

**RHODE ISLAND****Kent County**

Crompton Mill Historic District, 20  
Remington St., 53 and 65 Manchester St.,  
West Warwick, 06000577

**SOUTH CAROLINA****Allendale County**

Allendale County Courthouse, 292 Barnwell  
Hwy., Allendale, 06000580

**Orangeburg County**

Willow Consolidated High School, 2750  
Cope Rd., Norway, 06000581

**Spartanburg County**

Woodruff High School, 239 E. Hayne St.,  
Woodruff, 06000578

**Williamsburg County**

McCullum—Murray House, C.E. Murray  
Blvd., Greeleyville, 06000579

**TENNESSEE****Loudon County**

Lenoir Collon Mill Warehouse, 150 Bussells  
Ferry Rd., Lenoir City, 06000584

**Shelby County**

Edway Building, 147 Jefferson Ave.,  
Memphis, 06000582  
Southwestern at Memphis Sorority Row  
Historic District, 2000 North Parkway,  
Rhodes College, Memphis, 06000583

A request for removal has been made  
for the following resource:

**MINNESOTA****Cass County**

Neils, Julius, House, N. Third St., Cass Lake,  
80001991

[FR Doc. E6-9674 Filed 6-19-06; 8:45 am]

**BILLING CODE 4312-51-P**

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****Request for Determination of Valid Existing Rights Within the Daniel Boone National Forest, Kentucky**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice and request for comment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are providing opportunity for the public to comment on a request for a determination of valid existing rights (VER) to use an existing Forest Service road as a coal mine access and haul road across Federal lands within the boundaries of the Daniel Boone National Forest in Owsley County, Kentucky. The mine would be located on privately owned land.

**DATES:** We will accept electronic or written comments until 4 p.m. Eastern time on July 20, 2006. Requests for an extension of the comment period must be received by the same time.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Mail/Hand-Delivery/Courier:*

William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503.

- *E-mail: dbeam@osmre.gov.*

For detailed instructions on submitting comments, see "V. How Do I Submit Comments on the Request?" in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

William J. Kovacic, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503.

*Telephone:* (859) 260-8402. *Fax:* (859) 260-8410. *E-mail:* [bkovacic@osmre.gov](mailto:bkovacic@osmre.gov).

**SUPPLEMENTARY INFORMATION**

- I. What is the Nature of the VER Determination Request?
- II. What Legal Requirements Apply to this Request?
- III. What Information is Available Relevant to the Basis for the Request?
- IV. How Will We Process the Request?
- V. How Do I Submit Comments on the Request?

**I. What Is the Nature of the VER Determination Request?**

On February 23, 2006, QORE Property Sciences (QORE) submitted a request for a determination of VER on behalf of Sturgeon Mining Company, Inc. (Sturgeon). Sturgeon is proposing to conduct surface coal mining operations on approximately 424 acres of privately owned land near Watches Branch of Laurel Fork in the southeast corner of Owsley County, Kentucky. The property to be mined is adjacent to the Daniel Boone National Forest.

QORE is seeking a determination that Sturgeon has VER under paragraph (c)(1) of the definition of VER in 30 CFR 761.5 to use an existing road across Federal lands within the Daniel Boone National Forest as an access and haul road for the proposed mine. No other surface coal mining operations would be conducted on Federal lands within the Daniel Boone National Forest as part of this mine.

**II. What Legal Requirements Apply to This Request?**

Section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1272(e)(2), prohibits surface coal mining operations on Federal lands within the boundaries of any national forest, with two exceptions. The first exception

pertains to surface operations and impacts incidental to an underground coal mine. The second relates to surface operations on lands within national forests west of the 100th meridian. Neither of those exceptions applies to the request now under consideration.

The introductory paragraph of section 522(e) also provides two general exceptions to the prohibitions on surface coal mining operations in that section. Those exceptions apply to operations in existence on the date of enactment of the Act (August 3, 1977) and to land for which a person has VER. SMCRA does not define VER. We subsequently adopted regulations defining VER and clarifying that, for lands that come under the protection of 30 CFR 761.11 and section 522(e) after the date of enactment of SMCRA, the applicable date is the date that the lands came under protection, not August 3, 1977.

On December 17, 1999 (64 FR 70766-70838), we adopted a revised definition of VER, established a process for submission and review of requests for VER determinations, and otherwise modified the regulations implementing section 522(e). At 30 CFR 761.16(a), we published a table clarifying which agency (OSM or the State regulatory authority) is responsible for making VER determinations and which definition (State or Federal) will apply. That table specifies that OSM is responsible for VER determinations for Federal lands within national forests and that the Federal VER definition in 30 CFR 761.5 applies to those determinations.

Paragraph (c) of the Federal definition of VER contains the standards applicable to VER for roads that lie within the definition of surface coal mining operations. QORE is seeking a VER determination under paragraph (c)(1), which provides that a person who claims VER to use or construct a road across the surface of lands protected by 30 CFR 761.11 or section 522(e) of SMCRA must demonstrate that the "road existed when the land upon which it is located came under the protection of § 761.11 or 30 U.S.C. 1272(e), and the person has a legal right to use the road for surface coal mining operations."

Based on other information available to us, we also are considering whether VER might exist under the standard in paragraph (c)(3), which requires a demonstration that a "valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of § 761.11 or 30 U.S.C. 1272(e)."

### III. What Information Is Available Relevant to the Basis for the Request?

The following information has been submitted by QORE or obtained from the United States Forest Service (USFS) or the Kentucky Department for Natural Resources (DNR):

1. A 4,900 foot road designated USFS road FSR 1649A exists on the land to which the VER determination request pertains.
2. The land upon which the road is located was in Federal ownership as part of the Daniel Boone National Forest on August 3, 1977, the date of enactment of SMCRA.
3. On May 18, 2006, the USFS issued a permit to Sturgeon for non-Federal commercial use of this road. The permit is contingent upon Sturgeon receiving all other necessary authorizations to operate.
4. The road in question is clearly visible on several aerial photographs taken between April 11, 1978, and February 26, 1988.
5. The road is visible as a faint feature in aerial photographs dated April 27, 1974, and May 9, 1976.
6. A DNR employee remembers using an old logging road in this area for trail biking the summer after he graduated from college in the spring of 1977.
7. The USFS issued River Mining Co., Inc. a special use permit for the construction and use of a road in this location as a coal access and haul road on September 24, 1976.

### IV. How Will We Process the Request?

We received the request on February 23, 2006, and determined that it was administratively complete on March 23, 2006. That review did not include an assessment of the technical or legal adequacy of the materials submitted with the request.

The process by which we will further review the request is set out in 30 CFR 761.16(d) and (e). As required by 30 CFR 761.16(d)(1), we are publishing this notice to seek public comment on the merits of the request. A similar notice will also be published in a newspaper of general circulation in Owsley County, Kentucky.

After the close of the comment period, we will review the materials submitted with the request, all comments received in response to this and other notices, and any other relevant, reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request. If not, we will notify the requester, in writing, explaining the inadequacy of the record and requesting submittal,

within a specified time, of any material needed to remedy the deficiency.

Once the record is complete and adequate, we will determine whether the requester has demonstrated VER for the proposed access and haul road. Our decision document will contain findings of fact and conclusions, along with an explanation of the reasons for our conclusions. We will publish a notice of the decision in the **Federal Register** and a newspaper of general circulation in Owsley County, Kentucky.

However, as provided in 30 CFR 761.16(d)(1)(iv), we will not make a decision on the merits of the request, if, by the close of the comment period under this notice or the notice required by 30 CFR 761.16(d)(3), a person with a legal interest in the land to which the request pertains initiates appropriate legal action in the proper venue to resolve any differences concerning the validity or interpretation of the deed, lease, easement, or other documents that form the basis of the request. This provision applies only if our decision is based upon the standard in paragraph (c)(1) of the definition of VER in 30 CFR 761.5. It will not apply if we base our decision on the standard in paragraph (c)(3) of the definition.

### V. How Do I Submit Comments on the Request?

We will make the VER determination request and associated materials available to you for review as prescribed in 30 CFR 842.16, except to the extent that the confidentiality provisions of 30 CFR 773.6(d) apply. Subject to those restrictions, you may review a copy of the request for the VER determination and all comments received in response to this request at the Lexington Field Office (*see ADDRESSES*). Documents contained in the administrative record are available for public review at the Field Office during normal business hours, Monday through Friday, excluding holidays.

#### *Electronic or Written Comments*

If you wish to comment on the merits of the request for a VER determination, please send electronic or written comments to us at the addresses above (*see ADDRESSES*) by the close of the comment period (*see DATES*). Under 30 CFR 761.16(d)(1)(vii), you may request a 30-day extension of the comment period. Requests for extension of the public comment period must be submitted to the same addresses by the date indicated.

If you submit comments by E-mail, please include your name and return address in your message. You may contact the Lexington Field Office at

(859) 260-8402 if you wish to confirm receipt of your message.

#### *Availability of Comments*

We will make all comments, including names and addresses of respondents, available for public review during normal business hours at the location listed in **ADDRESSES**. We will not consider anonymous comments. If you are commenting as an individual, you may request that we withhold your name or address from public review, except for the city or town. We will honor your request to the extent allowable by law. You must state this request prominently at the beginning of your comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Dated: May 31, 2006.

**H. Vann Weaver,**

*Acting Regional Director, Appalachian Region.*

[FR Doc. E6-9660 Filed 6-19-06; 8:45 am]

**BILLING CODE 4310-05-P**

### INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 731-TA-624 and 625 (Second Review)]**

#### **Helical Spring Lock Washers From China and Taiwan**

#### **Determinations**

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan, would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>2</sup>

#### **Background**

The Commission instituted these reviews on January 3, 2006 (71 FR 133) and determined on April 10, 2006 that

<sup>1</sup> The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Chairman Stephen Koplan and Commissioners Jennifer A. Hillman, Charlotte R. Lane, and Shara L. Aranoff voted in the affirmative with respect to both countries. Vice Chairman Deanna Tanner Okun and Commissioner Daniel R. Pearson voted in the affirmative with respect to China and in the negative with respect to Taiwan.