

Application for A Subzone – Instruction Sheet

This collection of information contains Paperwork Reduction Act (PRA) requirements approved by the Office of Management and Budget (OMB). Notwithstanding any other provision of law, no person is required to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 3.5 hours, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons wishing to comment on the burden estimate or any aspect of this collection of information, or offer suggestions for reducing this burden, should send their comments to the ITA Reports Clearance Officer, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC 20230.

No zone, subzone, zone expansion/reorganization/modification, or production authority may be approved unless a completed application has been received (19 U.S.C. 81a-81u; 15 CFR Part 400). The Foreign-Trade Zones Board has no authority to finance zone projects. Its approval is in the form of a grant of authority (license) for operating a facility under foreign-trade zone procedures. The basic requirements for foreign-trade zone applications are found in the regulations of the Foreign-Trade Zones Board (15 CFR Part 400), including Sections 400.21 through 400.25. Application formats are available on the FTZ Board web site: <http://www.trade.gov/ftz>.

Corporations submitting applications must be qualified to apply under the laws of the state in which the zone is to be located. Applicants may submit drafts of their applications to the FTZ Staff, which can provide comments and technical assistance in interpreting the Board's regulations.

Applicants should note that conduct of their proposed activity under FTZ procedures would result in an additional, ongoing information-collection burden associated with the Annual Report from Foreign-Trade Zones (OMB Control No. 0625-0109).

FTZ Staff

Foreign-Trade Zones Board
U.S. Department of Commerce
1401 Constitution Avenue, N.W., Room 21015
Washington, D.C. 20230
(202) 482-2862

APPLICATION FOR A SUBZONE (Outside Alternative Site Framework Service Areas)

NOTE: This format is only for proposing a “Subzone” in a location that falls outside “Service Areas” under the Alternative Site Framework (ASF). For Subzone designation within a Service Area, there is a separate, simpler format.

INSTRUCTIONS

General: This format consists of a small number of questions to answer and, for ease of use, is provided as a MS Word document. The actual submitted request may take the form of a letter from the grantee requesting approval and answering each question listed below. Alternatively, the request may include a cover letter from the grantee identifying the specific subzone for which it is requesting approval and then a separate document answering the questions below. Leave the language of each question in place (including its number) and provide your response directly below each question.

Do You Propose that the Subzone be Subject to the Zone’s Activation Limit?

Under the FTZ Board’s regulations, a proposed subzone that will be subject to a zone’s activation limit (as defined in §400.2(b)) can be processed in a 3-month timeframe (rather than 5 months for a proposed subzone that will not be subject to the zone’s activation limit). Therefore, in the application, the grantee must indicate whether it is requesting that the proposed subzone be subject to the zone’s activation limit.

Sites versus Parcels: A "site" is comprised of one or more parcels of land that share an identity (for example, parcels within a single industrial park or port/airport complex). If parcels do not share an identity, then they should be treated as separate sites.

Submitted Request Must Be Complete: The FTZ Staff cannot process submitted subzone applications that do not meet each of the small number of requirements delineated in the FTZ Board’s regulations. The FTZ Staff also cannot assemble complete applications from individual elements submitted separately.

Number of Copies: Please submit the original, one paper copy and one electronic copy of the complete request (Adobe PDF format preferred). If you cannot submit a PDF-format copy, you may submit a MS Word-format copy. **The electronic copy must have all pages in black and white (including scans of the signed versions of all letters) except for maps, which must be in color.**

TIMING: Submitted subzone applications will normally be processed in the 3-month or 5-month timeframes described in the FTZ Board’s regulations. The 3-month timeframe is for subzones that will be subject to the sponsoring zone’s activation limit (see further explanation above).

QUESTIONS

1. Are you requesting that the proposed subzone be subject to your zone's activation limit? (See instructions above for further explanation.)

- Please indicate:
- Subject to zone's activation limit (3-month process)
 - Not subject to zone's activation limit (5-month process)

2. List the address of the site(s).

3. State the proposed acreage of the site(s) _____.

4. Indicate the company for which the site(s) will be designated.

5. Provide a summary of the company's planned activities.

6. Indicate the current zoning and the existing and planned buildings (including square footage) for the site(s). (Note: Sites (or areas within a site) with inappropriate zoning – such as agricultural, retail, or residential – are not eligible for FTZ status and should not be proposed in any subzone application.)

7. List the owner(s) of the site(s). (If a site(s) is not owned by the grantee or the company planning to use the site(s) – as named in response to Question 4 above – then provide a "Site Ownership" attachment with documentation demonstrating the right to use the site. Such evidence could be a signed letter from the proposed operator on its letterhead attesting to its right to use the property or a letter of concurrence from the owner of the new site.)

8. Confirm that FTZ designation or the use of FTZ procedures is not a requirement or a precondition for future activity or construction at the site(s).

9. Do you commit to work with Customs & Border Protection, as appropriate, to meet current and future CBP requirements for its automated systems (such as ACE) and to meet any CBP security requirements related to activation?

ATTACHMENTS

Attach the documents listed below (items 10 and 11, plus 12 if applicable) directly behind the text of your request.

10. In an attachment called "Legal Authority for Application," include a copy of: 1) the state's current enabling legislation regarding FTZs and 2) the section(s) of the zone grantee's charter or organization papers pertinent to FTZ sponsorship. (For grantees that are non-public corporations, also include evidence of current legal standing.)

11. Attach a clear and detailed site map showing existing and planned structures. The site boundaries must be outlined clearly **in red**. Note that if streets or similar landmarks are not legible on the site map, you will also need to provide a detailed street map with the proposed site's boundaries **in red**. Any map should be no larger than letter-sized (8 1/2" x 11") and clearly labeled, with legends provided for any markings.

12. If your state (such as TX, KY, AZ) has one or more taxes for which collections will be affected by the proposed FTZ designation of the new site(s):

- attach an explanation of the specific local taxes that will be affected

AND

- attach correspondence from all affected parties (such as a local school board) indicating their concurrence (or non-objection) regarding the proposed FTZ designation.