

consideration for country of origin marking purposes. The CardDock was a device which was installed in IBM PC compatible computers. After installation, the units were able to accept PCMCIA cards for the purpose of interfacing such PCMCIA cards with the computer in which the CardDock unit was installed. The CardDock units were partially assembled abroad but completed in the United States. The overseas processing included manufacturing the product's injection molded plastic frame and installing integrated circuits onto a circuit board along with various diodes, resistors and capacitors. After such operations, these items were shipped to the United States for further processing that included mating a U.S.-origin circuit board to the foreign-origin frame and board. The assembled units were thereafter subjected to various testing procedures. In consideration of the foregoing, CBP held that the foreign-origin components, i.e., the ISA boards, frame assemblies and connector cables, were substantially transformed when assembled to completion in the United States. In finding that the name, character, and use of the foreign-origin components had changed during processing in the United States, CBP noted that the components had lost their separate identity during assembly and had become an integral part of a new and distinct item which was visibly different from any of the individual foreign-origin components.

In HQ 735027, dated September 7, 1993, a device that software companies used to protect their software from piracy was under consideration for country of origin marking purposes. The device, referred to as the "MemoPlug", was assembled in Israel from parts that were obtained from Taiwan (such as various connectors and an Electronically Erasable Programmable Read Only Memory, or "EEPROM") and Israel (such as an internal circuit board). After assembly, these components were shipped to a processing facility in the United States where the EEPROM was programmed with special software. Such processing in the United States accounted for approximately 50 percent of the final selling price of the MemoPlugs. In finding that the foreign-origin components were substantially transformed in the United States, CBP noted that the U.S. processing transformed a blank media, the EEPROM, into a device that performed functions necessary to the prevention of software piracy.

In Headquarters Ruling Letter (HQ) 563012, dated May 4, 2004, CBP considered whether components of various origins would be substantially transformed when assembled to form a fabric switch. Most of the assembly of computer hardware was to be performed in China. Then, in either Hong Kong or the U.S., the hardware would be completed and the U.S.-origin software, which would provide the finished product with its "distinctive functional characteristics," would be downloaded onto the hardware. In the scenario where the fabric switch would be assembled to completion in Hong Kong and the software downloaded to the switch in that country, CBP determined that the country of origin for marking purposes would be Hong Kong. Likewise, were assembly and

configuration to take place in the United States, CBP concluded that the country of origin would be the U.S.

#### *InfraStruXure Solutions*

We note that while several subassemblies and components are manufactured in other countries, after importation these individual units are assembled into systems at the customer's premises in the United States by trained technicians. As discussed below, several of the units comprising the ISX undergo assembly and programming in the U.S. Further, some of the units, the InRoom Cooling Units and Chillers, are entirely manufactured in the U.S. As a part of the assembly and installation process, the diagnostic firmware present in many of the units (UPS, Rack PDU, InRow Cooling units, NetBotz and InfraStruXure Central) is either replaced or upgraded, that is, the systems are programmed to perform their operational function by trained technicians. Most of the design and a high percentage of the original firmware and OS programming are developed in the U.S. See FACTS *supra*. Depending on the size of the system, programming, assembly and installation generally take from three to 15 days to complete.

As a result of the assembling, programming and installation of the units by highly trained APC technicians that takes place after importation, we agree with your contention that the units are substantially transformed in the U.S. from non-functional or partly functional devices into an intelligent and fully functional network or data center UPS system. Consequently, the country of origin of the typical small, medium and large InfraStruXure Solutions will be the United States.

In addition, you seek a final determination on certain units that may be sold separately (most likely as add-ons after the ISX has been in use for a while, but sometimes as replacement units).

#### *Symmetra PX UPS and Symmetra MW UPS*

After importation, the components of the UPS units (power, intelligence, battery, and bypass/static switch modules) must be assembled together in the UPS frame by trained technicians. Both models of UPS units are imported with firmware installed for diagnostic testing. In addition the Symmetra PX UPS is imported with a version of the operating system which APC technicians configure to the customer's requirements. APC technicians also install fully functional firmware onto both models of UPS units after complete assembly and integration into the full ISX system at the customer's premises. Assembly, installation and programming take between one and 10 days depending on the model of UPS unit.

Given the complexity of the devices and of the mechanical and electrical connections which must be made in the U.S. by highly trained technicians, and the fact that the units will be programmed in the United States using firmware developed in part in the U.S., we find that both models of UPS units would be substantially transformed in the United States and that the U.S. would be their country of origin. See *Data General* and *Belcrest Linens*, *supra*.

#### HOLDING:

Based on the facts provided, the assembly and programming operations performed in the United States on the units of the ISX give rise to a new and different article (an ISX) and impart the essential character of the ISX. Likewise, the assembly and programming operations performed in the United States on the components of the UPS units of the ISX give rise to a new and different article (a UPS unit). As such, the ISX and the UPS units described in this ruling are to be considered products of the United States for purposes of government procurement.

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. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of 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, Regulations and Rulings,  
Office of International Trade.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2010-0032]

### Federal Radiological Preparedness Coordinating Committee

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice of public meeting.

**SUMMARY:** The Federal Radiological Preparedness Coordinating Committee is holding a public meeting on September 28, 2010 in Arlington, VA.

**DATES:** The meeting will take place on September 28, 2010. The session is open to the public and will take place from 9 a.m. to 11 a.m. Send written statements and requests to make oral statements to the person listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business September 25, 2010.

**ADDRESSES:** The meeting will be held at the Marriott Crystal Gateway located at 1700 Jefferson Davis Highway, Arlington, VA 22202, in the Alexandria Room.

**FOR FURTHER INFORMATION CONTACT:** Timothy Greten, FRPCC Executive Secretary, DHS/FEMA, 1800 South Bell Street—CC847, Mail Stop 3025,

Arlington, VA 20598-3025; telephone (202) 646-3907; fax (703) 305-0837; or e-mail [timothy.greten@dhs.gov](mailto:timothy.greten@dhs.gov).

**SUPPLEMENTARY INFORMATION:** The role and functions of the Federal Radiological Preparedness Coordinating Committee (FRPCC) are described in 44 CFR 351.10(a) and 351.11(a). The FRPCC is holding a public meeting on September 28, 2010, from 9 a.m. to 11 a.m., at the Marriott Crystal Gateway located at 1700 Jefferson Davis Highway, Arlington, VA 22202, in the Alexandria Room. Please note that the meeting may close early. This meeting is open to the public. Public meeting participants must pre-register to be admitted to the meeting. To pre-register, please provide your name and telephone number by close of business on September 25, 2010, to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section.

The tentative agenda for the FRPCC meeting includes: (1) Introductions, (2) reports from FRPCC Subcommittees, (3) status of finalization of Radiological Emergency Preparedness (REP) Program Manual and NUREG-0654 Supplement 4, and (4) REP Program Manual and Supplement 4 Implementation "Impact Papers." The FRPCC Chair shall conduct the meeting in a way that will facilitate the orderly conduct of business. Reasonable provisions will be made, if time permits, for oral statements from the public of not more than five minutes in length. Any member of the public who wishes to make an oral statement at the meeting should send a written request for time by close of business on September 25, 2010, to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section. Any member of the public who wishes to file a written statement with the FRPCC should provide the statement by close of business on September 25, 2010, to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section. For further information and to review any supporting documents please go to <http://www.regulations.gov>, Docket ID FEMA-2010-0032.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please write or call the individual listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

**Authority:** 44 CFR 351.10(a) and 351.11(a).

**Timothy W. Manning,**  
Deputy Administrator, Protection and National Preparedness, Federal Emergency Management Agency.

[FR Doc. 2010-22984 Filed 9-14-10; 8:45 am]

**BILLING CODE 9110-21-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 5378-N-04]

### Notice of Proposed Extension of a Currently Approved Information Collection: Comment Request; Housing Discrimination Information Form HUD-903.1, HUD 903.1A, HUD-903-1B, HUD-903.1F, HUD-903.1KOR, HUD-903.1C, HUD-903.1CAM, HUD-903.1RUS, 903-1\_Somali

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed extension of the currently approved information collection requirement concerning Housing Discrimination Information Forms HUD 903.1, HUD 903.1A, HUD-903-1B, HUD-903.1F, HUD-903.1KOR, HUD-903.1C, HUD-903.1CAM, HUD-903.1RUS, and HUD-903-1\_Somali will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. HUD will also solicit public comments on the subject proposal.

**DATES:** *Comments Due Date:* November 15, 2010.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number, and should be sent to Leroy McKinney, Jr., Paperwork Reduction Act Manager, Office of Chief Information Officer, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 4178, Washington, DC 20410-2000; *telephone:* (202) 402-5564.

**FOR FURTHER INFORMATION CONTACT:** Turner Russell, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 5226, Washington, DC, 20410-2000; *telephone:* (202) 402-6995 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY/ASCII by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** HUD is proposing this extension of a currently

approved information collection to the OMB for review, as required by the Paperwork Reduction Act of 1995 [44 U.S.C. chapter 35, as amended].

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed extension of the collection of information regarding alleged discriminatory housing practices under the Fair Housing Act (Act) [42 U.S.C. 3601 *et seq.*]. The Act prohibits discrimination in the sale, rental, occupancy, advertising, and insuring of residential dwellings; and in residential real estate-related transactions; and in the provision of brokerage services, based on race, color, religion, sex, handicap [disability], familial status, or national origin.

Any person who claims to have been injured by a discriminatory housing practice, or who believes that he or she will be injured by a discriminatory housing practice that is about to occur, may file a complaint with HUD not later than one year after the alleged discriminatory housing practice occurred or terminated. Form HUD-903.1 was developed in order to promote consistency in the documents that, by statute, must be provided to persons against whom complaints are filed, and for the convenience of the general public. Section 103.25 of HUD's Fair Housing Act regulation describes the information that must be included in each complaint filed with HUD. For purposes of meeting the Act's one-year time limitation for filing complaints with HUD, complaints need not be initially submitted on the Form that HUD provides. Housing Discrimination Information Form HUD-903.1 (English language), HUD-903.1A (Spanish language), HUD-903-1B (Chinese language), HUD-903.1F (Vietnamese language), HUD-903.1KOR (Korean language), HUD-903.1C (Arabic language), HUD-903.1CAM (Cambodian language), HUD-903.1RUS (Russian language), and HUD-903-1 (Somali language) may be submitted to HUD by mail, in person, by facsimile, or via the Internet to HUD's Office of Fair Housing and Equal Opportunity (FHEO). FHEO staff uses the information provided on the Form to verify HUD's authority to investigate the aggrieved person's allegations under the Act.

### Notice of Submission of Proposed Extension of Information Collection to OMB

*Title of Proposal:* Housing Discrimination Information Form.  
*Office:* Fair Housing and Equal Opportunity, HUD.

*OMB Control Number:* 2529-0011.