Guard, 2100 Second Street, SW., Washington, DC 20593–0001; by calling 202–372–1249; or by faxing 202–372–1917. Send your application in written form to the above street address. This notice and the application form are available on the Internet at *http://www.FishSafe.info.*

FOR FURTHER INFORMATION CONTACT: Mr. Mike Rosecrans, a Designated Federal Officer (DFO) of the CFIVSAC by telephone at 202–372–1245, fax 202–372–1917, *e-mail: Michael.M.Rosecrans@uscg.mil.*

SUPPLEMENTARY INFORMATION: The CFIVSAC is an advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. (Pub. L. 92–463). The Coast Guard chartered the CFIVSAC to provide advice on issues related to the safety of commercial fishing industry vessels regulated under Chapter 45 of Title 46, United States Code, which includes uninspected fishing vessels, fish processing vessels, and fish tender vessels. (See 46 U.S.C. 4508.)

The CFIVSAC meets at least once a year. It may also meet for other extraordinary purposes. Its subcommittees may gather throughout the year to prepare for meetings or develop proposals for the committee as a whole to address specific problems.

We will consider applications for six positions that expire or become vacant in October 2008 in the following categories: (a) Commercial Fishing Industry (four positions); (b) Equipment Manufacturer (one position); and (c) General Public (one position).

The CFIVSAC consists of 17 members as follows: (a) Ten members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which Chapter 45 of Title 46, United States Code applies, or as a crew member or processing line member on an uninspected fish processing vessel; (b) one member representing naval architects or marine surveyors; (c) one member representing manufacturers of vessel equipment to which Chapter 45 applies; (d) one member representing education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety, or personnel qualifications; (e) one member representing underwriters that insure vessels to which Chapter 45 applies; and (f) three members representing the general public including, whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which Chapter 45 applies and persons representing the marine insurance industry.

Each member serves a 3-year term. Members may serve consecutive terms. All members serve at their own expense and receive no salary from the Federal Government, although travel reimbursement and per diem may be provided.

In support of the policy of the Coast Guard on gender and ethnic diversity, qualified women and minorities are encouraged to apply for membership.

If you are selected as a non-representative member, or as a member who represents the general public, you will be appointed and serve as a Special Government Employee (SGE) as defined in section 202(a) of title 18, United States Code. As candidates for appointment as an SGE, applicants are required to complete a Confidential Financial Disclosure Report (OGE From 450). A completed OGE Form 450 is not releasable to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated Agency Ethics Official or the DAEO's designate may release a Confidential Disclosure Report.

Dated: January 31, 2008.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. E8–2680 Filed 2–12–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

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

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, SGS North America, Inc., 1201 W. 8th at Georgia Ave., Deer Park, TX 77536, has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to pelform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

DATES: The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on May 2, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Commercial Gauger Laboratory Program Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: January 31, 2008.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E8–2632 Filed 2–12–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Notice of Issuance of Final Determination Concerning Multifunctional Machines

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that the U.S. Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of certain multifunctional machines which may be offered to the United States Government under an undesignated government procurement contract. CBP has concluded that, based upon the facts presented, certain goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the finished multifunctional machines for government procurement purposes.

DATES: The final determination was issued on January 4, 2008. 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 within 30 days of February 13, 2008.

FOR FURTHER INFORMATION CONTACT: Gerry O'Brien, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202–572–8792).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 4, 2008, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain multifunctional machines which may be offered to the United States Government under an undesignated government procurement contract. This final determination, in HQ H018467, was issued at the request of Panasonic Corporation of North America 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, certain goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the finished multifunctional machines for government procurement purposes.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations 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: January 4, 2008.

Sandra L. Bell,

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

Attachment

HQ H018467

January 4, 2008,

MAR–2–05 OT:RR:CTF:VS H018467 GOB

Category: Marking

Madeline B. Kuflik, Esq.,
Assistant General Counsel,
Panasonic Corporation of North America,
One Panasonic Way, 3B–6,
Secaucus, NJ 07094.

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP Regulations; Country of Origin of Multifunctional Machines.

Dear Ms. Kuflik:

This is in response to your letter of October 5, 2007, requesting a final determination on behalf of Panasonic Corporation of North America (''PNA''), pursuant to subpart B of Part 177, Customs and Border Protection (''CBP'') Regulations (19 CFR 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, 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 purpose of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government. In response to our request, you provided additional information with your correspondence of November 7, 2007 and December 5, 2007.

This final determination concerns the country of origin of certain color digital multifunctional machines. We note that PNA is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

Facts

You describe the pertinent facts as follows. The product at issue is a full-color digital multifunctional machine which can scan, copy, and print. The machine has the following functions: up to 26 ppm color printing; 600 dpi × 600 dpi scanning resolution; 1200 dpi × 1200 dpi printing resolution; high-speed image editing; high speed image compression; network function; automatic duplex scanning; automatic duplex printing; paper ejection; and direct printing function from SD card and PC card. The machine is sold under model number DP–C354.

You state that the multifunctional machine consists of the following units:

1. *Automatic Document Feeder Unit*—takes several pages and feeds the paper one page at a time into the scanner.

2. *Scanner Unit*—consists of CCD board, lens, lamp, mirror, drive motor, detection sensor, scanner controlling board, image signal conversion board and SD (secure digital) memory board.

3. *Operation Panel Unit*—consists of tilt mechanism, 7.8 inch LCD, 23 operation buttons, 14 LED, five printing boards, and backup battery.

4. *Feed Unit*—consists of feeding roller, pick up roller, pick up solenoid, paper detection sensor, paper passage sensor and electromagnetic timing clutch.

5. *Manual Paper Feed Unit*—for use with special paper; consists of feeding roller, pick up roller, pick up solenoid, paper detection sensor, paper passage sensor and electromagnetic timing clutch.

6. *Lift-Up Motor Unit*—consists of driving motor, paper detection sensor and pick-up sensor.

7. *Automatic Document Transferring Unit*—feeds the printing paper to the toner transferring unit; consists of driving motor, cooling fan, paper passage sensor, paper ejection roller, transferring roller, switching solenoid, electromagnetic clutch, jam-proof door and pinch roller.

8. *Induction Heating Fuser Unit*—fuses the toner on paper by the induction heating method; consists of induction heating coil, fusing belt, heating roller, fusing roller and pressure roller.

9. *Induction Heating Power Supply Unit*—supplies power to the induction fuser unit.

10. *Transcription Unit*—transcribes the unit on the printing paper; consists of bias roller and OPC (organic photo conductor) drum unit.

11. *OPC Drum Unit*—this unit is charged with electricity and the laser beam sweeps across it to make the electrostatic latent image; consists of cleaning blade, cleaning roller and OPC drum.

12. *Developing Unit*—transfers the toner to the charged part of the OPC drum; consists of concentration sensor, magnet roller, developer, doctor blade and screw.

13. Laser Scanning Unit—irradiates the laser beam on the OPC drum to make the surface potential; consists of lens, mirrors, polygon motor and fan.

14. Motor Drive Board—controls the driving of the motors.

15. Automatic Duplex Unit Board—controls the paper detection sensor and paper passage sensor.

16. High-Voltage Power Supply Board—controls the high-voltage power supply.

17. Low-Voltage Power Supply Board—controls the low-voltage power supply.

18. Main Drive Unit—controls the transcription unit, OPC drum and developing units.

19. Subassembly Units—there are five different types of simple units which consist of two to five parts.

20. System Control Board—This board, which acts as the central control system, has a central processing unit (CPU) and 512 MB of memory. It performs ''image processing'' which is

the editing, color tuning, enlarging, reducing and manipulating of the image data to fit the image quality which is designated by the user for the copy output or the print output. Image data is the data which is scanned by the scanner. The user controls the multifunctional printer by touching the operational panel and sending the data from the PC. The system control board processes the data from the operation panel and PC and sends the processed command to the other boards that control the function which meets the user's intention. The three other boards which receive data from the system control board are the scanner unit, the operation panel unit and the engine control board. The system control board is the core part of this product. It measures approximately 244 mm long and 330 mm wide and it contains approximately 2750 parts.

21. Engine Control Board—This board controls the machinery parts that feed the recording papers. The machinery parts controlled by the engine control board are the feed unit, manual paper feed unit, lift up motor unit, automatic document feeding unit and main drive unit. The board also controls the units that print the image to the recording papers such as the induction heating fuser unit, transcription unit, OPC drum unit, developing unit and laser scanning unit. This board is approximately 244 mm long and 187 mm wide and consists of approximately 1610 parts.

In your submission of December 5, 2007, you state that ''[t]he system control board can be compared to the brain of a human being as it is responsible for coordinating all of the activity of the machine and controlling all of the following important functions of the machine.'' These functions include: all image processing functions (*e.g.*, where the toner is to be applied and the temperature of the toner); enlargement and reduction functions; all functions which are available from the control panel (*e.g.*, choices of multiple copies, double-sided copies, etc.); color image tuning (adding or subtracting color); user interface control (control panel and touch screen operations); and ''rastering'' of the printed data (the process of taking data sent by a computer's printer driver and converting it so that it can be understood by the engine control board to put the image on paper).

In the same submission, you state that ''[t]he engine control board can be analogized to the nervous system of a human being. It carries out the commands of the brain, or in this case the system control board.'' The engine control board controls the functions relating to the feed of paper, including the paper feed units, the manual feed units, the automatic document feeder unit, the paper lift-up motors, and the main drive unit motor. The engine control board also controls the following units with respect to the printing process: the laser unit, which exposes the photo-receptor to create the copy; the photo-conductor unit; the transfer belt units; the developing units, which contain the toners which are applied to the photo-conductors and transfer unit; and the fixing unit, which makes the toner permanent on the paper.

PNA's request involves two manufacturing scenarios. In the first scenario, there are three countries in which manufacturing occurs; in the second scenario, there are two countries in which manufacturing occurs.

First Scenario—Manufacturing in China, the Philippines, and Japan

The following seven units are manufactured in China from components produced in various countries: automatic document feeder unit; scanner unit; operation panel unit; feed unit; manual paper feed unit; lift up motor unit; and subassembly units. After these components are manufactured in China, they are sent to the factory in the Philippines.

The following eleven units are manufactured in the Philippines from components produced in various countries: Automatic document transferring unit; induction heating fuser unit; induction heating power supply unit; transcription unit; developing unit; laser scanning unit; main drive unit; motor drive board; high voltage power supply board; low voltage power supply board; and automatic duplex unit board. The components manufactured in China and those manufactured in the Philippines are assembled into one main body in the Philippines. That body is sent to the factory in Japan.

The following work is performed in Japan. The OPC drum unit and the toner reservoir are manufactured. The system control board and the engine control board, which are manufactured in Japan, are mounted and inspected. Approximately 1,600 electronic parts and 500 electronic parts are mounted on the back of the system control board and the engine control board, respectively, by three large mounting machines. The boards are then inspected. At that point, about 1,100 electronic parts and 1,000 electronic parts are mounted on the front sides of the system control board and the engine control board, respectively. The boards are then inspected again. Workers then mount 19 parts on the system control board and 40 parts on the engine control board by hand soldering. The boards are then inspected again.

You state that the workers involved in the mounting and soldering of the parts should be highly skilled because the parts are mounted densely in view of the large number of parts and the fact that each electronic part is microminiaturized. After the mounting process is completed, the boards are inspected as to functionality by special measurement equipment. This inspection takes approximately 10 to 20 minutes per board.

At this point in the process, the OPC drum unit, the toner reservoir, the system control board and the engine control board are incorporated into the main body which was assembled in the Philippines. The next step is the installation of firmware into the system control board and the engine control board. You state that the firmware in the system control board controls the user interface, imaging, and memories; the firmware in the engine control board controls machinery. You state that the firmware, which is developed in Japan, is similar to the application software of a personal computer.

The process concludes with the inspection of the completed product and adjustments to the concentration in the toner, print position, print color, and print quality. These adjustments are necessary for accurate printing.

Second Scenario—Manufacturing in the Philippines and Japan

The following 18 units are manufactured in the Philippines from components produced in various countries: Automatic document feeder unit; scanner unit; operation panel unit; feed unit; manual paper feed unit; lift up motor unit; subassembly units; automatic document transferring unit; induction heating fuser unit; induction heating power supply unit; transcription unit; developing unit; laser scanning unit; main drive unit; motor drive board; high voltage power supply board; low voltage power supply board; and automatic duplex unit board. These components are assembled into one main body in the Philippines. That body is sent to the factory in Japan.

The manufacturing process in Japan in this scenario is the same as the process described in the first scenario.

The second scenario differs from the first scenario in that no units are manufactured in China in the second scenario. The 18 units manufactured in the Philippines in the second scenario include the 11 units manufactured there in the first scenario and the seven units

manufactured in China in the first scenario.

Issue

What is the country of origin of the subject color digital multifunction machines for the purpose of U.S. Government procurement?

Law and Analysis

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, 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.

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. If the manufacturing or combining process is a minor one which leaves the identity of the article intact, a substantial transformation has not occurred. *Uniroyal, Inc.* v. *United States,* 3 CIT 220, 542 F. Supp. 1026 (1982), *aff'd* 702 F. 2d 1022 (Fed. Cir. 1983). 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.

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 may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In HQ 735315, dated April 10, 1995, CBP stated:

> We agree * * * that the assembly of the various components into the optics module shell, mainly the PWBs which are manufactured in the U.S., constitutes a substantial transformation. * * * [W]e find that the manufacture of the PWBs and their subsequent installation into the shells constitutes a complex and meaningful assembly pursuant to C.S.D. 85–25. Although the imported shells consist of important components, such as the sampling device, furnace, light bulbs, and mirrors/optics, the PWBs give the optics module the ability to function and analyze * * *.

In HQ 561734, dated March 22, 2001, CBP determined that certain multifunctional machines (printer, copier, and facsimile) assembled in Japan were a product of Japan for purposes of government procurement. The machines were comprised of 227 parts (108 parts obtained from Japan, 92 from Thailand, three from China, and 24 from other countries) and eight subassemblies, each of which was assembled in Japan. It was further noted that the scanner unit (one of the eight subassemblies assembled in Japan) was characterized as ''the heart of the machine.''

In HQ 562936, dated March 17, 2004, CBP found that a multifunctional machine (printer, copier, scanner, facsimile) was a product of Japan for the purpose of U.S. government procurement. CBP noted that a substantial portion of the machine's components and assemblies were of Japanese origin. The requester had described certain of these components as the ''most complex,'' ''key,'' and ''essential.'' CBP recognized that, in addition to the Japanese subassemblies, certain critical Japanese-origin parts were incorporated into the Chinese subassemblies. CBP found that the processing that occurred in Japan was complex and meaningful, required the assembly of a large number of components, and resulted in a new and distinct article of commerce that possessed a new name, character, and use.

Based upon the facts which you present, we note that operations are performed in three countries in the first scenario and two countries in the second scenario. In situations like these, no one country imparts the dominant portion of the work conducted. Nonetheless, based upon the applicable legal standard, we determine that, with respect to each of the two scenarios, the goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the multifunctional machines (model number DP–C354) for government procurement purposes. In making this determination, we give substantial weight to the fact that the system control board, the engine control board, and the firmware are manufactured in Japan. Based upon the facts presented, these components are of utmost importance to the functionality of the completed good. We also find that the operations performed in Japan are meaningful and relatively complex and result in an article of commerce which possesses a new name, character, and use. Therefore, as Japan is the final country of production and a substantial amount of work is performed there, we find that the country of origin in both scenarios is Japan.

Holding

With respect to each of the two scenarios, the goods imported into Japan are substantially transformed in Japan such that Japan is the country of origin of the multifunctional machines (model number DP–C354) for government procurement purposes.

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. E8–2636 Filed 2–12–08; 8:45 am]
BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Notice of Issuance of Final Determination Concerning; Standard and Rolled-Edge Ball Seals

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that the Bureau of Customs and Border Protection (CBP) has issued a final determination concerning the country of origin of two types of ball seals to be offered to the United States Government under an undesignated government procurement contract. Based on the facts presented, CBP has concluded that the operations performed in China do not result in a substantial transformation of the U.S. components. Therefore, the assembled ball seals will not be considered to be products of China.

DATES: The final determination was issued on February 6, 2008. 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 within 30 days of February 13, 2008.

FOR FURTHER INFORMATION CONTACT: Holly Files, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202–572–8740).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 6, 2008, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of two types of ball seals to be offered to the United States Government under an undesignated government procurement contract. The CBP ruling number is H021398. This final determination was issued at the request of Brammall, Inc. d/b/a/ TydenBrammall (''TydenBrammall'') 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).

The final determination concluded that, based upon the facts presented, the simple assembly in China of three major U.S.-origin components with two minor Chinese-origin components does not result in a substantial transformation of the U.S.-origin components. Therefore, the assembled ball seals will not be considered to be products of China for purposes of U.S. Government procurement.

Section 177.29, Customs Regulations (19 CFR 177.29), provides that notice of final determinations 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), states 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: February 6, 2008.

Myles B. Harmon,

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

Attachment: HQ H021398

February 6, 2008
MAR–2–05 OT:RR:CTF:VS H021398 HEF
CATEGORY: Marking.
Ms. Linda M. Weinberg,
Barnes & Thornburg LLP, Suite 900, 750 17th Street, NW., Washington, DC 20006.

RE: U.S. Government Procurement; Final Determination; country of origin of ball seals; substantial transformation; 19 CFR Part 177.

Dear Ms. Weinberg: This is in response to your letter dated December 21, 2007, requesting a final determination on behalf of Brammall, Inc. d/b/a TydenBrammall (''TydenBrammall''), pursuant to subpart B of Part 177, Customs and Border Protection (''CBP'') Regulations (19 CFR 177.21 *et seq.*). Under these regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations on whether an article is or would be a product of a designated country or instrumentality for the purpose of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of certain ball seals. We note that TydenBrammall is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination. Samples of the ball seals, at various stages of the manufacturing process, were also submitted with your request. In preparing this final determination, consideration was given to your supplemental submission dated January 9, 2008.

Facts

The products subject to this final determination are two types of ball seals known as the ''Tyden Standard Ball Seal'' and the ''Tyden Rolled-Edge Ball Seal.'' The ball seals are used to secure rail, container, and truck cargo shipments. The ''ball'' of a seal is comprised of metal top and bottom caps. A metal strap runs through the center of the ball and extends at length from the bottom cap. The metal strap may have a custom seal number embossed on it and/or a printed bar code. A die cut notch at the end of the metal strap is used to engage with two interlocking D-shaped rings, located inside the ball, to form a functional security lock. The ball itself is slotted to provide visible proof to the user that the seal is locked.

You advise that TydenBrammall uses identical materials and components in the manufacture of both the Tyden Standard Ball Seal and the Tyden Rolled-Edge Ball Seal. The manufacturing processes for the two products are also identical, with the exception that the Rolled-Edge Ball Seal requires the additional step of having its edges rolled under at the end of the U.S. processing. The ball seals are assembled from five components. You advise that the seals' three major components are produced in the United States from U.S. materials. The other two components are sourced in China.

To produce the U.S.-origin components, TydenBrammall purchases rolls of coiled steel from a U.S. steel producer. You note that highly trained operators and maintenance die technicians load the steel coils onto two computer-controlled presses and dies at TydenBrammall's U.S. facility. The presses and dies are used to stamp the strap, ball seal top cap, and ball seal bottom cap from the coiled steel into specific sizes and subject to precise tolerances. You assert that the U.S.-origin components have no other use other than as components of the finished ball seals due to their specific shapes, sizes, and tolerances.

Next, the three U.S.-origin components are shipped to China for a simple assembly process. You state that in China, unskilled laborers manually assemble two Chinese-origin ''D'' shaped locking rings with the U.S.-origin strap. After the rings are attached to the strap, the top and bottom caps are manually attached using a small hand press that seals the caps together by slightly bending the top cap around the bottom cap.

The assembled ball seals are then returned to TydenBrammall's U.S. facility where they are stored until ordered by specific end-customers. When a customer places an order, assembled seals are removed from storage and placed on a machine that die cuts a notch into the ''male'' end of the strap. You explain that the notch, like the teeth on a key, makes the seal a functional security lock. You also advise that prior to the die cutting of the notch, the seal is not functional. The same machine used to die cut the notch also embosses and/or inkjet prints