

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:** The Commission instituted this investigation on December 18, 2008, based on a complaint filed by Spansion, Inc. and Spansion LLC both of Sunnyvale, California (collectively, "Spansion"). 73 FR 77059-061 (Dec. 18, 2008). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash memory chips and products containing the same by reason of infringement of various claims of United States Patent Nos. 6,380,029 ("the '029 patent"); 6,080,639 ("the '639 patent"); 6,376,877 ("the '877 patent"); and 5,715,194 ("the '194 patent"). The '029 patent and the '639 patent were subsequently terminated from the investigation. The complaint named over thirty respondents. On March 12, 2010, the complaint and notice of investigation were amended to terminate several respondents from the investigation and to add certain entities as respondents. 75 FR 11909-910 (Mar. 12, 2010).

On October 22, 2010, the ALJ issued his final ID, finding no violation of section 337 by Respondents with respect to any of the asserted claims of the two remaining patents. Specifically, the ALJ found that the accused products do not infringe the asserted claims of the '877 patent. The ALJ also found that none of the cited references anticipated the asserted claims and that none of the cited references rendered the asserted claims of the '877 patent obvious. The ALJ further found that an industry in the United States that practices or exploits the '877 patent does not exist, nor is such an industry in the process of being established, and concluded that Spansion failed to satisfy the domestic industry requirement of section 337 (19 U.S.C. 1337(a)(2) and (3)). With respect to the '194 patent, the ALJ found that certain accused products do not infringe its asserted claims. The ALJ, however, found that other accused products met all the limitations of the asserted claims but found that a prior art reference, United States Patent No. 5,621,684 to Jung, anticipated the asserted claims and rendered them invalid. The ALJ also found that the asserted claims were not obvious in light of the references respondents relied upon to prove obviousness. The ALJ further found that

an industry in the United States that practices or exploits the '194 patent does not exist, nor is such an industry in the process of being established, and concluded that Spansion failed to satisfy the domestic industry requirement of section 337.

On November 8, 2010, the Commission investigative attorney ("IA") filed a petition for review of the ID, seeking review of the ALJ's determination that Spansion failed to satisfy the domestic industry requirement by relying on licensing efforts that occurred after the complaint was filed. The next day, Respondents filed a joint contingent petition for review, asking the Commission to review certain findings in the ID in the event that the Commission decides to review the ID. Spansion did not petition the Commission for review of any findings in the ID. On November 16, 2010, Spansion filed a combined response to the IA's petition for review and Respondents' joint contingent petition for review. Also on November 16, 2010, Respondents filed a joint response to the IA's petition for review.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, 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(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

By order of the Commission.

Issued: December 23, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-32759 Filed 12-28-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Consent Decree Under the Clean Water Act

Notice is hereby given that on December 22, 2010, a proposed Consent Decree in *United States and the State of Ohio v. Northeast Ohio Regional Sewer District*, Civil Action No. 10-cv-02895 was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States and the State of Ohio seeks civil penalties and injunctive relief for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, in connection with the Northeast Ohio Regional Sewer District's ("NEORS")

operation of its municipal wastewater and sewer system. The Complaint alleges that the NEORS's discharges from its combined sewer overflows ("CSOs") violate the Clean Water Act because the discharge of sewage violates limitations and conditions in NEORS's National Pollutant Discharge Elimination System (NPDES) permits. The Complaint further alleges that NEORS's bypasses of wastewater of its treatment plants' processes also violate its NPDES permits.

Under the proposed Consent Decree, NEORS will be required to implement injunctive measures, including the construction of seven deep underground tunnel systems—to reduce its CSO discharges—and construction of treatment plant expansions, for a total cost of approximately \$3 billion. NEORS will also invest \$42 million in green infrastructure that will further reduce its CSO discharge by 44 million gallons. The Consent Decree allows NEORS the opportunity to propose additional green infrastructure projects in exchange for a reduction in scope of the traditional infrastructure projects. NEORS will pay \$1.2 million in civil penalties to be split evenly between the United States and the State of Ohio. NEORS will also spend \$1 million to operate a permanent hazardous waste collection center in Cuyahoga County and \$800,000 to improve other water resources. Under the proposed Consent Decree, the injunctive relief is to be implemented over a 25-year period.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Northeast Ohio Regional Sewer District*, D.J. Ref. 90-5-1-1-08177/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH 44113 (contact Assistant United States Attorney Steven J. Paffilas (216) 622-3698), and at U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604-3590 (contact Associate Regional Counsel Nicole Cantello (312) 886-2870). During the public comment period, the proposed Consent Decree, may also be examined on the following Department of Justice Web site, to <http://www.usdoj.gov/enrd/>

*Consent Decrees.html*. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$28.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen M. Katz,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2010-32661 Filed 12-28-10; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**Manufacturer of Controlled Substances; Notice of Application**

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 3, 2010, Siegfried (USA), 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Dihydromorphine (9145) .....	I
Amphetamine (1100) .....	II
Methylphenidate (1724) .....	II
Amobarbital (2125) .....	II
Pentobarbital (2270) .....	II
Secobarbital (2315) .....	II
Glutethimide (2550) .....	II
Codeine (9050) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Hydrocodone (9193) .....	II
Methadone (9250) .....	II
Methadone intermediate (9254) ...	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300) .....	II
Oxymorphone (9652) .....	II
Oxycodone (9143) .....	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than February 28, 2011.

Dated: December 20, 2010.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 2010-32855 Filed 12-28-10; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF JUSTICE**

**Federal Bureau of Prisons**

**Notice of Intent To Prepare a Draft Environmental Impact Statement**

**AGENCY:** Federal Bureau of Prisons, U.S. Department of Justice.

**ACTION:** Notice of intent to prepare a draft environmental impact statement.

**SUMMARY:** Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for development of a Federal Correctional Institution and Federal Prison Camp by the U.S. Department of Justice, Federal Bureau of Prisons (BOP). Land under consideration for development consists of areas located on BOP-owned property comprising the U.S. Penitentiary (USP) in Leavenworth, Kansas.

**Background**

The Federal Bureau of Prisons (BOP) is responsible for carrying out judgments of the federal courts whenever a period of confinement is ordered. The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The BOP is facing continuous growth in the number of federal inmates with projections showing the federal inmate population increasing from 210,227 inmates at the end of fiscal year 2010 to over 226,000 inmates by the end of fiscal year 2013. As such, the demand for bedspace within the federal prison

system continues to grow at a significant rate. At the present time, the federal inmate population exceeds the combined rated capacities of the existing 116 federal correctional facilities.

The federal inmate population has grown dramatically over the past two decades. While the BOP is no longer experiencing the dramatic population increases of between 10,000 and 11,000 inmates per year that occurred from 1998 to 2001, the increases are still significant and a net growth of over 6,000 inmates is projected for FY 2011 and 5,600 is projected for FY 2012. The federal inmate population is projected to increase and continue to exceed the rated capacity of the BOP's 116 institutions and current contract facilities. Currently, the BOP is 36 percent above rated capacity system-wide in the federal prison system, 43 percent over rated capacity at medium security facilities, and 53 percent over rated capacity at high security institutions. As in the past, the BOP will continue to increase the number of beds through additional contract beds, acquisition and adaptation of existing facilities, and new prison construction as funding permits. Adding capacity through these various means, allows the BOP the opportunity to work towards keeping prison crowding at manageable levels to ensure both public safety and the safety of inmates within the BOP institutions.

In the face of the continuing increase in the federal prison population, one way the BOP has expanded its capacity is through construction of new institutions. As part of this effort, the BOP has a facilities planning program featuring the identification and evaluation of sites for new facilities. The BOP routinely identifies prospective sites that may be appropriate for development of new federal correctional facilities determined by the need for such facilities in various parts of the country and the resources available to meet that need.

The BOP routinely screens and evaluates private and public properties located throughout the nation for possible use and development. Over the past decade, the BOP has examined prospective sites for new correctional facilities development in Alabama, Kentucky, New Hampshire, Arizona, Mississippi, West Virginia, California and other locations around the country and has undertaken environmental impact studies in compliance with the National Environmental Policy Act of 1969, as amended.