

normal business hours, at the listed addresses.

- Spotfin chub, Tar River spiny mussel, mountain sweet pitcher plant, Heller's blazing star, bunched arrowhead, and white irisette: Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina, 28801, fax 828/258-5330. For information on the spotfin chub, contact Bob Butler at the address above (phone 828/258-3939 ext. 235, e-mail [bob\\_butler@fws.gov](mailto:bob_butler@fws.gov)). For the Tar River spiny mussel, contact John Fridell at the address above (828/258-3939 ext. 225, e-mail [john\\_fridell@fws.gov](mailto:john_fridell@fws.gov)). For the bunched arrowhead, Heller's blazing star, mountain sweet pitcher plant, and white irisette, contact Carolyn Wells at the address above (phone 828/258-3939 ext. 231, e-mail [carolyn\\_wells@fws.gov](mailto:carolyn_wells@fws.gov)).

- Amber darter, Etowah darter, and Cherokee darter: Athens Field Office, U.S. Fish and Wildlife Service, West Park Center Suite D, 105 West Park Drive, Athens, Georgia, 30606, fax 706/613-6059. For information on the amber darter, Etowah darter, and Cherokee darter, contact Robin Goodloe at the Athens Field Office, address above (phone 706/613-9493 ext. 221, e-mail [robin\\_goodloe@fws.gov](mailto:robin_goodloe@fws.gov)).

- Bluemask darter, Anthony's riversnail, Spring Creek bladderpod, Price's potato-bean, and Cumberland rosemary: Cookeville Field Office, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, Tennessee, 38501, fax 931/528-7075. For information on the bluemask darter, Spring Creek bladderpod, Price's potato-bean, and Cumberland rosemary, contact Geoff Call at the Cookeville Field Office, address above (phone 931/528-6481 ext. 213, e-mail [geoff\\_call@fws.gov](mailto:geoff_call@fws.gov)). For the Anthony's riversnail, contact Stephanie Chance at the Cookeville Field Office, address above (phone 931/528-6481 ext. 211, e-mail [stephanie\\_chance@fws.gov](mailto:stephanie_chance@fws.gov)).

- Magazine Mountain shagreen: Conway Field Office, U.S. Fish and Wildlife Service, 110 South Amity Road, Suite 300, Conway, Arkansas, 72032, fax 501/513-4480. For information on the Magazine Mountain shagreen, contact Chris Davidson at the Conway Field Office, address above (phone 501/513-4481, e-mail [chris\\_davidson@fws.gov](mailto:chris_davidson@fws.gov)).

- Alabama sturgeon and Tennessee yellow-eyed grass: Daphne Field Office, U.S. Fish and Wildlife Service, 1208-B Main Street, Daphne, Alabama, 36526, fax 251/441-6222. For information on the Tennessee yellow-eyed grass, contact Dan Everson at the Daphne Field Office, address above (phone 251/441-5837, e-mail [dan\\_everson@fws.gov](mailto:dan_everson@fws.gov)). For the Alabama

sturgeon, contact Jeff Powell at the Daphne Field Office, address above (phone 251/441-5858, e-mail [jeff\\_powell@fws.gov](mailto:jeff_powell@fws.gov)).

- Flattened musk turtle, Mississippi gopher frog, and Cahaba shiner: Jackson Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213, fax 601/965-4340. For information on the flattened musk turtle and Cahaba shiner, contact Daniel Drennen at the Jackson Field Office, address above (phone 601/321-1127, e-mail [daniel\\_drennen@fws.gov](mailto:daniel_drennen@fws.gov)). For the Mississippi gopher frog, contact Linda LaClaire at the Jackson Field Office, address above (phone 601/321-1126, e-mail [linda\\_laclaire@fws.gov](mailto:linda_laclaire@fws.gov)).

- Cape Fear shiner, Waccamaw silverside, and Saint Francis' satyr butterfly: Raleigh Field Office, U.S. Fish and Wildlife Service, PO Box 33726, Raleigh, North Carolina, 27636, fax 919/856-4556. For information on the Cape Fear shiner and Waccamaw silverside, contact David Rabon at the Raleigh Field Office, address above (phone 919/856-4520 ext. 16, e-mail [david\\_rabon@fws.gov](mailto:david_rabon@fws.gov)). For the Saint Francis' satyr butterfly, contact Dale Suiter at the Raleigh Field Office, address above (phone 919/856-4520 ext. 18, e-mail [dale\\_suiter@fws.gov](mailto:dale_suiter@fws.gov)).

We request any new information concerning the status of any of these 23 species. See "What information do we consider in a 5-year review?" heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

#### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority

We publish this document under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: June 4, 2009.

**Linda H. Kelsey,**

*Acting Regional Director, Southeast Region.*  
[FR Doc. E9-15918 Filed 7-2-09; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Navajo-Gallup Water Supply Project, New Mexico

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of Availability of the Navajo-Gallup Water Supply Project Planning Report and Final Environmental Impact Statement FES 09-10.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (as amended), Public Law (Pub. L.) 92-199, and the general authority to conduct water resources planning under the Reclamation Act of 1902 and all acts amendatory thereof and supplementary thereto, the Bureau of Reclamation (Reclamation), in cooperation with the Navajo Nation, Jicarilla Apache Nation, City of Gallup, State of New Mexico, Bureau of Indian Affairs, Indian Health Service, Navajo Tribal Utility Authority, and Northwest New Mexico Council of Governments, has prepared and made available to the public a Planning Report and Final Environmental Impact Statement (PR/FEIS). This document was undertaken to provide a discussion for the (1) Various ways to provide a municipal and industrial (M&I) water supply to the Navajo Nation, City of Gallup, and Jicarilla Apache Nation; (2) identification of a preferred alternative; and (3) associated environmental impacts and costs of the No Action and two action alternatives.

**ADDRESSES:** Requests for copies should be addressed to Mr. Terry Stroh, Bureau of Reclamation, Western Colorado Area Office, 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506; telephone (970) 248-0608; facsimile (970) 248-0601; e-mail: [tstroh@usbr.gov](mailto:tstroh@usbr.gov). The PR/FEIS is also available on Reclamation's Web site at <http://www.usbr.gov/uc/> (click on Environmental Documents).

Copies of the PR/FEIS are available for public review and inspection at the following locations:

- Main Interior Building, Natural Resources Library, Room 1151, 1849 C Street, NW., Washington, DC.
- Bureau of Reclamation, Denver Office Library, Denver Federal Center,

Sixth and Kipling, Building 67, Room 167, Denver, Colorado.

- Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 7418, Salt Lake City, Utah.

- Bureau of Reclamation, Western Colorado Area Office, 835 East Second Avenue, Durango, Colorado.

- Bureau of Reclamation, Western Colorado Area Office, 2764 Compass Drive, Suite 106, Grand Junction, Colorado.

- Bureau of Reclamation, Farmington Construction Office, 220 Bloomfield Highway, Farmington, New Mexico.

#### Libraries

- Albuquerque/Bernalillo County Library, 501 Cooper Avenue, NW., Albuquerque, New Mexico.

- Aztec Public Library, 319 South Ash, Aztec, New Mexico.

- Bloomfield City Library, 333 South First Street, Bloomfield, New Mexico.

- Cortez Public Library, 202 N. Park, Cortez, Colorado.

- Diné College Library, 1228 Yucca Street, Shiprock, New Mexico.

- Durango Public Library, 1188 E. 2nd Avenue, Durango, Colorado.

- Farmington Public Library, 2101 Farmington Avenue, Farmington, New Mexico.

- Fort Lewis College Library, 1000 Rim Drive, Durango, Colorado.

- Navajo Nation Library, Window Rock, Arizona.

- New Mexico State Library, 1209 Camino Carlos Rey, Santa Fe, New Mexico.

- New Mexico State University Library, Las Cruces, New Mexico.

- San Juan College Library, 4601 College Boulevard, Farmington, New Mexico.

- University of Colorado Libraries, Government Publications, 1720 Pleasant Street, Boulder, Colorado.

- Zimmerman Library, Government Information Department, University of New Mexico, Albuquerque, New Mexico.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stan Powers, Bureau of Reclamation, Western Colorado Area Office, 835 East Second Avenue, Durango, Colorado 81301; telephone (970) 385-6555; facsimile (970) 385-6539; e-mail: [spowers@usbr.gov](mailto:spowers@usbr.gov).

**SUPPLEMENTARY INFORMATION:** The PR/FEIS describes the potential environmental impacts of constructing, operating, and maintaining a water supply system to meet project year 2040 water demands. The purpose of the proposed Federal action is to provide a long-term supply, treatment, and

transmission of M&I water to the eastern portion of the Navajo Nation, Jicarilla Apache Nation, and City of Gallup, New Mexico. Construction of the Navajo-Gallup Water Supply Project was authorized in the Omnibus Public Land Management Act of 2009 (Pub. L. 111-11).

The PR/FEIS describes and analyzes in detail three alternatives. Under the No Action Alternative, it is assumed that M&I water supplies and delivery systems would not be constructed on the eastern side of the Navajo Nation, for the City of Gallup, or for the southwestern area of the Jicarilla Apache Nation. Under the two action alternatives, the project would divert a total of 37,764 acre-feet of water per year from the San Juan River with a resulting depletion of 35,893 acre-feet, based upon the 2040 projected population with a demand rate of 160 gallons per capita per day.

Under the San Juan River-Public Service Company of New Mexico (SJR-PNM) Alternative, the Cutter diversion would require 4,645 acre-feet per year with no return flow to the San Juan River. The Public Service Company of New Mexico diversion would take the remaining 33,119 acre-feet of diversion, with an average return flow of 1,871 acre-feet.

The Navajo Indian Irrigation Project-Amarillo Alternative would divert all project water through improved NIIP facilities using both Cutter Reservoir and the Amarillo Canal. This alternative also requires the construction of a 4,500 acre-foot lined storage pond located near the Amarillo Canal.

The PR/FEIS identifies the SJR-PNM Alternative as the preferred alternative. Public Law 111-11 authorizes the Secretary of the Interior (Secretary), acting through the Commissioner of Reclamation (Commissioner), to design, construct, operate, and maintain the project in substantial accordance with the preferred alternative (SJR-PNM) described in the Planning Report and Draft Environmental Impact Statement (PR/DEIS).

#### Background

The project area includes portions of the Navajo Nation in northwestern New Mexico and northeastern Arizona, and portions of the Jicarilla Apache Nation and the City of Gallup, New Mexico. Project planning has been intermittent over the past 40 years. A project steering committee included representatives from the Navajo Nation, Jicarilla Apache Nation, City of Gallup, Bureau of Indian Affairs, Indian Health Service, Navajo Tribal Utility Authority, Northwest New Mexico Council of Governments, and

Reclamation. Funding for the project has mostly been through annual congressional write-in funds and cost sharing by the Navajo and Jicarilla Apache Nations. The level of the analysis (appraisal versus feasibility level work) has been tailored to stay within the funds available. The PR/FEIS includes appraisal-level alternative designs and cost estimates. The Secretary, acting through the Commissioner, is authorized to design, construct, operate, and maintain the Navajo-Gallup Water Supply Project as described in Public Law 111-11.

#### Purpose and Need for Action

The proposed project is to provide a long-term (year 2040) supply, treatment, and transmission of M&I water to the Navajo Nation, Jicarilla Apache Nation, and the City of Gallup, New Mexico.

A long-term sustainable water supply is needed for the area to support current and future populations. The proposed project will be designed to serve a future population of approximately 250,000 people by the year 2040. Existing groundwater supplies are dwindling, have limited capacity, and are of poor quality. More than 40 percent of Navajo households rely on water hauling to meet daily water needs. The City of Gallup's groundwater levels have dropped by approximately 200 feet over the past 10 years and the supply is not expected to meet current water demands within the decade. The Jicarilla Apache people are currently not able to live and work outside the Town of Dulce on the reservation because of a lack of water supply.

#### Proposed Federal Action

The proposed project would build facilities to convey a reliable M&I water supply from Navajo Reservoir to the eastern section of the Navajo Nation, the southwestern portion of the Jicarilla Apache Nation, and the City of Gallup, New Mexico. Based upon expected populations in the year 2040, the proposed project would serve approximately 203,000 people in 43 chapters of the Navajo Nation, 1,300 people in the Jicarilla Apache Nation, and approximately 47,000 people in the City of Gallup.

The PR/DEIS was issued to the public on March 30, 2007, and a Notice of Availability of the draft EIS was published in the **Federal Register** on March 30, 2007 (72 FR 15159-15161). A 90-day public review and comment period for the PR/DEIS ended on June 28, 2007. During the public comment period, five public hearings were held. There were approximately 280 comments identified from letters and

public hearings that were addressed for inclusion in the PR/FEIS. Where appropriate, revisions were made in response to specific comments.

No decision will be made on the proposed Federal action until at least 30 days after release of the PR/FEIS. After the 30-day waiting period, Reclamation will complete a Record of Decision. The Record of Decision will state which alternative analyzed in the PR/FEIS will be implemented and discuss all factors leading to that decision.

Dated: June 5, 2009.

**Larry Walkoviak,**

*Regional Director—UC Region.*

[FR Doc. E9-15650 Filed 7-2-09; 8:45 am]

BILLING CODE 4310-MN-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1012 (Review)]

### Certain Frozen Fish Fillets From Vietnam; Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on certain frozen fish fillets from Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted this review on July 1, 2008 (73 FR 37487) and determined on October 6, 2008 that it would conduct a full review (73 FR 62318, October 20, 2008). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on January 15, 2009 (74 FR 2616). The hearing was held in Washington, DC, on May 6, 2009, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on June 26, 2009. The views of the Commission are

contained in USITC Publication 4083 (June 2009), entitled *Certain Frozen Fish Fillets from Vietnam: Investigation No. 731-TA-1012 (Review)*.

By order of the Commission.

Issued: June 26, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-15797 Filed 7-2-09; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-543 (Remand Proceeding) (Enforcement Proceeding)]

### In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on a Settlement Agreement

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 74) granting a joint motion to terminate the investigation based on a settlement agreement.

#### FOR FURTHER INFORMATION CONTACT:

Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-1999. Copies of non-confidential 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. 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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On June 21, 2005, the Commission instituted an investigation under section 337 of the

Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint filed by Broadcom Corporation ("Broadcom") of Irvine, California, alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain baseband processor chips and chipsets, transmitter and receiver (radio) chips, power control chips, and products containing same, including cellular telephone handsets by reason of infringement of five patents. 70 FR 35707 (June 21, 2005). Broadcom named Qualcomm Incorporated ("Qualcomm") of San Diego, California as the only respondent. On December 8, 2006, the Commission affirmed the ALJ's final ID finding a violation due to infringement of U.S. Patent No. 6,714,983. On June 7, 2007 the Commission issued a limited exclusion order and a cease and desist order to Qualcomm. Qualcomm appealed the Commission's determination to the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") on August 7, 2007, which appeal was consolidated under the lead case *Kyocera Wireless Corp. v. International Trade Commission*, Nos. 2007-1492, et al. ("*Kyocera*").

On November 9, 2007, Broadcom filed an enforcement complaint pursuant to Commission Rule 210.75, alleging, *inter alia*, that Qualcomm has violated and continues to violate the Commission's cease and desist order. Based on Broadcom's complaint, the Commission instituted the enforcement proceeding on December 28, 2007. 72 FR 73879 (Dec. 28, 2007). On October 14, 2008, the Federal Circuit issued an opinion in *Kyocera*, remanding the underlying investigation to the Commission.

On May 6, 2009, Broadcom and Qualcomm jointly moved to terminate this investigation based upon a settlement agreement, pursuant to Commission rule 210.21 (19 CFR 210.21). On May 15, 2009, the Commission investigative attorney filed a response in support of the joint motion to terminate the investigation.

On June 11, 2009, the ALJ issued the subject ID granting the joint motion to terminate the investigation. No petitions for review of the ID were filed. The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Dated: Issued: June 30, 2009.

<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)).