

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R3-ES-2015-N035;
FXES11120300000-156-FF03E00000]

**Notice of Availability of Draft
Environmental Assessment and
Revised Multi-Species Habitat
Conservation Plan; Receipt of
Application for Incidental Take Permit
Amendment; NiSource Inc.**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability; request
for public comment.

SUMMARY: We, the U.S. Fish and
Wildlife Service (Service), have received
an application from NiSource Inc. and
its subsidiary Columbia Pipeline Group
(hereafter, NiSource), for an amendment
to add the northern long-eared bat to its
Endangered Species Act (ESA)
incidental take permit (ITP). The
application includes a revised Habitat
Conservation Plan (HCP). The Service
prepared an Environmental Assessment
(EA). We request public comments on
NiSource's revised HCP and our draft
EA.

DATES: To ensure consideration, please
send your written comments on or
before April 20, 2015.

ADDRESSES: *Document availability:* The
permit application and associated
documents are available for review,
subject to the requirements of the
Privacy Act of 1974 (5 U.S.C. 552a) and
Freedom of Information Act, by any of
the following methods:

- *Internet:* You may access electronic
copies on the Internet at [http://
www.fws.gov/midwest/endangered/
permits/hcp/nisource/index.html](http://www.fws.gov/midwest/endangered/permits/hcp/nisource/index.html).

- *U.S. Mail:* You may obtain
electronic copies on CD-ROM by
submitting a request in writing to the
U.S. Fish and Wildlife Service within 30
days of the date of publication of this
notice; see **FOR FURTHER INFORMATION**

CONTACT.

- *In-Person:* Printed copies are
available for public inspection and
review (by appointment only), at the
office listed under **FOR FURTHER**

INFORMATION CONTACT.

Submitting Comments: Send written
comments via U.S. mail to the Regional
Director, Midwest Region, Attn: Thomas
Magnuson, U.S. Fish and Wildlife
Service, Ecological Services, 5600
American Blvd. West, Suite 990,
Bloomington, MN 55437-1458, or by
electronic mail to permitsR3ES@fws.gov.

FOR FURTHER INFORMATION CONTACT:
Karen Herrington, NiSource MSHCP

Coordinator, by U.S. mail at U.S. Fish
and Wildlife Service, 360 Pearson Ct.,
Saint Charles, MO 63304; or by phone
at 612-713-5315.

SUPPLEMENTARY INFORMATION: We have
received an application from NiSource
for an amendment to its Endangered
Species Act (ESA) incidental take
permit (ITP), to add the northern long-
eared bat. The application includes a
revised HCP, developed to satisfy the
criteria listed in section 10(a)(1)(B) of
the ESA pertaining to issuance of
incidental take permits. If NiSource has
met these criteria, and its HCP and
supporting information are statutorily
complete, an amended incidental take
permit that includes the northern long-
eared bat will be issued. Issuances of
ITPs by the Service are Federal actions
subject to review under the National
Environmental Policy Act (NEPA). To
comply with NEPA, the Service
prepared an EA, the purpose of which
is to determine the significance of
environmental impacts that could result
from amending the NiSource ITP to
include the northern long-eared bat, and
through subsequent implementation of
the revised NiSource HCP.

We request public comments on
NiSource's revised HCP and our draft
EA. For availability of these documents,
see **ADDRESSES**.

NiSource, headquartered in
Merrillville, Indiana, is engaged in
natural gas transmission, storage, and
distribution across the eastern United
States. In September 2013, the Service
issued NiSource an ITP for 10 federally
listed species that occur in portions of
its 14-State operating territory. The
permit allows NiSource to incidentally
take these species while operating and
maintaining its interstate natural gas
pipeline infrastructure. After issuance of
the ITP, the Service proposed listing the
northern long-eared bat (*Myotis
septentrionalis*) under the ESA. The
northern long-eared bat was not
included in the original NiSource HCP.

On January 13, 2015, the Service
received an application from NiSource
to have the northern long-eared bat
added to its ITP. The application
includes a revised HCP that provides an
analysis of NiSource activities across its
14-State operating territory, which
includes Delaware, Indiana, Kentucky,
Louisiana, Maryland, Mississippi, New
Jersey, New York, North Carolina, Ohio,
Pennsylvania, Tennessee, Virginia, and
West Virginia. Northern long-eared bats
are present in each of those 14 States.
Based on the analysis in the revised
HCP, certain NiSource activities (e.g.,
right-of-way maintenance, facility
inspection, upgrade and replacement of

pipelines, relocations, routine
expansions, and mitigation) have the
potential to impact the northern long-
eared bat. In particular, two NiSource
activities will potentially cause take of
northern long-eared bats: (1) Tree
clearing in known and suitable summer,
spring staging, and fall swarming
habitat, and (2) "waste pit" construction
in storage fields. NiSource mitigation
directed at the Indiana bat will likely
provide conservation benefits to the
northern long-eared bat. The revised
NiSource HCP identifies over 40
conservation measures that NiSource
will implement in each of those 14
States to avoid, minimize, and mitigate
potential impacts to northern long-eared
bats. Beyond the ITP amendment
request, there are no other changes to
the NiSource HCP.

Over the 49 year life of the permit,
NiSource is requesting incidental take,
primarily in the form of habitat
harassment and harm, for no more than
93,500 acres of habitat that could
support up to 4,618 northern long-eared
bats. After all practicable steps have
been taken to avoid and minimize take,
NiSource will fund mitigation projects
to compensate for the impacts of its
take. Such projects will include
protecting high-quality northern long-
eared bat habitats, restoring and
protecting degraded northern long-eared
bat habitat, and potentially establishing
new habitat.

The NEPA process will culminate
with a decision by the Service's
Regional Director on one of three
alternatives found in Chapter 2 of the
EA: (1) No Action (Status Quo); (2)
Approve ITP Amendment Request
(Applicant's Preferred Alternative); (3)
Approve ITP Amendment Request with
Conditions (Service's Preferred
Alternative). Once an alternative is
selected, the Regional Director will then
decide whether issuance of an amended
ITP to NiSource Inc., including
subsequent implementation of its
revised HCP, will significantly affect the
quality of the human environment, as
defined by the NEPA.

Public Availability of Comments

Written comments we receive become
part of the public record associated with
this action. Before including your
address, phone number, email 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
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 provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and under NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Dated: February 18, 2015.

Lynn Lewis,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2015-06396 Filed 3-19-15; 8:45 am]

BILLING CODE 4310-55-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-888]

Certain Silicon Microphone Packages and Products Containing Same: Commission Determination To Grant the Joint Motion To Terminate the Investigation on the Basis of Settlement; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant the joint motion to terminate the above-referenced investigation based upon settlement.

FOR FURTHER INFORMATION CONTACT:

Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3115. 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: The Commission instituted this investigation

on July 26, 2013, based on a complaint filed by Knowles Electronics, LLC, of Itasca, Illinois. 78 *Fed. Reg.* 45272 (July 26, 2013). The notice of investigation named GoerTek, Inc. of Weifang, China and GoerTek Electronics, Inc. of Sunnyvale, California as respondents. The Commission's Office of Unfair Import Investigations is not a party to this investigation. The complaint alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of silicon microphone packages and products containing the same, by reason of infringement of certain claims of U.S. Patent Nos. 7,439,616 ("the '616 patent"); 8,018,049 ("the '049 patent"); and 8,121,331. Subsequently, the investigation was terminated as to claims 13 and 14 of the '616 patent and claim 24 of the '049 patent based on the withdrawal of complainant's allegations as to those claims. *See* Notice (May 16, 2014) (determining not to review Order No. 37 issued on April 17, 2014).

The evidentiary hearing in this investigation was held from May 6 through May 14, 2014. On August 29, 2014, the ALJ issued the final initial determination ("ID") finding a violation of section 337. Respondents and complainant (conditionally) petitioned for review of various portions of the final ID. The Commission determined to review the final ID in part, and issued a Notice dated November 6, 2014, 79 FR 67446-48 (Nov. 13, 2014), in which the Commission specified the issues under review and the questions pertaining to such issues. The Commission received timely opening and reply briefs regarding the issues under review, as well as the issues of remedy, the public interest, and bonding, from both parties to the investigation.

On February 11, 2015, the parties filed a "Joint Motion To Extend the Target Date by 10 Days" representing that an extension was necessary because the parties were "making progress on an agreement which, if signed, would resolve their dispute and permit termination of this investigation pursuant to 19 CFR 210.21." Motion To Extend at 1. The Commission granted the joint motion extending the target date for completion of this investigation to March 16, 2015. *See* Commission Notice dated February 27, 2015.

On February 25, 2015, the parties filed a "Joint Motion To Terminate Investigation No. 337-TA-888 on the Basis of Settlement."

Having examined the joint motion, the settlement agreement, and the record of this investigation, the Commission has determined to grant the

joint motion to terminate the investigation. The Commission finds that this termination will not prejudice the public interest.

The Commission has therefore terminated this investigation. 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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 16, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015-06381 Filed 3-19-15; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On March 16, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Indiana in the lawsuit entitled *United States and the State of Indiana v. Exide Technologies*, Civil Action No. 15-cv-433 (S.D. Ind.).

A Complaint that was filed along with the proposed Consent Decree alleges that Exide Technologies ("Exide") has violated the Clean Air Act and its implementing regulations, certain terms and conditions of Exide's Clean Air Act Title V operating permit, and corresponding requirements under Indiana state law at its secondary lead smelting facility in Muncie, Indiana. The proposed Consent Decree would resolve the claims alleged in the Complaint in exchange for Exide's commitment to make specific improvements to its air pollution control and monitoring systems at its Muncie facility, including installing a new furnace exhaust gas afterburner, and to pay civil penalties to the United States and the State. The penalties would be paid as allowed claims in Exide's pending Chapter 11 bankruptcy proceeding, captioned *In re Exide Technologies*, No. 13-11482-KJC (Bankr. D. Del.). The Consent Decree would grant the United States and the State equivalent allowed penalty claims in the bankruptcy totaling \$820,000, including a \$246,000 allowed administrative expense claim and a \$164,000 allowed general unsecured claim each for the United States and the State.