

- Failure to abide by the terms and conditions of this test, and any applicable laws and regulations.
- Failure to exercise reasonable care in the execution of participant obligations.
- Misuse of the automated CBP Form 214 (*i.e.*, engaging in unauthorized disclosure or any activity which interferes with the successful evaluation of the new technology).

The Executive Director, Trade Compliance and Facilitation, will administer suspensions for misconduct. A written notice proposing suspension will be provided to the participant. Such notice will apprise the participant of the alleged facts or conduct warranting suspension and will inform the participant of the date that the suspension will begin. Any decision proposing suspension of a participant may be appealed in writing to the Assistant Commissioner, Office of Field Operations, 1300 Pennsylvania Ave., NW., Washington, DC 20229, within 15 calendar days of the notification date. An appeal must address the alleged facts or conduct charges contained in the notice and state how compliance has been or will be achieved. In cases of non-payment, late payment, willful misconduct or where public health interests or safety is concerned, the suspension may be effective immediately. The same appeal procedures apply in cases of immediate suspension.

#### *Test Evaluation Criteria*

To ensure adequate feedback, participants are required to participate in an evaluation of this test. CBP also invites all interested parties to comment on the design, conduct and implementation of the test at any time during the test period. CBP will publish the final results in the **Federal Register** and the CBP Bulletin as required by section 101.9 (b) of Title 19 of the CFR.

The following evaluation methods and criteria have been suggested:

1. Baseline measurements to be established through data analysis;
2. Questionnaires from both trade participants and CBP addressing such issues as:
  - Workload impact (workload shifts/volume, cycle times, *etc.*)
  - Cost savings
  - Policy and procedure accommodation
  - Trade compliance impact
  - Problem resolution
  - System efficiency
  - Operational efficiency
  - Other issues identified by the participant group

Dated: August 12, 2005.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 05-16427 Filed 8-18-05; 8:45 am]

BILLING CODE 9110-06-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4980-N-33]

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**DATES:** Effective August 19, 2002.

#### **FOR FURTHER INFORMATION CONTACT:**

Kathy Ezzell, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988, court order in *National Coalition for the Homeless v. Veterans' Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: August 11, 2005.

**Mark R. Johnston,**

*Director, Office of Special Needs Assistance Programs.*

[FR Doc. 05-16243 Filed 8-18-05; 8:45 am]

BILLING CODE 4210-29-M

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-486 Enforcement Proceedings]

### Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof; Notice of a Commission Determination To Review and on Review To Modify an Enforcement Initial Determination; Termination of Proceedings

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part an enforcement initial determination (EID) of the presiding administrative law judge (ALJ) in the above-captioned investigation finding a violation of a limited exclusion order, but declining to recommend any enforcement measures. On review, the Commission has determined to modify the ID by correcting the ALJ's finding that the Commission intended to foreclose the possibility of issuing a general exclusion order as a remedy in the above-captioned proceedings when it denied complainant's petition for modification of the existing limited exclusion order. The Commission has determined not to review the remainder of the EID.

#### **FOR FURTHER INFORMATION CONTACT:**

Michael K. Haldenstein, Esq., telephone 202-205-3041, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all nonconfidential 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-ON-LINE) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** On July 3, 2003, at the conclusion of Inv. No. 337-TA-486, Certain Agricultural Tractors, the Commission issued a limited exclusion order which denies entry to

tractors manufactured by a single Chinese entity, respondent Beiqi Futian Automobile Co., Ltd. (Futian), that infringe the trade dress of complainant New Holland North America. On August 2, 2004, New Holland filed a single document styled "Consolidated Enforcement Complaint and Petition for Modification," in which it requested both enforcement and modification of the existing limited exclusion order by replacing the limited exclusion order with a general exclusion order. On November 15, 2004, the Commission ordered the institution of a formal enforcement proceeding to determine whether Futian (now known as Beiqi Foton Motor Co., Ltd.) and Shandong Worldbest Shantou Co., Ltd., an allegedly related entity, (collectively, "the enforcement respondents") were in violation of the limited exclusion order, and what if any enforcement measures were appropriate. The Commission found that the petition for modification proceedings to obtain a general exclusion order failed to satisfy Commission rule 210.76(a) in that the complainant did not provide an argument concerning the legal basis for the broad modification sought. Thus, the Commission did not institute modification proceedings.

The Commission assigned the enforcement proceedings to the ALJ who conducted the original investigation concerning violation. The Commission subsequently set a target date of November 21, 2005, for completion of the investigation in light of *VastFame et al. v USITC*, 386 F.3d 1108 (Fed. Cir. 2004), which holds that the Commission's authority for conducting enforcement proceedings is found in 19 U.S.C. 1337(b), a provision which requires the Commission to set a target date for completion of its investigations within 45 days of institution.

On February 4, 2005, the ALJ issued an ID finding the two enforcement respondents in default, and pursuant to Commission Rule 210.16(b)(3), to have waived their right to appear, be served with documents, or contest the allegations in the enforcement complaint. The Commission declined to review the ID and it became the final determination of the Commission.

On May 13, 2005, the ALJ issued an EID finding that the existing limited exclusion order had been violated by the enforcement respondents, but recommending against any enforcement measures by the Commission because: (1) He believed the Commission did not intend for him to issue a general exclusion order; (2) New Holland had failed to meet the statutory criteria for

a general exclusion order in default investigations because it had not established a violation of section 337 by substantial, reliable, and probative evidence as required by 19 U.S.C. 1337(g)(2)(A); and (3) New Holland did not seek any enforcement measures other than a general exclusion order.

The Commission has determined to review and modify the EID to the extent that the Commission does not adopt the ALJ's conclusion that the Commission did not intend for him to issue a general exclusion order when it instituted these proceedings. Rather, the Commission determined only to deny New Holland's petition for modification. The Commission adopts the EID's finding that New Holland failed to meet the statutory criteria for a general exclusion order because it did not establish a violation of its trade dress by substantial, reliable, and probative evidence as required by section 337(g)(2)(A). The Commission agrees with the ALJ that no other enforcement measures are appropriate because New Holland did not seek any enforcement measure other than a general exclusion order.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: August 15, 2005.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-16426 Filed 8-18-05; 8:45 am]

**BILLING CODE 7020-02-P**

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 731-TA-1094 (Preliminary)]**

### **Metal Calendar Slides From Japan Determination**

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (Commission) determines,<sup>2</sup> pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

<sup>2</sup> Vice Chairman Deanna Tanner Okun and Commissioner Daniel R. Pearson dissenting. Commissioner Marcia E. Miller did not participate in this determination.

from Japan of metal calendar slides, provided for in subheading 7326.90.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

### **Commencement of Final Phase Investigation**

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

### **Background**

On June 29, 2005, a petition was filed with the Commission and Commerce by Stuebing Automatic Machine Co., Cincinnati, OH, alleging that an industry in the United States is materially injured by reason of LTFV imports of metal calendar slides from Japan. Accordingly, effective June 29, 2005, the Commission instituted antidumping duty investigation No. 731-TA-1094 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 11, 2005 (70 FR 39788). The conference was held in Washington, DC, on July 20, 2005, and all persons who requested the opportunity were permitted to appear in person or by counsel.