

605(b), the Board certifies that the regulations proposed herein would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources. This rulemaking will affect the following subjects:

**List of Subjects in 49 CFR Part 1002**

Administrative practice and procedure, Common carriers, Freedom of information.

Decided: February 14, 2011.

By the Board, Chairman Elliott, Vice Chairman Nottingham, and Commissioner Mulvey.

**Jeffrey Herzig,**  
*Clearance Clerk.*

**Code of Federal Regulations**

For reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1002 of title 49,

chapter X of the Code of Federal Regulations as follows:

**PART 1002—FEES**

1. The authority citation for part 1002 continues to read as follows:

**Authority:** 5 U.S.C. 552(a)(4)(A) and § 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a). Section 1002.1(g)(11) also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

2. In § 1002.2, revise paragraph (f)(56)(iv) to read as follows:

**§ 1002.2 Filing fees.**

\* \* \* \* \*  
(f) \* \* \*

Type of proceeding	Fee
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<b>PART V: Formal Proceedings</b>	
* * * * *	*
(56) * * *	
(iv) All other formal complaints (except competitive access complaints) .....	\$350
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[FR Doc. 2011-3716 Filed 2-17-11; 8:45 am]  
**BILLING CODE 4915-01-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 22**

[FWS-R9-MB-2011-N018; 91200-1231-9BPP]

RIN 1018-AX53

**Migratory Birds; Draft Eagle Conservation Plan Guidance**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability for public comment of draft Eagle Conservation Plan Guidance. The Guidance provides recommendations for agency staff and developers to use an iterative process to avoid and minimize negative effects on eagles and their habitats resulting from the construction, operation and maintenance of land-based, wind energy facilities in the United States.

**DATES:** We must receive any comments or suggestions by the end of the day on May 19, 2011.

**ADDRESSES:** We have posted our draft *Eagle Conservation Plan Guidance* at <http://www.fws.gov/windenergy>. You may submit e-mail comments to [windenergy@fws.gov](mailto:windenergy@fws.gov). Please include “Eagle Conservation Plan Guidance Comments” in the subject line of the message, and your full name and return address in the body of your message. Please note that the e-mail address will be closed when the public comment period closes. Alternatively, you may submit comments or recommendations by mail to: Attention: Eagle Conservation Plan Guidance; Division of Migratory Bird Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Mail Stop 4107; Arlington, VA 22203-1610.

**FOR FURTHER INFORMATION CONTACT:** Jerome Ford, 703-358-2583.

**SUPPLEMENTARY INFORMATION:** The Service is charged with implementing statutes including the Bald and Golden Eagle Protection Act (BGEPA), the Migratory Bird Treaty Act, and the Endangered Species Act. BGEPA prohibits all take of eagles unless otherwise authorized by the Service. A goal of BGEPA is to achieve and maintain stable or increasing populations of bald and golden eagles. The draft Eagle Conservation Plan Guidance (draft Guidance) interprets and clarifies the permit requirements in the regulations at 50 Code of Federal

Regulations (CFR) 22.26 and 22.27, and does not impose any binding requirements beyond those specified in the regulations. The draft Guidance provides a means of compliance with BGEPA by providing recommendations for:

- (1) Conducting early pre-construction assessments to identify important eagle use areas;
- (2) Avoiding, minimizing, and/or compensating for potential adverse effects to eagles; and,
- (3) Monitoring for impacts to eagles during construction and operation.

The draft Guidance calls for scientifically rigorous surveys, monitoring, risk assessment, and research designs proportionate to the risk to eagles. The draft Guidance describes a process by which wind energy developers can collect and analyze information that could lead to a programmatic permit to authorize unintentional take of eagles at wind energy facilities. The process described here is not required, but project proponents should coordinate closely with the Service concerning alternatives to insure that eagle conservation plans conform with requirements of BGEPA. The Service will initiate a peer review of the draft Guidance during the public comment period.

The development of facilities to generate electricity from wind turbines has increased dramatically in the range

of the golden eagle in the western United States. Golden eagles are vulnerable to collisions with wind turbines. Because of this risk, many of the current and planned wind facilities require permits under the Bald and Golden Eagle Protection Act to legally authorize any take of eagles that may occur. We are soliciting comments and recommendations on our draft *Eagle Conservation Plan Guidance*.

We request comments and suggestions on the *Guidance*. We anticipate preparing further guidance to address incidental eagle takes under other circumstances. Explaining the reasons and rationale for your comments where appropriate will help as we consider them.

We will take into consideration the relevant comments, suggestions, or objections that we receive by the comment due date indicated above in the **DATES** section. These comments, suggestions, or objections, and any additional information received may lead us to adopt a final guidance that differs from this guidance.

#### 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 your entire comment—including your personal identifying information—may be made publicly available at any time. You can ask us in your comment to withhold your personal identifying information from public review, but we cannot guarantee that we will be able to do so.

As published elsewhere in today's **Federal Register**, the Service is simultaneously soliciting comments on the draft Land-based Wind Energy Guidelines.

**Authority:** The authorities for this notice are the Migratory Bird Treaty Act, 40 Stat. 755 (16 U.S.C. 703–712); Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712(2)); Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703; the Bald and Golden Eagle Protection Act (16 U.S.C. 668a–d), 704, 712, 742j–1, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; and 31 U.S.C. 9701.

Dated: January 31, 2011.

#### Rowan Gould,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2011–3700 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 101124579–1088–01]

RIN 0648–BA51

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Red Snapper Management Measures

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule that would implement a regulatory amendment (Regulatory Amendment 10) to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), as prepared by the South Atlantic Fishery Management Council (Council). This proposed rule would remove the snapper-grouper area closure implemented through Amendment 17A to the FMP. The intended effect of this proposed rule is to help achieve optimum yield (OY) for the fishery and minimize socio-economic impacts to snapper-grouper fishermen, without increasing the risk of the red snapper resource experiencing overfishing.

**DATES:** Written comments must be received on or before March 21, 2011.

**ADDRESSES:** You may submit comments on the proposed rule identified by 0648–BA51 by any of the following methods:

- **Electronic submissions:** Submit electronic comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Rick DeVactor, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-rulemaking portal: <http://www.regulations.gov>, enter “NOAA–

NMFS–2010–0249” in the keyword search, then check the box labeled “Select to find documents accepting comments or submissions”, then select “Send a comment or submission”. NMFS will accept anonymous comments (enter N/A in the required field if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received through means not specified in this rule will not be considered.

Copies of the regulatory amendment, which includes an environmental assessment and a regulatory impact review, may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone 843–571–4366; fax 843–769–4520; e-mail [safmc@safmc.net](mailto:safmc@safmc.net); or may be downloaded from the Council's Web site at <http://www.safmc.net/>.

**FOR FURTHER INFORMATION CONTACT:** Rick DeVactor, 727–824–5305.

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

#### Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from Federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to end overfishing of stocks while achieving OY from the fishery, and to minimize bycatch and bycatch mortality to the extent practicable.

In the South Atlantic, the red snapper stock is currently overfished and undergoing overfishing. The stock status was determined through a Southeast Data Assessment and Review (SEDAR) benchmark stock assessment for red snapper, SEDAR 15, which was completed in February 2008. Based on this stock assessment, Amendment 17A to the FMP was developed to end the overfishing of red snapper and rebuild the stock. The final rule to implement