

substantially transformed in the U.S. See *Data General*, C.S.D. 84–85, HQ 052325, HQ 558868, HQ 735027, and HQ 733085. The country of origin of Pwn Plugs is the United States.

When the U.S.-origin Pwn Plugs are packaged together with cables, wireless adaptors and modems from China and memory cards from Taiwan, we find that the essential character of the products offered for sale is provided by the U.S.-origin Pwn Plugs. “The term ‘character’ is defined as ‘one of the essentials of structure, form, materials, or function that together make up and usually distinguish the individual.’” *Uniden America Corporation v. United States*, 120 F. Supp. 2d. 1091, 1096 (citations omitted) (Ct. Int’l Trade 2000), citing *National Hand Tool Corp. v. United States*, 16 Ct. Int’l Trade 308, 311 (1992). In *Uniden* (concerning whether the assembly of cordless telephones and the installation of their detachable A/C (alternating current) adapters constituted instances of substantial transformation), the Court of International Trade applied the “essence test” and found that “[t]he essence of the telephone is housed in the base and the handset. Consumers do not buy the article because of the specific function of the A/C adapter, but rather because of what the completed handset and base provide: communication over telephone wires.” *Id.* at 1096.

We also find that the memory cards from Taiwan and the cables, wireless adaptors, and modems from China are substantially transformed with the Pwn Plug, in that they have a new character, use and name because they are attached to the Pwn Plug. See *Uniden, supra*, in which the court also found that the detachable A/C adapters underwent a substantial transformation pursuant to the Generalized System of Preferences (GSP) when attached to the cordless telephones. The court noted that the substantial transformation test is to be applied to the product as a whole and not to each of its detachable components. See *id.* Consequently, the court found that the A/C adapter, as part of the cordless phone, had a new character, use and name. See also HQ H100055, dated May 28, 2010, in which CBP found that a detachable hand control and battery charger were substantially transformed when attached to a lift unit. In addition, the Court in *Uniden* noted that the cordless telephone with its detachable components was a “GRI 1 article” and not a set, mixture or composite good. *Id.* at 1099–1100 (addressing the applicability of T.D. 91–7, Cust. B. 7, entitled “Eligibility of Sets, Mixtures and Composite Goods for Special Tariff Treatment Programs” to the cordless

telephones at issue, the Court noted that “[i]f the Department of Treasury had meant for T.D. 91–7 to apply to GRI 1 articles, it would not have chosen to make frequent use of the very specific language ‘sets, mixtures and composite goods’ throughout T.D. 91–7.” Likewise, in this instance, we find that when Pwn Plugs are packaged together with cables, wireless adaptors, modems, and memory cards they are GRI 1 articles.

Based on the findings of the court in *Uniden*, we find that the cables, wireless adaptors, modems, and memory cards are substantially transformed when attached to Pwn Plugs. Moreover, they are packaged together with Pwn Plugs and offered for sale as GRI 1 articles. Consequently, the country of origin of Pwn Plugs for purposes of U.S. government procurement will be the United States.

Please contact the Trade Commission, Division of Enforcement, 6th and Pennsylvania Avenue NW, Washington, DC 20508, on whether the Pwn Plugs may be marked “Made in the U.S.A.”

**HOLDING:**

Based on the facts provided, the programming operations performed in the United States impart the essential character to Pwn Plugs. As such, Pwn Plugs are considered products of the United States for purposes of U.S. Government procurement. Moreover, because Pwn Plugs convey the essential character of the retail products, and the adapters, modems and memory cards are used with the Pwn Plugs, they are substantially transformed when attached to the Pwn Plugs. The country of origin of the adapters, modems and memory cards for purposes of U.S. government procurement, when packaged with Pwn Plugs, 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. 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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**BILLING CODE P**

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**Tribal Consultation Sessions—  
Department of the Interior Information  
Technology Infrastructure  
Consolidation and Reorganization—  
Amendment**

**AGENCY:** Office of the Assistant Secretary for Policy, Management and Budget, Interior.

**ACTION:** Notice of meetings; Amendment.

**SUMMARY:** The Office of the Assistant Secretary for Policy, Management and Budget hosted a tribal consultation session on June 13, 2012, at the Office of the Special Trustee in Albuquerque, NM. This amendment includes additional tribal consultation sessions. The purpose of the sessions is to obtain tribal input on the 2012 Information Technology transformation realignment proposal as well as on how Information Technology transformation should be implemented in the coming years.

**DATES:** See the **SUPPLEMENTARY INFORMATION** section of this notice for dates of the tribal consultation sessions. We will consider all comments received by close of business on August 22, 2012.

**ADDRESSES:** See the **SUPPLEMENTARY INFORMATION** section of this notice for locations of the tribal consultation sessions. Submit comments by email to: [ITT\\_consultation@ios.doi.gov](mailto:ITT_consultation@ios.doi.gov) or by U.S. mail to: IT Transformation Comments, Office of the Chief Information Officer, U.S. Department of the Interior, Mail Stop 7454, MIB, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Andrew Jackson, Deputy Assistant Secretary for Technology, Information and Business Services, (202) 208–7966.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Policy, Management and Budget will be hosting the following tribal consultation sessions and invites tribal leaders to participate:

**CONSULTATION SCHEDULE**

| Date                  | Time                     | Location   |
|-----------------------|--------------------------|--|
| August 14, 2012 ..... | 1:30 p.m.–3:30 p.m. .... | National Indian Programs Training Center, 1011 Indian School Road NW., Suite 254, Albuquerque, NM 87104. |
| August 21, 2012 ..... | 1:30 p.m.–3:30 p.m. .... | Hilton Sacramento Arden West, 2200 Harvard Street, Sacramento, CA 95815.                                 |
| August 23, 2012 ..... | 1:30 p.m.–3:30 p.m. .... | Mystic Lake Casino Hotel, 2400 Mystic Lake Boulevard, Prior Lake, MN 55372.                              |

The agenda topics for each session will be:

- Overview of IT Transformation Reorganization and Consolidation Proposal
- IT Transformation and Indian Preference Positions
- IT Transformation and Native-owned business contracting strategy
- IT Transformation Customer Council and Ensuring Service Delivery

A brief description of each of the topics is provided below. Additional information is posted at: <http://www.doi.gov/ocio/it-transformation.cfm>.

*Overview of IT Transformation Reorganization and Consolidation Proposal:* The Assistant Secretary for Policy, Management and Budget is seeking tribal input on the current proposal to transfer IT infrastructure personnel, assets, and contracts from bureaus and offices to a newly established IT Shared Service Center in the Office of the Chief Information Officer (OCIO).

*IT Transformation and Indian Preference Positions:* Although analysis is still underway to determine the final number of impacted positions, approximately 125 Indian Preference positions would be transferred to the OCIO from the Assistant Secretary for Indian Affairs, Bureau of Indian Affairs, Bureau of Indian Education, and Office of Special Trustee. It is DOI's intention to maintain all of these positions as Indian Preference in the IT Shared Service Center. The Assistant Secretary for Policy, Management and Budget is seeking tribal input on the proposed approach to transfer Indian Preference positions into the IT Shared Service Center.

*IT Transformation and Native-owned business contracting strategy:* The Department of the Interior is committed to ensuring that Native-owned businesses will be engaged in the implementation of IT transformation. The Assistant Secretary for Policy, Management and Budget seeks tribal input on the IT transformation contracting strategy as it relates to Native-owned businesses.

*IT Transformation Customer Council and Ensuring Service Delivery:* To ensure that bureau and office IT infrastructure needs are met to ensure mission continuity, a Customer Council will be established. The Assistant Secretary for Policy, Management and Budget seeks tribal input on how the Customer Council is established and

operated to ensure responsiveness to tribes' needs.

**Rhea Suh,**  
*Assistant Secretary for Policy, Management and Budget.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-R2-ES-2012-N148;  
FXES1113020000F5-123-FF02ENEH00]**

#### Endangered and Threatened Species Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications; request for public comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. The Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activities. The Act and the National Environmental Policy Act also require that we invite public comment before issuing these permits.

**DATES:** To ensure consideration, written comments must be received on or before August 22, 2012.

**ADDRESSES:** Marty Tuegel, Section 10 Coordinator, by U.S. mail at Division of Endangered Species, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM at (505) 248-6920. Please refer to the respective permit number for each application when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Susan Jacobsen, Chief, Endangered Species Division, P.O. Box 1306, Albuquerque, NM 87103; (505) 248-6651.

#### SUPPLEMENTARY INFORMATION:

##### Public Availability of Comments

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for permits, and requires that we invite public comment before issuing these permits. A permit granted by us under section 10(a)(1)(A) of the Act authorizes applicants to conduct activities with U.S. endangered or threatened species

for scientific purposes, enhancement of survival or propagation, or interstate commerce. Our regulations regarding implementation of section 10(a)(1)(A) permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

#### Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following applications. Please refer to the appropriate permit number (e.g., Permit No. TE-123456) when requesting application documents and when submitting comments.

Documents and other information the applicants have submitted with these applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

##### Permit TE-039571

*Applicant:* Garcia and Associates, Arcata, California.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona, California, and Nevada.

##### Permit TE-841359

*Applicant:* U.S. Department of Agriculture, Gila National Forest, Silver City, New Mexico.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys and monitoring of loach minnow (*Tiaroga cobitis*) and spikedace (*Meda fulgida*) within New Mexico.

##### Permit TE-819471

*Applicant:* SWCA, Inc., Salt Lake City, Utah.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of black-footed ferret (*Mustela nigripes*), Kanab ambersnail (*Oxyloma haydeni kanabensis*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Yuma clapper rail (*Rallus longirostris yumanensis*) within Arizona, Nevada, and Utah.

##### Permit TE-028605

*Applicant:* SWCA, Inc., Flagstaff, Arizona.

Applicant requests an amendment to a current permit for research and