

available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-045264-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Applicant

Cliff and Sheila Beveridge plan to construct a single-family residence, within 5 years, on approximately 0.5 acres of a 97.01-acre property on Gotier Trace Road, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicants propose to compensate for this incidental take of the Houston toad by providing \$2,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

Steven M. Chambers,

Acting Regional Director, Region 2.

[FR Doc. 01-21278 Filed 8-22-01; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of a Permit Application (Akin) for Incidental Take of the Houston Toad

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: R. Harry and Julia E. Akin (Applicants) have applied for an incidental take permit (TE-045263-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence on approximately 0.5 acres of a 98.942-acre property on Gotier Trace Road, Bastrop County, Texas.

DATES Written comments on the application should be received on or before September 24, 2001.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-045263-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the

incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Applicant

R. Harry and Julia E. Akin plan to construct a single-family residence, within 5 years, on approximately 0.5 acres of a 98.942-acre property on Gotier Trace Road, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicants propose to compensate for this incidental take of the Houston toad by providing \$2,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

Steven M. Chambers,

Acting Regional Director, Region 2.

[FR Doc. 01-21279 Filed 8-22-01; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Preparation of an Environmental Impact Report/Statement for the South Subregion Natural Community Conservation Plan/Habitat Conservation Plan, County of Orange, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act, the Fish and Wildlife Service (Service) advises the public that we intend to gather information necessary to prepare, in coordination with the County of Orange, California (County), a joint programmatic Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on the South Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) proposed by the County. The County and possibly other jurisdictions intend to request Endangered Species Act permits for federally listed threatened or endangered species and for unlisted species that may become listed during the term of the permit. The permit is needed to authorize take of listed species (including harm, injury and

harassment) during urban development in the approximately 200 square-mile study area in southern Orange County. The proposed NCCP/HCP would identify those actions necessary to maintain the viability of South Subregion coastal sage scrub habitat for the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*), and other species and major habitat types identified for inclusion and management during the preparation of the NCCP/HCP.

The Service is furnishing this notice to: (1) Advise other Federal and State agencies, affected Tribes, and the public of our intentions; (2) announce the initiation of a 30-day public scoping period, and (3) obtain suggestions and information on the scope of issues to be included in the EIR/EIS.

DATES: We will accept written comments on or before September 24, 2001.

ADDRESSES: Send comments to Mr. James Bartel, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 3720 Loker Avenue West, Carlsbad, CA 92008; facsimile (760) 431-9618.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Evans, Supervisory Fish and Wildlife Biologist, (see **ADDRESSES**); telephone (760) 431-9440.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Endangered Species Act of 1973, as amended, and Federal regulation prohibit the "taking" of a species listed as endangered or threatened. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, capture or collect listed wildlife, or attempt to engage in such conduct. Harm includes habitat modification that kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Under limited circumstances, the Service may issue permits for take of listed species that is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are found in 50 CFR 17.32 and 50 CFR 17.22.

If the Service approves the NCCP/HCP, we may authorize incidental take of the California gnatcatcher and other identified federally listed species through issuance of Endangered Species Act incidental take permits. The NCCP/HCP, coupled with an Implementation Agreement, could also form the basis for issuing incidental take permits for other

identified non-listed species should these identified species be listed during the term of the permit.

On March 25, 1993, the Service issued a Final Rule declaring the California gnatcatcher to be a threatened species (508 FR 16742). The Final Rule was followed by a special rule on December 10, 1993 (50 FR 65088) to allow take of the California gnatcatcher pursuant to section 4(d) of the Act. The special rule defined the conditions under which take of the coastal California gnatcatcher and other federally-listed species, resulting from specified land use activities regulated by state and local government, would not violate section 9 of the Act. In the special rule the Service recognized the significant efforts undertaken by the State of California through the Natural Community Conservation Planning Act of 1991 and encouraged holistic management of listed species, like the coastal California gnatcatcher, and other sensitive species. The Service declared its intent to permit incidental take of the California gnatcatcher associated with land use activities covered by an approved subregional NCCP prepared under the NCCP Program, provided the Service determines that the subregional NCCP meets the issuance criteria of an incidental take permit pursuant to section 10(a)(1)(B) of the Act and 50 CFR 17.32(b)(2). The County currently intends to obtain the Service's approval of the NCCP/HCP through a section 10(a)(1)(B) permit.

Proposed Action

The Service will prepare a joint EIR/EIS with the County of Orange, lead agency for the NCCP/HCP. The County will prepare an EIR in accordance with the California Environmental Quality Act. The County will publish a separate Notice of Preparation for the EIR.

The South Subregional NCCP/HCP study area covers more than 200 square miles in the southern and eastern portions of Orange County. This NCCP subregion is bounded on the east by the San Diego County line and on the north by Riverside County line. Along the west, the study area boundaries follow San Juan Creek inland to the Interstate 5 (I-5) overcrossing, then northwest along I-5 to El Toro Road, and north along El Toro Road to the intersection of Live Oak Canyon Road and northeasterly on a straight line from that intersection to the northern apex of the County boundary. The subregion is bounded on the south by the Pacific Ocean.

The NCCP/HCP will describe strategies to conserve coastal sage scrub and other major upland and aquatic

habitat types identified for inclusion and management, while allowing incidental take of endangered and threatened species associated with development. Development may include residential, commercial, industrial, and recreational development; public infrastructure such as roads and utilities; and maintenance of public facilities.

Preliminary Alternatives

The EIR/EIS for the South Subregion NCCP/HCP will assist the Service during its decision making process by enabling us to analyze the environmental consequences of the proposed action and a full array of alternatives identified during preparation of the NCCP/HCP. Although specific programmatic alternatives have not been prepared for public discussion, the range of alternatives preliminarily identified for consideration include:

Alternative 1, No Project/No Development Alternative

No land development and no NCCP/HCP directly impacting listed species. Conservation would rely on existing or future amended General Plans, growth management programs and habitat management efforts, and continuing project-by-project review and permitting pursuant to the National Environmental Policy Act and Sections 7 and 10 of the Endangered Species Act.

Alternative 3, NCCP/HCP Alternative Based on Orange County Projections (OCP) 2000

Land uses projected by the County's OCP 2000 for Rancho Mission Viejo Lands would be considered for implementation under a Subregional NCCP/HCP approach designed to comply with the requirements of section 10(a) of the Endangered Species Act by assuring long-term value of coastal sage scrub and other major habitat types on a subregional level through the following measures:

(1) Permanently set aside coastal sage scrub and other major habitats consistent with Scientific Review Panel Reserve Design Criteria (1993).

(2) Address habitat needs of coastal sage scrub species and of other species that use major habitat types specifically identified for inclusion and management within the NCCP Reserve.

(3) Maintain and enhance habitat connectivity within the subregion and between adjacent subregions.

(4) Provide for adaptive habitat management within the NCCP Reserve, including, habitat restoration and enhancement.

Alternative 4, NCCP/HCP Alternative Based on Other Land Use Scenarios

Formulation of alternative subregional conservation plans and habitat reserve configurations designed to comply with the requirements of Section 10(a) by assuring the long-term value of coastal sage scrub and other major habitat types on a subregional level through the same four general measures listed under Alternative 3.

Other Governmental Actions

The NCCP/HCP is being prepared concurrently and coordinated with the joint preparation by the U.S. Army Corps of Engineers and CDFG of a Special Area Management Plan (SAMP) and Master Streambed Alteration Agreement (MSAA) for the San Juan Creek and western San Mateo Creek watersheds. These watersheds cover most of the South NCCP Subregion. In addition to the concurrent SAMP/MSAA process, the County and Rancho Mission Viejo, the owner of the largest undeveloped property in the subregion, will be proceeding with consideration of amendments to the County General Plan and Zoning Code for that portion of the subregion owned by Rancho Mission Viejo. The SAMP/MSAA will involve the preparation of a concurrent joint programmatic EIR/EIS and the General Plan/Zoning amendment programs will involve the preparation of an EIR that will be distributed for review during the NCCP/HCP public planning process. The County of Orange will prepare and publish a separate Notice of Preparation for the General Plan Amendment and Zone Change EIR.

Service Scoping

We invite comments from all interested parties to ensure that the full range of issues related to the permit requests are addressed and that all significant issues are identified. We will conduct environmental review of the permit applications in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321 et seq.), its implementing regulations (40 CFR parts 1500 through 1508), and with other appropriate Federal laws and regulations, policies, and procedures of the Service for compliance with those regulations. We expect a draft EIR/EIS for the South Subregion NCCP/HCP to be available for public review in Fall 2002.

Dated: August 16, 2001.

Mary Ellen Mueller,

Acting Deputy Manager, California/Nevada Operations Office, Fish and Wildlife Service, Sacramento, California.

[FR Doc. 01-21272 Filed 8-22-01; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-462]

Certain Plastic Molding Machines With Control Systems Having Programmable Operator Interfaces Incorporating General Purpose Computers, and Components Thereof II; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 19, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Milacron Inc. of Cincinnati, Ohio. A corrected exhibit was filed on August 8, 2001. The complaint alleges 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 certain plastic molding machines with control systems having programmable operator interfaces incorporating general purpose computers, and components thereof, by reason of infringement of claims 1-4 and 9-13 of U.S. Letters Patent 5,062,052, as amended by Reexamination Certificate B1 5,062,052. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue permanent exclusion orders and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, S.W., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons

with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2575.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on August 16, 2001, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(B) 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 plastic molding machines with control systems having programmable operator interfaces incorporating general purpose computers, or components thereof, by reason of infringement of claim 1, 2, 3, 4, 9, 10, 11, 12, or 13 of U.S. Letters Patent 5,062,052, as amended by Reexamination Certificate B1 5,062,052, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Milacron Inc., 2090 Florence Avenue, Cincinnati, Ohio 45206.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: Dr. Boy GmbH, Neschner Strasse 6, D-53577 Neustadt/Fernthal, Germany Boy Machines Inc., 199 Phillips Road, Exton, Pennsylvania 19341 Cannon S.p.A., Via C. Colombo 49, I-20090 Trezzano s/Naviglio (Milano), Italy