

177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: November 15, 2017,

**Alice A. Kipel,**

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

HQ H291135

November 15, 2017

OT:RR:CTF:VS H291135 CMR

CATEGORY: Origin

Marian E. Ladner, Esq.  
Ladner & Associates PC  
420 Heights Boulevard  
Houston, TX 77007

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); subpart B, Part 177, CBP Regulations; Roasted Coffee

Dear Ms. Ladner:

This is in response to your request of September 29, 2017, on behalf of your client, Keurig Green Mountain (“Keurig”), requesting a final determination concerning roasted coffee for purposes of government procurement under Title III of the Trade Agreements Act of 1979 (TAA), as amended (19 U.S.C. 2511 *et seq.*). This final determination concerns the country of origin of roasted coffee produced from raw green coffee beans roasted in Canada or the United States. As an importer of this merchandise, Keurig is a party-at-interest within the meaning of 19 CFR 177.23(a) and is entitled to request this final determination.

**FACTS:**

The coffee will be produced from raw green coffee beans imported into either Canada or the United States. The green coffee beans will either be in their natural caffeinated state or decaffeinated. The decaffeination of the beans is a separate process occurring in a country on the Designated Country list in 48 CFR 52.225–5(a) prior to importation into Canada or the United States. Once imported, the green beans, caffeinated and decaffeinated, undergo a roasting and packaging process. Keurig cleans, blends and roasts the beans. A small percentage of beans are sprayed with flavoring ingredients. After the roasting and flavoring processes are complete, Keurig grinds, degasses and packages the coffee beans for sale. All of the processes after receipt of the green beans, caffeinated or decaffeinated, occur in the country of receipt, *i.e.*, Canada or the United States. We note,

in some cases the coffee will remain in bean form.

**ISSUE:**

Whether the raw green coffee beans are substantially transformed by the roasting process for purposes of United States Government procurement.

**LAW AND ANALYSIS:**

U.S. Customs and Border Protection (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 United States law or practice for products offered for sale to the United States Government, pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.*, which implements Title III, Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–2518).

The rule of origin set forth in 19 U.S.C. 2518(4)(B) states:

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 rendering advisory rulings and final determinations for purposes of United States Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government’s purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define “U.S.-made end product” as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States 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 transformed.

*See* 48 CFR 25.003.

For more than 30 years, CBP has recognized that roasting green coffee beans substantially transforms the beans into a new and different article of commerce. *See* Headquarters Ruling

Letter (HQ) 733563, dated June 24, 1991, citing HQ 070395, dated June 6, 1983; HQ 722980, dated October 17, 1983; HQ 722360, dated June 6, 1984; and, HQ 725641, dated July 25, 1984. These rulings from 1983 and 1984 concluded that roasting, or roasting and blending, of coffee was sufficient to change its character and use and thus effect a substantial transformation. Based on this long held position, depending on where the coffee beans are roasted, the roasting of the green coffee beans substantially transforms the coffee beans into either a product of Canada, or a product of the United States, for purposes of government procurement.

As the decaffeination occurs prior to the roasting of the green beans, we see no need to address it. In addition, as all of the other processing, *i.e.*, flavoring, grinding, degassing and packaging, occur in the same country as roasting, there is no need to address these additional processes. The resulting roasted coffee, ground or in bean form, is a product of Canada or the United States.

**HOLDING:**

Based on the facts and analysis set forth above, for United States Government procurement purposes, the country of origin of the roasted coffee, in ground or bean form, is the country where the raw green coffee beans are roasted, *i.e.*, Canada or the United States.

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,

Alice A. Kipel, Executive Director  
Regulations and Rulings  
Office of Trade

[FR Doc. 2017–25146 Filed 11–20–17; 8:45 am]

**BILLING CODE 9111–14–P**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

[Docket No. FR–6065–N–01]

**The Performance Review Board**

**AGENCY:** Office of the Deputy Secretary,  
HUD.

**ACTION:** Notice of appointments.

**SUMMARY:** The Department of Housing and Urban Development announces the establishment of two Performance Review Boards to make recommendations to the appointing authority on the performance of its senior executives. Dominique G. Blom, Towanda A. Brooks, Sarah L. Gerecke, Jean L. Pao, Tawanna Preston, Todd M. Richardson, and will serve as members of the Departmental Performance Review Board to review career SES performance. Seth D. Appleton, Matthew F. Hunter, Johnson P. Joy, Gisele G. Roget, and Bethany A. Zorc will serve as members of the Departmental Performance Review Board to review noncareer SES performance. The address is: Department of Housing and Urban Development, Washington, DC 20410-0050.

**FOR FURTHER INFORMATION CONTACT:** Persons desiring any further information about the Performance Review Board and its members may contact Lynette Warren, Director, Office of Executive Resources, Department of Housing and Urban Development, Washington, DC 20410. Telephone (202) 708-1381. (This is not a toll-free number)

Dated: November 14, 2017.

**Pamela H. Patenaude,**

*Deputy Secretary.*

[FR Doc. 2017-25186 Filed 11-20-17; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5998-N-10]

**60-Day Notice of Proposed Information Collection: Implementation Phase Evaluation of LGBTQ Youth Homelessness Prevention Initiative**

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* January 22, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-5534 (this is not a toll-free number) or email at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Rachel Duplessis, Program Specialist, SNAP, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Rachel Duplessis at [Rachel.k.duplessis@hud.gov](mailto:Rachel.k.duplessis@hud.gov) or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

*A. Overview of Information Collection*

*Title of Information Collection:* Implementation Phase Evaluation of LGBTQ Youth Homelessness Prevention Initiative.

*OMB Approval Number:* NA.

*Type of Request:* New.

*Form Number:* NA.

*Description of the need for the information and proposed use:* The LGBTQ Youth Homelessness Prevention Initiative began in the summer of 2013 as part of a federal interagency initiative to prevent homelessness among lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth, and to intervene early when homelessness occurs for these youths. Federal partners from the U.S. Departments of Education, Health, and Juvenile Justice, as well as the U.S. Interagency Council on Homelessness, support this HUD

initiative. The initiative supports the federal goal to end youth homelessness and contributes to the development of a model for preventing LGBT youth homelessness that other communities can replicate. Two communities participate in this initiative and receive technical assistance (TA) to support their initiative planning and implementation.

This request for OMB clearance covers the implementation phase which will document the approach and experiences of both communities as they have implemented their local plan. Furthermore, this review will examine the resources required to carry out implementation, what worked well, what challenges emerged and how they were addressed, lessons learned and recommendations both sites offer for potential replication. To produce this information, HUD will collect quantitative and qualitative data from primary sources using four methods: Interviews, surveys, focus groups, and document review. Participants will consist of the local initiative leads as well as individuals involved in local initiative steering committees and subcommittees and community members associated with the initiative.

This is a re-submission of a PRA package that had previously been withdrawn by the Department to undertake additional review. The original 60-day Notice was published on September 20, 2016, and can be found at: <https://www.federalregister.gov/documents/2016/09/20/2016-22580/60-day-notice-of-proposed-information-collection-implementation-phase-review-of-the-lesbian-gay>.

*Respondents (i.e. affected public):* Organizations participating in the two local initiatives, including local lead organizations and participants on the local steering committees and subcommittees.

*Implementation Phase Interview:* Local leads, steering committee members and subcommittee members, community members,

*Implementation Phase Focus Group:* Local leads, steering committee members and subcommittee members, community members,

*Implementation Phase Survey:* Local leads, steering committee members and subcommittee members, community members.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Interviews .....	30	1	30	1	30	\$30.54	\$916.2