

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard**

[Docket No. USCG–2013–0975]

**Waterway Suitability Assessment for Construction and Operation of Liquefied Gas Terminals; Orange, TX****AGENCY:** Coast Guard, DHS.**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with Coast Guard regulations, INVISTA, S.a.r.l. has submitted a Letter of Intent and Preliminary Waterway Suitability Assessment to the Coast Guard Captain of the Port, Port Arthur, TX regarding the company's plans to construct, own and operate a waterfront facility handling and storing Liquefied Hazardous Gas (LHG) at its Orange, Texas facility. The Coast Guard is notifying the public of this action to solicit public comments on the proposed increase in LHG marine traffic on the Sabine-Neches Waterway.

**DATES:** Comments and related material must be received on or before January 10, 2014.

**ADDRESSES:** You may submit comments identified by docket number USCG–2013–0975 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these three methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Lieutenant Commander Brandon M. Link, U.S. Coast Guard; telephone 409–719–5095, email [brandon.m.link@uscg.mil](mailto:brandon.m.link@uscg.mil). If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:****Public Participation and Request for Comments**

We encourage you to submit comments and related material in response to this notice. All comments received will be posted without change, to <http://www.regulations.gov> and will include any personal information you have provided.

*Submitting comments:* If you submit a comment, please include the docket number for this notice (USCG–2013–0975), and provide a reason for each suggestion or recommendation. You may submit your comments and material online at <http://www.regulations.gov>, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comments. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, type the docket number (USCG–2013–0975) in the “SEARCH” box and click “SEARCH.” Click on “Submit a Comment” on the line associated with this notice.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

*Viewing comments and documents:* To view comments, go to <http://www.regulations.gov>, type the docket number (USCG–2013–0975) in the “SEARCH” box and click “SEARCH.” Click on “Open Docket Folder” on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone can search the electronic form of comments received

into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

*Public meeting:* We do not now plan to hold a public meeting, but you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Basis and Purpose**

Under 33 CFR 127.007(a), an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling Liquefied Natural Gas (LNG) OR Liquefied Hazardous Gas (LHG), where the construction, expansion, or modification would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway associated with the facility, must submit a Letter of Intent (LOI) to the COTP of the zone in which the facility is located. Under 33 CFR 127.007(e), an owner or operator planning such an expansion must also file or update a Waterway Suitability Assessment (WSA) that addresses the proposed increase in LNG or LHG marine traffic in the associated waterway. INVISTA, S.a.r.l. located in Orange, Texas submitted an LOI and WSA on November 11, 2013 regarding the company's proposed construction and operation of LHG capabilities at its Orange, Texas facility.

Under 33 CFR 127.009, after receiving an LOI, the COTP issues a Letter of Recommendation (LOR) as to the suitability of the waterway for LNG or LHG marine traffic to the appropriate jurisdictional authorities. The LOR is based on a series of factors outlined in 33 CFR 127.009 that related to the physical nature of the affected waterway and issues of safety and security associated with LNG or LHG marine traffic on the affected waterway.

The purpose of this notice is to solicit public comments on the proposed increase in LHG marine traffic on the Sabine-Neches Waterway. The Coast Guard believes that input from the public may be useful to the COTP with respect to development of the LOR. Additionally, the Coast Guard intends to task the Area Maritime Security Committee, Port Arthur, Texas and the Southeast Texas Waterways Advisory Council (SETWAC) with forming a

subcommittee comprised of affected port users and stakeholders. The goal of these subcommittees will be to gather information to help the COTP assess the suitability of the associated waterway for increased LHG marine traffic as it relates to navigational safety and security.

On January 24, 2011, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 01–2011, “Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities.” NVIC 01–2011 provides guidance for owners and operators seeking approval to build and operate LNG facilities. While NVIC 01–2011 is specific to LNG, it provides useful process information and guidance for owners and operators seeking approval to build and operate LHG facilities as well. The Coast Guard will refer to NVIC 01–2011 for process information and guidance in evaluating INVISTA’s WSA. A copy of NVIC 01–2011 is available for viewing in the public docket for this notice and also on the Coast Guard’s Web site at <http://www.uscg.mil/hq/cg5/nvic/2010s.asp>.

This notice is issued under authority of 33 U.S.C. 1223–1225, Department of Homeland Security Delegation Number 0170.1(70), 33 CFR 127.009, and 33 CFR 103.205.

Dated: November 18, 2013.

**J.M. Twomey,**

*Commander, U.S. Coast Guard, Acting Captain of the Port, Port Arthur.*

[FR Doc. 2013–29472 Filed 12–10–13; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF HOMELAND SECURITY

### Customs and Border Protection Bureau

#### Notice of Issuance of Final Determination Concerning Certain Ethernet Switches

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of final determination.

**SUMMARY:** This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of certain Ethernet switches. Based upon the facts presented, CBP has concluded that Malaysia, where the switches were assembled, is the country where the last substantial transformation occurred. Therefore, the country of origin of the switches is Malaysia for purposes of U.S. Government procurement.

**DATES:** The final determination was issued on December 3, 2013. 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 on or before January 10, 2014.

**FOR FURTHER INFORMATION CONTACT:** Heather K. Pinnock, Valuation and Special Programs Branch: (202) 325–0034.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on December 3, 2013, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of Ethernet switches which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H241177, was issued 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. 2511–18). In the final determination, CBP concluded that, based upon the facts presented, the last substantial transformation took place in Malaysia, where the switches were assembled. Therefore, the country of origin of the switches is Malaysia for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination 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: December 3, 2013.

**Sandra L. Bell,**

*Executive Director, Regulations and Rulings, Office of International Trade.*

#### Attachment

HQ H241177

December 3, 2013

MAR OT:RR:CTF:VS H241177 HkP

CATEGORY: Origin

Josephine Aiello LeBeau, Esq.

Anne Seymour, Esq.

Wilson Sonsini Goodrich & Rosati, PC

1700 K Street NW., Fifth Floor

Washington, DC 20006–3817

RE: U.S. Government Procurement; Country of Origin of Local Area Network Switches; Substantial Transformation

Dear Ms. LeBeau and Ms. Seymour:

This is in response to your letter, dated March 13, 2013, requesting a final determination on behalf of Arista Networks, Inc. (“Arista”), pursuant to subpart B of part

177 of the U.S. Customs and Border Protection (“CBP”) Regulations (19 C.F.R. Part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (“TAA”), as amended (19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to 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. Your letter was forwarded to this office by the National Commodity Specialist Division on April 8, 2013.

This final determination concerns the country of origin of Arista’s 7000, 7100, 7200, series (“7 Series”) local area network (“LAN”) switches. We note that as a U.S. importer, Arista 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.

#### FACTS:

Arista plans to import fully functional 7 Series Ethernet switches from Singapore.<sup>1</sup> The switches are designed to interconnect servers and storage appliances in data centers. Each switch consists of one or more printed circuit board assembly (“PCBA”), chassis, top cover, power supply, and fans. The switches operate using Arista’s Extensible Operating System (“EOS™”) software.

Arista’s EOS software is designed to provide switching functionality, secure administration, increase reliability, and to optimize network management. Specifically, EOS software provides the following capabilities and benefits to Ethernet switches: in-service software upgrade, software fault containment, fault repair, security exploit containment, and scalable management interface. According to your submission, the units imported from Singapore could not function as network switches without this software, which was developed in the United States at considerable cost to Arista. Since 2005, more than 140 software engineers have continued to develop the software and more than 80 percent of Arista’s Research and Development spending has been on EOS software development.

Manufacturing operations are performed in China, Malaysia and Singapore. Software downloading operations, using U.S.-origin software, take place only in Singapore.

The following operations occur in China:

The chassis and top cover are manufactured from sheet metal.

The following operations occur in Malaysia:

1. A printed circuit board is populated with various electronic components to make a PCBA.
2. The PCBA is tested to ensure functionality.
3. The power supply and fans are installed in the chassis.
4. The PCBA is installed in the chassis.

<sup>1</sup> CBP previously issued Headquarters Ruling Letter H175415, dated October 7, 2011, to Arista concerning the country of origin of non-functioning 7048, 7050, 7100, 7124, and 7500 series Ethernet switches imported from China and programmed in the United States with U.S.-origin software.