

**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/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**.

**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](mailto: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.