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. Hearingimpaired 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] BILLING CODE 7020–02–P

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) 927–5610. [1DD 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. $^{\rm 1}$

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 matter 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).