

operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process will be considered when determining whether a substantial transformation has occurred. No one factor is determinative.

You argue that the country of origin of the 7900 System is Mexico because the components imported into Mexico are substantially transformed there as a result of the Mexican assembly operations, particularly the downloading of the EOS software. In support of your argument, you note that CBP has applied the principle in *Data General* in several rulings, such as in HQ 563012 (May 4, 2004), concerning the country of origin of a fabric switch, and in HQ H034843 (May 5, 2009), concerning the country of origin of a portable flash drive. However, we note the factual difference between these decisions and the instant case. In the cited decisions final assembly took place in one country and programming in another whereas, in the present case, final assembly and programming take place in the same country.

You also cite several rulings in which final assembly and programming of the concerned device took place in the same country, which we find to be more on point with the instant case. In HQ H082476 (May 11, 2010), and in NY N083979 (Dec. 3, 2009), the United States was determined to be the country of origin of ICS clustered storage units, when foreign components were assembled into the units in the U.S. and programmed here. In HQ H025023 (April 1, 2008), CBP determined that the Czech Republic was the country of origin of a fabric switch that was assembled to completion and programmed in that country. See also HQ H089762, dated June 2, 2010 (GTX Mobile and Handheld Computer), and

HQ H090115, dated August 2, 2010 (Unified Communications Solution).

In regard to the 7900 System, all the components are assembled into the 7900 System in Mexico. Once assembled into the System, the previously programmed controller assembly is reprogrammed with the EOS software, which is stated to impart the functional intelligence to the System to allow for storage management, performance monitoring and access control. According to the information submitted, the 7900 System cannot function in its intended manner without the EOS software downloaded in Mexico.

We find that the other major operating hardware components are the controller assembly and the hard drives set, both of Thai origin. The purpose of the other components, the mounting assembly, slot drive module assembly, and cabinet assembly, is to mainly hold the operating assembly components in place. These may be of Mexican origin or some other country of origin. As they are not as important to the overall working capabilities of the 7900 System, we do not find that their origin affects the outcome of determining the origin of the 7900 System.

In prior decisions, the country where the software was developed and where the programming occurred, was determined to be important. In this case, the software, developed in the U.S., is claimed to be important to the function of the 7900 System. However, the downloading of the software and assembly of the system occurs in Mexico. In addition, considering that the other two operating systems are not of Mexican origin, the assembly involves multiple countries of origin with development and programming also occurring in two different countries. Accordingly, we find that as a result of the assembly and programming operations that take place in Mexico, the imported components of various origins lose their individual identities and are substantially transformed into a new and different article, that is, the 7900 System. Therefore, the country of origin of the 7900 System is Mexico.

#### HOLDING:

Based on the facts provided, the assembly and programming operations performed in Mexico on the components of the 7900 System give rise to a new and different article, the 7900 System. As such, the 7900 System is to be considered a product of Mexico for purposes of U.S. 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 HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5482-N-02]

### Notice of Submission of Proposed Information Collection to OMB; Fair Housing Initiatives Program Grant Application Testing Training

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice of proposed information collection.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. The Department is soliciting public comments on the subject proposal.

This is a request for approval to provide technical assistance (training) to promote a greater and more consistent use to Testing and development of consistent Testing Methodologies among FHIP grantees.

**DATES:** *Comments due on or before:* March 28, 2011.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments must be received within 60 days from the date of this Notice. Comments should refer to the proposal by name and/or OMB Control Number, and should be sent to: HUD Desk Officer, Office of Management and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, e-mail [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV).

**FOR FURTHER INFORMATION CONTACT:** Myron P. Newry, Director, FHIP Support Division, Office of Programs,

Room 5230, 451 Seventh Street, SW., Washington, DC 20410-2000; e-mail [myron.p.newry@hud.gov](mailto:myron.p.newry@hud.gov); telephone number (202) 708-2215 (this is not a toll-free number). A telecommunications device (TTY) for hearing and speech impaired persons is available at 1-800-877-8339 (this is a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department is submitting this proposed information collection requirement to OMB for processing, as described below.

This notice is soliciting comments from members of the public and affected agencies concerning the proposed information collection in order to: (1) Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the proposed collection of information; (3) Enhance the quality, utility and clarity of the information which must be collected; and (4) Minimize the burden of the information collection on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, e.g., electronic transmission of data.

*Title of Regulation:* 24 CFR Part 125, Fair Housing Initiatives Program.

*OMB Control Number, if applicable:* To be assigned.

*Description of information collection:* The proposed information collection is intended to provide consistency in testing and testing methodologies. In addition, it will entail the creation of a course to train coordinators at fair housing organizations nationwide on paired testing. Participants will learn consistent methodologies for rental tests, home buying tests, and lending tests for race, familial status, disability, and national origin. The course will cover both in-person and telephone testing. With respect to methodology the course will cover, at minimum, testers training, creating tester profiles, proper and consistent procedures for structuring tests, producing tester reports, and debriefing testers.

*Agency form number(s), if applicable:* HUD forms have been identified in the Department's General Section.

*Members of affected public:* Qualified Fair Housing Organizations (QFHOs) Fair Housing Organizations (FHOs); public or private non-profit organizations or institutions and other public or private entities that are working to prevent or eliminate discriminatory housing practices; State and local governments; and Fair Housing Assistance Program Agencies.

*Estimation of the total numbers of hours needed to prepare the information collection including the number of respondents, frequency of response, and hours of response:* An estimation of the total number of hours needed to prepare the information collection is 4,793, the likely number of respondents is 50, with a frequency response of 4 per annum.

*Status of the proposed information collection:* Proposed new collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 19, 2011.

**Myron P. Newry,**

*Director, FHIP Support Division, Office of Fair Housing and Equal Opportunity.*

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**BILLING CODE 4210-67-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management, Regulation and Enforcement

[Docket No. BOEM-2010-0075]

#### Commercial Leasing for Wind Power on the Outer Continental Shelf (OCS) Off Delaware, Notice of Proposed Lease Area and Request for Competitive Interest

**AGENCY:** Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

**ACTION:** Request for Competitive Interest (RFCI) in Proposed Lease Area off Delaware.

**SUMMARY:** BOEMRE provides public notice of a proposed lease area for commercial wind development on the OCS off Delaware and requests submission of indications of competitive interest. The proposed lease area was identified through the issuance of a Request for Interest (RFI) published in the **Federal Register** on April 26, 2010 (75 FR 21653). In response to that notice, BOEMRE received two nominations of proposed lease areas: One from Bluewater Wind Delaware LLC (Bluewater) and another from Occidental Development & Equities, LLC (Occidental). Subsequently, BOEMRE determined that Bluewater is qualified to hold an OCS commercial wind lease in accordance with the regulatory requirements at 30 CFR 285.106 and .107, and that Occidental did not provide the necessary documentation demonstrating that it was qualified to hold an OCS commercial lease at the time. As a result, Occidental's lease nomination was nullified and Bluewater's nomination remained as the only

eligible expression of interest upon which to base the proposed lease area. In accordance with 30 CFR 285.232, by letter dated November 8, 2010, BOEMRE informed Bluewater that there appeared to be no competitive interest in the proposed lease area and requested that Bluewater inform BOEMRE if it wished to proceed with acquiring a lease. By correspondence dated December 3 and December 9, 2010, Bluewater Wind stated its intention to acquire a lease for the proposed lease area and provided documentation that it had submitted the required acquisition fee.

This RFCI is published pursuant to subsection 8(p)(3) of the OCS Lands Act, as amended by section 388 of the Energy Policy Act of 2005 (EPAAct) (43 U.S.C. 1337(p)(3)), and the implementing regulations at 30 CFR Part 285. Subsection 8(p)(3) of the OCS Lands Act requires that OCS renewable energy leases, easements, and rights-of-way be issued "on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest." This RFCI provides such public notice for the proposed lease area. Also, with this announcement BOEMRE invites all interested and affected parties to comment and provide information—including information on existing uses and environmental issues and concerns—that will be useful in the environmental analysis of potential wind development activities in the proposed lease area. A detailed description of the proposed lease area is presented below.

**DATES:** BOEMRE must receive your indication of competitive interest for this entire proposed lease area no later than February 10, 2011 for your submission to be considered. BOEMRE requests comments or other submissions of information by this same date. We will consider only valid submissions that meet the criteria set forth in 30 CFR Part 285 received by the due date above.

**SUBMISSION PROCEDURES:** You may submit your indication of competitive interest by one of two methods:

1. Electronically: <http://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter BOEM-2010-0075, and then click "search". Follow the instructions to submit public comments and view supporting and related materials available for this notice. BOEMRE will post all comments.

2. By mail, sending your indication of interest, comments, and information to the following address: Bureau of Ocean Energy Management, Regulation and Enforcement, Office of Offshore