

Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: On November 24, 1993, the Commission instituted an investigation of a complaint filed by Pro-Cut International, Inc. ("Pro-Cut") under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). The complaint alleged that two respondents imported, sold for importation, or sold in the United States after importation certain portable on-car disc brake lathes and components thereof that infringed the sole claim of U.S. Letters Patent 4,226,146 ("the '146 patent"). The Commission's notice of investigation named as respondents Hunter Engineering Company ("Hunter") and Ludwig Hunger Maschinenfabrik GmbH ("Hunger"), each of which was alleged to have committed one or more unfair acts in the importation or sale of portable on-car disc brake lathes that infringe the asserted patent claim.

The ALJ conducted an evidentiary hearing on May 2-4, 1994, and issued his final ID on August 12, 1994. He found that: (1) respondents' imported product does not infringe the asserted patent claim; (2) complainant satisfied the economic requirements for existence of a domestic industry; but that (3) there is no domestic industry because complainant is not practicing the '146 patent. Based upon his findings of no infringement and no domestic industry, the ALJ concluded that there was no violation of section 337.

On September 29, 1994, the Commission determined to review the August 12 final ID and to remand the ID in part to the ALJ for further explanation of his findings of no infringement under the doctrine of equivalents and no domestic industry. The Commission ordered the ALJ to issue an ID on the remanded issues on or before November 28, 1994. The Commission adopted the August 12 final ID in all other respects.

On November 28, 1994, the ALJ issued an ID addressing the remanded issues. The remand ID provides additional findings of fact and analysis and reiterates the ALJ's prior findings of no infringement under the doctrine of equivalents and no domestic industry. Complainant filed a petition for review objecting to both findings of the remand ID. Both respondents and the Commission investigative attorneys filed oppositions to the petition for review supporting the ALJ's findings in the remand ID. No agency comments were received.

Having considered the record in this investigation, including the August 12 final ID, the November 28 remand ID,

and all submissions filed in connection with the petitions for review of both IDs, the Commission determined not to review the November 28 remand ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 USC 1337, and sections 210.53 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.53.

Issued: January 10, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-1336 Filed 1-18-95; 8:45 am]

BILLING CODE 7020-02-P

[Investigation 337-TA-368]

Certain Rechargeable Nickel Metal Hydride Anode Materials and Batteries, and Products Containing Same; Notice of Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding administrative law judge in the above captioned investigation terminating the following respondents on the basis of a settlement agreement: Toshiba Battery Company, Ltd., Toshiba America Information System, Inc., and Toshiba America Consumer Products.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on January 13, 1995.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, S.W., Washington, D.C. 20436, no later than five days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205-1802.

Issued: January 13, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-1337 Filed 1-18-95; 8:45 am]

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[Investigation No. 337-TA-368]

Certain Rechargeable Nickel Metal Hydride Anode Materials and Batteries, and Products Containing Same; Notice of Decision Not to Review Initial Determination Granting Joint Motion To Terminate the Investigation with Respect to Respondents Sanyo Electric Co., Ltd. and Sanyo Energy (USA) Corp. on the Basis of a License Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 8) issued on December 15, 1994, by the presiding administrative law judge (ALJ) in the above-captioned investigation granting the joint motion of complainants Energy Conversion Devices, Inc. and Ovonic Battery Co., Inc. and respondents Sanyo Electric Co., Ltd. and Sanyo Energy (USA) Corp. (collectively "the Sanyo companies") to terminate the investigation as to the Sanyo companies on the basis of a licensing agreement.

FOR FURTHER INFORMATION CONTACT: Marc A. Bernstein, Office of the General Counsel, U.S. International Trade

Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3087.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of section 337 violations in the importation, sale for importation, and sale after importation of certain rechargeable nickel metal hydride anode materials and batteries and products containing same, on September 8, 1994. Complainants allege infringement of claims 1-17, 22, 23, 25, 27, and 32 of U.S. Letters Patent 4,623,597 ("the '597 patent").

On December 9, 1994, complainants and the Sanyo companies filed a joint motion to terminate the investigation with respect to the Sanyo companies on the basis of a licensing agreement. The ALJ issued an ID granting the joint motion and terminating the investigation as to the Sanyo companies. No petitions for review of the ID were filed. No agency or public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rule 210.42, 19 C.F.R. 210.42.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: January 10, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-1338 Filed 1-18-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32640]

Canadian National Railway Company; Contract to Operate; Grand Trunk Western Railroad Inc. and Duluth, Winnipeg & Pacific Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision accepting application for consideration.

SUMMARY: The Commission is accepting for consideration the application filed December 19, 1994, by Canadian National Railway Company (CN), the Grand Trunk Western Railroad Inc. (GTW), and the Duluth, Winnipeg and Pacific Railway Co. (DWP) (collectively, applicants), for approval of an agreement among the applicants under which CN will contract to operate the properties of GTW and DWP. Under 49 CFR part 1180, the Commission finds this to be a minor transaction.

DATES: Written comments must be filed with the Commission no later than February 17, 1995, and concurrently served on applicants' representatives, the United States Secretary of Transportation (Secretary of Transportation), and the Attorney General of the United States (Attorney General). Comments from the Secretary of Transportation and the Attorney General must be filed by March 6, 1995. The Commission will issue a service list shortly thereafter. Comments must be served on all parties of record within 5 days of the issuance of the service list and confirmed by certificate of service filed with the Commission indicating that all designated individuals and organizations on the service list have been properly served. Applicants' reply is due by March 20, 1995.

ADDRESSES: Send an original and 10 copies of all documents to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32640, Interstate Commerce Commission, Washington, DC 20423. In addition, concurrently send one copy of all documents to the Secretary of Transportation, the Attorney General, and applicants' representatives: (1) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 8201, 400 Seventh St., SW, Washington, DC 20590; (2) Attorney General of the United States, United States Department of Justice, 10th St. & Constitution Ave., NW, Washington, DC 20530; and (3) John Will Ongman, John F. DePodesta, and George A. Lehner, Pepper, Hamilton & Scheetz, 1300 19th Street, NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: By application filed December 19, 1994, Commission approval is being sought under 49 U.S.C. 11343-45 for CN to contract to operate the properties of two

wholly owned subsidiaries, GTW and DWP.¹

CN is a Canadian Crown Corporation incorporated under a special act of the Parliament of Canada.² GTW is a Delaware corporation and a class I railroad. DWP is a Minnesota corporation and a class II railroad. Grand Trunk Corporation (GTC) is a noncarrier holding company of CN's American rail properties, including GTW and DWP. CN connects with GTW at the St. Clair River Tunnel at Sarnia, Ontario and Port Huron, Michigan, and at the Detroit Tunnel at Windsor, Ontario and Detroit, Michigan. CN connects with DWP at Fort Francis/Rainy River, Ontario. Included in the application as an applicant carrier is the St. Clair Tunnel Co. (SCTC), a class III carrier. SCTC is 97% owned by the noncarrier, St. Clair Tunnel Construction Co. (SCTCC) and 3% owned by three of its directors. SCTCC is in turn 75% owned by GTC and 25% owned by CN.

Applicants state that the purpose of the application is to seek Commission approval for the contract to operate the properties of GTW and DWP and the operating plan developed to implement the contract to operate. According to applicants, GTW and DWP currently operate as independent entities. The contract to operate and the operating plan will coordinate and integrate service and operations among GTW, DWP and CN under the trade name CN North America. It is intended to permit the applicants to provide the seamless, single-line service that shippers

¹ Applicants simultaneously filed a petition for a finding of cause for a supplemental order under 49 U.S.C. 11351 and for procedural relief. In this petition, applicants alternatively request that we make a generic finding of cause under 49 U.S.C. 11351 to enable us to exercise our power under that section to issue any order dealing with the matters raised by the contract to operate as pertains to *Grand Trunk W.R. Co. Unification of Securities*, 158 I.C.C. 117 (1929) [*Acquisition of Control By Canadian National Railway*], Finance Docket No. 7320 (Sub-No. 1); and *Norfolk & W. Ry. Co.—Control—Detroit, T.I.R. Co.*, 360 I.C.C. 498 (1979) [*Grand Trunk Western Railroad—Control—Detroit, Toledo & Ironton Railroad Co. and Detroit, Toledo Shore Line Railroad Co.*, Finance Docket No. 28676 (Sub-No. 1)]. They also request that a protective order be entered in a form which they provide, that their proposed procedural schedule be approved, and that clarification or waiver of the regulations requiring certain information be granted. We will deny the request for a generic finding of cause because applicants have not established a need for such a finding, and we will grant the remaining requests. The requested protective order will be issued simultaneously with or shortly after issuance of this notice.

² CN does not generate sufficient revenues from its operations in the United States to achieve class I status. See *Canadian National Railway Company—Trackage Rights Exemption—Grand Trunk Western Railroad Inc.*, Finance Docket No. 32499 (ICC served July 25, 1994).