

Copies of the ALJ's 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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

By order of the Commission.

Issued: September 19, 1995.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-24148 Filed 9-27-95; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 337-TA-366]

Notice of Commission Decision Not To Review the Presiding Administrative Law Judge's Initial Determination on Remand; Denial of Motion for Oral Argument; and Schedule for the Filing of Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: Notice.

In the Matter of: Certain Microsphere Adhesives, Process for Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes.

SUMMARY: Notice is hereby given that the Commission has determined not to review the initial determination (ID) on remand issued by the presiding administrative law judge (ALJ) on August 8, 1995, in the above-captioned investigation. 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, S.W., Washington, D.C. 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, then presiding ALJ (Chief Judge Janet Saxon) 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 (IA) filed petitions for review of the ID. On April 27, 1995, they 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, on March 31, 1995, the Commission extended the review deadline until May 23, 1995.

On May 23, 1995, 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, second paragraph, and (4) domestic industry. The Commission determined not to review the remainder of the ID. The Commission 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.

Subsequent to remand of the ID, the investigation was reassigned to Judge Paul Luckern, who, on August 8, 1995, issued his ID on remand. 3M and Beautone filed petitions for review on August 18, 1995. 3M, Beautone, and the IA filed responses to the petitions. The Commission determined not to review the remand ID, thereby resolving the issues of claim interpretation and validity under 35 U.S.C. 112. Accordingly, the violation issues remaining on review are patent validity under 35 U.S.C. 102(f), 102(g); patent infringement by Beautone and Kudos; and domestic industry.

In connection with final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered.

If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see the Commission Opinion, *Certain Devices for Connecting Computers via Telephone Lines, Inc.*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed, if remedial orders are issued.

WRITTEN SUBMISSIONS: The Commission has received adequate briefing on the violation issues under review, and therefore will not accept submissions on those issues. The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on October 6, 1995. Reply submissions must be filed no later than the close of business on October 13, 1995. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines

stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 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 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.

By order of the Commission.

Issued: September 22, 1995.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-24071 Filed 9-27-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32775]

Burlington Northern Railroad Company; Trackage Rights Exemption; Keokuk Junction Railway

Keokuk Junction Railway (KJ) has agreed to grant overhead trackage rights to Burlington Northern Railroad Company (BN) as follows: (1) Between milepost 176.63 and milepost 176.91, (2) between milepost 177.13 and milepost 177.22, and (3) between milepost 177.31 and milepost 177.58, at Keokuk, IA, a distance of approximately .64 miles. The proposed transaction will allow for improved operating efficiencies by the carriers. The trackage

rights were scheduled to become effective on September 15, 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: Michael E. Roper, 3800 Continental Plaza, 777 Main St., Fort Worth, TX 76102-5384.

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: September 19, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24098 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32778]

Marietta Industrial Enterprises, Inc.—Merger Exemption— Little Kanawha River Rail, Inc.

Marietta Industrial Enterprises, Inc. (MIE), filed a notice of exemption to merge Little Kanawha River Rail, Inc. (LKRR), into the operations of MIE, the parent company of LKRR. Under the plan of merger, MIE will assume LKRR's 3.1-mile right-of-way and associated property between Ohio River Junction, WV (Valuation Station 2+90, Valuation Section 61.1, Map 65a) to South Parkersburg, WV (end of tract 44+65, Valuation Section 58.1, Map 51). The transaction was consummated on July 31, 1995.¹

Because the parties are members of the same corporate family, and the merger will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers operating outside the corporate family, the transaction qualifies for the class exemption at 49 CFR 1180.2(d)(3). The purpose of the transaction is to allow for

¹ Under the Commission's rules governing rail class exemptions, the exemption becomes effective 7 days after the verified notice is filed. 49 CFR 1150.32(b). The parties may consummate the underlying transaction on or after the exemption's effective date. 49 CFR 1180.4(g)(1). This notice was filed on May 18, 1995, but publication was delayed due to an administrative error.

better operating economies and improved financial viability for MIE.

As a condition to the use of this exemption, any employees adversely affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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: John L. Alden, One East Livingston Avenue, Columbus, OH 43215-5700.

Decided: September 22, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-24101 Filed 9-27-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32774]

Southern Pacific Transportation Company; Trackage Rights Exemption; Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has granted trackage rights to Southern Pacific Transportation Company (SP) over approximately 13,000 feet of UP connecting and access trackage in Oakland, CA, to connect SP's existing trackage at Oakland with an industrial property on UP known as "Schnitzer Steel."¹ The trackage rights were

¹ On August 4, 1995, Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Railroad Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company filed a notice of intent to file a control and merger application in Finance Docket No. 32760. Under 49 CFR 1180.4(c)(2)(vi), any proceeding directly related to an application in a major transaction must be filed concurrently with the primary application. It does not appear that this notice is directly related to the intended application. SP, UP, and other interested persons are invited to comment on the relationship, if any, between this notice and the merger application to be filed in Finance Docket No. 32760.

Additionally, within 10 days after publication of this notice of exemption, SP must file a copy of the trackage rights agreement. 49 CFR 1180.4(g)(1)(i) and 1180.6(a)(7)(ii). If SP wishes to protect any commercially or competitively sensitive information in the agreement, as it suggests in its verified notice, it may file another, redacted version of the agreement for the public docket along with a request to keep the confidential copy under seal and outside of the public docket and to refrain from otherwise disclosing its contents to the public. The redacted version should adhere to the pagination scheme of the confidential version but should redact those details that warrant confidential treatment.