

international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Forestar (USA) Real Estate Group (Cypress Bay West @Waterstone Phase III) (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally threatened Audobon's crested caracara (*Polyborus plancus audubonii*) (caracara) incidental to the construction of a residential development (project) in Brevard County, Florida. We request public comment on the application, which includes the applicant's habitat conservation plan (HCP), and on the Service's preliminary determination that this proposed ITP qualifies as "low effect," and may qualify for a categorical exclusion pursuant to the Council on Environmental Quality's National Environmental Policy Act (NEPA) regulations (40 CFR 1501.4), the Department of the Interior (DOI) NEPA regulations (43 CFR 46), and the DOI Departmental Manual (516 DM 8.5(C)(2)). To make this preliminary determination, we prepared a draft environmental action statement and low-effect screening form, both of which are also available for public review.

Proposed Project

The applicant requests a 10-year ITP to take caracaras through the conversion of approximately 27.6 acres (ac) of occupied caracara primary buffer zone habitat incidental to the construction of a residential development on a 190.28-ac parcel in Sections 4 and 5, Township 30 South, Range 37 East, Brevard County, Florida, identified by Tax Account Numbers 3000217 and 3000219. The applicant proposes to mitigate for take of the caracaras by donating \$80,000.00 to the Allen Broussard Conservancy (ABC) Land Acquisition Fund; these funds will be used to purchase and permanently conserve approximately 27.6 ac to support known territories of two breeding/nesting pairs of caracaras within the limits of the ABC. The applicant will also make a \$20,000.00 monetary donation to the ABC to aid in financing habitat management and enhancement activities that will occur on the same 27.6-ac area, for a period of 10 years. The Service would require the applicant to purchase the credits prior to engaging in construction activities associated with the project on the parcel.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project—including land clearing, infrastructure building, landscaping, and other ground disturbance and site preparation activities—and the proposed mitigation measures would individually and cumulatively have a minor effect on the human environment. We have preliminarily determined that the proposed ESA section 10(a)(1)(B) permit would be a "low-effect" ITP that individually or cumulatively would have a minor effect on the caracara and may qualify for application of a categorical exclusion pursuant to the Council on Environmental Quality's NEPA regulations (40 CFR 1501.4), DOI's NEPA regulations, and the DOI Departmental Manual (516 DM 8.5(C)(2)). A "low-effect" incidental take permit is one that would result in (1) minor or negligible effects on species covered in the HCP; (2) nonsignificant effects on the human environment; and (3) impacts that, when added together with the impacts of other past, present, and reasonably foreseeable actions, would not result in significant cumulative effects to the human environment.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested ITP. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0046193 to Forestar (USA) Real Estate Group.

Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 *et*

seq.) and its implementing regulations (40 CFR 1500–1508 and 43 CFR 46).

Robert L. Carey,

Division Manager, Environmental Review, Florida Ecological Services Office.

[FR Doc. 2023–05949 Filed 3–22–23; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1326]

Certain Robotic Pool Cleaners and Components Thereof; Notice of a Commission Determination Not To Review Two Initial Determinations Terminating the Remaining Respondents and the Investigation in Its Entirety; 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 not to review two initial determinations ("IDs") (Order Nos. 15 and 16) of the presiding administrative law judge ("ALJ") terminating certain respondents based on a consent order, terminating the remaining respondents based on partial withdrawal of the complaint, and terminating the investigation in its entirety. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.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: On September 1, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as supplemented, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Zodiac Pool Systems LLC of Carlsbad, California and Zodiac Pool Care Europe,

ZA La Balme of Belberaud, France (collectively, “Complainants”). *See* 87 FR 53788–89 (Sept. 1, 2022). The complaint alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain robotic pool cleaners and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,393,029 and 8,393,031. *Id.* at 53789. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names four respondents, including Wybotics Co. Ltd. d/b/a Winny Pool Cleaner, f/k/a Tianjin Wangyuan, Environmental Protection and Technology Co., Ltd. of Tianjin, China and Tianjin Pool & Spa Corporation of Commerce, California (collectively, “Wybotics”), as well as Shenzhen Aiper Intelligent Co., Ltd. of Guangdong Province, China; Aiper Intelligent, LLC of Roswell, Georgia; and Aiper, Inc. of Los Angeles, California (collectively, “the Aiper Entities”). *Id.*

On February 17, 2023, Complainants filed an unopposed motion to terminate this investigation with respect to the Aiper Entities based on a consent order stipulation and proposed consent order. No responses to the motion were filed.

On February 20, 2023, Complainants filed an unopposed motion to partially withdraw the complaint and terminate this investigation with respect to Wybotics, the remaining respondents. No responses to the motion were filed.

On February 21, 2023, the ALJ issued the two subject IDs. *See* Order No. 15 (Feb. 21, 2023); Order No. 16 (Feb. 21, 2023). The first subject ID (Order No. 15) grants the motion to terminate the Aiper Entities and finds that the unopposed motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). The first ID also finds that termination of the Aiper Entities would not be contrary to the public interest. The second subject ID (Order No. 16) grants the motion to terminate the Wybotics respondents, and thus the investigation in its entirety. The second subject ID finds that Complainants meet the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) and there are no extraordinary circumstances that would prevent the requested termination of the investigation. The second subject ID also finds that termination of the investigation would not be contrary to the public interest.

On February 27, 2023, Wybotics filed a petition for limited review of Order No. 16. Specifically, Wybotics seeks review of the quotation of

Complainants’ statement that Wybotics “will no longer import or sell the Accused Products.” Wybotics did not seek review of the finding that the investigation should be terminated. On March 3, 2023, Complainants filed a response opposing Wybotics petition.

The Commission has determined not to review the subject IDs (Order Nos. 15 and 16). The Commission has issued a consent order directed to the Aiper Entities. The investigation is terminated.

The Commission vote for this determination took place on March 17, 2023.

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).

By order of the Commission.

Issued: March 17, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–05936 Filed 3–22–23; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1301]

Certain Mobile Phones and Tablet Computers, All With Switchable Connectivity; Notice of a Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation Based on a Settlement Agreement; 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 determined not to review an initial determination (“ID”) (Order No. 38) of the presiding Administrative Law Judge (“ALJ”) granting a joint motion to terminate the investigation based on a settlement agreement. The investigation is terminated.

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) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email

EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.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: On February 24, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by Ericsson Inc. of Plano, Texas and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively, “Ericsson” or “Complainants”). 87 FR 10386–87 (Feb. 24, 2022). The complaint, as supplemented, alleged a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile phones and tablet computers, all with switchable connectivity, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 8,792,454 (“the ‘454 patent”); 10,880,794 (“the ‘794 patent”); and 8,472,999 (“the ‘999 patent”). *Id.* at 10386. The complaint also alleged the existence of a domestic industry.

The notice of investigation named as a respondent Apple Inc. of Cupertino, California (“Apple”). *Id.* The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* at 10386–87.

Subsequently, the Commission terminated all asserted claims of the ‘794 patent and claims 11–17 of the ‘999 patent from this investigation by reason of withdrawal of the complaint allegations under 19 CFR 210.21(a). *See* Order No. 23 (Aug. 3, 2022), *unreviewed by* Notice (Sept. 1, 2022). On July 13, 2022, Ericsson filed a renewed motion (“Motion”) with an accompanying memorandum (“Memo”) seeking a summary determination that it satisfies the economic prong. The motion was granted. Order No. 15 (Jun. 28, 2022). The Commission determined to review Order No. 15 in part. Specifically, the Commission determined to review the Order No. 15’s finding that Ericsson met the economic prong of the domestic industry requirement as to the ‘794 patent under 19 U.S.C. 1337(a)(3) subparagraphs (A) and (B). Comm’n Notice (Sept. 9, 2022). Because the ‘794 patent was withdrawn from the investigation, the Commission determined to vacate as moot Order No. 15’s finding that Ericsson met the