

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *Belcrest Linens v. United States*, 573 F. Supp. 1149 (Ct. Int'l Trade 1983), *aff'd*, 741 F.2d 1368 (Fed. Cir. 1984). Assembly operations that are minimal or simple, as opposed to complex or meaningful, will generally not result in a substantial transformation. See C.S.D. 80-111, C.S.D. 85-25, C.S.D. 89-110, C.S.D. 89-118, C.S.D. 90-51, and C.S.D. 90-97. In C.S.D. 85-25, 19 Cust. Bull. 844 (1985), CBP held that for purposes of the Generalized System of Preferences ("GSP"), the assembly of a large number of fabricated components onto a printed circuit board in a process involving a considerable amount of time and skill resulted in a substantial transformation. In that case, in excess of 50 discrete fabricated components (such as resistors, capacitors, diodes, integrated circuits, sockets, and connectors) were assembled. Whether an operation is complex and meaningful depends on the nature of the operation, including the number of components assembled, number of different operations, time, skill level required, attention to detail, quality control, the value added to the article, and the overall employment generated by the manufacturing process.

The courts and CBP have also considered the essential character of the imported article in making these determinations. See *Uniroyal, Inc. v. United States*, 542 F. Supp. 1026, 3 CIT 220, 224-225 (1982) (where it was determined that imported uppers were the essence of a completed shoe) and *National Juice Products Association, et al v. United States*, 628 F. Supp. 978, 10 CIT 48, 61 (1986) (where the court addressed each of the factors (name, character, and use) in finding that no substantial transformation occurred in the production of retail juice products from manufacturing concentrate).

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, 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.

In a number of cases, CBP has considered similar merchandise. In Headquarters Ruling Letter ("HRL") 563491 (February 8, 2007), CBP addressed the country of origin of certain digital color multifunctional systems manufactured by Sharp and assembled in Japan of various Japanese—and Chinese—origin parts. In that ruling, CBP determined that color multifunctional systems were a product of Japan based on the fact that "although several subassemblies are assembled in China, enough of the Japanese subassemblies and individual components serve major functions and are high in value, in particular, the transfer belt, control box unit, application-specific integrated circuits, charged couple device, and laser diodes." Further CBP found that the testing and adjustments performed in Japan were technical and complex, and the assembly operations that occurred in Japan were sufficiently complex and meaningful. Thus, through the product assembly and testing and adjustment operations, the individual components and subassemblies of Japanese and foreign-origin were subsumed into a new and distinct article of commerce that had a new name, character, and use. See also HRL 562936, dated March 17, 2004.

In HRL 561734, dated March 22, 2001, CBP held that certain multifunctional machines (consisting of printer, copier, and fax machines) assembled in Japan were a product of that country for the purposes of U.S. government procurement. The multifunctional machines were assembled from 227 parts (108 parts obtained from Japan, 92 from Thailand, 3 from China, and 24 from other countries) and eight subassemblies, each of which was assembled in Japan. See also HRL 561568, dated March 22, 2001.

Finally, in HRL H020516, dated November 7, 2008, CBP considered Sharp Andromeda II J models composed of eight main subassemblies, two of which involved processing in Japan. Similar to this case, all the engineering, development, design, and artwork were developed in Japan. The multifunctional printer control unit was described as the brain of the model. While some of the components were installed on the control printer board in China, the flash read-only memory which included firmware developed in Japan, was manufactured in Japan. The other unit that involved production in Japan was the process unit, that housed a drum produced in Japan. The process unit was assembled in China. The other subassemblies were assembled in China but certain key components of the subassemblies originated in Japan. The final assembly was performed in Japan.

Based on the totality of the circumstances discussed in this ruling, we agree that the Jupiter II J-models described in this ruling are considered a product of Japan. As was determined in HRL 563491 and HRL H020516, substantial portions of the components that are of key importance are of

Japanese origin and all the engineering, design and development of the multifunctional machines occurs in Japan. As in H020516, we find the final assembly of the subassemblies into a finished product in Japan to be sufficiently complex and meaningful to result in a new and distinct article of commerce that possesses a new name, character and use. In this case, we also note that 8 of the 16 subassemblies involve processing in Japan. In addition, the testing and adjustment of the multifunctional machines in Japan is significant.

The processing that occurs in the U.S., which involves the assembly of the finished printer engines and scanners to the stand and rack, is a simple assembly operation that is not demonstrated to be complex or meaningful and does not involve a large number of components. Based on these factors, we find that there is no substantial transformation in the U.S.

Accordingly, the country of origin of the Jupiter II J-model multifunctional printer machines is Japan for purposes of U.S. Government procurement.

#### HOLDING

Based on the facts of this case, the country of origin of the Jupiter II J-model multifunctional printer machines is Japan for purposes of U.S. Government procurement.

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 after 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, Office of Regulations and Rulings, Office of International Trade.*

[FR Doc. E9-19953 Filed 8-19-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Agency Information Collection; Activities Under OMB Review; Comment Request

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of renewal of a currently approved collection (OMB No. 1006-0015).

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Bureau of Reclamation (Reclamation) has forwarded the following Information Collection Request (ICR) to the Office of

Management and Budget (OMB) for review and approval: Diversions, Return Flows, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin, OMB Control Number: 1006-0015. The ICR describes the nature of the information collection and its expected cost and burden.

**DATES:** Comments on this notice must be received by September 21, 2009.

**ADDRESSES:** You may send written comments to the Desk Officer for the Department of the Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile at 202-395-5806 or by e-mail to [OIRA\\_DOCKET@omb.eop.gov](mailto:OIRA_DOCKET@omb.eop.gov). A copy of your comments should also be directed to the Bureau of Reclamation, Attention: Nancy DiDonato (BCOO-4445), Contract and Repayment Specialist, Lower Colorado Regional Office, P.O. Box 61470, Boulder City, NV 89006-1470.

**FOR FURTHER INFORMATION CONTACT:** For further information or a copy of the proposed collection of information,

contact Nancy DiDonato at 702-293-8532.

**SUPPLEMENTARY INFORMATION:**

*Title:* Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin.

*OMB No.:* 1006-0015.

*Form No.:* LC-72, 72A, 72B.

*Abstract:* Reclamation delivers Colorado River water to water users for diversion and beneficial consumptive use in the States of Arizona, California, and Nevada. The Consolidated Decree of the United States Supreme Court in the case of *Arizona v. California, et al.*, entered March 27, 2006, (547 U.S. 150 (2006)), requires the Secretary of the Interior to prepare and maintain complete, detailed, and accurate records of diversions of water, return flow, and consumptive use and make these records available at least annually. This information is needed to ensure that a State or a water user within a State does not exceed its authorized use of Colorado River water. Water users are obligated by provisions in their water delivery contracts to provide

Reclamation information on diversions and return flows. Reclamation determines the consumptive use by subtracting return flow from diversions or by other engineering means. Without the information collected, Reclamation could not comply with the order of the United States Supreme Court to prepare and maintain detailed and accurate records of diversions, return flow, and consumptive use. Responses are required to obtain a benefit.

*Description of respondents:* The respondents will include the Lower Basin States (Arizona, California, and Nevada), local and tribal entities, water districts, and individuals that use Colorado River water.

*Frequency:* Monthly, annually, or otherwise as determined by the Secretary of the Interior.

*Estimated Total Number of Respondents:* 54.

*Estimated Total Number of Annual Responses:* 330.

*Estimated Total Annual Burden Hours:* 290.

*Estimated Burden for Each Form:*

| Form No.           | Estimated number of respondents | Total responses per year | Estimated annual burden hours per form |
|--------------------|---------------------------------|--------------------------|----------------------------------------|
| LC-72 .....        | 6                               | 78                       | 54                                     |
| LC-72A .....       | 8                               | 20                       | 30                                     |
| LC-72B .....       | 15                              | 51                       | 78                                     |
| Custom Forms ..... | 25                              | 181                      | 128                                    |
| <b>Total .....</b> | <b>54</b>                       | <b>330</b>               | <b>290</b>                             |

*Comments:*

Reclamation invites your comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) The accuracy of our burden estimate for the proposed collection of information;

(c) Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Reclamation will display a valid OMB control number on all forms covered under OMB Control Number 1006-0015.

A **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published in the **Federal Register** (74 FR 17982, April 20, 2009). No public comments were received.

OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comment should be submitted to OMB within 30 days in order to assure maximum consideration.

Before including your address, telephone number, e-mail 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. While you can ask us in your comment to withhold your personal identifying information from public

review, we cannot guarantee that we will be able to do so.

**Steven C. Hvinden,**

*Area Manager, Boulder Canyon Operations Office, Lower Colorado Region, Bureau of Reclamation.*

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**BILLING CODE 4310-MN-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[LLWO270000-L63500000.PPN0000]

**Extension of Approved Information Collection, OMB Control Number 1004-0058**

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

**ACTION:** 60-day notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM)