

(May 1995), entitled "Light-walled rectangular pipe and tube from Mexico: Investigation No. 731-TA-730 (Preliminary)."

Issued: May 23, 1995.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 95-13149 Filed 5-26-95; 8:45 am]

BILLING CODE 7020-02-P

**[Investigation No. 337-TA-366]**

**Notice of Commission Determinations to Review Certain Portions of the Presiding Administrative Law Judge's Final Initial Determination and To Remand the Initial Determination to the ALJ for Clarification and Additional Findings; Denial of Request for Oral Argument**

In the Matter of: Certain microsphere adhesives, process for making same, and products containing same, including self-stick repositionable notes.

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Commission has determined to review certain portions of the final initial determination (ID) issued by the presiding administrative law judge (ALJ) on March 23, 1995, in the above-captioned investigation. The Commission has also determined to remand the ID to the ALJ for additional findings and for clarification of certain findings made in the ID concerning the issues under review. The Commission also determined to deny complainant's request for oral argument.

**FOR FURTHER INFORMATION CONTACT:** Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-3104.

**SUPPLEMENTARY INFORMATION:** This investigation was instituted by the Commission on June 8, 1994, based on a complaint filed by Minnesota Mining and Manufacturing Co. (3M). On March 23, 1995, the ALJ issued her final ID in this investigation. The ALJ determined that a violation of section 337 of the Tariff Act of 1930, as amended, has occurred by reason of infringement of certain claims of U.S. Letters Patent 4,166,152 (the '152 patent) in the importation or sale of certain products containing microsphere adhesives by Kudos Finder Tape Industrial Ltd. and Kudos Finder Trading Co. (collectively, Kudos). The finding of violation as to

Kudos was based on adverse inferences drawn from Kudos' failure to cooperate in discovery. The ID found no violation as to respondents Taiwan Hopax Chemicals Manufacturing, Co., Ltd.; Yuen Foong Paper Co., Ltd.; Beautone Specialties Co., Ltd.; and Beautone Specialties Co. (collectively, Beautone).

On April 17, 1995, 3M, Beautone, and the Commission investigative attorney filed petitions for review of the ID. On April 27, 1995, the parties filed responses to each other's petitions. Under Commission interim rule 210.53(h), the ID would have become the determination of the Commission on May 8, 1995, unless review were ordered or the review deadline were extended. However, the Commission had previously extended the review deadline until May 23, 1995. 60 FR 17806 (April 7, 1995). The statutory deadline for completing this investigation is December 8, 1995.

Having examined the record in this investigation, including the ID, the Commission determined to review the issues of (1) claim interpretation, (2) patent infringement by Beautone and Kudos, (3) patent validity under 35 U.S.C. 102(f), 102(g), and 112, and (4) domestic industry. The Commission has determined not to review the remainder of the ID. The Commission also determined to remand the ID to the presiding ALJ to make additional findings and to clarify certain other findings made in the ID, and has directed the ALJ to issue her ID on remand on or before August 8, 1995. The ID on remand will be processed in accordance with Commission interim rules 210.53 and 210.54.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and §§ 210.53, 210.56, and 210.58 of the Commission's Interim Rules of Practice and Procedure (19 C.F.R. 210.53, 210.56, and 210.58).

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 SW, Washington, DC 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: May 23, 1995.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 95-13147 Filed 5-26-95; 8:45 am]

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**[Investigation No. 337-TA-376]**

**Certain Variable Speed Wind Turbines and Components Thereof; Investigation**

**AGENCY:** International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 21, 1995, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Kenetech Windpower, Inc., 6952 Preston Avenue, Livermore, California 94550. The complaint alleges a violation of section 337 based on the importation, the sale for importation, and/or the sale within the United States after importation of certain variable speed wind turbines and components thereof, by reason of alleged induced and contributory infringement of claim 131 of U.S. Letters Patent 5,083,039 and claim 51 of U.S. Letters Patent 5,223,712. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's T.D.D. terminal on 202-205-1810.

**FOR FURTHER INFORMATION CONTACT:** Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2571.

**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 (August 1, 1994).

### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on May 22, 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 section 337(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 variable speed wind turbines and components thereof, by reason of alleged infringement of claim 131 of U.S. Letters Patent 5,083,039 or claim 51 of U.S. Letters Patent 5,225,712, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) 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—

Kenetech Windpower, Inc., 6952 Preston Avenue, Livermore, California 94550.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Enercon GmbH, Dreekamp 5, D-26605, Aurich, Germany  
The New World Power Corporation, 558 Lime Rock Road, Lime Rock, Connecticut 06039.

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

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.13 of the Commission's Final Rules of Practice and Procedure, 59 FR 39022, August 1, 1994. Pursuant to 19 CFR 201.16(d) and § 210.13(a) of the Commission's Final Rules, 59 FR 39022, August 1, 1994, such responses will be considered by the Commission if received no later than 20 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 a respondent to file a timely response to each allegation in the complaint and in 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 respondents, to find the facts to be as alleged in the complaint 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: May 23, 1995.

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

[FR Doc. 95-13150 Filed 5-26-95; 8:45 am]

BILLING CODE 7020-02-P

### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32695]

#### CSX Transportation, Inc.—Trackage Rights Exemption—Vaughan Railroad Company

Vaughan Railroad Company (Vaughan) has agreed to grant nonexclusive trackage rights to CSX Transportation, Inc. (CSXT) over approximately 14.63 miles of its rail line between Rich Creek Junction and Vaughan, WV. The trackage rights begin at Rich Creek Junction, V.S. 364+32, extend to the station of Vaughan, V.S. 643+00=0+00, and continue to the end of Vaughan's ownership at V.S. 482+00. The trackage rights were scheduled to become effective on or after May 17, 1995.<sup>1</sup>

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

<sup>1</sup> Under 49 CFR 1180.4(g), a verified notice of exemption must be filed with the Commission at least one week before the transaction is consummated. Because the notice of exemption was not filed until May 10, 1995, consummation should take place on or after May 17, 1995, rather than May 15, 1995, as indicated in the verified notice of exemption. Applicant's representative has confirmed that the correct consummation date is on or after May 17, 1995.

on: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

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: May 23, 1995.

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

**Vernon A. Williams,**

Secretary.

[FR Doc. 95-13159 Filed 5-26-95; 8:45 am]

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### DEPARTMENT OF JUSTICE

#### Antitrust Division

#### United States v. Topa Equities (V.I.), Ltd.; Public Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States publishes below the comments received on the proposed Final Judgment in *United States v. Topa Equities (V.I.), Ltd.*, Civil Action No. 1994-179, United States District Court for the District of the Virgin Islands St. Thomas/St. John Division, together with the response of the United States to the comments.

Copies of the response and the public comments are available on request for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, NW, Washington, DC 20530, and for inspection at the Office of the Clerk of the United States District Court for the District of the Virgin Islands, United States Courthouse, Federal Building and U.S. Courthouse, 5500 Veterans Drive, St. Thomas, United States Virgin Islands 00802.

**Rebecca P. Dick,**

Acting Deputy Director of Operations, Antitrust Division.

#### United States' Response to Public Comments

[Civil No: 1994-179]

#### Introduction

Pursuant to section 2(d) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(d), the United States responds to public comments on the proposed Final Judgment submitted for entry in this civil antitrust proceeding.