

dated May 28, 2010, we ruled on the country of origin of a lift unit for an overhead patient lift system. Among the issues that we considered was whether a battery charger, when inserted into the hand control unit inside the lift unit, was substantially transformed. Relying on the *Uniden* decision, we noted that the substantial transformation test should be applied to the product as a whole and not to each of the parts. We determined that the lift unit conveyed the essential character to the system and because the detachable hand control and the battery charger were parts of that system, they were substantially transformed when attached to the lift unit. Thus, we held that the country of origin of the hand control unit and battery charger when packaged with the lift unit was Sweden.

In H089762 dated June 2, 2010, CBP determined that component parts and subassemblies that were used to produce a hand-held mobile computer were substantially transformed for government procurement purposes in Canada as a result of a complex assembly and installation of Canadian software programming in Canada. Included in the hand-held computer was a stylus and stylus holder from China. Although the stylus was merely included with the hand held computer and not permanently attached to it, our analysis did not find that the stylus and stylus holder kept their separate identities. Instead, the ruling only addressed the question of what was the country of origin of the whole hand-held computer system. We determined that Canada was the country of origin of the hand-held computer system, and thus those minor components such as the stylus and stylus holder were accepted as parts of that whole system. Thus, for country of origin purposes in a government procurement context, they lost their separate identity.

In this instance, we believe that inclusion of the battery charger does not alter the essential character of the Adflo™ respiration system which is designed to provide respiratory protection in a welding environment. The battery charger is a very minor component when compared to the complexity of the Adflo™ respiration system. Consistent with the CIT's decision in *Uniden* and our decisions in HQ H100055 and HQ H089762, we find that the battery charger will lose its separate identity and become a part of the larger and more complex Adflo™ respiration system, when it is included with the system to be sold in the United States. Consequently, the country of origin of the Adflo™ respiration system is Sweden, which will be unaffected by the inclusion of the battery charger.

However, the situation is different with respect to the cloth bag because it is a textile product, and there are special rules for determining the country of origin of textile products. The rules of origin for textile products for purposes of the customs laws and the administration of quantitative restrictions are set forth in 19 U.S.C. § 3592. These provisions are implemented in CBP

Regulations at 19 C.F.R. § 102.21. At this point, we do not have enough information to rule on the country of origin of the cloth bag when it is included with the Adflo™ system. In this instance, however, you state that the bag is of U.S. origin. In the event that the country of origin of the bag changes to a country other than the U.S., we will require further description of the bag, including its classification and a sample in order for us to provide a decision.

HOLDING:

Based on the information provided, the German filter is substantially transformed when it is installed in Sweden into the Adflo™ respiration system. The battery charger loses its separate identity when it is included with the Adflo™ respiration system and since it is a minor component it also becomes a part of the Adflo™ respiration system. Therefore, the imported country of origin of Adflo™ respiration system for purposes of U.S. government procurement is Sweden. The country of origin of the cloth bag will be governed by the rules of origin for textiles set forth in 19 C.F.R. § 102.21.

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

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5300-FA-13]

Announcement of Funding Awards for the Self-Help Homeownership Opportunity Program (SHOP) for Fiscal Year 2009

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions

made by the Department in a competition for funding under the Fiscal Year 2009 (FY 2009) Notice of Funding Availability (NOFA) for the Self-Help Homeownership Opportunity Program (SHOP). This announcement contains the consolidated names and addresses of this year's award recipients under SHOP.

FOR FURTHER INFORMATION CONTACT: For questions concerning SHOP Program awards, contact Ginger Macomber, SHOP Program Manager, Office of Affordable Housing Programs, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-4500, telephone (202) 402-4605. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: The SHOP program provides grants to national and regional nonprofit organizations and consortia that have experience in providing self-help housing. Grant funds are used to purchase land and install or improve infrastructure, which together may not exceed an average investment of \$15,000 per dwelling unit. Low-income homebuyers contribute a minimum of 100 hours of sweat equity on the construction of their homes and/or the homes of other homebuyers participating in the local self-help housing program. Sweat equity can include, but is not limited to, assisting in the painting, carpentry, trim work, drywall, roofing and siding for the housing. Persons with disabilities can substitute administrative tasks. Donated volunteer labor is also required.

The SHOP funds together with the sweat equity and volunteer labor contributions significantly reduce the cost of the housing for the low-income homebuyers. The FY 2009 awards announced in this Notice were selected for funding in the competition posted on HUD's Web site on <http://www.hud.gov/offices/adm/grants/nofa09/gensec.pdf>. Applications were scored and selected for funding based on the selection criteria in the General Section and the SHOP program section which can be found at <http://www.hud.gov/library/bookshelf12/supernofa/nofa09/grpshop.cfm>.

The amount appropriated in FY 2009 to fund the SHOP grants was \$26,500,000. The allocations for SHOP grantees are as follows:

Tierra del Sol Housing Corporation, 880 Anthony Drive, Anthony, NM 88021	\$983,089
Community Frameworks, 409 Pacific Avenue, Bremerton, WA 98337	5,146,258
Housing Assistance Council, 1025 Vermont Avenue, Washington, DC 20005	9,130,912

Habitat for Humanity International, 121 Habitat Street, Americus, GA 31709	11,239,741
Total	26,500,000

These non-profit organizations propose to distribute SHOP funds to several hundred local affiliates that will acquire and prepare the land for construction, select homebuyers, coordinate the homebuyer sweat equity and volunteer efforts, and assist in the arrangement of interim and permanent financing for the homebuyers.

Dated: October 6, 2010.

Mercedes Márquez,

Assistant Secretary for Community Planning and Development.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R1-ES-2010-N130; 10120-1112-0000-F2]

Endangered and Threatened Wildlife and Plants; Permit; Habitat Conservation Plan for Operation and Maintenance of Existing and Limited Future Facilities associated With the Kaua'i Island Utility Cooperative on Kaua'i, Hawai'i

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of a draft habitat conservation plan, draft implementing agreement, draft environmental assessment, and a permit application; request for comments.

SUMMARY: The Kaua'i Island Utility Cooperative (KIUC) (Applicant) has submitted an application to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (permit) under the Endangered Species Act of 1973, as amended (ESA). The Applicant is requesting a permit to authorize incidental take of the federally endangered Hawaiian petrel (*Pterodroma sandwichensis*), the federally threatened Newell's (Townsend's) shearwater (*Puffinus auricularis newelli*), and the band-rumped storm-petrel (*Oceanodroma castro*), a Federal candidate species that could become listed during the term of the permit (collectively, these three species are hereafter referred to as the "Covered Species"). The permit application includes a draft Habitat Conservation Plan (HCP) that describes the Applicant's actions and the measures the Applicant will implement

to minimize, mitigate, and monitor incidental take of the Covered Species, and a draft Implementing Agreement (IA). The Service also announces the availability of a draft Environmental Assessment (EA) that has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act (NEPA). We are making the permit application package and draft EA available for public review and comment.

DATES: All comments from interested parties must be received on or before November 29, 2010.

ADDRESSES: Please address written comments to Loyal Mehrhoff, Project Leader, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room #3-122, Honolulu, HI 96850. You may also send comments by facsimile to (808) 792-9580.

FOR FURTHER INFORMATION CONTACT: Bill Standley, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service (see **ADDRESSES** above), telephone (808) 792-9400.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may request copies of the permit application, which includes the draft HCP, draft IA, and EA, by contacting the Service's Pacific Islands Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** above). These documents are also available electronically for review on the Service's Pacific Islands Fish and Wildlife Office Web site at <http://www.fws.gov/pacificislands>. Comments and materials we receive, as well as supporting documentation we used in preparing the NEPA document, will become part of the public record and will be available for public inspection, by appointment, during regular business hours. Before including your address, phone 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.

We specifically request information from the public on whether the

application meets the statutory and regulatory requirements for issuing a permit, and identification of any impacts on the human environment that should have been analyzed in the draft EA. We are also soliciting information regarding the adequacy of the HCP to minimize, mitigate, and monitor the proposed incidental take of the Covered Species and to provide for adaptive management, as evaluated against our permit issuance criteria found in section 10(a) of the ESA, 16 U.S.C. 1539(a), and 50 CFR 13.21, 17.22, and 17.32. In compliance with section 10(c) of the ESA, we are making the permit application package available for public review and comment for 45 days (see **DATES** section above).

Background

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the take of fish and wildlife species listed as endangered or threatened. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize incidental take of listed fish and wildlife species. Incidental take is defined as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are found at 50 CFR 17.32 and 17.22. If issued, the permittee would receive assurances under the Service's "No Surprises" regulations at 50 CFR 17.32(b)(5) and 50 CFR 17.22(b)(5).

KIUC is a utility cooperative that generates and distributes electricity to the entire island of Kaua'i, Hawai'i. KIUC developed a draft HCP that addresses incidental take of the three Covered Species caused by the operation and maintenance of KIUC's existing and anticipated facilities over a period of up to 5 years.

The three Covered Species are seabirds that breed on Kaua'i and feed in the open ocean. Each of the Covered Species spends a large part of the year at sea. Adults generally return to their colonial nesting grounds in the interior mountains of Kaua'i beginning in March and April, and depart beginning in September. Fledglings (*i.e.*, young birds learning how to fly) travel from the nesting colony to the sea in the fall. Both adults and fledglings are known to