Accordingly, pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the antidumping investigation concerning collated roofing nails from Korea (investigation No. 731-TA-758 (Final)) is terminated.

**EFFECTIVE DATE:** October 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Fred Ruggles (202-205-3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov> or <ftp://ftp.usitc.gov>).

**AUTHORITY:** This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 201.10 of the Commission's rules (19 CFR § 201.10).

By order of the Commission.

Issued: October 9, 1997.

**Donna R. Koehnke,**

*Secretary.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-385]

### General Agreement on Trade in Services: Examination of the Schedules of Commitments Submitted by Trading Partners of Eastern Europe, the European Free Trade Area, and Turkey

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**EFFECTIVE DATE:** October 6, 1997.

**SUMMARY:** Following receipt on September 19, 1997, of a request from the Office of the United States Trade Representative (USTR), the Commission instituted investigation No. 332-385, General Agreement on Trade in Services: Examination of the Schedules of Commitments Submitted by Trading Partners of Eastern Europe, the European Free Trade Area, and Turkey, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

**FOR FURTHER INFORMATION:** Information on service industries may be obtained from Mr. Richard Brown, Office of Industries (202-205-3438) and Mr. Scott Ki, Office of Industries (202-205-2160); economic aspects, from Mr. William Donnelly, Office of Economics (202-205-3223); and legal aspects, from Mr. William Gearhart, Office of the General Counsel (202-205-3091). The media should contact Ms. Margaret O'Laughlin, Office of External Relations (202-205-1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810).

**BACKGROUND:** As requested by the USTR in a letter dated September 19, 1997, the Commission, pursuant to section 332(g) of the Tariff Act of 1930, has instituted an investigation and will prepare a report that (1) examines the content of schedules of commitments under the General Agreement on Trade in Services (GATS) for the countries specified