file an appeal at 5 hours per appeal for an average annual hour burden of 210 hours.

For the STA requirement, based on a 15-minute estimate for each of the average 40,003 annual responses, TSA estimates that the average annual burden will be 10,001 hours.

For the Known Shipper Management System (KSMS), given that the IAC or aircraft operator must input a name, address, and telephone number, TSA estimates it will take 2 minutes for the 792,000 electronic submissions for a total annual burden of 26,400 hours. Also for KSMS, TSA estimates it will take one hour for the 8,000 manual submissions for a total annual burden of 8,000 hours.

TSA estimates out of the 480 total aircraft operators and foreign air carriers impacted by TSA regulations, 135 aircraft operators and foreign air carriers will submit cargo screening reporting information because not all aircraft operators and foreign air carriers transport cargo. TSA estimates this will take an estimated one hour per week (52 hours per year) for a total average annual burden of 6,994 hours. For recordkeeping, based on a 5-minute estimate for each of the 40,003 average annual responses, TSA estimates that the total average annual burden will be 3,320 hours.

Issued in Arlington, Virginia, on November 9, 2009.

Joanna Johnson,
TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. E9–27349 Filed 11–13–09; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Issuance of Final Determination Concerning Toner Cartridges and Image Drums


ACTION: Notice of final determination.

SUMMARY: This document provides notice that the Bureau of U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of certain toner cartridges and image drums to be offered to the United States Government under an undesignated government procurement contract. Based upon the facts presented, in the final determination CBP concluded that Japan is the country of origin of the subject toner cartridges and the United States is the country of origin of the subject image drums for purposes of U.S. Government procurement.

DATES: The final determination was issued on November 9, 2009. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within December 16, 2009.


SUPPLEMENTARY INFORMATION: Notice is hereby given that on November 9, 2009, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain toner cartridges and image drums to be offered to the United States Government under an undesignated government procurement contract. This final determination, in HQ W563548, was issued at the request of Oki Data Americas, Inc. Under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2531–18). The final determination concluded that, based upon the facts presented, the replacement in the United States of minor components of U.S. and foreign origin and the addition of Japanese-origin toner to a Chinese-origin toner cartridge do not substantially transform the toner cartridge into a product of the United States. Therefore, the last country in which the toner cartridge undergoes a substantial transformation is based on the essential character of the toner cartridge, which is the toner from Japan. Based upon the facts presented, the final determination also concluded that the disassembly in the United States of a Thai-origin image drum, the cleaning and reassembly of salvageable parts, and the replacement of a significant number of parts essential to the functionality of the image drum result in a substantial transformation of the components into a product of the United States.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations shall be published in the Federal Register within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the Federal Register.

Dated: November 9, 2009.

Sandra L. Bell,
Executive Director, Office of Regulations and Rulings, Office of International Trade.

Attachment

HQ W563548

November 9, 2009

MAR–2–05 RR:CTF:VS W563548 KSG

CATEGORY: Marking

Mr. Stephen E. Becker
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.,
Washington, DC 20037–1122

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. § 2511); Subpart B, Part 177, Customs and Border Protection Regulations (19 CFR § 177); Final Determination; country of origin of remanufactured toner cartridges and image drums

Dear Mr. Becker:

This is in response to your letter dated July 28, 2006, requesting a final determination on behalf of Oki Data Americas, Inc. ("Oki Data"), pursuant to subpart B of Part 177, Customs Regulations (19 C.F.R. § 177.21 et seq.). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 et seq.), U.S. Customs and Border Protection ("CBP") issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated foreign country or instrumentality for the purpose of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of certain remanufactured toner cartridges and image drums. We note that Oki Data is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination. In issuing this final determination, we have given consideration to the arguments presented during a meeting at our offices on November 17, 2006, and your additional submissions dated September 12, 2006, September 28, 2006, November 17, 2006, and November 30, 2006, which include photographs of the articles at various stages of the processes performed.

FACTS:

I. Toner Cartridges

You advise us that Oki Data will remanufacture C7300/7500 Series toner cartridges at its facility in Mount Laurel, New Jersey. You state that the spent toner cartridges were originally manufactured in China and that the toner cartridges were used in printers in the United States. You also indicate that the actual cartridges lack any notation of their origin.

You advise that the toner cartridge is comprised of 52 parts plus toner. The remanufactured cartridge will consist of 20 newly manufactured parts: 14 from the
United States, 1 from the United Kingdom, and 5 from China. Such parts include, among others, the stopper film, the toner cap, the lever stopper, the left and right lockout plates, and, if damaged, the foam seal cap, and seal sponge. In addition, the remanufactured cartridges will be filled with new toner of Japanese origin, which you advise is the most valuable component of the remanufactured cartridge. Thirty-two parts will be salvaged from the used cartridges and reused in the remanufactured toner cartridge.

What happens when the cartridges arrive at the facility in New Jersey, they are inspected for salvage. Acceptable cartridges will undergo the following key remanufacturing operations: (1) the exterior of the cartridge is vacuumed; (2) the seal tape, lever stopper, and remaining toner are removed; (3) the left side plate and spiral rod are removed and cleaned; (4) if necessary, the foam seal cap and seal sponge are replaced; (5) the cartridge interior is vacuumed and cleaned; (6) the stopper film is removed from the inner shutter and replaced with a new stopper film; (7) the inner shutter is reassembled; (8) the toner cap is removed; (9) the mixing bar and spiral rod are reinserted; (10) the left side plate is reassembled, and the technician verifies that the mixing bar and spiral rod engage with the mixing boxes of the left side plate; (11) the partition film is reset; (12) seal tape is applied to the cartridge; (13) new toner is added to the cartridge; (14) a new toner cap and new lever stopper are installed; (15) the cartridge exterior is vacuumed and cleaned; (16) the cartridge is inspected for leakage; (17) a bar code is printed and applied to the cartridge; (18) the cartridge and light-emitting diode ("LED") lens cleaner are placed into a black poly bag, which is then heat sealed; (19) the bagged cartridge is placed in a box, and a duplicate bar code label is applied to the box; and (20) in some instances, four boxed cartridges are inserted into labeled four-pack boxes, which are placed on pallets.

II. Image Drums

Oki Data will remanufacture the C7300/ C7500 Series image drums at its facility in Mount Laurel, New Jersey. You state that the used image drums were manufactured in Thailand and that the image drums were used in printers in the United States. You also indicate that the actual image drums lack any notation of their origin.

You advise that the image drum is comprised of 110 component parts. Of this number, 56 parts will be newly manufactured in various countries: 12 in the United States, 1 in Canada, 5 in Japan, and 36 in Thailand. Several of the newly manufactured parts that will replace the worn parts of the used image drum are significant to the functionality of the product and include, among others, the organic photoreceptor drum ("OPC"), the developing roller, the charge roller, and the cleaning unit. All of these parts and the new lubricating toner powder originate in Japan. You state that the OPC drum is the most valuable component of the image drum. Fifty-four parts will be salvaged from the used image drums.

When the used image drums arrive at the New Jersey facility, their revision levels and previous remanufacturing statuses are verified. Acceptable image drums undergo the following key remanufacturing operations: (1) the top cover of the image drum is removed and cleaned; (2) the developer blade assembly is removed and the blade is discarded; (3) the left side plate is removed to expose the OPC drum, the cleaning blade, and the charge, developer, and sponge rollers; (4) the charge roller is removed and discarded; (5) the right side plate is removed; (6) the developer roller and gear are removed and discarded; (7) the toner powder is removed from the sponge roller assembly; (8) the OPC drum is removed and discarded; (9) the roller sponge assembly is removed, the mixing bar and plastic plates are saved, and the roller sponge, six gears, the sponge seals, felt sponges, and sub-sponge roller are discarded; (10) the cleaning blade assembly is removed and discarded; (11) the spring spiral is removed from the frame base; (12) the disassembled parts are cleaned; (13) the left side plate is reassembled using a new gear belt, belt toner, spiral part, e-ring, and new gear idles and electrical contacts (certain revision levels will receive a new left side plate and frame base); (14) a new cleaning blade and cleaning gear are installed into the frame base; (15) a new roller sponge, new sponge seals and roll sponges, and the salvaged mixing bar and plastic plates are used to assemble a new roller sponge assembly, which is then attached to the frame base; (16) a new OPC drum, roller developer, and fuse assembly are installed into the frame base; (17) the right side plate is reattached to the frame base; (18) a new charge roller is installed in the right side plate assembly; (19) the left side plate assembly is attached to the frame base; (20) a new blade developer is installed into the frame base assembly; (21) new toner is added to the toner hopper of the blade developer; (22) the top cover is reattached to the frame base; (23) the image drum’s print quality is tested; (24) the image drum is wrapped into two types of protective sheeting and a new toner cover is installed; (25) a serial number label and date code label are applied to the image drum; (26) the image drum is placed into a black bag and packed into a labeled box, along with the warranty sheet, ecology sheet, and shipping label; and (27) three single-pack boxes are placed into a labeled overlap box, which is loaded onto a pallet. Essentially, the spent image drum is almost completely disassembled, and the new parts mentioned above are used to construct a functioning image drum.

ISSUE:

What are the countries of origin of the remanufactured toner cartridges and image drums for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 C.F.R. 177.21, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C.§ 2511 et seq.), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.


An article is a product of a country or instrumentality only if it (i) is the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also, 19 C.F.R. 177.22(a).

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. Belcrest Linens v. United States, 6 Ct. Int’l Trade 204, 573 F. Supp. 1149 (1983), aff’d, 741 F.2d 1368 (Fed. Cir. 1984). If the manufacturing or combining process is a minor one which leaves the identity of the imported articles intact, a substantial transformation has not occurred. Uniroyal Inc. v. United States, 3 Ct. Int’l Trade 220, 542 F. Supp. 1026 (1982). In Uniroyal, a country of origin marking case, the court concluded that the combination of outsoles in the United States to imported shoe uppers from Indonesia effected a substantial transformation of the uppers. In finding that the upper was the “very essence” of the completed shoe, the court held that a substantial transformation of the uppers did not occur, as the attachment of the outsoles to the uppers was a minor manufacturing or combining process that left the identity of the uppers intact. Hence, the uppers were required to be marked with Indonesia as their country of origin.

I. Disassembly and Remanufacturing Operations

CBP has examined disassembly and remanufacturing of articles in various U.S. circumstances. In some instances, CBP has found a substantial transformation to occur when articles are disassembled and used in the assembly of articles. In HRL 734213, dated February 20, 1992, CBP held that the disassembly of an imported computer monitor and the installation of a U.S. touchscreen constituted a substantial transformation of the monitor for marking purposes. In New York Ruling Letter ("NY") 183759, dated June 28, 2002, CBP found that fuel tank assemblies disassembled from completed motor vehicles in Germany and imported into the United States were substantially transformed when the assemblies and the motor vehicle bodies were assembled into completed motor vehicles and sold in the United States. See also HRL 561722, dated April 5, 2001, which implements Section 609.19 of the Tariff Schedule of the United States ("TSUS") which indicates that the aircraft fuselage, imported disassembled, was substantially transformed into a product of the United States when it was reassembled and combined with engines, avionics, and landing gear to make a completed aircraft).
originally manufactured in either China or Japan were to be marked as products of China as a result of remanufacturing operations performed in that country. CBP noted that these models were not simple toner cartridges, but models containing both development units and cleaning units. During the remanufacturing process, the cartridges were disassembled into over 30 individual parts or subassemblies, inspected, cleaned, and reconditioned, and sorted by type into bins. The essential identity of the used cartridges was maintained. Then, each cartridge received a new OPC drum, new toner, and a special foam part unique to the remanufacturing process, as well as other new components. In addition, a special seal assembly, a part also unique to the remanufacturing process, was added to some models. CBP found that significant value was added to the remanufactured laser printer cartridges and accounted for most of the cost of the finished cartridges.

In some instances, CBP has not found a substantial transformation when non-functional articles were disassembled and returned to their functionality. In HRL 557940, dated October 3, 1996, CBP determined that failed power transformers shipped to Brazil for repair did not qualify for treatment under the GSP, as they did not undergo a substantial transformation. The repair operations consisted of the disassembly of the failed core/coil assembly, the reuse of the core, if possible, the replacement and/or repair of parts, and the mounting of the repaired core assembly into the old tank shell. However, as the essential identity of the transformers was retained throughout the operations, CBP found that the transformers qualified for treatment under subheading 9802.00.50, HTSUS. See also, HRL 553313, dated June 19, 1990 (a substantial transformation did not occur when non-functional air conditioning compressors were exported to Mexico for disassembly, reconditioning, and reassembly with new parts into functional compressors; but, the repaired compressors were not eligible for treatment under the GSP, as they did not undergo a substantial transformation).

The essential identity of the used cartridges, the remanufacturing operation. Other components having a mechanical function such as the shutter, mixing bar, and spiral attachment are not replaced. These operations are not as significant as the operations described in HRL 589720, where the replacement of the OPC drum, charge roller, roller sponge, developer roller, cleaning blade, developer blade, fuse, electrical contacts, and gears, as well as many other parts of the toner also occurred. In that case, the operations were so extensive that they imparted the essential character of the good, substantial transformation did not occur in the remanufactured product, we believe that the new imported toner imparts the essential character of the remanufactured toner cartridge. You also state that the toner, by far, is the most valuable component of the image drum. Under U.S. Government procurement.

II. Toner Cartridges

In the instant case, all parts of the toner cartridge are removed and inspected, and salvageable parts are cleaned for reassembly. The toner appears to be the only significant component replaced during the remanufacturing operation. Other components having a mechanical function such as the shutter, mixing bar, and spiral attachment are not replaced. These operations are not as significant as the operations described in HRL 589720, where the replacement of the OPC drum, charge roller, roller sponge, developer roller, cleaning blade, developer blade, fuse, electrical contacts, and gears, as well as many other parts of the toner also occurred. In that case, the operations were so extensive that they imparted the essential character of the good.

The operations appear to be significantly more extensive than the operations described in HRL 589720, supra. Moreover, in the instant case, depending upon the revision level of the used image drum, the remanufacturing process also may require the replacement of the frame base and side plates.

These operations appear to be significantly more extensive than the operations described in HRL 589720, supra. Moreover, in the instant case, depending upon the revision level of the used image drum, the remanufacturing process also may require the replacement of the frame base and side plates. The toner cartridge, the cleaning and reassembly of salvageable parts, and the replacement of a significant number of parts essential to the functionality of the drum are sufficient to substantially transform the non-functioning used image drum into a product of the United States. We also note that the remanufacturing operations for the image drum are complex, require technical skill, and add significant value to the image drums.
substantially transformed as a result of the described remanufacturing operations performed in the United States. The country of origin of the remanufactured toner cartridges for purposes of U.S. Government procurement is Japan.

We find that the image drums are substantially transformed into products of the United States when they undergo the described remanufacturing operations in the United States. Therefore, the country of origin of the remanufactured image drums is the United States.

Notice of this final determination will be given in the Federal Register as required by 19 C.F.R. §177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. §177.31, that CBP reexamine the matter anew and issue a new final determination. Any party-at-interest may, within 30 days after publication of the Federal Register notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,
Sandra L. Bell,
Executive Director, Office of Regulations and Rulings, Office of International Trade.

[FR Doc. E9–27350 Filed 11–13–09; 8:45 am] BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5312–N–02]

Recovery Act—Green Retrofit Program for Multifamily Housing, Notice of Closing of Application Solicitation

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: By notice issued May 13, 2009, HUD announced the availability of funding for the Green Retrofit Program for Multifamily Housing (GRP), a program authorized by the American Recovery and Reinvestment Act of 2009, for the purpose of making, primarily, loans and grants to facilitate utility-saving retrofits and other retrofits that produce environmental benefits in certain existing HUD-assisted multifamily housing. In the May 13, 2009, notice, HUD announced that it would begin soliciting applications beginning on June 15, 2009. This notice announces that, based on the funds remaining available, HUD will cease accepting applications as of November 18, 2009.

FOR FURTHER INFORMATION CONTACT: Office of Affordable Housing Preservation, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 6230, Washington, DC 20410–8000; telephone number 202–708–0001 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5) (Recovery Act) authorizes funding for GRP, a Recovery Act program by which HUD makes loans and grants and takes a variety of other actions to facilitate utility-saving retrofits and other retrofits that produce environmental benefits, in certain existing HUD-assisted multifamily housing. The funding provided for retrofits is designed to result in property that reduces energy demand, costs less to operate, improves the residents’ quality of life, and reduces its impact on the environment.

By notice issued May 13, 2009, HUD announced the availability of funding GRP. (See http://www.hud.gov/offices/ adm/hudclips/notices/hsg/files/09–02HSGN.pdf). In the May 13, 2009, notice, HUD announced that GRP would be administered by the Office of Affordable Housing Preservation. In the May 13, 2009, notice, HUD also announced that it would begin accepting applications for GRP funding on June 15, 2009, on a first come, first serve basis, and would continue to accept applications subject to the availability of funding.

In this notice, HUD announces that, based on remaining GRP funds available, HUD will cease accepting applications as of November 18, 2009.

Dated: November 9, 2009.

Theodore K. Toon,
Deputy Assistant Secretary for Affordable Housing Preservation.


DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5321–C–03]

Notice of Fund Availability (NOFA) for Fiscal Year 2009 Neighborhood Stabilization Program 2 Under the American Recovery and Reinvestment Act of 2009; Correction

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

ACTION: Notice.

SUMMARY: On May 4, 2009, HUD posted its NSP2 NOFA at http://www.hud.gov/ nsp and announced the availability of the NOFA on May 7, 2009 (74 FR 21377). The NSP2 NOFA was corrected by Notice posted on the HUD website and announced on June 11, 2009 (74 FR 26715). Today’s Federal Register publication announces that HUD has posted a notice making further corrections to the NSP2 NOFA.

Specifically, the Notice (1) corrects an inconsistency in the NSP2 NOFA regarding when the lead member of a consortium must enter into consortium funding agreements with consortium members; and (2) extends the deadline for submitting such agreements to HUD to January 29, 2010. This notice only affects applications for funding that have already been submitted to HUD by consortium applicants. HUD notes that the deadline for applications was July 17, 2009, and, as a result, will not accept new applications for funding.

The notice correcting the NSP2 NOFA is available on the HUD Web site at http://www.hud.gov/recovery.

FOR FURTHER INFORMATION CONTACT:
Stanley Gilmont, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7286, 451 Seventh Street, SW., Washington, DC 20410, telephone number (202) 708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. FAX inquiries may be sent to Mr. Gilmont at (202) 401–2044. (Except for the “800” number, these telephone numbers are not toll-free.)

Dated: November 9, 2009.

Mercedes M. Márquez,
Assistant Secretary for Community Planning and Development.


DEPARTMENT OF THE INTERIOR

Geological Survey

Agency Information Collection Activities; Proposals, Submissions, and Approvals


ACTION: Notice of an extension of an information collection (1028–0090).