

program”, *Encyclopedia Britannica* (2013), (9/19/2013) <http://www.britannica.com/EBchecked/topic/130654/computer-program>, which explains, in part, that “a program is prepared by first formulating a task and then expressing it in an appropriate computer language, presumably one suited to the application.” While the programming occurred in the United States, the downloading occurred in Singapore. Given these facts, we found that the country where the last substantial transformation occurred was Malaysia, namely, where the major assembly processes were performed. Therefore, we found that the country of origin for purposes of U.S. Government procurement was Malaysia.

In HQ H240199 dated March 10, 2015, four different scenarios for the production of a computer were presented. In the third scenario, all of the hardware components were assembled in Country A and imported into Country F. The operations that occurred in Country F were that the BIOS and the OS were downloaded. The issue was whether the downloading of the BIOS and OS substantially transformed the notebook computer. We reiterated that programming a device that defines its use generally constitutes a substantial transformation. Software downloading, however, does not amount to programming. Consistent with previous CBP rulings cited above, we found that the BIOS and OS downloading did not result in a substantial transformation in Country F. Given these facts, we found that the country where the last substantial transformation occurred was Country A, where the major assembly processes were performed.

The facts involved in this case are very similar to the facts described in HQ H241362, except that in the second scenario presented, the firmware that is installed on the HDDs is largely written in a country other than the country where it will be installed. Although some of the work in writing the firmware is done in the United States, the overwhelming majority of the time and money expended in developing the firmware was expended in Singapore and not in the United States. In fact, according to the submission, in developing the firmware, more than five times the amount of time and money is expended in Singapore than in the United States. In the second scenario the only major operation that occurs in the United States to produce the finished HDDs, is the installation of the largely foreign written firmware.

For the first scenario, we find that the country of origin of the HDDs will be the country where the firmware is largely written and installed onto the HDDs, Singapore for the NS drives, and South Korea for the Samsung Spinpoint. As in H241362, the firmware, mostly created in either Singapore or South Korea and downloaded in those countries, imparts the essential character of the HDDs. The use of the HDDs is solely dictated by the firmware and it otherwise has no use. However, in the second scenario, the HDDs are assembled in one country, the firmware is largely written in another country, and downloaded in a third country, the United States. While counsel contends

that the country of origin of the HDDs should similarly be the country where the firmware is downloaded because the HDD cannot function without the firmware being installed, that is not the correct test used to determine the country of origin of a product. The country of origin of a product is determined based on where the last substantial transformation occurs. As the holdings of HQ H241177 and HQ H240199 make clear, it is CBP’s position that mere downloading of software that is written in another country onto an information processing device is not sufficient to be considered a substantial transformation of that device. While the downloading does make the HDD functional, the country where that occurs is not where a substantial transformation occurs. As the entire assembly process occurs in either [ ], we find that the country of origin of the HDDs will either be [ ]. This finding regarding the country of origin of the HDDs will apply both for purposes of government procurement, as well as for country of origin marking.

#### HOLDING:

Based on the facts of this case, in first scenario, we find for purposes of U.S. Government procurement, the country of origin of the Notebook HDDs will either be Singapore or South Korea, where the firmware is both written and installed onto the HDDs. In the second scenario, where the firmware is written in a different country from where it is downloaded onto the HDDs, for purposes of U.S. Government procurement and country of origin marking, the country of origin of the Notebook HDDs will be the country where the last substantial transformation takes place, namely the country where the device components are finally assembled, which in this case will either be [ ].

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 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,

Myles B. Harmon,

Acting Executive Director Regulations and Rulings Office of Trade.

[FR Doc. 2016–28790 Filed 11–29–16; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF THE INTERIOR

[FWS–R4–FHC–2016–N208;  
FVHC98210408710–XXX–FF04G01000]

### Deepwater Horizon Oil Spill; Draft Louisiana Trustee Implementation Group Restoration Plan #1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds

**AGENCY:** Department of the Interior.

**ACTION:** Notice of availability; reopening of public comment period.

**SUMMARY:** We are reopening the public comment period on the Louisiana Trustee Implementation Group Draft Restoration Plan #1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds (Draft Restoration Plan #1). We opened the public comment period via a November 1, 2016, notice of availability. The public comment period closed on November 28, 2016.

**DATES:** *Comments Due Date:* We will consider public comments received November 1, 2016 through December 9, 2016.

#### ADDRESSES:

*Obtaining Documents:* You may download the Louisiana Trustee Implementation Group Draft Restoration Plan 1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds at any of the following sites:

- <http://www.gulfspillrestoration.noaa.gov>
- <http://www.doi.gov/deepwaterhorizon>
- <http://la-dwh.com>

Alternatively, you may request a CD of the Draft Restoration Plan 1 (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at <http://www.gulfspillrestoration.noaa.gov>.

*Submitting Comments:* You may submit comments on the draft document by one of following methods:

- *Via the Web:* <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>.

- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345.

- Louisiana Coastal Protection & Restoration Authority, ATTN: Liz Williams, P.O. Box 44027, Baton Rouge, LA 70804.

**FOR FURTHER INFORMATION CONTACT:** Liz Williams at [LATIG.la.gov](mailto:LATIG.la.gov).

**SUPPLEMENTARY INFORMATION:**

## Introduction

In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), the Consent Decree, and the Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement, the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (Trustees) have prepared a Draft Restoration Plan 1: Restoration of Wetlands, Coastal, and Nearshore Habitats; Habitat Projects on Federally Managed Lands; and Birds (Draft Restoration Plan 1). Draft Restoration Plan 1 describes and proposes engineering and design activities for restoration projects intended to continue the process of restoring natural resources and services injured or lost as a result of the *Deepwater Horizon* oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico.

## Background

For additional background information, see our original **Federal Register** notice, which opened the comment period (November 1, 2016; 81 FR 75840).

## Invitation To Comment

The Trustees seek public review and comment on the proposed projects and supporting analysis included in the Draft Restoration Plan 1. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time.

## Authority

The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and the implementing Natural Resource Damage Assessment regulations found at 15 CFR 990.

### Kevin D. Reynolds,

*Department of the Interior Deepwater Horizon Case Manager.*

[FR Doc. 2016-28675 Filed 11-29-16; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCON04000 L16100000.DP0000-16X]

#### Notice of Availability of the Record of Decision Adopting U.S. Forest Service's Final Environmental Impact Statement for Oil and Gas Leasing on Lands Administered by the White River National Forest, CO

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) adopting the Final United States Forest Service's (USFS) "White River National Forest Oil and Gas Leasing Final Environmental Impact Statement (EIS)," which identifies the lands available for oil and gas leasing in the White River National Forest, including stipulations to protect surface resources.

**ADDRESSES:** Copies of the ROD are available for public inspection at the BLM Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652. Interested persons may also review the ROD on the project Web site at [https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa\\_register.do](https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do).

**FOR FURTHER INFORMATION CONTACT:** Greg Larson, Project Manager, at the address above, by telephone at 970-876-9000, or by email at [glarson@blm.gov](mailto:glarson@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM's ROD formally adopts the USFS, December 2014, White River National Forest Oil and Gas Leasing Final EIS. The Department of the Interior (DOI) and the BLM concur with the selection of a combination of Alternatives B and C as described in the USFS ROD (December 3, 2015). As identified in 40 CFR 1506.3(a), "[a]n agency may adopt a Federal draft or final . . . [EIS] or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these [the Council on Environmental Quality (CEQ)] regulations." The BLM affirms that this

Final EIS meets all requirements of the CEQ, DOI and BLM for preparation of an EIS.

Oil and gas leasing on National Forest System Lands is a collaborative process between the USFS and the BLM. The USFS is responsible for making land availability decisions, while the BLM is responsible for issuing and managing oil and gas leases, as described in the Federal Onshore Oil and Gas Leasing Reform Act.

The BLM was a Cooperating Agency in the preparation of the USFS's Final EIS. Per 40 CFR 1506.3(c), the BLM adopts the Final EIS without re-circulating, as the BLM has concluded that its comments and suggestions were incorporated during the NEPA process.

This decision is approved by the Deputy Secretary of DOI; therefore, it is not subject to administrative appeal (43 CFR 4.410(a)(3)).

**Authority:** 40 CFR 1506.6, 40 CFR 1506.10.

**Ruth Welch,**

*BLM Colorado State Director.*

[FR Doc. 2016-28806 Filed 11-29-16; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCON04000 L16100000.DP0000-16X]

#### Notice of Availability of the Record of Decision for the Previously Issued Oil and Gas Leases in the White River National Forest, CO

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) has prepared a Record of Decision (ROD) based on the analysis in the "Previously Issued Oil and Gas Leases in the White River National Forest Final Environmental Impact Statement (EIS)." That EIS addressed the treatment of 65 previously issued oil and gas leases on lands within the White River National Forest (WRNF). By this notice the BLM is announcing the availability of the ROD. On November 17, 2016, the BLM Colorado State Director signed and the Deputy Secretary of the Department of the Interior approved the ROD.

**ADDRESSES:** Copies of the ROD are available for public inspection at the BLM Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652. Interested persons may also review the ROD on the project Web site