

Environmental Impact Statement, Colorado.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (NEPA), the Bureau of Reclamation (Reclamation), in cooperation with the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Bureau of Land Management, and U.S. Fish and Wildlife Service, has prepared and made available to the public a final environmental impact statement (Final EIS) for the proposed Southern Delivery System (SDS) project. The non-federal Project Participants (City of Colorado Springs, City of Fountain, Security Water District, and Pueblo West Metropolitan District) have made a request to Reclamation to issue long term excess capacity, conveyance, and exchange contracts for the use of Fryingpan-Arkansas Project facilities. Reclamation needs to decide if the requested contracts will be issued. The Project Participants' purpose is to provide a safe, reliable, and sustainable water supply for their customers through the foreseeable future. The Project Participants' needs are the following:

- The Project Participants have a need to use developed and undeveloped water supplies to meet most or all projected future demands through 2046.
- The Project Participants have a need to develop additional water storage, delivery, and treatment capacity to provide system redundancy.
- The Project Participants have a need to perfect and deliver their existing Arkansas Basin water rights. Reclamation published a Draft EIS on February 29, 2008. Reclamation published a Supplemental Information Report on October 3, 2008 to update and provide additional information that was not in the Draft EIS. Revisions were made to the Final EIS to incorporate additional analyses presented in the Supplemental Information Report, and responses to comments on the Draft EIS and Supplemental Information Report. The Final EIS includes written responses to all public comments on both the Draft EIS and Supplemental Information Report. It also identifies the Participants' Proposed Action as Reclamation's preferred alternative.

**DATES:** Reclamation will not make a decision on the proposed action until at least 30 days after the release of the Final EIS. After the 30-day waiting period, Reclamation will complete a Record of Decision (ROD). The ROD will indicate the action selected for implementation and will discuss factors

and rationale used in making the decision.

**ADDRESSES:** Ms. Kara Lamb, Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Road 18E, Loveland, CO 80537-9711; telephone (970) 663-3212; facsimile (970) 962-4326; e-mail: [klamb@gp.usbr.gov](mailto:klamb@gp.usbr.gov). The Draft EIS, Supplemental Information Report, and Final EIS, are also available on the project Web site at: <http://www.sdseis.com>.

**SUPPLEMENTARY INFORMATION:** The Final EIS considers six action alternatives and a no action alternative:

- The No Action Alternative represents the most likely future water development project in the absence of a major Reclamation action.
  - The Participants' Proposed Action represents the Southern Delivery System project as the Participants propose to construct and operate it.
  - The Wetland Alternative was developed to minimize the wetland acres disturbed.
  - The Arkansas River Alternative was developed to provide both the highest minimum flow in the Arkansas River through Pueblo and minimize water quality effects on the lower Arkansas River.
  - The Fountain Creek Alternative was developed to minimize geomorphic and water quality effects on Fountain Creek by minimizing the use of Fountain Creek for receiving and conveying reusable return flows on the Arkansas River.
  - The Downstream Intake Alternative would use an untreated water intake from the Arkansas River downstream of Fountain Creek.
  - The Highway 115 Alternative would convey untreated water through a pipeline that generally follows Colorado 115 between the Arkansas River and Colorado Springs.
- Copies of the Final EIS are available at the following locations:
- Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Road 18E, Loveland, CO 80537.
  - Buena Vista/ North Chaffee County Library, 131 Linderman Avenue, Buena Vista, CO 81211.
  - Cañon City Public Library, 516 Macon Avenue, Cañon City, CO 81212.
  - Pikes Peak Library District—Penrose Library, 20 N Cascade Avenue, Colorado Springs, CO 80903.
  - Pueblo City-County Library District, 100 E Abriendo Avenue, Pueblo, CO 81004.
  - Woodruff Memorial Library, 522 Colorado Avenue, La Junta, CO 81050.

Dated: December 9, 2008.

**Bobbi C. Sherwood-Widmann,**

*Acting Assistant Regional Director, Great Plains Region.*

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**BILLING CODE 4310-MN-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-662]

### In the Matter of Certain Tunable Laser Chips, Assemblies and Products Containing Same; Notice of Investigation

**AGENCY:** U.S. 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 November 7, 2008, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of JDS Uniphase Corporation of Milpitas, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation, of certain tunable laser chips, assemblies, and products containing same that infringes certain claims of U.S. Patent Nos. 6,658,035 and 6,687,278. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and 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 TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for

this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2055.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2008).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on December 4, 2008, *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 tunable laser chips, assemblies, and products containing same that infringes one or more of claims 1, 3, 4, 30-39, 43-49, 51, 67-73, and 77-80 of U.S. Patent No. 6,658,035 and claims 1-6, 8-10, 12-17, 19-21, and 23-26 of U.S. Patent No. 6,687,278, and whether an industry in the United States exists 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—JDS Uniphase Corporation, 430 N. McCarthy Boulevard, Milpitas, California 95035.

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

Bookham, Inc., 2584 Junction Avenue, San Jose, California 95134;  
Syntune AB, Torshamnsgatan 30A, S-164 40, Kista, Sweden;

Cyoptics, Inc., 9999 Hamilton Boulevard, Breinigsville,

Pennsylvania 18031;

Tellabs, Inc., One Tellabs Center, 1415 West Diehl Road, Naperville, Illinois 60563;

Adva Optical Networking, Campus Martinsried, Fraunhoferstrasse 9a, 82152 Martinsried/Munich, Germany;

Ciena Corp., 1201 Winterson Road, Linthicum, Maryland 21090;

Nortel Networks Corp., 195 The West Mall, Toronto, Ontario, Canada, M9C 5K1.

(c) The Commission investigative attorney, party to this investigation, is

Mareesa A. Frederick, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436; and

(3) For the investigation so instituted, Paul J. Luckern, 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 section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation 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 respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 5, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-459 and 731-TA-1155 (Preliminary)]

### Commodity Matchbooks from India; Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) (the Act), that there

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

is a reasonable indication that an industry in the United States is injured by reason of imports from India of commodity matchbooks, provided for in subheading 3605.00.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of India. The Commission further determines, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is injured by reason of imports from India of commodity matchbooks, that are alleged to be sold in the United States at less than fair value (LTFV).

### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under section 703(b) and section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under section 705(a) and section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

### Background

On October 29, 2008, a petition was filed with the Commission and Commerce by D.D. Bean & Sons Co., alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of commodity matchbooks from India, and by reason of LTFV imports from India. Accordingly, effective October 29, 2008, the Commission instituted countervailing duty and antidumping duty investigation Nos. 701-TA-459 and 731-TA-1155 (Preliminary).