

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]

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### 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.