

in support of the motion for temporary relief were filed on January 18, 1995. The complaint, as revised, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain salinomycin biomass and preparations containing same alleged to be manufactured abroad by a method covered by claim 2 of U.S. Letters Patent Re. 34,698 and alleged to incorporate "know-how" and improvements in breach of contract. The complaint further alleges that there exists an industry in the United States and that the domestic industry is being injured or threatened with injury by the imported accused products. The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and a permanent cease and desist order.

The motion for temporary relief requests that the Commission issue a temporary exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of salinomycin biomass and preparations containing same that infringe claim 2 of the '698 patent during the course of the Commission's investigation.

**ADDRESSES:** The nonconfidential complaint and motion for temporary relief 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, SW., Room 112, Washington, DC 20436, telephone 202-205-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**FOR FURTHER INFORMATION CONTACT:** Teresa M.B. Martinez, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2015.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's final rules of practice and procedure. (59 FR 39020, 39043-44 (Aug. 1, 1994).) The authority for provisional acceptance of the motion for temporary relief is contained in § 210.58. (59 FR at 39062.)

**SCOPE OF INVESTIGATION:** Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on January 30, 1995, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation or the sale within the United States after importation of certain salinomycin biomass and preparations containing same made abroad by a process covered by claim 2 of U.S. Letters Patent Re. 34,698; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) Pursuant to § 210.58 of the Commission's final rules of practice and procedure (59 FR 39020, 39062 (Aug. 1, 1994)), the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, be provisionally accepted and referred to an Administrative Law Judge.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

- (a) The complainant is—  
Kaken Pharmaceutical Company, Ltd.,  
2-28-8 Honkomagome, Bunkyo-ku,  
Tokyo 113, Japan
- (b) The respondents are the following companies alleged to be in violation of Section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:  
Hoechst Aktiengesellschaft,  
Bruningstrasse 50, 65929 Frankfurt,  
Germany  
Hoechst Veterinar, Gesellschaft m.b.H.,  
Feldstrasse 1a. 85716,  
Unterschleissheim B., Munich,  
Germany  
Hoechst-Roussel Agri-Vet Co., Route  
202-206 North, Sommerville, New  
Jersey 08876-1258  
Merck & Company, Inc., 1 Merck Drive,  
P.O. Box 100, White House Station,  
New Jersey 08889-0100

(c) Teresa M.B. Martinez, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Room 401-D, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation and temporary relief proceedings instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondent in

accordance with §§ 210.13 and 210.59 of the Commission's final rules of practice and procedure. (59 FR at 39045-46, 39062.) Pursuant to 19 CFR 201.16(d), as well as sections 210.13(a) and 210.59 of the Commission's final rules of practice and procedure (59 FR at 39045, 39062-63), such responses will be considered by the Commission if received not later than 10 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to the patent-based allegations in the complaint, to the motion for temporary relief, and to this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, motion for temporary relief, and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: January 31, 1995.

By order of the Commission.

**Donna R. Koehnke,**  
*Secretary.*

[FR Doc. 95-2823 Filed 2-3-95; 8:45 am]

BILLING CODE 7020-02-P

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32657]

### Iron Road Railways Incorporated and Bangor and Aroostook Acquisition Corporation—Control Exemption—Bangor and Aroostook Railroad Company and Canadian American Railroad Company

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Commission, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the acquisition of control by Iron Road Railways Incorporated and Bangor and Aroostook Acquisition Corporation of two rail carriers, the Bangor and Aroostook Railroad Company and the Canadian American Railroad Company. The exemption is subject to standard labor protective conditions.

**DATES:** This decision will be effective on February 1, 1995. Petitions to reopen must be filed by February 21, 1995.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32657 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) James E. Howard, One International Place, Boston, MA 02110.

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

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721].

Decided: January 30, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, Commissioners Simmons and Owen.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-2813 Filed 2-3-95; 8:45 am]  
BILLING CODE 7035-01-P

**[Finance Docket No. 32654]**

**Toledo, Peoria & Western Railway Corporation—Trackage Rights Exemption—Peoria and Pekin Union Railway Co.**

Peoria and Pekin Union Railway Company (P&PU) has agreed to grant overhead trackage rights to Toledo, Peoria & Western Railway Corporation (TP&W), over 4.7 miles of P&PU's rail line between TP&W milepost 109.4 at East Peoria, IL, and TP&W milepost 113.9 at Peoria, IL. The purpose of this transaction is to enable TP&W to connect its eastern rail lines between Logansport, IN, and East Peoria, IL, with its western rail lines between Peoria and Fort Madison, IA. The trackage rights were to become effective on or after January 27, 1995.<sup>1</sup>

<sup>1</sup> P&PU canceled a prior trackage rights agreement on February 9, 1993, and asked the Commission to set the compensation for TP&W's continued use of the trackage rights. The parties subsequently entered into the agreement that is the subject of this notice. Accordingly, the compensation proceeding is being held in abeyance and will be dismissed on July 25, 1995, if no party requests further action. See Toledo, Peoria & Western Railway Corp.—Trackage Rights Compensation—Peoria and Pekin Union Railway Company, Finance Docket No. 26476 (Sub-No. 1) (ICC served Jan. 25, 1995).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Karl Morell, Suite 1035, 1101 Pennsylvania Avenue, NW., Washington, DC 20004.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: January 31, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-2853 Filed 2-3-95; 8:45 am]  
BILLING CODE 7035-01-P

**[Finance Docket No. 32656]**

**Missouri Pacific Railroad Company—Trackage Rights Exemption—Union Pacific Railroad Company**

Union Pacific Railroad Company (UP) has agreed to grant approximately 19.09 miles of overhead and local trackage rights in Saline County, KS, to Missouri Pacific Railroad Company (MP), its corporate affiliate. The trackage extends: (1) Over 16.92 miles on UP's McPherson Branch from milepost 534.75 near Bridgeport, KS, to the end of the line at milepost 551.67 near Salina, KS (which also equals milepost 185.92 on UP's Salina Branch); and (2) over 2.17 miles on UP's Salina Branch from milepost 185.92 to milepost 183.75, near Salina. The proposed transaction will allow movement of MP's trains in overhead service and also will permit MP to serve shippers located adjacent to UP's line of railroad.

The transaction was scheduled to be consummated on, or as soon as possible after, January 24, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Joseph D. Anthofer, 1416 Dodge St., Omaha, NE 68179.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: January 31, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 95-2852 Filed 2-3-95; 8:45 am]  
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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**Manufacturer of Controlled Substances; Application**

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on December 16, 1994, Orpharm, Inc., 728 West 19th Street, Houston, Texas 77008, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methadone (9250) .....	II
Methadone intermediate (9254) .	II
Levo-alphaacetylmethadol (9648)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than March 8, 1995.

Dated: January 24, 1995.

**Gene R. Haislip,**  
*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95-2816 Filed 2-3-95; 8:45 am]  
BILLING CODE 4410-09-M