

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

[FWS-R4-ES-2013-N117; 40120-1112-0000-F2]

**Incidental Take Permit and Environmental Assessment for Forest Management Activities, Southern Arkansas****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice.

**SUMMARY:** Under the Endangered Species Act (Act), we, the U.S. Fish and Wildlife Service, announce the receipt and availability of a proposed habitat conservation plan (HCP) and accompanying documents for proposed forest management activities by Potlatch Forest Holdings, Inc. (Applicant) that would take the endangered red-cockaded Woodpecker (*Picoides borealis*) on the Applicant's lands in south Arkansas. We invite public comments on these documents.

**DATES:** We must receive any written comments at our Regional Office (see **ADDRESSES**) on or before August 9, 2013.

**ADDRESSES:** Documents are available for public inspection by appointment during normal business hours at the Fish and Wildlife Service's Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; or the Arkansas Ecological Services Field Office, 110 South Amity Road, Suite 300, Conway, AR 72032.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES**), telephone: 404-679-7313; or Ms. Erin Leone, Field Office Project Manager, at the Arkansas Ecological Services Field Office (see **ADDRESSES**), telephone: 501-513-4472.

**SUPPLEMENTARY INFORMATION:** We announce the availability of the proposed HCP, accompanying incidental take permit (ITP) application, and an environmental assessment (EA), which analyze the take of the red-cockaded woodpecker incidental to activities conducted by the Applicant. The Applicant requests a 30-year ITP under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 et seq.), as amended. The Applicant's HCP describes the mitigation and minimization measures proposed to address the impacts to the species.

We specifically request information, views, and opinions from the public via this notice on our proposed Federal action, including identification of any other aspects of the human environment not already identified in the EA

pursuant to National Environmental Policy Act (NEPA) regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. Further, we specifically solicit information regarding the adequacy of the HCP per 50 CFR parts 13 and 17.

The EA assesses the likely environmental impacts associated with the implementation of the activities, including the environmental consequences of the no-action alternative and the proposed action. The proposed action alternative is issuance of the ITP and implementation of the HCP as submitted by the Applicant. The HCP covers activities associated with the translocation of the red-cockaded woodpecker into a proposed conservation area on the Applicant's lands in Calhoun County, Arkansas; timber harvesting activities on Potlatch lands in Arkansas; and provisioning and maintenance activities associated with red-cockaded woodpecker groups within the conservation area. Avoidance, minimization, and mitigation measures include consolidation of red-cockaded woodpecker groups into the conservation area, land management to maintain habitat, and management of additional red-cockaded woodpecker groups that may be available to use for mitigation by landowners besides the Applicant.

**Public Comments**

Before including your address, phone number, email 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. 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.

If you wish to comment, you may submit comments by any one of several methods. Please reference TE85629A-0 in such comments. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to [david\\_dell@fws.gov](mailto:david_dell@fws.gov). Please include your name and return address in your internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at either telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Finally, you may hand-deliver comments to either of our offices listed under **ADDRESSES**.

**Covered Area**

The HCP and ITP application covers 419,278 acres of timberland in south Arkansas containing 21 red-cockaded woodpecker groups, 17 potential breeding groups and four single bird groups. Six of these groups are currently located outside the proposed conservation area, which will encompass 13,122 acres of timberland and be the focus of red-cockaded woodpecker conservation activities. The red-cockaded woodpecker historically ranged throughout south Arkansas, but is now restricted to Felsenthal National Wildlife Refuge (NWR), Ouachita National Forest, Warren Prairie Natural Area, one privately-owned conservation area managed under a separate HCP adjacent to Felsenthal NWR, Potlatch lands, and up to eight isolated groups on other private lands.

**Next Steps**

We will evaluate the ITP application, including the HCP and any comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITP. If we determine that the requirements are met, we will issue the ITP for the incidental take of red-cockaded woodpecker.

**Authority:** We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: May 20, 2013.

**Mike Oetker,**

*Acting Regional Director.*

[FR Doc. 2013-13714 Filed 6-7-13; 8:45 am]

**BILLING CODE 4310-55-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-794]

**Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers; Notice of the Commission's Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and a Cease and Desist Order; Termination of the Investigation**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a limited exclusion order prohibiting respondent Apple Inc. of Cupertino, California (“Apple”), from importing wireless communication devices, portable music and data processing devices, and tablet computers that infringe claims 75–76 and 82–84 of U.S. Patent No. 7,706,348 (“the ‘348 patent”). The Commission has also issued a cease and desist order against Apple prohibiting the sale and distribution within the United States of articles that infringe claims 75–76 and 82–84 of the ‘348 patent. The Commission has found no violation based on U.S. Patent Nos. 7,486,644 (“the ‘644 patent”), 7,450,114 (“the ‘114 patent”), and 6,771,980 (“the ‘980 patent”). The Commission’s determination is final, and the investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:**

Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2661. 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 (<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 August 1, 2011, based on a complaint filed by Samsung Electronics Co., Ltd. of Korea and Samsung Telecommunications America, LLC of Richardson, Texas (collectively, “Samsung”). 76 FR 45860 (Aug. 1, 2011). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (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 electronic devices, including wireless communication devices,

portable music and data processing devices, and tablet computers, by reason of infringement of various U.S. patents. The notice of investigation names Apple as the only respondent. The patents remaining in the investigation are the ‘348, ‘644, ‘114, and ‘980 patents. The complaint also alleged infringement of U.S. Patent No. 6,879,843, but the investigation with respect to that patent was previously terminated based on withdrawn allegations.

On September 14, 2012, the presiding administrative law judge (“ALJ”) issued his final initial determination (“ID”) finding no violation of section 337 based on the four patents remaining at issue. The ALJ determined that the ‘348, ‘644, and ‘980 patents are valid but not infringed and that the ‘114 patent is both invalid and not infringed. The ALJ further determined that the economic prong of the domestic industry requirement was satisfied with respect to the remaining asserted patents, but that the technical prong was not satisfied for any of those patents.

On October 1, 2012, complainant Samsung and the Commission investigative attorney (“IA”) filed petitions for review of the ID, while Apple filed a contingent petition for review.

On November 19, 2012, the Commission determined to review the ID in its entirety. 77 FR 70464 (Nov. 26, 2012). The Commission issued a public notice requesting written submissions from the parties and the public on various topics, many of which concerned the Commission’s authority to issue a remedy for the importation of articles that infringe patents that the patent owner has stated it will license on fair, reasonable, and non-discriminatory (“FRAND”) terms. Other topics concerned patent issues specific to this investigation. The Commission received written submissions from Samsung, Apple, and the IA addressing all of the Commission’s questions. In response to the FRAND-related topics posed to the public, the Commission received responses from the following: Association for Competitive Technology; Business Software Alliance; Ericsson Inc.; GTW Associates; Hewlett Packard Company; Innovation Alliance; Intel Corporation; Motorola Mobility LLC; Qualcomm Incorporated; Research In Motion Corporation; and Sprint Spectrum, L.P.

On March 13, 2013, the Commission issued another public notice requesting written submissions from the parties and the public on various additional topics, including some FRAND-related topics. 78 FR 16865 (March 19, 2013). The Commission received written

submissions from Samsung, Apple, and the IA addressing all of the Commission’s questions. In response to the FRAND-related topics posed to the public, the Commission received responses from the following: Association for Competitive Technology; Business Software Alliance; Cisco Systems, Inc.; Hewlett Packard Company; Innovation Alliance; Micron Technology, Inc.; and Retail Industry Leaders Association.

Having examined the record of this investigation, including the ALJ’s final ID and submissions from the parties and from the public, the Commission has determined that Samsung has proven a violation of section 337 based on articles that infringe claims 75–76 and 82–84 of the ‘348 patent. The Commission has determined to modify the ALJ’s construction of certain terms in the asserted claims of the ‘348 patent, including “controller,” “10 bit TFCI information,” and “puncturing.” Under the modified constructions, the Commission has determined that Samsung has proven that the accused iPhone 4 (AT&T models); iPhone 3GS (AT&T models); iPhone 3 (AT&T models); iPad 3G (AT&T models); and iPad 2 3G (AT&T models) infringe the asserted claims of the ‘348 patent. The Commission has further determined that the properly construed claims have not been proven by Apple to be invalid and that Samsung has proven that a domestic industry exists in the United States with respect to the ‘348 patent. The Commission has determined that Apple failed to prove an affirmative defense based on Samsung’s FRAND declarations.

The Commission has determined that Samsung has not proven a violation based on alleged infringement of the ‘644, ‘980, and ‘114 patents. With some modifications to the ALJ’s analysis, the Commission has determined that the asserted claims of the ‘644 and ‘980 patents are valid but not infringed and that the asserted claims of the ‘114 patent are not infringed and are invalid. The Commission has further determined that Samsung did not prove a domestic industry exists in the United States relating to articles protected by the ‘644, ‘980, and ‘114 patents.

The Commission has determined that the appropriate remedy is a limited exclusion order and a cease and desist order prohibiting Apple from importing into the United States or selling or distributing within the United States wireless communication devices, portable music and data processing devices, and tablet computers that infringe claims 75–76 and 82–84 of the ‘348 patent. The Commission has

determined that the public interest factors enumerated in section 337(d)(1) and (f)(1) do not preclude issuance of the limited exclusion order and cease and desist order. The Commission has determined that Samsung's FRAND declarations do not preclude that remedy.

Finally, the Commission has determined that a bond in the amount of zero percent of the entered value is required to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) of wireless communication devices, portable music and data processing devices, and tablet computers that are subject to the order. The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

Commissioner Pinkert dissents on public interest grounds from the determination to issue an exclusion order and cease and desist order.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

Issued: June 4, 2013.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013-13641 Filed 6-7-13; 8:45 am]

**BILLING CODE 7020-02-P**

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### Invitation for Membership on Advisory Committee

**AGENCY:** Joint Board for the Enrollment of Actuaries.

**ACTION:** Notice.

**SUMMARY:** The Joint Board for the Enrollment of Actuaries (Joint Board), established under the Employee Retirement Income Security Act of 1974 (ERISA), is responsible for the enrollment of individuals who wish to perform actuarial services under ERISA. The Joint Board has established the Advisory Committee on Actuarial Examinations (Advisory Committee) to assist in its examination duties mandated by ERISA. The current Advisory Committee members' terms expire on August 31, 2013. This notice describes the Advisory Committee and invites applications from those interested in serving on the Advisory

Committee for the September 1, 2013–February 28, 2015, term.

**DATES:** Applications for membership on the Advisory Committee must be received by the Executive Director of the Joint Board, by no later than July 31, 2013.

**ADDRESSES:** Mail or deliver applications to: Patrick W. McDonough; Executive Director, Joint Board for the Enrollment of Actuaries; Return Preparer Office SE:RPO; Internal Revenue Service; 1111 Constitution Avenue NW.; REFM, Park 4, Floor 4; Washington, DC 20224. Send applications electronically to: [Patrick.McDonough@irs.gov](mailto:Patrick.McDonough@irs.gov).

See **SUPPLEMENTARY INFORMATION** for application requirements.

**FOR FURTHER INFORMATION CONTACT:** Patrick W. McDonough, Executive Director, at (703) 414-2173.

#### SUPPLEMENTARY INFORMATION:

##### 1. Background

To qualify for enrollment to perform actuarial services under ERISA, an applicant must satisfy certain experience and knowledge requirements, which are set forth in the Joint Board's regulations. An applicant may satisfy the knowledge requirement by successful completion of Joint Board examinations in basic actuarial mathematics and methodology and in actuarial mathematics and methodology relating to pension plans qualifying under ERISA.

The Joint Board, the Society of Actuaries, and the American Society of Pension Professionals & Actuaries jointly offer examinations acceptable to the Joint Board for enrollment purposes and acceptable to the other two actuarial organizations as part of their respective examination programs

##### 2. Scope of Advisory Committee Duties

The Advisory Committee plays an integral role in the examination program by assisting the Joint Board in offering examinations that enable examination candidates to demonstrate the knowledge necessary to qualify for enrollment. The Advisory Committee's duties, which are strictly advisory, include (1) Recommending topics for inclusion on the Joint Board examinations, (2) reviewing and drafting examination questions, (3) recommending examinations, (4) reviewing examination results and recommending passing scores, and (5) providing other recommendations and advice relative to the examinations, as requested by the Joint Board.

##### 3. Member Terms and Responsibilities

Generally, members are appointed for a 2-year term. However, the upcoming term will be 18 months in duration, beginning on September 1, 2013, and ending on February 28, 2015. Members may seek reappointment for additional consecutive terms.

Members are expected to attend approximately 4 meetings each calendar year and are reimbursed for travel expenses in accordance with applicable government regulations. In general, members are expected to devote 125 to 175 hours, including meeting time, to the work of the Advisory Committee over the course of a year.

##### 4. Member Selection

The Joint Board seeks to appoint an Advisory Committee that is fairly balanced in terms of points of view represented and functions to be performed. Every effort is made to ensure that most points of view extant in the enrolled actuary profession are represented on the Advisory Committee. To that end, the Joint Board seeks to appoint several members from each of the main practice areas of the enrolled actuary profession, including small employer plans, large employer plans, and multiemployer plans. In addition, to ensure diversity of points of view, the Joint Board limits the number of members affiliated with any one actuarial organization or employed with any one firm.

Membership normally will be limited to actuaries currently enrolled by the Joint Board. However, individuals having academic or other special qualifications of particular value for the Advisory Committee's work also will be considered for membership. Federally-registered lobbyists and individuals affiliated with Joint Board enrollment examination preparation courses are not eligible to serve on the Advisory Committee.

##### 5. Member Designation

It is expected that Advisory Committee members will be appointed as Special Government Employees (SGEs). As such, members will be subject to certain ethical standards applicable to SGEs. Upon appointment, each member will be required to provide written confirmation that he/she does not have a financial interest in a Joint Board examination preparation course. In addition, each member will be required to attend annual ethics training.

##### 6. Application Requirements

To receive consideration, an individual interested in serving on the