

## **Application for Minor Boundary Modification Under the Traditional Site Framework (TSF)**

### **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, 14<sup>th</sup> and Constitution Avenue, NW, Washington, DC 20230.

No zone, subzone, zone expansion/reorganization/modification, or production authority may be approved unless a completed application/notification/request 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](#).

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, who can provide comments and technical assistance in interpreting the Board's regulations.

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

FTZ Staff  
March 2013

Foreign-Trade Zones Board  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W., Room 21013  
Washington, D.C. 20230  
(202) 482-2862

## Traditional Site Framework

### REQUEST FOR MINOR BOUNDARY MODIFICATION

**NOTE: This format is only for requesting a Minor Boundary Modification under the Traditional Site Framework (TSF).**

#### INSTRUCTIONS

**General:** The request should include a cover letter from the grantee identifying the specific MBM for which it is requesting approval and a document answering the questions using the template below. Leave each question in place (including its number) and provide your response directly below each question.

A MBM is a tool for minor adjustments to FTZ space based on immediate need. The FTZ Board's regulations require evaluation of each proposed MBM relative to the scope and layout of the FTZ site structure as most recently authorized by a FTZ Board Order (rather than by FTZ Staff action on MBM request(s)). Consequently, this format includes questions related to the cumulative effect of other MBMs approved since the most recent FTZ Board Order for the zone.

**Sites versus Parcels:** A "site" is comprised of one or more generally contiguous parcels of land organized and functioning as an integrated unit, such as all or part of an industrial park or airport facility. If parcels do not meet that definition, they must be treated as separate sites.

**Adjacency Requirement:** Each zone site is required to be within or adjacent to a U.S. Customs and Border Protection (CBP) port of entry (as listed and defined in part 101 of the CBP Regulations - 19 CFR 101.3). That requirement can be satisfied if the zone site is: 1) within the limits of a CBP port of entry; or, 2) within 60 statute miles or within 90 minutes' driving time from the outer limits of the boundaries of a CBP port of entry, as determined or concurred upon by CBP.

**Submitted Request Must Be Complete:** Submitted MBM requests must be complete – with the sole allowable exception of any comments from CBP. **Requests must be submitted as a single document;** the FTZ Staff cannot assemble requests from individual documents submitted separately.

If a letter from CBP is not included, a copy of your request must be provided to CBP no later than when the request is submitted to our office (see section 400.38(a) of the FTZ Board's regulations), and noting that the regulations provide CBP with 20 days to submit comments.

**Submission of Completed Application:** Submit the application by email (ftz@trade.gov) (**Adobe PDF format preferred**; you may use MS Word format if you are unable to submit PDF). The application must include color maps and signed versions of all letters. The application must be submitted by or copied (CC'd) to the grantee.

**Timing:** Under the FTZ Board's regulations, the ordinary timeframe to process MBM requests is within 30 days of the FTZ Staff having received a complete request, including receipt of CBP's comments on the request.

## Traditional Site Framework

### REQUEST FOR MINOR BOUNDARY MODIFICATION

#### QUESTIONS

##### **Proposed FTZ Space:**

1. List the full address of the site, including the jurisdiction in which the site falls (town, city, county, and zip code).
2. State the acreage of the proposed site.

##### **Reason for MBM:**

3. Explain the primary reason for the proposed modification, including the name(s) of the company(ies) that will operate in the proposed new space and a summary of the company(ies)' planned activities.
4. Explain why there is an immediate need for the proposed change.

##### **Nature of Proposed MBM:**

5. Explain how the FTZ space for which there is an immediate need will accommodate multiple companies' use (in other words, why "subzone" designation is not appropriate).

##### **Existing FTZ Space to Be Removed (as a "Swap" for the New Space):**

6. Describe the existing FTZ space (building(s)/parcel(s)) for which you propose to remove FTZ designation in exchange for designation of new space.

##### **Other MBMs Since Your Zone's Most Recent FTZ Board Order:**

7. Using the table format below, list each of the site(s) or parcel(s) of your FTZ approved by MBM since the last expansion or reorganization Board Order for your FTZ (add rows to the table as needed):

*Table 1 Approved FTZ Sites or Parcels*

<b>Site Number</b>	<b>Site Name and Address</b>	<b>Size of Site (in Acres)</b>	<b>Month/Year of MBM Approving Site</b>

### Other Site Qualifications:

8. Indicate the closest CBP port of entry. State whether the site is within – or within 60 miles from the boundaries of – the CBP port of entry. If the site is beyond 60 miles from the port of entry boundaries, state the driving time from the outer limits of the port of entry to the site.
9. Indicate the current zoning and existing and planned buildings (including square footage) for the site. (Note: Areas with inappropriate zoning – such as agricultural, retail, or residential – are not eligible for FTZ status and should not be proposed in any MBM request.)
10. Is FTZ designation or the use of FTZ procedures a requirement or a precondition for future activity or construction at the site?

\_\_\_\_\_Yes          \_\_\_\_\_No

11. List the owner(s) of the property. If not owned by the grantee or the company(ies) planning to use the site – as named in response to Question 3 above – then provide a "Right to Use" letter: either a signed letter from the proposed operator on its letterhead attesting to its right to use the property or a letter from the owner of the proposed site attesting to the operator's right to use the property.

### ATTACHMENTS

Provide the documents listed below (items 12 through 14, plus item 16 if applicable) as attachments at the end of the application.

12. A map showing the new site in relation to your existing FTZ sites (specifically identify the site where acreage is being removed). Any map should be no larger than letter-sized (8 ½" x 11") and clearly labeled, with legends provided for any markings.
13. For the new site proposed for FTZ designation, attach a clear and detailed site map showing existing and planned structures. The proposed site boundaries must be outlined clearly in red. Note that if streets or similar landmarks are not legible on the site plan, 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 ½" x 11") and clearly labeled, with legends provided for any markings.
14. For the parcel/building proposed for removal from the FTZ (as a "swap" for the new site), you will only need to provide a map if the parcel/building constitutes just a portion of an existing site, in which case provide a letter-sized (8 ½" x 11") detailed site plan showing both:

- the overall boundaries clearly outlined in red of the entire area of the site which would continue to have FTZ designation after approval of the MBM request; and,
- the boundaries of the area to be removed clearly outlined in blue.

Note: If the overall site map you provide for the site from which a portion is being removed does not clearly show the precise boundaries of the removed portion (for example, if the overall site is large and the portion removed is only a small portion), you will also need to provide a separate detailed map clearly showing the boundaries of the portion being removed (again, with the removed portion's boundaries outlined in blue).

15. Comments from U.S. Customs and Border Protection (CBP): The application should include comments from CBP. Alternatively, the grantee may provide a copy of its request to CBP for comments at the time the application is submitted to the FTZ Board, in which case the grantee should also communicate with CBP regarding the 20-day timeframe in the FTZ Board's regulations for CBP to provide comments to the FTZ Board.
16. 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), please attach all of the following:
  - A. An explanation of the specific local taxes that will be affected;
  - B. A stand-alone letter that:
    - Lists all of the affected parties;
    - Includes a statement below the list certifying that this is a complete list of all parties that would be affected by this particular request; and,
    - Is signed by an official of the grantee organization.
  - C. Correspondence from all of the affected parties (such as a local school board) indicating their concurrence (or non-objection) regarding the proposed FTZ designation.