

In Headquarters Ruling Letter (“HQ”) H155115, dated May 24, 2011, CBP found that assembly in the United States of an imported glider, and other imported and U.S.-origin parts, constituted a substantial transformation into the electric vehicle, an article with a new name, character, and use. The electric vehicle was composed of 31 components, of which 14 were of U.S. origin. The assembly process in the United States was complex and time-consuming and involved a significant U.S. contribution in both parts and labor. CBP determined that the country of origin of the electric vehicles for purposes of U.S. Government procurement was the United States. *See also* HQ H229157, dated November 16, 2012.

In HQ H118435, dated October 13, 2010, CBP determined the United States to be the country of origin for purposes of U.S. Government procurement for a line of electric golf and recreational vehicles. In this case, CBP found that a Chinese-origin chassis, plastic body parts and pieces of plastic trim were substantially transformed when they were assembled with U.S.-origin battery packs, motors, electronics, wiring assemblies, seats, and chargers in the United States. The vehicles were composed of approximately 53 and 62 inputs, of which between 12 and 17 inputs were U.S. components and critical in making the electric vehicle. The imported parts lost their individual identities and became integral parts of a new article possessing a new name, character, and use.

In HQ H022169, dated May 2, 2008, CBP held that a mini-truck glider from India was substantially transformed when assembled in the United States with approximately 87 different components, 68 of which were of U.S. origin, to produce an electric mini-truck. CBP found that the imported glider lost its individual identity and became an integral part of a new article possessing a new name, character and use. Accordingly, CBP determined the assembly process was complex and time-consuming and involved a significant U.S. contribution, in both parts and labor. The components used to power the vehicle were assembled in the United States, and then incorporated into the vehicle in the United States.

In the case at hand, various imported components such as the chassis, e-axle, and PDU cannot independently function and operate as an electric vehicle. These components need to be assembled in the United States with other necessary components of U.S. origin, such as the batteries, converter, wheels, and front axle. Furthermore, given the complexity

and duration of the U.S. manufacturing process, such as installation, calibration, mounting, and preparation of the product, we consider these operations to be more than mere assembly. Importantly, 67% of the total cost of the truck is comprised of U.S.-made products.

This case is distinguishable from HQ H302821, dated July 26, 2021, in which we held that the assembly of Volvo vehicles in Sweden as part of a “knockdown operation” did not result in a substantial transformation. Unlike in that case, where the Chinese subassemblies had pre-determined end uses and did not undergo a change in character and use during the assembly process in Sweden, here, applying the name, character and use test, the imported components lose their individual identities and will become an integral part of a new article possessing a new name, character, and use. The assembly of the Tre Bev in the United States constitutes a substantial transformation resulting in an article with a new name, character, and use.

Based on the foregoing, we find that the last substantial transformation occurs in the United States, and therefore, the Tre Bev battery-electric semi-truck is not a product of a foreign country or instrumentality designated pursuant to 25 U.S.C. 2511(b). As to whether the Tre Bev produced in the United States qualifies as a “U.S.-made end product,” you may wish to consult with the relevant government procuring agency and review *Acetris Health, LLC v. United States*, 949 F.3d 719 (Fed. Cir. 2020).

HOLDING

Based on the information outlined above, we determine that the components imported into the United States undergo a substantial transformation when made into Nikola’s Tre Bev, class 8, battery-electric semi-truck.

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 of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the U.S. Court of International Trade.

Sincerely,
Alice A. Kipel,

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

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4719–DR; Docket ID FEMA–2024–0001]

Maine; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maine (FEMA–4719–DR), dated July 6, 2023, and related determinations.

DATES: This change occurred on March 8, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Robert V. Fogel, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of William F. Roy as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,
*Administrator, Federal Emergency
Management Agency.*

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